



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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#### ALGEMENE KENNISGEWING

DEPARTEMENT VAN LANDBOU-EKONOMIE  
EN -BEMARKING

KONSEPWETSONTWERP TER VERVANGING VAN DIE  
WET OP KOÖPERATIEWE VERENIGINGS, 1939 (WET  
29 VAN 1939)

Die Registrateur van Koöperatiewe Verenigings publiseer hierby die volgende konsepwetsontwerp vir algemene inligting. Belanghebbendes word vanaf die datum van publikasie hiervan drie maande tyd gegun om vertoë oor die konsepwetsontwerp te rig tot die Registrateur van Koöperatiewe Verenigings, Sesde Verdieping, M.H.V.S.-gebou, Beatrixstraat 84, Arcadia, Pretoria 0083, (Privaatsak X237, Pretoria, 0001).

#### GENERAL NOTICE

DEPARTMENT OF AGRICULTURAL ECONOMICS  
AND MARKETING

DRAFT BILL FOR THE SUBSTITUTION OF THE  
CO-OPERATIVE SOCIETIES ACT, 1939 (ACT 29 OF 1939)

The Registrar of Co-operative Societies hereby publishes the following Draft Bill for general information. Interested persons may within a period of three months from the date of publication hereof submit representations regarding the Draft Bill to The Registrar of Co-operative Societies, Sixth Floor, P.S.M.A.A. Buildings, 84 Beatrix Street, Arcadia, Pretoria, 0083, (Private Bag X237, Pretoria, 0001).

**ALGEMENE VERDUIDELIKENDE NOTA:****[ ]**

Woorde tussen vierkantige hake dui aan skrappings.

**\_\_\_\_\_**

Woorde met 'n volstreep daaronder dui aan invoegings.

# KONSEPWETSONT- WERP

Tot samevatting en wysiging van die wetsbepalings met betrekking tot koöperasie; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

## INDELING VAN DIE WET

**[1.] Uitleg.***Artikel*

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Woordomskrywing.

**[2.] 1.** Tensy uit die samehang anders blyk, beteken in hierdie Wet—

„algemene reserwe” ’n reserwe wat geskep is om ’n vaste bate aan te skaf of bedryfskapitaal te voorsien of om in die algemeen die finansiële posisie van die koöperasie te verstewig;

„assistent-registrateur” die assistent-registrateur van koöperasies aangestel kragtens artikel twee;

„beheerde maatskappy” ’n maatskappy geregistreer kragtens die Maatskappywet, No. 61 van 1973, soos gewysig, ten opsigte waarvan ’n koöperasie regstreeks of onregstreeks die bevoegdheid het om beheer uit te oefen en word ’n maatskappy geag beheer te word indien dié koöperasie—

(a) meer as vyftig persent van die uitgereikte aandelekapitaal van daardie maatskappy hou of;

(b) geregtig is om meer as die helfte van die stemregte ten opsigte van die uitgereikte aandele van daardie maatskappy uit te oefen; of



**GENERAL EXPLANATORY NOTE:**

- [ ]** Words in square brackets indicate omissions.  
 Words underlined with solid line indicate insertions.

# DRAFT BILL

**To consolidate and amend the laws relating to co-operatives  
and to provide for matters incidental thereto.**

## DIVISION OF ACT

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**[2.] 1.** In this Act, unless inconsistent with the context—

Interpretation of terms.

“general reserve” means a reserve created in order to acquire a fixed asset or to provide working capital or to strengthen the financial position of the co-operative generally;

“assistant registrar” means the assistant registrar of co-operatives appointed under section two;

“controlled company” means a company registered under the Companies Act, No. 61 of 1973 as amended, over which company a co-operative, directly or indirectly, has the power of control and a company is regarded as controlled if the co-operative—

- (a) is the holder of more than fifty per cent of the issued share capital of that company; or
- (b) is entitled to exercise more than one half of the voting rights attaching to the issued share capital of that company; or

- (c) geregtig is of die bevoegdheid het om die samestelling van die meerderheid van die direksie van daardie ander maatskappy te bepaal, insluitende—
- (i) die bevoegdheid om sonder die toestemming of instemming van 'n ander persoon al of die meerderheid van sodanige direkteure aan te stel of af te dank;
  - (ii) die bevoegdheid om te verhinder dat iemand sonder sy toestemming as direkteur aangestel word.

„depot” ’n plek waar ’n **[vereniging of maatskappy]** koöperasie sy werksaamhede beperk tot die ontvangs, opberging of versending van landbouprodukte, lewende hawe of lewende haweprodukte en tot die ander dienste, as daar is, wat die Minister van tyd tot tyd bepaal;

„direkteursverslag” ’n verslag wat aanvullend tot die koöperasie se finansiële state aan die jaarlikse algemene vergadering deur die raad van direkteure of deur die voorsitter van die raad voorgelê moet word;

„federale handelskoöperasie” of „federale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid” of „federale koöperatiewe handelsmaatskappy” of „federale maatskappy” of „maatskappy, (met betrekking tot ’n federale koöperatiewe handelsmaatskappy)”, ’n **[maatskappy]** federale koöperasie opgerig kragtens die bepalinge van artikel **[ses-en-vyftig]** twee-en-sestig;

„federale landboukoöperasie” of „federale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid” of „federale koöperatiewe landboumaatskappy” of „federale maatskappy” of „maatskappy, (met betrekking tot ’n federale koöperatiewe landboumaatskappy)”, ’n federale **[koöperatiewe landboumaatskappy]** landboukoöperasie opgerig kragtens die bepalinge van artikel **[vyf-en-vyftig]** een-en-sestig;

„federale spesiale boerekoöperasie” of „federale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid” of „federale spesiale koöperatiewe boeremaatskappy” of „federale maatskappy” of „maatskappy” (met betrekking tot ’n federale spesiale koöperatiewe boeremaatskappy) ’n federale spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie opgerig kragtens die bepalinge van artikel **[vyf-en-vyftig]** een-en-sestig;

„gebeurlikheidsreserwe” ’n reserwe wat geskep is om ’n verlies van ’n buitengewone en onbekende aard te bestry of om in verband met die werksaamhede van die koöperasie ooreenkomstig spesifieke bepalinge van sy statute aangewend te word;

„handelskoöperasie” of „koöperatiewe handelsvereniging met beperkte aanspreeklikheid” of „koöperatiewe handelsvereniging” of „vereniging” of „koöperasie” (met betrekking tot ’n koöperatiewe handelsvereniging), ’n **[vereniging]** koöperasie opgerig vir een of meer van die in artikel *elf* vermelde doeleindes;

„koöperasie” enige landboukoöperasie, spesiale boerekoöperasie, handelskoöperasie of koöperatiewe deelgenootskap opgerig vir een of meer van die doeleindes in artikels 5, 6, 7 en 11 en kan die woord verwys na enige een, of meer of na alle tipe koöperasies na gelang van die bedoeling soos in die betrokke artikel van die Wet uiteengesit;

„koöperatiewe deelgenootskap” of „koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid” of „koöperatiewe deelgenootskap met

(c) is entitled or has the power to regulate the composition of the majority of the directors of that company including—

- (i) the power to appoint or discharge, without the consent or concurrence of any other person, all or the majority of such directors;
- (ii) the power to prevent anyone being appointed a director without its consent;

“depot” means any place where a **[society or company]** co-operative confines its operations to the receiving, storing or despatching of agricultural products, livestock or livestock products and to such other services, if any, as the Minister may from time to time determine;

“directors’ report” means a supplementary report to the co-operative’s financial statements which shall be laid before the annual general meeting by the board of directors or the chairman of the board;

“federal trading co-operative” or “federal co-operative trading company with limited liability” or “federal co-operative trading company” or “federal company” or “Company (in relation to a federal co-operative trading company)” means a **[company]** federal co-operative formed under the provisions of section **[fifty-six]** sixty-two;

“federal agricultural co-operative” or “federal co-operative agricultural company with limited liability” or “federal co-operative agricultural company” or “federal company” or “company (in relation to a federal co-operative agricultural company)” means a federal **[co-operative agricultural company]** agricultural co-operative formed under the provisions of section **[fifty-five]** sixty-one;

“federal special farmers’ co-operative” or “federal special co-operative farmers’ company with limited liability” or “federal special co-operative farmers’ company” or “federal company” or “company (in relation to a federal farmers’ special co-operative company)” means a federal special **[co-operative farmers’ company]** farmers’ co-operative formed under the provisions of section **[fifty-five]** sixty-one;

“contingency reserve” means a reserve created to defray unusual and abnormal losses or to be used in connection with the activities of the co-operative as specifically provided for in its regulations;

“trading co-operative” or “co-operative trading society with limited liability” or “co-operative trading society” or “society” or “co-operative (in relation to a co-operative trading society)” means a **[society]** co-operative formed for all or any of the objects set out in section eleven;

“co-operative” means any agricultural co-operative, special farmers’ co-operative, trading co-operative or co-operative partnership formed for one or more objects named in sections 5, 6, 7 and 11 and the word may refer to any one, or more or all the types of co-operatives according to the meaning expressed in the particular section of the Act;

beperkte aanspreeklikheid", 'n koöperasie opgerig vir een of meer van die in artikel sewe vermelde doeleindes; „landboukoöperasies” of „koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid” of „koöperatiewe landbouvereniging” of „vereniging” of „koöperasie” (met betrekking tot 'n koöperatiewe landbouvereniging), 'n **[vereniging]** koöperasie opgerig vir een of meer van die in artikel **[ses]** vyf vermelde doeleindes, of 'n „landboukoöperasie met beperkte aanspreeklikheid” of „koöperatiewe landboumaatskappy met beperkte aanspreeklikheid” of „koöperatiewe landboumaatskappy” of „maatskappy” of „koöperasie (met betrekking tot 'n koöperatiewe landboumaatskappy), 'n **[maatskappy]** koöperasie opgerig vir een of meer van die in artikel **[ses]** vyf vermelde doeleindes;

„lening” 'n bedrag opgeneem of geleen in die vorm van lenings terugbetaalbaar op 'n vasgestelde datum of in paaiemente of in die vorm van bankoortrekkings of kaskredietrekenings of in die vorm van uitgereikte obligasies en lenings sluit nie ledefondse gestig kragtens subartikel (8) van artikel 25 in nie;

„Minister” die Minister van Landbou **[-**ekonomie en **-**bemaking];

„modelstatuut” **[modelregulasies]**, die **[modelregulasies]** modelstatuut deur die Minister kragtens artikel veertien voorgeskrywe;

„obligasie” bedoel ook „skuldbrief”;

„raad” die raad van direkteure van 'n **[vereniging of maatskappy]** koöperasie;

„Registrateur”, die Registrateur van **[Koöperatiewe Verenigings]** Koöperasies aangestel kragtens artikel **[drie]** twee;

„regulasies” **[met betrekking tot 'n vereniging of maatskappy, die ingevolge hierdie Wet geregistreerde regulasies of wysigings of aanvullings daarvan;]** die statuut van 'n koöperasie;

„Sekretaris” die Sekretaris van Landbou-ekonomie en **-**bemaking;

„sentrale handelskoöperasie” of „sentrale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid” of „sentrale koöperatiewe handelsmaatskappy” of „sentrale maatskappy” of „maatskappy” (met betrekking tot 'n sentrale koöperatiewe handelsmaatskappy) 'n **[maatskappy]** sentrale handelskoöperasie opgerig kragtens die bepalinge van artikel **[vier-en-vyftig]** sestig;

„sentrale landboukoöperasie” of „sentrale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid” of „sentrale koöperatiewe landboumaatskappy” of „sentrale maatskappy” of „maatskappy” (met betrekking tot 'n sentrale koöperatiewe landboumaatskappy), 'n sentrale **[koöperatiewe landboumaatskappy]** landboukoöperasie opgerig kragtens die bepalinge van artikel **[drie-]** nege-en-vyftig;

„sentrale spesiale boerekoöperasie” of „sentrale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid” of „sentrale koöperatiewe boeremaatskappy” of „sentrale maatskappy” of „maatskappy” (met betrekking tot 'n sentrale spesiale koöperatiewe boeremaatskappy), 'n sentrale spesiale **[koöperatiewe boeremaatskappy]** boere-koöperasie opgerig kragtens die bepalinge van artikel **[drie-]** nege-en-vyftig;

“co-operative partnership” or “co-operative partnership with unlimited liability” or “co-operative partnership with limited liability” means a co-operative formed for one or more of the objects named in section *seven*;

“agricultural co-operative” or “co-operative agricultural society with unlimited liability” or “co-operative agricultural society” or “society” or “co-operative” (in relation to a co-operative agricultural society)” means a **[society]** co-operative formed for all or any of the objects set out in section **[six]** *five*. An “agricultural co-operative with limited liability” or “co-operative agricultural company with limited liability” or “co-operative agricultural company” or “company” or “co-operative” (in relation to a co-operative agricultural company) means a co-operative formed for all or any of the objects set out in section **[six]** *five*;

“loan” means any amount raised or borrowed in the form of loans repayable on a fixed date or in instalments, or in the form of overdrafts or cash credit accounts or in the form of debentures issued, and loans does not include members’ funds formed in terms of subsection (8) of section 25;

“Minister” means the Minister of Agriculture **[Economics and Marketing]**;

“model regulations” means the model regulations prescribed by the Minister under section *fourteen*;

“board” means the board of directors of a **[society or company]** co-operative;

“Registrar” means the Registrar of **[Co-operative Societies]** Co-operatives appointed under section **[three]** *two*;

“Secretary” means the Secretary for Agricultural Economics and Marketing;

“central trading co-operative” or “central co-operative trading company with limited liability” or “central co-operative trading company” or “central company” or “company” (in relation to a central co-operative trading company) means a **[company]** central trading co-operative formed under the provisions of section **[fifty-four]** *sixty*;

“central agricultural co-operative” or “central co-operative agricultural company with limited liability” or “central co-operative agricultural company” or “central company” or “company” (in relation to a central co-operative agricultural company) means a central **[co-operative agricultural company]** agricultural co-operative formed under the provisions of section **[fifty-three]** *fifty-nine*;

“central special farmers’ co-operative” or “central farmers’ special co-operative company with limited liability” or “central farmers’ special co-operative company” or “central company” or “company” (in relation to a central farmers’ special co-operative company) means a central special **[co-operative farmers’ company]** farmers’ co-operative formed under the provisions of section **[ninety-three]** *ninety-five*;

“special farmers’ co-operative” or a “farmers special co-operative company with limited liability” or “farmers’ special co-operative company” or “company” or “co-operative” (in relation to farmers’ special co-operative company) means a **[company]** co-operative formed for all or any of the objects set out in section **[seven]** *six*;



„spesiale boerekoöperasie” of ’n „spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid” of „spesiale koöperatiewe boeremaatskappy” of „maatskappy” of „koöperasie” (met betrekking tot ’n spesiale koöperatiewe boeremaatskappy), ’n **maatskappy** koöperasie opgerig vir een of meer van die in artikel **[sewe]** ses vermelde doeleindes;

„statuut” met betrekking tot ’n koöperasie, die in-gevolge hierdie Wet geregistreerde statuut (regulasies) of wysigings of aanvullings daarvan;

„tak” ’n plek waar ’n koöperasie, inagnemende die bepalings van sy statute, enige of al sy doelstellings kan uitvoer;

„voorsiening” ’n bedrag wat afgeskryf of behou word by wyse van voorsiening vir hernuwing of vermindering in waarde van ’n bate of teruggehou word by wyse van voorsiening vir ’n bekende aanspreeklikheid waarvan die bedrag nie met redelike juistheid bepaal kan word nie;

„wesenslik” enigiets betekenisvol met betrekking tot die omstandighede van toepassing op die koöperasie.

Aanstelling van  
registrateur van  
koöperasies.

**[3.] 2.** (1) Die **[Goewerneur-generaal]** Minister kan van tyd tot tyd, met inagneming van die wette wat die Staatsdiens van die **[Unie]** Republiek reël, ’n amptenaar aanstel genoem die Registrateur van **[Koöperatiewe Verenigings]** Koöperasies.

(2) Vir die registrasie van **[koöperatiewe verenigings en maatskappye]** koöperasies en vir die ander doeleindes van hierdie Wet, word in Pretoria ’n kantoor gestig, wat deur die registrateur bestuur word.

(3) Die registrateur moet in die deur die Minister van tyd tot tyd voorgeskrewe vorm ’n register hou van **[verenigings en maatskappye]** koöperasies geregistreer kragtens een of ander bepaling van hierdie Wet, en moet die bevoegdhede uitoefen en die pligte vervul wat deur hierdie Wet of ’n wysiging daarvan aan hom opgedra word.

**[(3)bis]** (4) Die registrateur oefen die bevoegdhede en voer die pligte uit wat deur hierdie Wet aan hom opgedra word onderworpe aan die beheer en voorskrifte van die Sekretaris, wat ’n beslissing waartoe die registrateur geraak het, kan omverwerp en self enige bevoegdheid kan uitoefen en enige plig kan uitvoer wat ingevolge hierdie Wet aan die registrateur opgedra word.

**[(4)]** (5) Die **[Goewerneur-generaal]** Minister kan van tyd tot tyd, met inagneming van die wette wat die Staatsdiens van die **[Unie]** Republiek reël, ’n amptenaar aanstel genoem die Assistent-Registrateur van **[Koöperatiewe Verenigings]** Koöperasies.

**[(5)]** (6) Die assistent-registrateur is bevoeg om, onderworpe aan die beheer en voorskrifte van die registrateur enige handeling te verrig wat wettig deur die registrateur verrig kan word.

(7) Die registrateur en assistent-registrateur kan aan ’n beampte in die Staatsdiens sekere van die bevoegdhede delegeer en enige van die pligte opdra wat aan hulle deur hierdie Wet toegewys is.

**[(6)]** (8) Wanneer in ’n wet na ’n registrateur van koöperatiewe verenigings aangestel kragtens ’n wet wat deur hierdie Wet herroep word, **[vermeld]** verwys word, word die registrateur van **[koöperatiewe verenigings]** koöperasies aangestel kragtens hierdie artikel geag bedoel te wees.

## HOOFSTUK I

### OPRIGTING VAN KOÖPERASIES

Oprigting van  
koöperasies kragtens  
hierdie Wet.

**[4.] 3.** Mits hulle voldoen aan die bepalings wat hierna volg en onderworpe aan die vetoreg wat hierna aan die Minister verleen word—



“regulations” means in relation to a **[society or company]** co-operative the regulations or any alterations thereof or additions thereto registered in accordance with this Act;

“branch” means a place where a co-operative, in observance of the provisions of its regulations, may carry on the activities prescribed in any or all of its objects;

“provision” means an amount of money which is written off or kept by way of provision for depreciation in value of an asset or replacement thereof or which is retained by way of provision for a known liability the amount whereof cannot be determined with reasonable accuracy;

“material” means any significant matter having a bearing on circumstances applying to the co-operative.

**[3.] 2.** (1) Subject to the provisions of the laws governing the public service of the **[Union]** Republic the **[Governor-General]** Minister may from time to time appoint an officer styled the Registrar of Co-operatives **[Societies]**. Appointment of registrar of co-operatives.

(2) There shall be established in Pretoria an office for the registration of co-operatives **[societies and companies]** and for the other purposes of this Act, which shall be under the control of the registrar.

(3) The registrar shall keep, in the form from time to time prescribed by the Minister, a register of **[societies and companies]** co-operatives registered under any provision of this Act and exercise the powers and perform the duties assigned to him by this Act or any amendment thereof.

**[(3)bis]** (4) The registrar shall exercise the powers and perform the duties assigned to him by this Act subject to the control and directions of the Secretary, who may reverse any decision arrived at by the registrar and may himself exercise any power and perform any duty assigned to the registrar under this Act.

**[(4)]** (5) Subject to the provisions of the laws governing the public service of the **[Union]** Republic, the **[Governor-General]** Minister may from time to time appoint an officer styled the Assistant Registrar of Co-operatives **[Societies]**.

**[(5)]** (6) The assistant registrar shall have power, subject to the control and directions of the registrar, to do anything which may lawfully be done by the registrar.

(7) The registrar and assistant registrar may delegate to an official in the Public Service certain powers granted them and any of the duties laid on them under this Act.

**[(6)]** (8) When in an Act reference is made to a registrar of co-operative societies appointed under an act which has been repealed by this Act it shall be considered to be reference to a registrar of **[co-operative societies]** co-operatives appointed under this section.

## CHAPTER I

### FORMATION OF CO-OPERATIVES

**[4.] 3.** Subject to compliance with the provisions hereinafter contained and subject also to the right of veto hereinafter conferred upon the Minister— Formation of co-operatives under this Act.

- (a) kan sewe of meer mense, as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n **koöperatiewe landbouvereniging** landboukoöperasie met onbeperkte aanspreeklikheid oprig;
- (b) kan sewe of meer **persone, inbegrepe 'n maatskappy wat ingevolge een of ander wet as sulks met regspersoonlikheid beklee of geregistreer is, of 'n vereniging van persone, hetsy met regspersoonlikheid beklee al dan nie** mense as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n **koöperatiewe landboumaatskappy** landboukoöperasie met beperkte aanspreeklikheid oprig;
- (c) kan sewe of meer **persone, inbegrepe 'n maatskappy wat ingevolge een of ander wet as sulks met regspersoonlikheid beklee of geregistreer is, of 'n vereniging van persone, hetsy met regspersoonlikheid beklee al dan nie** mense as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n spesiale **koöperatiewe boeremaatskappy** boerekoöperasie met beperkte aanspreeklikheid oprig;
- (d) kan vyf-en-twintig of meer mense 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid oprig; Met dien verstande dat so 'n vereniging deur sewe of meer mense opgerig kan word, mits dit opgerig word met die doel om volgens 'n koöperatiewe stelsel een of ander handelsartikel te vervaardig en van die hand te sit;
- (e) kan enige twee of meer mense as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n koöperatiewe deelgenootskap oprig.

Bevoegdheid tot lidmaatskap.

**15.1 4** (1) Behoudens die bepalinge van subartikels (4) en (5) is niemand behalwe—

- (a) 'n persoon wat vir eie rekening in die **Unie** Republiek boerdery beoefen, hetsy alleen of saam met iemand anders of **in verband met** tesame met 'n ander besigheid, beroep of bedryf;
- (b) 'n munisipaliteit of 'n plaaslike bestuur of 'n soortgelyke liggaam wat in die Republiek boerdery beoefen; of
- (c) 'n kragtens hierdie Wet geregistreerde landboukoöperasie of spesiale boerekoöperasie of koöperatiewe deelgenootskap; of
- (d) 'n deur die Minister goedgekeurde handelskoöperasie,

bevoeg om lid van 'n **koöperatiewe landbouvereniging** landboukoöperasie met onbeperkte aanspreeklikheid of **van 'n koöperatiewe landboumaatskappy** met beperkte aanspreeklikheid te word nie.

(2) Behoudens die bepalinge van subartikel (4), is niemand behalwe—

- (a) 'n persoon wat vir eie rekening in die **Unie** Republiek boerdery beoefen, hetsy alleen of saam met iemand anders of **in verband** tesame met 'n ander besigheid, beroep of bedryf; of
- (b) 'n deur die Minister goedgekeurde persoon wat landbouprodukte, **en** lewende hawe en lewendehaweprodukte hanteer, behandel of van die hand sit; of
- (c) 'n deur die Minister goedgekeurde landbou-assosiasie; of
- (d) 'n munisipaliteit, plaaslike bestuur of 'n soortgelyke liggaam wat in die Republiek boerdery beoefen; of
- (e) 'n kragtens hierdie Wet geregistreerde landboukoöperasie of spesiale boerekoöperasie; of
- (f) 'n deur die Minister goedgekeurde handelskoöperasie

bevoeg om lid van 'n spesiale **koöperatiewe boeremaatskappy** boerekoöperasie met beperkte aanspreeklikheid te word nie.

- (a) any seven or more human beings, if qualified in terms of this Act for membership, may form an **[a co-operative agricultural society]** agricultural co-operative with unlimited liability;
- (b) any seven or more **[persons, including any company incorporated or registered as such under any law, or any body of persons, corporate or unincorporate]** human beings, if qualified under this Act for membership, may form **[a co-operative agricultural company]** an agricultural co-operative with limited liability;
- (c) any seven or more **[persons, including any company incorporated or registered as such under any law, or any body of persons, corporate or unincorporate]**, human beings, if qualified under this Act for membership may form a special **[co-operative farmers' company]** farmers' co-operative with limited liability;
- (d) any twenty-five or more human beings may form a **[co-operative trading society]** trading co-operative with limited liability: Provided that if such society is formed for the purpose of manufacturing and disposing of any commodity under a co-operative system it may be formed by seven or more human beings;
- (e) any two or more human beings, if qualified in terms of this Act for membership, may form a co-operative partnership.

**[5.] 4.** (1) Subject to the provisions of subsections (4) and (5), Qualification for membership.  
no person other than—

- (a) a person carrying on farming operations for the benefit of himself in the **[Union]** Republic either exclusively or in conjunction with some other person or some other business, profession or occupation;
- (b) a municipality, local authority or similar body carrying on farming operations in the Republic; or
- (c) an agricultural co-operative or special farmers' co-operative or co-operative partnership registered under this Act; or
- (d) a trading co-operative approved by the Minister,  
is qualified for membership of **[a co-operative agricultural society]** an agricultural co-operative with unlimited liability or **[of co-operative agricultural company]** limited liability.

(2) Subject to the provisions of subsection (4), no person other than—

- (a) a person carrying on farming operations for the benefit of himself in the **[Union]** Republic, either exclusively or in conjunction with some other person or some other business, profession or occupation; or
- (b) a person handling, treating or disposing of agricultural products, livestock or livestock products and approved by the Minister; or
- (c) an agricultural association approved by the Minister; or
- (d) a municipality, local authority or similar body which carries on farming operations in the Republic; or
- (e) an agricultural co-operative or special farmers' co-operative registered under this Act; or
- (f) a trading co-operative approved by the Minister,  
is qualified for membership of a **[farmers' special co-operative company]** special farmers' co-operative with limited liability.

(3) Geen maatskappy wat as sulks ingevolge een of ander wet met regspersoonlikheid bekleed of geregistreer is, en geen vereniging van persone, hetsy al dan nie met regspersoonlikheid bekleed, en geen van die in paragrafe (b), (c) en (d) van subartikel (1) genoemde liggame of koöperasies is bevoeg om lid van 'n **koöperatiewe landbouvereniging** landboukoöperasie met onbeperkte aanspreeklikheid of 'n koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid te word nie.

(4) Behoudens die bepalings van subartikel (3), en met toestemming van die Minister is—

(a) 'n koöperasie geregistreer in 'n onafhanklike staat binne of buite die grense van die Republiek of;

(b) enigiemand wat vir eie rekening in **Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeana-land-Protectoraat of die mandaatgebied Suidwes-Afrika** 'n onafhanklike staat binne of buite die grense van die Republiek boerdery beoefen, hetsy alleen of saam met iemand anders, of **in verband** tesame met 'n ander besigheid, beroep of bedryf,

bevoeg om lid van **'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid of van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of van 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid** 'n landboukoöperasie of 'n spesiale boerekoöperasie met beperkte aanspreeklikheid te word.

(5) Behoudens die bepalings van subartikel (3), is enig iemand wat in die **Unie** Republiek woon, bevoeg om lid te word van 'n **vereniging of maatskappy** koöperasie opgerig vir die doeleindes soos bepaal in paragraaf (s) van subartikel (1) van artikel **ses** vyf met die doel om volgens 'n koöperatiewe stelsel te boer.

(6) Behoudens die bepalings van subartikel (3) is niemand behalwe 'n persoon wat vir eie rekening in die Republiek boerdery beoefen, hetsy alleen of saam met iemand anders of tesame met 'n besigheid, beroep of bedryf, bevoeg om lid van 'n koöperatiewe deelgenootskap te word nie.

(7) Enige persoon, 'n kragtens hierdie wet geregistreerde handelskoöperasie, gesondheids-, godsdienstige-, liefdadigheids-, maatskaplike-, ontspannings-, sosiale inrigtings of verenigings, plaaslike besture, ander liggame wat die plaaslike publiek dien of koöperatiewe deelgenootskap en enige deur die Minister goedgekeurde landbou- of spesiale boerekoöperasie is bevoeg om lid te word van 'n handelskoöperasie met beperkte aanspreeklikheid.

Doeleindes waarvoor 'n landboukoöperasie opgerig kan word.

**16.1 5.** (1) Behoudens die bepalings van hierdie Wet, kan 'n **koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid en 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid** landboukoöperasie vir een of meer van die volgende doeleindes opgerig word, **[te wete]**—

(a) om op die mees voordelige wyse die landbouprodukte of lewendehaweprodukte of lewende hawe van sy lede van die hand te sit;

(b) om die landbou- of lewendehaweprodukte van sy lede te verwerk of bewerk en om die aldus verwerkte of gedeeltelik verwerkte produkte op die mees voordelige wyse van die hand te sit;

(c) om **landbougereedskap en -masjinerie, lewende hawe, voedingstowwe, saad, vrugtebome, misstowwe en ander boerderybenodigdhede** boerderybenodigdhede vir die beoefening van 'n boerdery onderneming ten behoeve van sy lede aan te koop of op ander wyse te verkry en aan hulle te lewer;

(d) om boerderybenodigdhede vir die beoefening van 'n boerdery onderneming **landbougereedskap en -masjinerie, voedingstowwe, misstowwe of ander boerderybenodigdhede** te vervaardig of te bewerk;



(3) No company incorporated or registered as such under any law, and no body of persons, corporate or unincorporate and none of the bodies or co-operatives named in paragraphs (b), (c) and (d) of subsection (1) shall be qualified to become a member of an **co-operative agricultural society** agricultural co-operative with unlimited liability or a co-operative partnership with unlimited liability.

(4) Subject to the provisions of subsection (3) and with the approval of the Minister—

- (a) a co-operative registered in an independent state within or outside the borders of the Republic; or
- (b) any person carrying on farming operations for the benefit of himself in [Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate or the mandated territory of Southwest Africa] an independent state within or outside the borders of the Republic, either exclusively or in conjunction with some other person or some other business, profession or occupation,

is qualified for membership of [a co-operative agricultural society with unlimited liability or of a co-operative agricultural society with limited liability or of a farmers' special co-operative company with limited liability] an agricultural co-operative or a special farmers' co-operative with limited liability.

(5) Any person resident in the **[Union] Republic** shall subject to the provisions of subsection (3), be qualified to be a member of a **[society or company] co-operative** formed as provided in paragraph (5) of subsection (1) of section **[six] five** for the purpose of farming under a co-operative system.

(6) Subject to the provisions of subsection 3, no person other than a person carrying on farming operations for his own benefit in the Republic, either exclusively or in conjunction with some other person or some other business, profession or occupation, shall be qualified for membership of a co-operative partnership.

(7) Any person, trading co-operative registered under this Act, health, religious, charitable, welfare, recreation and social organization or society, local authority, other body serving the local public, co-operative partnership and, if approved by the Minister, any such approved agricultural or special farmers' co-operative is qualified for membership of a trading co-operative with limited liability.

**[6.] 5. (1) [A co-operative agricultural society with unlimited liability and a co-operative agricultural company with limited liability] An agricultural co-operative may, subject to the provisions of this Act, be formed for all or any of the following objects—**

Objects for which an agricultural co-operative can be formed.

- (a) to dispose of the agricultural or livestock products or livestock of its members in the most profitable manner;
- (b) to manufacture or treat the agricultural or livestock products of its members and to dispose of the products so manufactured or partly manufactured in the most profitable manner;
- (c) to purchase or otherwise acquire on behalf of, and to supply to, its members **[agricultural implements and machinery, livestock, feeding stuffs, seeds, fruit trees, manure and other farming requisites]** farming requisites for the carrying on of a farming undertaking;
- (d) to manufacture or treat **[agricultural implements and machinery, feeding stuffs, manure or other farming requisites]** farming requisites for the carrying on of a farming undertaking;

- (e) om ten behoeve van sy lede landbougereedskap of -masjinerie aan te koop of op ander wyse te verkry of te huur, en te gebruik;
- (f) om gebruikte landbougereedskap en -masjinerie namens sy lede van die hand te sit;
- (g) om beskermende klere en toerusting, benodig vir boerderydoeleindes ten behoeve van sy lede aan te koop of op 'n ander wyse te verkry en aan hulle te lewer;
- (h) om ten behoeve van sy lede herstelwerk van landbougereedskap en -masjinerie te onderneem;
- (i) om krag en water te voorsien en die nodige benodigdhede daarvoor ten behoeve van sy lede aan te koop of op ander wyse te verkry en aan hulle te lewer;
- [(f)]** (j) om ten behoeve van sy lede aanteelvennoot aan te koop of op ander wyse te verkry of te huur, en te gebruik en te beheer;
- (k) om veeartsenydienste, kunsmatige inseminasie- en inovuleringdienste vir lewende hawe en melkaantekeningdienste volgens 'n koöperatiewe stelsel ten bate van sy lede te onderneem en voort te sit;
- [(h)]** (l) om koelkamers vir die produkte van sy lede aan te koop, te bou of op ander wyse te verkry, of te huur, en beskikbaar te stel;
- [(i)]** (m) om bespuiting of skoonmaak van boomgaarde, verpakking van vrugte, ploeg- en enige ander boerderywerkzaamhede en die vervoer van produkte en boerderybenodigdhede volgens 'n koöperatiewe stelsel ten bate van sy lede te onderneem en voort te sit;
- [(j)]** (n) om volgens 'n koöperatiewe stelsel verskeppings-, uitklarings- en versendingswerk ten behoeve van sy lede te verrig en om vir daardie doel agent-skappe in die **[Unie]** Republiek en elders te stig;
- (o) om vir sy lede arbeiders te werf en beskikbaar te stel;
- (p) om met goedkeuring van die Minister plaaseien-domtransaksies namens sy lede te onderneem en met goedkeuring van die Minister in die geval van die algehele uitverkoop van die bates van 'n lid ook sy roerende bates van die hand te sit;
- (q) om versekering van oeste, produkte, lewende hawe, geboue op plase **[landbougereedskap en -masjinerie]** boerderybenodigdhede of die ander versekering wat die Minister goedkeur volgens 'n koöperatiewe stelsel te onderneem en voort te sit, of om as agent vir enige van sy lede ten opsigte van sodanige versekering op te tree;
- [(q)bis]** (r) om as agent vir sy lede op te tree ten opsigte van hul versekeringsbesigheid met versekeraars in-gevolge 'n reëling waarkragtens enige bedrag wat by so 'n lid se dood of die plaasvind van enige ander gebeurtenis betaalbaar word, aan die **[vereniging of maatskappy]** koöperasie ten behoeve van die lid oorbetaal word en die **[vereniging of maatskappy]** koöperasie geregtig is om 'n bedrag dan deur die lid aan hom nog verskuldig, af te trek van die bedrag aldus aan hom oorbetaal;
- (s) om boerdery ondernemings te drywe en om die produkte van sodanige ondernemings volgens 'n koöperatiewe stelsel van die hand te sit;
- (t) om rekeningkundige- en statistiese dienste aan sy lede beskikbaar te stel;
- (u) om as agent vir sy lede op te tree ten opsigte van 'n pensioenfonds, kragtens die Pensioenfondswet (No.



- (e) to purchase or otherwise acquire or to hire, and to operate on behalf of its members, agricultural implements or machinery;
- (f) to dispose of on behalf of its members used agricultural implements and machinery;
- (g) to purchase or otherwise acquire on behalf of, and to supply to, its members protective clothing and equipment required for farming operations;
- (h) to undertake the repair of agricultural implements and machinery on behalf of its members;
- (i) to provide power and water and to purchase or otherwise acquire, and to supply the necessary accessories required therefor to its members;
- [(f)] (j) to purchase or otherwise acquire, or to hire, and to use and control on behalf of its members breeding stock;
- (k) to undertake and carry on veterinary, artificial insemination and ino-vulation services for livestock and to carry on milk-recording services, under a co-operative system, for the benefit of its members;
- [(h)] (l) by purchase, construction or otherwise to acquire, or to hire, and make available, cold storage for the products of its members;
- [(i)] (m) to commence and carry on orchard spraying or cleansing, fruit packing, ploughing and any other farming operations, and the transport of produce and farming requisites for its members under a co-operative system;
- [(j)] (n) to carry on the business of shipping, clearing and forwarding for its members under a co-operative system, and for that purpose to establish agencies in the [Union] Republic and elsewhere;
- (o) to recruit and supply labourers for its members;
- (p) to handle farm real estate transactions, for its members and in the case of the total disposal of the assets of a member, to dispose of his movable assets as well, if approved by the Minister;
- (q) to commence and carry on under a co-operative system the insurance of crops, produce, livestock, buildings on farms or [agricultural implements and machinery] farming requisites or such other insurance as the Minister may approve, or to act as the agent of any of its members in respect of such insurance;
- [(q)bis] (r) to act as the agent of its members in respect of their insurance business with insurers in terms of any arrangement whereunder any amount becoming payable at the death of any such member or the happening of any other event is to be paid over to the [society or company] co-operative on behalf of such member and the [society or company] co-operative will be entitled to deduct from the amount so paid over to it, any amount then still owing to it by such member;
- (s) to carry on farming operations and to dispose of the products of such operations under a co-operative system;
- (t) to make accounting and statistical services available to its members;
- (u) to act as agent for its members in respect of any pension fund registered under the Pension Funds

24 van 1956) geregistreer en 'n mediese skema |  
kragtens die Wet op Mediese Skemas (No. 72 van |  
1967) geregistreer;

[(w)] (v) om alle ander dinge te doen wat volgens oordeel  
van die Minister aan die verwesenliking van  
bovermelde doeleindes verbonde is of daartoe sal  
bydra.

(2) Behoudens die bepalings van hierdie wet besit elke land-  
boukoöperasie, behalwe die bevoegdhede wat uitdruklik uitge-  
sluit of gekwalifiseer word in sy statuut, die volgende bevoegd-  
hede om hom in staat te stel om sy doelstellings te verwesenlik—

[(1) (g)] (a) om volgens 'n koöperatiewe stelsel winkels te  
verkry, te open en aan te hou om landbou- en  
lewendehaweprodukte, **landbougereedskap en**  
**-masjinerie** en boerderybenodigdhede van die  
hand te sit en te lewer;

[(1) (k)] (b) om **bekwame** persone aan te stel om sy  
doeleindes uit te voer en sy lede te onderrig en met  
advies te dien aangaande boerdery;

[(1) (l)] (c) om inligting in te win en te versprei aangaande die  
beste manier om op voordelige wyse te boer;

[(1) (m)] (d) om inligting aangaande die wêreldmarke en aan-  
gaande koöperasie in die algemeen in te win en te  
versprei;

[(1) (n)] (e) om roerende en onroerende goed te verkry deur  
aankoop of op ander wyse, en te huur, ten einde  
een of ander doel van die **vereniging of maat-**  
**skappy** koöperasie beter te kan uitvoer, en om  
sulke goed van die hand te sit of te verhuur;

[(1) (p)] (f) om geld op lening op te neem vir enigeen van die  
wettige doeleindes van die **vereniging of maat-**  
**skappy** koöperasie en te dien einde die roerende  
en onroerende **goed** bates van die **vereniging**  
**of maatskappy** koöperasie te verhipotekeer.

(g) om die gelde van die koöperasie wat nie onmid-  
dellik benodig word nie, veilig te belê;

[(t)] (h) om aan sy lede geld voor te skiet op produkte of  
lewende hawe of lewendehaweprodukte wat deur  
hulle aan hom afgelewer is;

[(1) (u)] (i) om aan sy lede geld voor te skiet op produkte wat  
nie deur hulle aan hom afgelewer is nie, hetsy  
daardie produkte reeds voortgebring of ingesamel is  
of nog voortgebring of ingesamel moet word, al  
dan nie, of op lewende hawe of lewendehawepro-  
dukte wat nie aldus afgelewer is nie;

[(1) (v)] (j) om, behoudens die bepalings van subartikel [(2)]  
(3), namens of ten behoeve van 'n beheerende raad  
wat 'n skema volgens die Bemarkingswet, [1937]  
1968, of 'n wysiging daarvan, uitvoer, te handel  
met landbouprodukte, lewende hawe of lewendeha-  
weprodukte waarop daardie skema betrekking het,  
of dit te hanteer, op te berg of te behandel en  
algemeen namens of ten behoeve van so 'n raad op  
te tree;

[(1) (r)] (k) om deur aankoping of op ander wyse aandele te  
verwerf in 'n sentrale of federale **koöperatiewe**  
**landboumaatskappy** landboukoöperasie of 'n  
sentrale of federale spesiale **koöperatiewe boere-**  
**maatskappy** boerekoöperasie opgerig kragtens  
die bepalings van Hoofstuk VI van hierdie Wet, of  
in 'n ander **koöperatiewe landboumaatskappy**  
landboukoöperasie met beperkte aanspreeklikheid  
of 'n spesiale **koöperatiewe boeremaatskappy**  
boerekoöperasie met beperkte aanspreeklikheid  
geregistreer ingevolge hierdie Wet of in 'n deur die  
Minister goedgekeurde **koöperatiewe handels-**

Act No. 24 of 1956 and any medical scheme registered under the Medical Schemes Act No. 72 of 1967;

- (v) to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.

(2) Subject to the provisions of this Act, every agricultural co-operative shall have, except for those powers, expressly excluded or qualified in its regulations, the following powers to enable it to realize its objects—

- [(1) (g)] (a)** to acquire, commence and carry on supply stores under a co-operative system for disposing of and supplying agricultural and livestock products and farming requisites;
- [(1) (k)] (b)** to engage persons to carry out any of its objects and to give instruction and advice to its members on farming operations;
- [(1) (l)] (c)** to acquire and distribute information as to the best manner of carrying on farming operations profitably;
- [(1) (m)] (d)** to acquire and distribute information on the markets of the world, and on co-operation in general;
- [(1) (n)] (e)** to acquire by purchase or otherwise, and to hire, moveable and immovable property for the better carrying out of any of the objects of the **[society or company] co-operative** and to dispose of or let such property;
- [(1) (p)] (f)** to raise money on loan for any of the lawful objects of the **[society or company] co-operative** and for that purpose to mortgage the movable and immovable property of the **[society or company] co-operative**;
- (g)** to invest safely those monies of the co-operative not immediately required;
- [(t)] (h)** to advance money to its members on produce or livestock or livestock products delivered by them to it;
- [(1) (u)] (i)** to advance money to its members on produce not delivered by them to it, whether or not that produce has been or is still to be produced or gathered, or on livestock or livestock products not so delivered;
- [(1) (v)] (j)** subject to the provisions of subsection **[(2)] (3)** to deal in, handle, store or treat for or on behalf of any regulatory board which administers a scheme under the Marketing Act, **[1937] 1968**, or any amendment thereof, any agricultural products, livestock or livestock products to which that scheme relates and generally to act for or on behalf of any such board; and
- [(1) (r)] (k)** to acquire by purchase or otherwise shares in any central or federal **[co-operative agricultural company] agricultural co-operative** or any central or federal special **[farmers' special co-operative company] farmers' co-operative** formed under the provisions of Chapter VI of this Act, or in any other **[co-operative agricultural company] agricultural co-operative** with limited liability or special **[farmers' special co-operative company] farmers' co-operative** with limited liability registered under this Act, or in any **[co-operative trading society]**

**vereniging**] handelskoöperasie of sentrale of federale **[koöperatiewe handelsmaatskappy]** handelskoöperasie geregistreer ingevolge hierdie Wet of in 'n deur die Minister goedgekeurde maatskappy met regs persoonlikheid en geregistreer ingevolge 'n ander Wet: Met dien verstande dat die Minister na goeë dunnke enige voorwaardes waaronder die aandele in sodanige maatskappy gehou mag word kan stel en dat hy kan bepaal watter aktiwiteite en waar dit deur die maatskappy verrig mag word solank die koöperasie aandele daarin hou;

- (l) om behoudens die bepalings van artikel *sewen-twentig* van hierdie Wet lenings aan en waarborge namens ondernemings waarin die koöperasie aandele opgeneem het te verskaf;
- (m) om met die goedkeuring van die Minister behuissings- en ontspanningsfasiliteite aan sy werknemers te voorsien;
- (n) om alle ander bevoeghede, wat volgens oordeel van die Minister aan die verwesenliking van sy doelstellings verbonde is of daartoe sal bydra, uit te oefen.

**[(2)] (3)** Behoudens die bepalings van artikel *nege*, artikel *tien*, paragraaf (c) van die voorbehoudbepaling tot subartikel (1) van artikel **[negentig]** *honderd-en-een* en artikel *honderd-en-twee* **[dertien]** van hierdie Wet en die bepalings van die „Wet op die Kontrole over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), mag geen **[koöperatiewe landbouvereniging of maatskappy]** koöperasie met die produkte of lewende hawe van iemand wat nie lid van daardie **[vereniging of maatskappy]** koöperasie is nie, handel nie, of aan so iemand boerderybenodigdhede verstrek of, behalwe vir lewering aan sy lede, van so iemand produkte of lewende hawe koop nie, of ander dienste wat ingevolge sy **[regulasies]** statuut vir lede verrig kan word vir so iemand verrig nie, tensy die Minister daartoe skriftelik toestemming verleen het, en wel onder voorwaardes en vir solank as wat hy mog bepaal.

Doeleindes waarvoor  
spesiale  
boerekoöperasies  
opgerig kan word.

**[7.] 6.** (1) Behoudens die bepalings van hierdie Wet, kan 'n spesiale **[koöperatiewe boere maatskappy]** boerekoöperasie met beperkte aanspreeklikheid vir een of meer van die volgende doeleindes opgerig word, **[te wete]**—

- (a) om volgens 'n koöperatiewe stelsel die besigheid van handelaars in landbouprodukte of lewendehawe of lewendehawe produkte te drywe;
- (b) om landbou- of lewendehawe produkte te verwerk of bewerk en om die aldus verwerkte of gedeeltelik verwerkte produkte volgens 'n koöperatiewe stelsel van die hand te sit;
- (c) om **[landbougereedskap en -masjinerie, lewende hawe, voedingstowwe, saad, vrugtebome, mistowwe en ander]** boerderybenodigdhede vir die beoefening van 'n boerdery onderneming aan te koop of op ander wyse te verkry en van die hand te sit;
- (d) om **[landbougereedskap en -masjinerie, voedingstowwe of ander]** boerderybenodigdhede vir die beoefening van 'n boerdery onderneming te vervaardig of te bewerk;
- (e) om landbougereedskap en -masjinerie aan te koop of op ander wyse te verkry of te huur, en te gebruik;
- (f) om beskermende klere en toerusting benodig vir boerderydoeleindes aan te koop of op 'n ander wyse te verkry en van die hand te sit;
- (g) om landbougereedskap en -masjinerie te repareer;



trading co-operative approved by the Minister, or in a company incorporated and registered under any other law and approved by the Minister: Provided that the Minister, in his discretion, may prescribe any conditions in respect of the holding of shares in such company and may prescribe those activities and the place where those activities may be carried on by the company for such period as the co-operative holds shares therein;

- (l) to make loans to and provide guarantees in respect of, undertakings in which the co-operative has taken up shares, subject to the provisions of section twenty-seven of this Act;
- (m) to provide, if approved by the Minister, housing and recreational facilities, to its employees;
- (n) to exercise all other powers as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.

**[(2)] (3)** Subject to the provisions of section *nine*, section *ten*, paragraph (c) of the proviso to subsection (1) of **[section ninety and]** section *one hundred* **[and two]** and one and one hundred and thirteen of this Act and the provisions of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), no **[co-operative agricultural society or company]** co-operative may deal with the products or livestock of, or supply farming requisites to, or, except for the purpose of supply to its members, purchase any products or livestock from, or perform such other services as its regulations provide for members for any person who is not a member of that society or company, unless the Minister has given his consent thereto in writing on such conditions or for such period as he may determine.

**[7.] 6.** (1) A special **[co-operative farmers' company]** farmers' co-operative with limited liability may, subject to the provisions of this Act, be formed for any or all of the following objects—

Objects for which special farmers' co-operative may be formed.

- (a) to carry on the business of dealers in agricultural products or livestock or livestock products under a co-operative system;
- (b) to manufacture or treat agricultural or livestock products and to dispose of the products so manufactured or partly manufactured under a co-operative system;
- (c) to purchase or otherwise acquire and to dispose of **[agricultural implements and machinery, livestock, feeding stuffs, seeds, fruit trees, manure and other]** farming requisites for the carrying on of a farming undertaking;
- (d) to manufacture or treat **[agricultural implements and machinery, feeding stuffs, manure or other]** farming requisites for the carrying on of a farming undertaking;
- (e) to purchase or otherwise acquire or to hire and to **[work]** use agricultural implements and machinery;
- (f) to purchase or otherwise acquire and to dispose of protective clothing and equipment required for farming;
- (g) to repair agricultural implements and machinery;

- (h) om krag en water benodig vir boerderydoeleindes te voorsien en benodigdhede daarvoor aan te koop of op ander wyse te verkry en van die hand te sit;
- [(f)] (i) om aanteel- en lewende hawe en melk- en vleis- en ander produkte aan te koop of op ander wyse te verkry of te huur, en te gebruik en te beheer;
- (j) om veeartsenydienste, kunsmatige inseminasie en inoosuleringdienste vir lewende hawe en melk- en vleis- en ander produkte volgens 'n koöperatiewe stelsel te onderneem en voort te sit;
- [(h)] (k) om koelkamers vir landbou- of lewende hawe produkte aan te koop, te bou of op ander wyse te verkry, of te huur, en beskikbaar te stel;
- [(i)] (l) om bespuiting of skoonmaak van boomgaarde, verpakking van vrugte, ploeg- en enige ander boerderywerkzaamhede en die vervoer van produkte en boerderybenodigdhede volgens 'n koöperatiewe stelsel te onderneem en voort te sit;
- [(j)] (m) om volgens 'n koöperatiewe stelsel verskeppings-, uitklarings- en versendingswerk te verrig en om vir daardie doel agentskappe in die [Unie] Republiek en elders te stig;
- [(o)] (n) om arbeiders te werf en beskikbaar te stel;
- (o) plaaseiendomstransaksies namens sy lede te onderneem en met goedkeuring van die Minister ook in die geval van 'n algehele uitverkoop van die bates van 'n lid ook sy ander roerende bates van die hand te sit;
- [(r)] (p) om versekering van oeste, produkte, lewende hawe, geboue op plase, boerderybenodigdhede [of landbougereedskap en -masjinerie] of die ander versekering wat die Minister goedkeur volgens 'n koöperatiewe stelsel te onderneem en voort te sit, of om as agent vir enige van sy lede ten opsigte van sodanige versekering op te tree;
- [(r) bis] (q) om as agent vir sy lede op te tree ten opsigte van hul versekeringsbesigheid met versekeraars ingevolge 'n reëling waarkragtens enige bedrag wat by so 'n lid se dood of die plaasvind van enige ander gebeurtenis betaalbaar word, aan die [maatskappy] koöperasie ten behoeve van die lid oorbetaal word en die [maatskappy] koöperasie geregtig is om 'n bedrag dan deur die lid aan hom nog verskuldig af te trek van die bedrag aldus aan hom oorbetaal;
- (r) om rekeningkundige en -statistiese dienste aan sy lede beskikbaar te stel;
- (s) om as agent vir sy lede op te tree ten opsigte van 'n pensioenfonds kragtens die Pensioenfondswet (No. 24 van 1956) geregistreer en 'n mediese skema kragtens die Wet op Mediese Skemas (No. 72 van 1967) geregistreer;
- [(p)] (t) om enigeen van of al die doeleindes hierbo vermeld uit te voer, hetsy as prinsipaal, agent, kurator, kontrakteur, of in enige ander hoedanigheid;
- (u) om alle ander dinge te doen wat volgens oordeel van die Minister aan die verwesenliking van bovermelde doeleindes verbonde is of daartoe sal bydra.

(2) Behoudens die bepalinge van hierdie Wet besit elke spesiale boerekoöperasie, behalwe die bevoegdhede wat uitdruklik uitgesluit of gekwalifiseer word in sy statuut, die volgende bevoegdhede om hom in staat te stel om sy doelstellings te verwesenlik—

- [(1) (g)] (a) om volgens 'n koöperatiewe stelsel winkels te verkry, te open en aan te hou om landbou- en lewende hawe produkte, [landbougereedskap en -masjinerie] boerderybenodigdhede van die hand te sit en te lewer;



- (h) to provide power and water for the purposes of farming and to purchase or otherwise acquire, and to dispose of, requisites therefor;
- [(f)] (i) to purchase or otherwise acquire or to hire and to use and control breeding stock;
- (j) to undertake and carry on veterinary, artificial insemination and ino-vulation services for livestock and to carry on milk recording services, under a co-operative system;
- [(h)] (k) by purchase, construction or otherwise to acquire, or to hire, and make available, cold storage for agricultural or livestock products.
- [(i)] (l) to commence and carry on orchard spraying or cleansing, fruit packing, ploughing and any other farming operations, and the transport of produce and farming requisites under a co-operative system;
- [(j)] (m) to carry on the business of shipping, clearing and forwarding under a co-operative system, and for that purpose to establish agencies in the [Union] Republic and elsewhere;
- [(o)] (n) to recruit and supply labourers;
- (o) to handle farm real estate transactions, for its members and in the case of the total disposal of the assets of a member, to dispose of his movable assets as well, if so approved by the Minister;
- [(r)] (p) to commence and carry on under a co-operative system the insurance of crops, produce, livestock, buildings on farms [or agricultural implements and machinery] or farming requisites or such other insurance as the Minister may approve, or to act as the agent of any of its members in respect of such insurance;
- [(r)bis] (q) to act as the agent of its members in respect of their insurance business with insurers in terms of any arrangement whereunder any amount becoming payable at the death of any such member or the happening of any other event is to be paid over to the [company] co-operative on behalf of such member and the [company] co-operative will be entitled to deduct from the amount so paid over to it, an amount then still owing to it by such member;
- (r) to make accounting and statistical services available to its member;
- (s) to act as agent for its members in respect of any pension fund registered under the Pension Funds Act No. 24 of 1956 and any medical scheme registered under the Medical Schemes Act No. 72 of 1967;
- [(p)] (t) to carry out all or any of the above objects, either as principal, agent, trustee, contractor or in any other capacity;
- (u) to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.

(2) Subject to the provisions of this Act, every special farmers' co-operative shall have, except for those powers expressly excluded or qualified in its regulations, the following powers to enable it to realize its objects—

- [(1) (g)] (a) to acquire, commence and carry on supply stores under a co-operative system for disposing of and supplying agricultural and livestock [agricultural implements and machinery and] products and farming requisites;

- [(1) (k)] (b)** om **【bekwame】** persone aan te stel om sy doeleindes uit te voer en sy lede en andere met advies te dien aangaande boerdery;
- [(1) (l)] (c)** om inligting in te win en te versprei aangaande die beste manier om op voordelige wyse te boer;
- [(1) (m)] (d)** om inligting aangaande die wêreldmarke en aangaande koöperasie in die algemeen in te win en te versprei;
- [(1) (n)] (e)** om roerende en onroerende goed te verkry deur aankoop of op ander wyse, en te huur, ten einde een of ander doel van die **【maatskappy】** koöperasie beter te kan uitvoer, en om sulke goed van die hand te sit of te verhuur;
- [(1) (q)] (f)** om geld op lening op te neem vir enigeen van die wettige doeleindes van die maatskappy, en te dien einde die roerende en onroerende goed van die **【maatskappy】** koöperasie te verhipotekeer;
- (g)** om die gelde van die koöperasie wat nie onmiddellik benodig word nie veilig te belê;
- [(1) (s)bis] (h)** om geld voor te skiet op produkte of lewende hawe of lewende hawe produkte wat aan hom afgelewer is;
- [(1) (s)ter] (i)** om geld voor te skiet op produkte wat nie aan hom afgelewer is nie, hetsy daardie produkte reeds voortgebring of ingesamel is of nog voortgebring of ingesamel moet word al dan nie, of op lewende hawe of lewende hawe produkte wat nie aldus afgelewer is nie;
- [(1) (t)] (j)** om, behoudens die bepalings van subartikel **[(2)] (3)**, namens of ten behoeve van 'n beherende raad wat 'n skema volgens die Bemarkingswet, **【1937】 1968**, of 'n wysiging daarvan, uitvoer, te handel met landbouprodukte, lewende hawe of lewende hawe produkte waarop daardie skema betrekking het, of dit te hanteer, op te berg of te behandel, en algemeen namens of ten behoeve van so 'n raad op te tree;
- [(1) (s)] (k)** om deur aankoping of ander wyse aandeel te verwerf in 'n sentrale of federale **【koöperatiewe landboumaatskappy】** landboukoöperasie of 'n sentrale of federale spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, of in 'n ander **【koöperatiewe landboumaatskappy】** landboukoöperasie met beperkte aanspreeklikheid of 'n spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie met beperkte aanspreeklikheid geregistreer ingevolge hierdie Wet of in 'n deur die Minister goedgekeurde **【koöperatiewe handelsvereniging】** handelskoöperasie of sentrale of federale **【koöperatiewe handelsmaatskappy】** handelskoöperasie of maatskappy met regs persoonlikheid en geregistreer ingevolge 'n ander wet: Met dien verstande dat die Minister na goedgekeurde enige voorwaardes waaronder die aandeel in sodanige maatskappy gehou mag word kan stel en dat hy kan bepaal watter aktiwiteite en waar dit deur die maatskappy verrig mag word solank die koöperasie aandeel daarin hou;
- (l)** om behoudens die bepalings van artikel *sew-en-twintig* van hierdie Wet lenings aan en waarborge namens ondernemings waarin die koöperasie aandeel opgeneem het te verskaf;
- (m)** om met goedkeuring van die Minister behuising- en ontspanningsfasiliteite aan sy werknemers te verskaf;

- [(1) (k)] (b) to engage **[competent]** persons to carry out any of its objects and to give advice to its members and others on farming operations;
- [(1) (l)] (c) to acquire and distribute information as to the best manner of carrying on farming operations profitably;
- [(1) (m)] (d) to acquire and distribute information on the markets of the world, and on co-operation in general;
- [(1) (n)] (e) to acquire by purchase or otherwise, and to hire, movable and immovable property for the better carrying on of any of the objects of the **[company]** co-operative and to dispose of or let such property;
- [(1) (q)] (f) to raise money on loan for any of the lawful objects of the company and for that purpose to mortgage the movable and immovable property of the **[company]** co-operative;
- (g) to invest safely those monies of the co-operative not immediately required;
- [(1) (s)bis] (h) to advance money to its members on produce or livestock or livestock products delivered by them to it;
- [(1) (s)ter] (i) to advance money to its members on produce not delivered by them to it, whether or not that produce has been or is still to be produced or gathered, or on livestock or livestock products not so delivered;
- [(1) (t)] (j) subject to the provisions of subsection [(2)] (3), to deal in, handle, store or treat for or on behalf of any regulatory board which administers a scheme under the Marketing Act, **[1937]** 1968, or any amendment thereof, any agricultural products, livestock or livestock products to which that scheme relates and generally to act for or on behalf of any such board; and
- [(1) (s)] (k) to acquire by purchase or otherwise shares in any central or federal **[co-operative agricultural company]** agricultural co-operative in any central or federal special **[farmers' special co-operative company]** farmers' co-operative formed under the provisions of Chapter VI of this Act, or in any other **[co-operative agricultural company]** agricultural co-operative, with limited liability or **[farmers' special co-operative company]** special farmers' co-operative with limited liability registered under this Act, or in any **[co-operative trading society]** trading co-operative or central or federal **[co-operative trading company]** trading co-operative approved by the Minister, or in a company incorporated and registered under any other Act and approved by the Minister: Provided that the Minister, in his discretion, may prescribe any conditions in respect of the holding of shares in such company and may prescribe those activities which, and the place where, those activities may be carried on by the company for such period as the co-operative holds shares therein;
- (l) to make loans to and provide guarantees in respect of, undertakings in which the co-operative has taken up shares, subject to the provisions of section *twenty-seven* of this Act;
- (m) to provide, if approved by the Minister, housing and recreational facilities to its employees;

(n) om alle ander bevoegdhede wat volgens oordeel van die Minister aan die verwesenliking van sy doelstellings verbonde is of daartoe sal bydra uit te oefen.

【(2)】 (3) Die totaalbedrag van—

- (a) die gesamentlike bedrag waarvoor gedurende 'n boekjaar landbouprodukte en lewende hawe gekoop word deur 'n spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie van persone wat nie lede daarvan is nie;
- (b) die gesamentlike bedrag waarvoor gedurende daardie boekjaar boerderybenodigdhede deur bedoelde maatskappy verkoop word aan persone wat nie lede daarvan is nie; en
- (c) die gesamentlike waarde van die dienste verrig gedurende daardie boekjaar deur bedoelde **【maatskappy】** koöperasie ten behoeve van persone wat nie lede daarvan is nie,

mag nie, sonder skriftelike toestemming van die Minister die totale waarde van daardie **【maatskappy】** koöperasie se besigheid met sy lede gedurende daardie boekjaar of so 'n meerdere of mindere persentasie daarvan as wat die Minister mag bepaal te bowe gaan nie.

【(3)】 (4) 'n Spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie is nie bevoeg om die wins, of 'n deel daarvan, wat ontstaan as gevolg van sy werksaamhede in die loop van enige boekjaar, onder persone wat nie lede van die **【maatskappy】** koöperasie is nie te verdeel nie.

Doeleindes waarvoor 'n koöperatiewe deelgenootskap opgerig kan word.

7. (1) Behoudens die bepalings van hierdie Wet kan 'n koöperatiewe deelgenootskap vir een of meer van die volgende doeleindes opgerig word—

- (a) om volgens 'n koöperatiewe stelsel een of meer van die produksie-aktiwiteite of boerderywerksaamhede van sy lede geheel of gedeeltelik te onderneem;
- (b) om ten behoeve van sy lede landbougereedskap en -masjinerie aan te koop, of op 'n ander wyse te verkry of te huur en te gebruik;
- (c) om boerderybenodigdhede aan te koop of op 'n ander wyse te verkry en ten behoeve van sy lede te gebruik;
- (d) om beskermende klere en toerusting, nodig vir boerderydoeleindes aan te koop of op ander wyse te verkry en ten behoeve van sy lede te gebruik;
- (e) om ten behoeve van sy lede die reparasie van landbougereedskap en masjinerie te onderneem;
- (f) om krag en water en die nodige benodigdhede daarvoor ten behoeve van sy lede aan te koop of op ander wyse te verkry en te gebruik;
- (g) om ten behoeve van sy lede aanteelnee aan te koop of op 'n ander wyse te verkry en te gebruik en te beheer;
- (h) om alle ander dinge te doen wat volgens oordeel van die Minister aan die verwesenliking van bovermelde doeleindes verbonde is of daartoe sal bydra.

(2) Behoudens die bepalings van hierdie Wet besit elke koöperatiewe deelgenootskap, behalwe die bevoegdhede wat uitdruklik uitgesluit of gekwalifiseer word in sy statuut, die volgende bevoegdhede om hom in staat te stel om sy doelstellings te verwesenlik—

- (a) om persone aan te stel om sy doeleindes uit te voer en sy lede te onderrig en met advies te dien aangaande boerdery;
- (b) om inligting in te win aangaande die beste manier om op voordelige wyse te boer;
- (c) om roerende en onroerende goed te verkry deur aankoop of op ander wyse, en te huur, ten einde een of ander doel van die koöperasie beter te kan uitvoer en om sulke goed van die hand te sit of te verhuur;

- (n) to exercise all other powers as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.

**[(2)] (3)** The sum of—

- (a) the aggregate amount for which agricultural products and livestock are purchased during any financial year by a **farmers' special co-operative company** special farmers' co-operative from persons who are not members thereof;
- (b) the aggregate amount for which farming requisites are sold during that financial year by that **company** co-operative to persons who are not members thereof; and
- (c) the aggregate value of the services rendered during that financial year by that **company** co-operative to persons who are not members thereof, shall not, except with the Minister's written consent, exceed the aggregate value of that co-operative's business with its members during that financial year or such higher or lower percentage thereof as the Minister may prescribe.

**[(3)] (4)** It shall not be competent for a **farmers' special co-operative company** special farmers' co-operative to distribute the gain, or any part thereof, resulting from its operations during any financial year, amongst persons who are not members of the **company** co-operative.

7. (1) A co-operative partnership may, subject to the provisions of this Act, be formed for any or all of the following objects—

Objects for which a co-operative partnership may be formed.

- (a) to undertake wholly or partly one or more of the production activities or farming operations of its members;
- (b) to purchase or otherwise acquire or to hire, and to use on behalf of its members, agricultural implements or machinery;
- (c) to purchase or otherwise acquire farming requisites and to use same on behalf of its members;
- (d) to purchase or otherwise acquire and to use on behalf of its members protective clothing and equipment required for farming;
- (e) to repair agricultural implements and machinery for its members;
- (f) to purchase or otherwise acquire power and water and the requisites necessary therefor on behalf of its members;
- (g) to purchase or otherwise acquire or to hire, and to use and control on behalf of its members, breeding stock;
- (h) to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.

(2) Subject to the provisions of this Act, every co-operative partnership shall have, except for those powers expressly excluded or qualified in its regulations, the following powers to enable it to realize its objects—

- (a) to appoint persons to carry out any of its objects and to give advice to its members on farming operations;
- (b) to acquire information as to the best manner of carrying on farming operations profitably;
- (c) to acquire by purchase or otherwise, and to hire, movable and immovable property for the better carrying out of any of the objects of the co-operative and to dispose of or let such property;



- (d) om geld op lening op te neem vir enigeen van die wettige doeleindes van die koöperasie en ten dien einde die roerende en onroerende goed van die koöperasie te verhipotekeer;
- (e) om deur aankoop of ander wyse aandele te verwerf in 'n landboukoöperasie of spesiale boerekoöperasie of handelskoöperasie met beperkte aanspreeklikheid geregistreer kragtens hierdie Wet;
- (f) om met die goedkeuring van die Minister behuisings- en ontspanningsfasiliteite aan sy werknemers te voorsien;
- (g) om alle ander bevoegdhede, wat volgens oordeel van die Minister aan die verwesenliking van sy doelstellingen verbonde is of daartoe sal bydra uit te oefen.

Verduideliking van uitdrukkings in artikels vyf tot sewe.

8. By die toepassing van artikels vyf, ses en sewe, tensy die **[regulasies]** statuut van die betrokke koöperasie anders bepaal, beteken—

„van die hand te sit” (met betrekking tot landbouprodukte of lewende hawe of lewendehaweprodukte en „aan te koop of op ander wyse te verkry” (met betrekking tot **[landbougereedskap en -masjinerie, lewende hawe of aanvee, voedingstowwe, saad, vrugtebome, mistowwe en ander]** boerderybenodigdhede, ook te ontvang en te bewaar, agentskappe te stig in die **[Unie]** Republiek en in ander lande, vrag en verskeping te reël, en vervoer op land te reël, kontrakte aan te gaan, en die nakoming van verpligtings kragtens kontrakte te waarborg;

**[„landbougereedskap en -masjinerie”]** „boerderybenodigdhede” ook voertuie bedoel om deur diere getrek te word of meganies voortbeweeg te word, en ingerig of bestem vir die vervoer van persone of goedere, en onderdele en toebehore van sulke voertuie; asook

**[„boerderybenodigdhede”, ook]** brandstof en smeergoed en olie bestem vir gebruik in **[verband met voertuie bedoel in die laasvooraangaande woordomskrywing.]** sulke voertuie.

Transaksies deur koöperasies met ander koöperasies.

9. (1) Wanneer die doeleindes van 'n **[koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging]** landboukoöperasie of spesiale boerekoöperasie bestaan uit transaksies wat in artikel **[ses]** vyf of **[sewe]** ses **[of elf]**, na gelang van die geval, beskrywe word, word dergelyke transaksies met ander **[koöperatiewe landbouverenigings of koöperatiewe landboumaatskappye of spesiale koöperatiewe boeremaatskappye of koöperatiewe handelsverenigings]** landboukoöperasies of spesiale boerekoöperasies geag onder sy wettige doeleindes inbegrepe te wees.

(2) Wanneer die doeleindes van 'n handelskoöperasie bestaan uit transaksies wat in artikel elf beskrywe word, word dergelyke transaksies met ander handelskoöperasies geag onder sy wettige doeleindes inbegrepe te wees.

Van die hand sit deur koöperasies van produkte wat Staatseigendom is of voortgebring is in Staatsinrigtings.

10. (1) Wanneer 'n **[koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy]** landboukoöperasie of spesiale boerekoöperasie onder meer ten doel het om ten behoeve van sy lede enige soort produkte of lewende hawe van die hand te sit, word dit een van die wettige doeleindes van bedoelde **[vereniging of maatskappy]** koöperasie geag om ook sodanige produkte of lewende hawe wat die eiendom van die Staat is of wat voortgebring of geteel is in 'n inrigting of op grond wat deur die Regering beheer word (hierna genoem 'n staatsinrigting) van die hand te sit.



- (d) to raise money on loan for any of the lawful objects of the co-operative and for that purpose to mortgage the movable and immovable property of the co-operative;
- (e) to acquire by purchase or otherwise shares in an agricultural co-operative or special farmers' co-operative or trading co-operative with limited liability registered under this Act;
- (f) to provide, if approved by the Minister, housing and recreational facilities to its employees;
- (g) to exercise all other powers as in the opinion of the Minister, are incidental or conducive to the attainment of any of the above-mentioned objects.

8. For the purposes of sections five, six and seven, unless otherwise provided in the regulations of the **[society or company]** co-operative concerned—

Interpretation of terms in sections 5 to 7.

“to dispose of” (in relation to agricultural products or livestock or livestock products) and “to purchase or otherwise acquire” in relation to **[agricultural implements and machinery, livestock or breeding stock, feeding stuffs, seeds, fruit trees, manure and other]** farming requisites includes receiving and storing, establishing agencies in the **[Union]** Republic and other countries, arranging freight and shipping and arranging transport by land, entering into contracts, and guaranteeing the performance of obligations under contract;

**[“agricultural implements and machinery”]** farming requisites includes vehicles designed to be drawn by animals or to be mechanically propelled and adapted or intended for the conveyance of persons or goods, and parts and accessories of any such vehicles; **[“farming requisites” includes]** as well as fuel and grease and oil intended for use in **[connection with any such vehicles as are referred to in the last preceding definition]** such vehicles;

9. (1) Whenever any of the objects of **[a co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company or co-operative trading society]** an agricultural co-operative or special farmers' co-operative are such dealings as are described in sections **[six]** five or **[seven]** six [or eleven], as the case may be, similar dealings with other **[co-operative agricultural societies or co-operative agricultural companies or farmers' special co-operative companies or co-operative trading societies]** agricultural co-operatives or special farmers' co-operatives shall be deemed to be included among its lawful objects.

Dealings by co-operatives with other co-operatives.

(2) When the objects of a trading co-operative are those described in section eleven such transactions with other trading co-operatives shall be considered to be included in its lawful objects;

10. (1) Whenever **[a co-operative agricultural society or company or farmers' special co-operative company]** an agricultural co-operative or special farmers' co-operative has as one of its objects the disposal on behalf of its members of any kind of produce or livestock, the disposal of any such produce or livestock which is owned by the State or which has been produced or raised in an institution or on land controlled by the Government (hereinafter referred to as a State-owned institution) shall be deemed to be one of the lawful objects of such **[society or company]** co-operative.

Disposal by co-operatives of produce owned by the State or produced in State-owned institutions.

(2) Wanneer met produkte of lewende hawe wat die eiendom van die Staat of in 'n staatsinrigting voortgebring of geteel is, gehandel word ingevolge subartikel (1), dan is die Staat, wat betref die lewering van die produkte of lewende hawe aan en die verkoop daarvan deur die betrokke **[vereniging of maatskappy]** koöperasie aan dieselfde voorwaardes en verpligtings onderworpe as wat dit sou gewees het as dit lid was van bedoelde **[vereniging of maatskappy]** koöperasie. Met dien verstande dat, as die **[regulasies]** statuut van 'n **[koöperatiewe landbouvereniging of -maatskappy]** of 'n **[spesiale koöperatiewe boeremaatskappy]** landboukoöperasie of **[spesiale boerekoöperasie]** bepaal dat sy lede ander vergoedings as geld moet ontvang vir produkte of lewende hawe deur hulle aan bedoelde **[vereniging of maatskappy]** koöperasie gelewer om ten behoeve van hulle van die hand gesit te word, vir die produkte of lewende hawe aldus aan bedoelde **[vereniging of maatskappy]** koöperasie gelewer uit 'n staatsinrigting (hetsy dit aldus ingevolge subartikel (1) of 'n ander wet gelewer word) nietemin met geld betaal moet word.

(3) Wanneer 'n landboukoöperasie of spesiale boerekoöperasie ten doel het die verskaffing van boerderybenodigdhede aan sy lede, word dit een van die wettige doeleindes van bedoelde koöperasie om ook sodanige boerderybenodigdhede wat plaaslik nie elders bekombaar is nie aan staatsinrigtings te verskaf. Met dien verstande egter dat sulke benodigdhede nie op grondslag van 'n tenderstelsel verskaf mag word nie.

Doeleindes waarvoor  
handelskoöperasie  
opgerig kan word.

11. (1) Behoudens die bepalinge van hierdie Wet, kan 'n **[koöperatiewe handelsvereniging]** handelskoöperasie met beperkte aanspreeklikheid **[vir een of meer van die volgende doeleindes]** opgerig word **[te wete]** om 'n besigheid of onderneming, deur sy **[regulasies]** statute veroorloof, te drywe volgens 'n koöperatiewe stelsel waarby die wins wat ontstaan as gevolg van sy werksaamhede onder sy lede verdeel word op die wyse **[soos]** bepaal in sy **[regulasies]** statuut nadat **[die]** voorsiening gemaak is vir reserve**[fondse]**s of vir liefdadigheids-, weldadigheids-, opvoedkundige of ander dergelyke doeleindes wat ooreenkomstig sy **[regulasies]** statuut deur die lede goedgekeur mag word.

(2) Behoudens die bepalinge van hierdie Wet besit elke handelskoöperasie, behalwe die bevoegdhede wat uitdruklik uitgesluit of gekwalifiseer word in sy statuut, die volgende bevoegdhede om hom in staat te stel om sy doelstellings te verwesenlik—

**[(b)] (a)** om inligting aangaande die wêreldmarke en aangaande koöperatiewe handel in die algemeen in te win en te versprei;

**[(c)] (b)** om in die **[Unie]** Republiek en in ander lande agentskappe te stig ten einde een of ander doel van die **[vereniging]** koöperasie beter te kan uitvoer;

**[(d)] (c)** om roerende en onroerende goed te verkry deur aankoop of op ander wyse, en te huur, ten einde een of ander doel van die **[vereniging]** koöperasie beter te kan uitvoer, en om sulke goed van die hand te sit of te verhuur;

**[(e)] (d)** om geld op lening op te neem vir enigeen van die wettige doeleindes van die **[vereniging]** koöperasie en te dien einde die roerende en onroerende goed van die **[vereniging]** koöperasie te verhipoteker;

**(e)** om die gelde van die koöperasie wat nie onmiddellik benodig word nie veilig te belê;

**(f)** om deur aankoping of op ander wyse aandele te verwerf in 'n sentrale **[koöperatiewe handelsver-**

(2) Whenever any produce or livestock owned by the State or produced or raised in a State-owned institution is dealt with under subsection (1), the State shall, in respect of the delivery of such produce or livestock to, and the sale thereof by, the **【society or company】** co-operative concerned, be subject to all such conditions and obligations as it would have been subject to had it been a member of such **【society or company】** co-operative: Provided that if the regulations of any **【co-operative agricultural society or company or farmers' special co-operative company】** agricultural co-operative or special farmers' co-operative provide that its members shall receive any other consideration than money for any produce or livestock supplied by them to such **【society or company】** co-operative for disposal on their behalf, the produce or livestock so supplied to such **【society or company】** co-operative from any State-owned institution (whether so supplied under subsection (1) or any other law) shall nevertheless be paid for in money.

(3) When one of the objects of an agricultural co-operative or special farmers' co-operative is the supply of farming requisites to its members, the supply of such farming requisites as are not readily obtainable locally, to State institutions, shall be deemed one of the lawful objects of such co-operative: Provided that such farming requisites shall not be supplied on a tender basis.

11. (1) A **【co-operative trading society】** trading co-operative with limited liability may, subject to the provisions of this Act, be formed **【for all or any of the following objects】** to carry on any business or undertaking authorized by its regulations, under a co-operative system whereby the gain resulting from its operations is distributed amongst its members in the manner provided by its regulations, after making such provision for reserves, or for charitable, benevolent, educational or other similar objects as may be approved by its members in accordance with its regulations.

Objects for which trading co-operatives may be formed.

(2) Subject to the provisions of this Act every trading co-operative shall have, excluding those powers which are expressly excluded or qualified by its regulations, the following powers to enable it to realize its objects—

- 【(b)】** (a) to acquire and distribute information as to the markets of the world and as to co-operative trading in general;
- 【(c)】** (b) to establish agencies in the **【Union】** Republic and other countries for the better carrying on of any of the objects of the **【society】** co-operative;
- 【(d)】** (c) to acquire by purchase or otherwise, and to hire, movable and immovable property for the better carrying on of any of the objects of the **【society】** co-operative, and to dispose of or let such property;
- 【(e)】** (d) to raise money on loan for any of the lawful objects of the **【society】** co-operative, and for that purpose to mortgage the movable and immovable property of the **【society】** co-operative;
- (e) to invest safely those monies of the co-operative not immediately required;

- (f) to acquire by purchase or otherwise shares in any central **【co-operative trading company】** trading

**eniging**] handelskoöperasie opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, of in 'n ander **koöperatiewe handelsvereniging**] handelskoöperasie geregistreer ingevolge hierdie Wet of in 'n deur die Minister goedgekeurde landboukoöperasie of spesiale boerekoöperasie of sentrale landboukoöperasie of sentrale spesiale boerekoöperasie geregistreer ingevolge hierdie Wet of 'n maatskappy bekleed met regs persoonlikheid en geregistreer ingevolge 'n ander Wet; Met dien verstande dat die Minister na goeë dunnke enige voorwaardes waaronder die aandele in sodanige maatskappy gehou mag word kan stel en dat hy kan bepaal watter aktiwiteite en waar deur die maatskappy verrig mag word solank die koöperasie aandele daarin hou;

- (g) om behoudens die bepalings van artikel sewen-twintig van hierdie Wet lenings aan en waarborge namens ondernemings waarin die koöperasie aandele opgeneem het te verskaf;
- (h) om met die goedkeuring van die Minister behuissings- en ontspanningsfasiliteite aan sy werknemers te voorsien;

**[(1) (g)] (i)** Om alle ander dinge te doen wat volgens oordeel van die Minister aan die verwesenliking van die **bovermelde**] doeleindes en bevoegdhede van die koöperasie verbonde is of daartoe sal bydra.

**[(2)] (3)** 'n **koöperatiewe handelsvereniging**] Handelskoöperasie is nie bevoeg—

- (a) om die wins, of 'n deel daarvan, wat ontstaan as gevolg van sy werksaamhede in die loop van 'n boekjaar, onder persone wat nie lede van die **vereniging**] koöperasie is nie te verdeel nie; of
- (b) om ten behoeve van lede hul landbrouprodukte of lewende hawe of lewendehaweprodakte van die hand te sit nie.

## HOOFSTUK II

### REGISTRASIE VAN KOÖPERASIES

Stappe wat die verkryging van registrasie moet voorafgaan.

12. (1) Behoudens die bepalings van artikels **een-en-negentig, twee-en-negentig** en **drie-en-negentig**] **een-honderd-en-twee** tot **een-honderd-en-vyf** word geen **koöperatiewe landbouvereniging** met onbeperkte aanspreeklikheid of koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid of koöperatiewe handelsvereniging met beperkte aanspreeklikheid na die inwerkingtreding van hierdie Wet] koöperasie geregistreer nie, tensy daar eers 'n vergadering gehou is waarop die aantal persone aanwesig was wat bevoeg is om **koöperatiewe landbouvereniging** of koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging (na gelang van die geval)] so 'n koöperasie op te rig, en waaraan voorgelê is—

- (a) 'n skriftelike uiteensetting van die doeleindes en bevoegdhede van die **vereniging of maatskappy**] koöperasie, sy besigheidsvooruitsigte en feite en statistiese gegewens bereken om aan te toon dat die **vereniging of maatskappy**] koöperasie na registrasie in staat sal wees om sy doel te bereik;
- (b) 'n afskrif van die **regulasies**] statute wat **voorgeneem is**] beoog word om vir registrasie aan **te bied**] gebied te word.



co-operative formed under the provisions of Chapter VI of this Act, or in any other **co-operative trading society** trading co-operative registered under this Act or, on approval by the Minister in an agricultural co-operative or special farmers' co-operative or central agricultural co-operative or special farmers' co-operative registered under this Act or a company incorporated and registered under any other Act: Provided that the Minister, in his discretion, may prescribe any conditions in respect of the holding of shares in such company and may prescribe those activities which, and the place where, those activities may be carried on by the company.

- (g) to make loans to and provide guarantees in respect of, undertakings in which the co-operative has taken up shares, subject to the provisions of section *twenty-seven* of this Act;
- (h) to provide, if approved by the Minister, housing and recreational facilities, to its employees;

**[(1) (g)] (i)** to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the **above-mentioned** objects and powers of the co-operative.

**[(2) (3)]** It shall not be competent for a **co-operative trading society** trading co-operative—

- (a) to distribute the gain, or any part thereof, resulting from its operations during any financial year, amongst persons who are not members of the **society** co-operative; or
- (b) to dispose of the agricultural produce or livestock of its members on their behalf.

## CHAPTER II

### REGISTRATION OF CO-OPERATIVES

12. (1) Subject to the provisions of sections **ninety-one, ninety-two and ninety-three** *one hundred and two to one hundred and five* no **co-operative agricultural society with unlimited liability or co-operative agricultural company with limited liability or farmers' special co-operative company with limited liability or co-operative trading society with limited liability**, co-operative shall, after the commencement of this Act, be registered unless there has first been held a meeting at which there has been present the number of persons competent to form **co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company or co-operative trading society (as the case may be)**, such a co-operative and at which there has been presented—

Preliminary procedure prior to obtaining registration.

- (a) a written statement showing the objects of the **society or company** co-operative, its business prospects, and facts and statistics calculated to show that, when registered, it will be able to carry out its objects successfully;
- (b) a copy of the regulations which it is proposed to tender for registration.



(2) Indien elkeen van so 'n aantal bevoegde persone as wat in staat is om **['n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy of spesiale koöperatiewe boere-maatskappy of koöperatiewe handelsvereniging (na gelang van die geval)]** so 'n koöperasie op te rig, nadat hulle bedoelde uiteensetting en regulasies oorweeg het, 'n aansoek om lidmaatskap van die voorgestelde **['vereniging of maatskappy]** koöperasie onderteken, gaan daardie persone oor tot die verkiesing van die eerste direkteure van die **['vereniging of maatskappy]** koöperasie ooreenkomstig die bepalinge van artikel *twee-en-dertig* en die *60* bedoelde regulasies.

(3) 'n persoon wat 'n aansoek om lidmaatskap van die voorgestelde koöperasie onderteken het word by die registrasie van die koöperasie kragtens artikel *sewentien* van hierdie Wet, *ipso facto* 'n lid van die koöperasie tensy dit later sou blyk dat so 'n persoon ingevolge die bepalinge van hierdie Wet of die statuut van die koöperasie nie kwalifiseer vir lidmaatskap van die koöperasie nie.

(4) Die direkteure, kragtens subartikel (2) verkies, moet by 'n bankinstelling geregistreer kragtens die Bankwet, 1965 (Wet No. 23 van 1965), in die Republiek 'n lopende rekening in die naam van die voorgestelde koöperasie open waarin alle gelde namens die voorgestelde koöperasie ontvang so spoedig moontlik na ontvangs daarvan gestort word. Indien die voorgestelde koöperasie nie kragtens artikel *sewentien* van hierdie Wet geregistreer word nie en die direkteure aldus skriftelik deur die registrateur daarvan verwittig is, word alle gelde aan die persone aan wie dit toekom terugbetaal.

Aansoek om  
registrasie.

13. (1) (a) Binne twee maande na die vergadering waarop die stappe bedoel in artikel *twaalf* geneem is, word in die vorm deur die Minister van tyd tot tyd voorgeskrywe by die registrateur aansoek gedoen vir die registrasie van die **['vereniging of maatskappy]** koöperasie kragtens hierdie Wet.

(b) Enige aansoek wat na twee maande na die datum van in paragraaf (a) bedoelde vergadering ontvang word, word nie vir die registrasie van 'n koöperasie in aanmerking geneem nie.

(2) Genoemde aansoek moet van onderstaande stukke vergesel gaan—

(a) 'n plechtige verklaring afgelê deur die persone wat onderskeidelik as voorsitter en sekretaris opgetree het op vermelde vergadering, dat aan al die vereistes, van hierdie Wet wat betref die sake wat die registrasie van 'n **['vereniging of maatskappy]** koöperasie voorafgaan en wat daarmee in verband staan, voldoen is, en bedoelde verklaring kan deur die registrateur as afdoende bewys van sodanige voldoening aangeneem word;

(b) 'n afskrif van die in artikel *twaalf* bedoelde uiteensetting;

(c) twee afskrifte van die voorgestelde **['regulasies]** statuut onderteken deur minstens sewe applikante vir lidmaatskap (of in die geval van 'n koöperatiewe deelgenootskap deur minstens twee applikante vir lidmaatskap of in die geval van 'n **['koöperatiewe handelsvereniging]** handelskoöperasie deur minstens vyf-en-twintig applikante vir lidmaatskap: Met dien verstande dat bedoelde **['regulasies]** statuut wettiglik deur sewe of meer applikante vir lidmaatskap onderteken mag word indien die **['vereniging]** handelskoöperasie opgerig word met die doel om een of ander handelsartikel volgens 'n koöperatiewe stelsel te vervaardig en van die hand te sit), die handtekening van elkeen van wie deur minstens een getuie gewaarmerk is. In die geval van 'n sentrale of federale **['koöperatiewe maatskappy]** koöperasie

(2) If, after consideration of such statement and such regulations, each of such a number of qualified persons as is competent to form **[a co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company or co-operative trading society (as the case may be)]** such a co-operative signs an application for membership in the proposed **[society or company]** co-operative, those persons shall proceed to elect the first directors of the **[society or company]** co-operative, in accordance with the provisions of section thirty-two and the regulations above referred to.

(3) A person who has signed an application for membership of the proposed co-operative becomes, *ipso facto*, on registration of the co-operative in terms of section seventeen of this Act, a member of the co-operative unless it shall later appear that such person, in terms of the provisions of this Act or the regulations of the co-operative, is disqualified for membership of the co-operative.

(4) the directors elected in terms of subsection (2) shall open a current account in the name of the proposed co-operative at a bank registered under the Banks Act, 1965 (Act No. 23 of 1965) and all monies received on behalf of the proposed co-operative shall, as soon as possible after receipt thereof, be deposited therein. If the proposed co-operative is not registered in terms of section seventeen of this Act and the directors are notified accordingly in writing by the registrar, all monies shall be refunded to the persons to whom it belongs.

13. (1) (a) Within two months after the meeting at which the steps referred to in section twelve were taken, application shall be made to the registrar, in the form from time to time prescribed by the Minister, for the registration of the **[society or company]** co-operative under this Act. Application for registration.

(b) Any application received by the registrar after two months from the date of the meeting referred to in paragraph 12 shall not be taken into consideration for the registration of a co-operative.

(2) The said application shall be accompanied by the following documents—

- (a) a solemn declaration, made by the persons who acted as chairman and secretary respectively at the said meeting, of compliance with all the requirements of this Act in respect of matters precedent to the registration of a **[society or company]** co-operative and incidental thereto, which declaration may be accepted by the registrar as sufficient evidence of compliance;
- (b) a copy of the statement referred to in section twelve;
- (c) two copies of the proposed regulations signed by not less than seven applicants for membership (or in the case of a co-operative partnership by not less than two applicants for membership or in the case of a **[co-operative trading society]** trading co-operative by not less than twenty-five applicants for membership: Provided that if such **[society]** trading co-operative is formed for the purpose of manufacturing and disposing of any commodity under a co-operative system, they may lawfully be signed by seven or more applicants for membership), each of whose signatures shall be attested by at least one witness. In the case of a central or federal

opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, moet bedoelde **[regulasies]** statuut op die voorvermelde wyse onderteken word deur die behoorlik gemagtigde verteenwoordigers van minstens twee van die applikante vir lidmaatskap;

(d) 'n lys bevattende—

- (i) in die geval van 'n **[koöperatiewe landbouvereniging]** landboukoöperasie met onbeperkte aanspreeklikheid of 'n koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid, die volle name, handtekeninge, beroepe en adresse van die applikante vir lidmaatskap;
- (ii) in die geval van 'n **[koöperatiewe landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid, of 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid of 'n koöperatiewe deelgenootskap met beperkte aanspreeklikheid, of 'n **[koöperatiewe handelsvereniging]** handelskoöperasie met beperkte aanspreeklikheid, die volle name en adresse en, in die geval van 'n **[koöperatiewe landboumaatskappy]** of 'n **[koöperatiewe boeremaatskappy]** landboukoöperasie of spesiale boerekoöperasie of koöperatiewe deelgenootskap ook die beroepe van die applikante vir lidmaatskap, en die getal aandeel waarvoor elkeen van hulle ingeteken het;
- (e) 'n lys met besonderhede van uitgawes en skulde deur die **[vereniging of maatskappy]** koöperasie gemaak tot op die datum waarop die aansoek om registrasie aan die registrateur gestuur word;
- (f) 'n lys aantonende die datum waarop elke aansoek om lidmaatskap gedoen is en, in die geval van 'n **[vereniging of maatskappy]** koöperasie met beperkte aanspreeklikheid, die bedrag deur elke applikant vir lidmaatskap betaal op die aandeel waarvoor hy ingeteken het;
- (g) die kennisgewing wat ingevolge artikel *honderd-en-vyf* **[sestien]** gegee moet word van die adres van die geregistreerde kantoor van die **[vereniging of maatskappy]** koöperasie;
- (h) 'n afskrif van die kontrak, waar van toepassing, wat kragtens artikel *sestien* van hierdie Wet aangegaan is.

(3) Ingeval van versuim om te voldoen aan die bepalings van subartikel (1) is elke direkteur en elke beampte van die **[vereniging of maatskappy]** koöperasie aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[vyftig pond]** vyftig rand.

#### Modelstatuut.

14. (1) Die Minister kan **[by]** deur kennisgewing in die Staatskoerant **[modelregulasies]** modelstatute, wat nie met hierdie Wet teenstrydig is nie, vir die verskillende tipe koöperasies voorskrywe.

- [(a)]** koöperatiewe landbouverenigings; of
- [(b)]** koöperatiewe landboumaatskappye; of
- [(c)]** spesiale koöperatiewe boeremaatskappye; of
- [(d)]** koöperatiewe handelsverenigings.]

(2) 'n **[Vereniging of maatskappy]** Koöperasie ten opsigte waarvan registrasie ingevolge hierdie Wet voorgestel word, kan enigeen van of al die aldus voorgeskrewe **[modelregulasies]** bepalings van die toepaslike modelstatuut wat dan van krag is as **[sy]** die bepalings van sy **[regulasies]** statuut aanneem.

(3) Wanneer 'n **[vereniging of maatskappy]** koöperasie kragtens hierdie Wet geregistreer is, word die aldus voorgeskrewe **[modelregulasies]** toepaslike modelstatuutbepalings wat dan van krag is, vir sover die **[regulasies]** statuut, vir registrasie

co-operative **[company]** formed under the provisions of Chapter VI of this Act, such regulations shall be signed as aforesaid by the duly authorized representatives of at least two of the applicants for membership;

- (d) a list containing—
  - (i) in the case of **[a co-operative agricultural society]** an agricultural co-operative with unlimited liability, or a co-operative partnership with unlimited liability, the full names, signatures, occupations and addresses of the applicants for membership;
  - (ii) in the case of **[a co-operative agricultural company]** an agricultural co-operative with limited liability or a [farmers'] special [co-operative company] farmers' co-operative with limited liability or a co-operative partnership with limited liability, or a [co-operative] trading [society] co-operative with limited liability, the full names, addresses, and in the case of **[a co-operative agricultural company or a farmers' special co-operative company]** an agricultural co-operative or special farmers' co-operative or co-operative partnership, also the occupations of the applicants for membership, and the number of shares subscribed for by each of them;
- (e) a detailed list of the expenses and liabilities incurred by the **[society or company] co-operative** up to the date of the transmission to the registrar of the application for registration;
- (f) a list showing the date upon which each application for membership was made, and in the case of a **[society or company] co-operative** with limited liability, the amount paid by each applicant for membership in respect of the shares subscribed by him;
- (g) the notice which is required to be given by section *one hundred and [five] sixteen* of the situation of the registered office of the **[society or company] co-operative**;
- (h) a copy of the contract entered into in terms of section *sixteen* of this Act, where applicable.

(3) In the event of non-compliance with any of the provisions of subsection (1), every director and every officer of the **[society or company] co-operative** shall be guilty of an offence and liable on conviction to a fine not exceeding **[fifty pounds]** fifty rand.

14. (1) The Minister may by notice in the *Gazette* prescribe Model regulations. model regulations not inconsistent with this Act for the different types of co-operatives.

- [(a) co-operative agricultural societies;**
- (b) co-operative agricultural companies;**
- (c) farmers' special co-operative companies; or**
- (d) co-operative trading societies.]**

(2) Any **[society or company] co-operative** which it is proposed to register under this Act may adopt as its regulations all or any of the provisions of the applicable model regulations so prescribed and in force at the time.

(3) Upon any registration under this Act of a **[society or company] co-operative**, in so far as any regulations tendered for registration are not inconsistent with or do not exclude or modify the model regulations so prescribed and in force at the time, such



aangebied nie daarmee onbestaanbaar is of hulle uitsluit of wysig nie, geag deel uit te maak van die **[regulasies]** statuut van daardie **[vereniging of maatskappy]** koöperasie, op dieselfde wyse en in dieselfde mate asof hulle in die aangebode **[regulasies]** statuut vervat was.

(4) Geen wysiging, aanvulling of herroeping van die **[modelregulasies]** modelstatuutbepalings is van toepassing op 'n **[vereniging of maatskappy]** koöperasie opgerig voor publikasie in die Staatskoerant van die kennisgewing wat bedoelde wysiging, aanvulling of herroeping uiteensit nie, tensy die wysiging, aanvulling of herroeping deur die **[vereniging of maatskappy]** koöperasie aangeneem word op 'n algemene vergadering ooreenkomstig die bepalinge van artikel **[negentien]** twintig.

Inhoud van statuut.

15. (1) Die **[regulasies]** statuut moet verdeel word in paragrawe wat agtereenvolgend genommer is en moet onder meer vermeld—

- (a) die voorgestelde naam van die **[vereniging of maatskappy]** koöperasie waarvan die woord „koöperatiewe” of „koöperatief” of „koöperasie” deel moet uitmaak. In die geval van 'n **[koöperatiewe maatskappy of vereniging]** koöperasie met beperkte aanspreeklikheid moet die woord „Beperk” die laaste woord van sy naam uitmaak;
- (b) waar die kantoor en enige takke en depots van die **[vereniging of maatskappy]** koöperasie gevestig sal wees;
- (c) die doeleindes en bevoegdhede van die **[vereniging of maatskappy]** koöperasie;
- (d) die tydperk (as daar so 'n tydperk is) waarvoor die **[vereniging of maatskappy]** koöperasie opgerig gaan word;
- (e) of die aanspreeklikheid van lede beperk of onbeperk is;
- (f) die wyse waarop die kapitaal van die **[vereniging of maatskappy]** koöperasie opgeneem of verkry moet word;
- (g) die wyse waarop die wins wat **[mog]** mag ontstaan uit die werksaamhede van die **[vereniging of maatskappy]** koöperasie onder lede verdeel moet word; en, in die geval van **[koöperatiewe landbouverenigings]** koöperasie met onbeperkte aanspreeklikheid, die wyse waarop 'n verlies aan die einde van die boekjaar vereffen moet word; en, **[in die geval van 'n koöperatiewe landboumaatskappy]** opgerig vir die doeleindes vermeld in paragraaf (s) van subartikel (1) van artikel ses, moet die regulasies bepaal dat die wins wat ontstaan as gevolg van die werksaamhede van die maatskappy in die loop van enige boekjaar van die maatskappy, nadat behoorlik voorsiening gemaak is vir die afname in waarde van die bates van die maatskappy en vir onbepaalde of voorwaardelike aanspreeklikheid of verlies as volg bestee moet word—
  - (i) aan die lede van die maatskappy moet rente (teen 'n koers van hoogstens agt persent per jaar) betaal word op die bedrae deur hulle op hul onderskeidelike aandele betaal;
  - (ii) indien daar na betaling van rente ingevolge paragraaf (i) 'n oorskot beskikbaar is, moet daarvan soveel as die direkteure van die maatskappy vasstel (of sodanige bedrag, groter as die bedrag deur die direkteure vasgestel, as wat die lede van die maatskappy op 'n algemene vergadering bepaal) in die reserwefonds van die maatskappy gestort word;



model regulations shall be deemed to form part of the regulations of that **[society or company] co-operative**, in the same manner and to the same extent as if they were contained in the regulations tendered.

(4) No alteration of, addition to, or rescission of the provisions of the model regulations shall apply to any **[society or company] co-operative** established prior to the publication in the *Gazette* of the notice containing such alteration, addition or rescission, unless the alteration, addition or rescission is adopted by the **[society or company] co-operative** in general meeting in accordance with the provisions of section ~~nineteen~~ twenty.

15. (1) The regulations shall be divided into paragraphs numbered consecutively, and shall set forth, *inter alia*— Contents of regulations.

- (a) the proposed name of the **[society or company] co-operative**, with the word "co-operative" as part of its name. In the case of a co-operative **[company or society]** with limited liability the word "limited" shall form the last word in its name;
- (b) where the office and any branches and depots of the **[society or company] co-operative** are to be situate;
- (c) the objects and powers of the **[society or company] co-operative**;
- (d) the period (if any) for which the **[society or company] co-operative** is to be established;
- (e) whether the liability of members is limited or unlimited;
- (f) the manner in which the capital of the **[society or company] co-operative** is to be raised or procured;
- (g) the manner in which the gain which may result from the transactions of the **[society or company] co-operative** shall be distributed amongst members; and, in the case of **[co-operative agricultural societies] co-operatives with unlimited liability**, the manner in which any loss at the end of the financial year shall be made good; **[and, in the case of a co-operative agricultural company formed for the objects set forth in paragraph (s) of subsection (1) of section six, the regulations shall provide that, after due provision has been made for the depreciation of the company's assets and for any unascertained or contingent liability or loss, the gain resulting from the operations of the company during any financial year of the company shall be applied in the following manner—**
  - (i) the members of the company shall be paid interest (not exceeding the rate of eight per cent per annum) on the amount paid up by them on their respective shares;
  - (ii) if after the payment of interest in terms of paragraph (i) any balance is available, so much thereof as may be fixed by the directors of the company (or such larger amount than the amount fixed by the directors as may be determined by the members of the company in general meeting) shall be paid into the reserve fund of the company;

- (iii) indien daar na betaling van die bedrae vermeld in paragrafe (i) en (ii) nog 'n oorskot beskikbaar is, word dit gelykop verdeel onder al die lede van die maatskappy;]

moet die statuut bepaal dat die wins of surplus, voortvloeiende uit die werksaamhede van 'n koöperasie gedurende enige boekjaar, nadat voorsiening gemaak is vir waardevermindering van die eiendom van die koöperasie en vir enige onbepaalde of voorwaardelike aanspreeklikheid of verlies as volg aangewend sal word kragtens 'n besluit geneem op die jaarlikse algemene vergadering vir daardie boekjaar—

- (i) aan lede kan behoudens die bepalinge van paragraaf (b) van subartikel (2), rente betaal word (teen hoogstens 12 (twaalf) persent per jaar) op die bedrag wat hulle op hulle respektiewe aandele opbetaal het;
  - (ii) 'n bedrag wat nie minder mag wees as wat deur die raad aanbeveel word nie, word na die reserwes van die koöperasie oorgedra;
  - (iii) aan lede word 'n bonus betaal in verhouding met die waarde van sake wat hulle gedurende die jaar met die koöperasie gedoen het: Met dien verstande dat in die geval van 'n landboukoöperasie opgerig vir die doeleindes soos uiteengesit in paragraaf (s) van subartikel (1) van artikel (5) en in die geval van koöperatiewe deelgenootskappe mag 'n bonus betaal word in verhouding tot die bydrae wat elke lid in die vorm van kapitaal, dienste of goedere tot die koöperasie gemaak het.
- (h) die wyse en voorwaardes van toelating tot lidmaatskap van die **[vereniging of maatskappy]** koöperasie, of lede geskors kan word, die omstandighede waaronder 'n lid kan bedank of wat sy uitsetting of skorsing (indien voorsiening vir skorsing van lede gemaak word) regverdig en die regte en verpligtings van lede, lede wat bedank het, lede wat uitgesit is, lede wat geskors is (waar voorsiening vir skorsing van lede gemaak word), boedels van oorlede lede en lede wat hul boedels oorgegee of afgestaan het of van wie die boedels geskwestreer is, en of bedoelde regte of verpligtings sal geld tussen die **[vereniging of maatskappy]** koöperasie en die lede of onderling tussen die lede self; **[en]** die **[regulasies]** statuut moet bepaal dat 'n lid van 'n **[vereniging of maatskappy]** koöperasie nie uitgesit mag word nie **[of, waar vir skorsing van lede voorsiening gemaak word, geskors mag word nie]**, tensy die uitsetting **[of skorsing]** goedgekeur is deur minstens twee-derdes van die lede wat in eie persoon of, waar dit deur die **[regulasies]** statuut toegelaat word, deur gevolmagtigdes hul stemme uitbring op 'n algemene vergadering wat spesiaal vir daardie doel belê is; en die statuut kan bepaal dat die raad van direkteure 'n lid kan skors maar nie vir 'n langer tydperk nie as vanaf die datum van sy skorsing tot die eerste jaarlikse vergadering daarna en die tydperk kan met goedkeuring van minstens twee-derdes van die lede wat in eie persoon of, waar dit deur die statuut toegelaat word, deur gevolmagtigdes hulle stemme uitbring op die jaarlikse algemene vergadering, opgeskort of verleng word.
- (i) die aantal direkteure van die **[vereniging of maatskappy]** koöperasie, en die bevoegdhede en pligte van direkteure en beamptes;
  - (j) die tussenpose tussen algemene vergaderings van die **[vereniging of maatskappy]** koöperasie, en die vereiste kennisgewing van en prosedure by vergaderings (met inbegrip van die besondere regte van lede by die

- (iii) if any balance is available after the payments referred to in paragraphs (i) and (ii) have been made, it shall be divided equally among all the members of the company;]

and the regulations shall provide that, after due provision has been made for the depreciation of the co-operative's assets and for any unascertained or contingent liability or loss, the surplus resulting from the operations of the co-operative during any financial year shall, in accordance with a resolution taken at the annual general meeting of that year, be applied in the following manner—

- (i) subject to the provisions of paragraph (b) of subsection (2) interest on their paid up share capital (not exceeding 12 (twelve) per cent per annum) may be paid to members;
- (ii) an amount, not less than that recommended by the board, shall be transferred to the reserves of the co-operative;
- (iii) a bonus shall be paid to members in proportion to the value of business done by them with the co-operative during the year: Provided that in the case of an agricultural co-operative formed for the purposes set out in paragraph (s) of subsection (1) of section (5) and in the case of a co-operative partnership a bonus may be paid in proportion to the contribution each member has made to the co-operative by way of capital, services or goods.

- (h) the mode and conditions of admission to membership of the **[society or company] co-operative**, whether members may be suspended, the circumstances permitting of resignation or justifying expulsion therefrom or suspension (if provision is made for the suspension of members), and the rights and liabilities of members, resigned members, expelled members, suspended members (where provision is made for the suspension of members), estates of deceased members and members whose estates have been surrendered, sequestrated or assigned, and whether such rights or liabilities are to exist as between the **[society or company] co-operative** and the members or as between the members themselves; and the regulations shall provide that a member shall not be expelled from the **[society or company] co-operative [or, where provision is made for the suspension of members, suspended]**, unless the expulsion **[suspension]** has been approved by not less than two-thirds of the members voting in person or, where proxies are allowed by the regulations, by proxy at a general meeting specially convened for that purpose; and the regulations may provide that the board of directors may suspend a member for a period not longer than from the date of suspension to the next annual general meeting and this suspension may be ended or extended by approval of not less than two-thirds of the members voting in person, or where proxies are allowed by the regulations, by proxy at the aforenamed annual general meeting.

- (i) the number of directors of the **[society or company] co-operative** and the powers and duties of directors and officers;
- (j) the intervals between the holding of general meetings of the **[society or company] co-operative**, and the requisite notices of and procedure at meetings (including the particular rights of members in voting thereat



- uitbring van stemme daarop en die wyse waarop gestem word en die meerderheid wat vereis word vir die aanname van 'n besondere soort besluit);
- (k) die wyse waarop die fondse van die **[vereniging of maatskappy]** koöperasie beheer, en die rekenings gehou en geouditeer, en die lederegisters gehou word;
- (l) die wyse waarop 'n poel geadministreer moet word en die statute kan bepaal dat 'n krediet saldo op 'n poelrekening, waar al die produkte van die hand gesit is of gelde vir dienste gelewer ingevorder is, oorgedra kan word vir latere aanwending; en kan voorsiening maak vir die beslegting van geskille wat mog ontstaan tussen lede, of tussen die **[vereniging of maatskappy]** koöperasie en lede, lede wat bedank het, lede wat uitgesit is, lede wat geskors is (waar voorsiening vir skorsing van lede gemaak word) of die wetlike verteenwoordiger van 'n oorlede lid of 'n lid wat insolvent is, deur middel van arbitrasie of deur 'n sentrale of federale **[maatskappy]** koöperasie, kan alle sake voorskrywe wat volgens hierdie Wet deur **[regulasies]** statuut voorgeskrywe mag word, en kan in die algemeen voorsiening maak vir die bestuur van die **[vereniging of maatskappy]** koöperasie.

(2) Die **[regulasies]** statuut moet, in die geval van **[maatskappye of verenigings]** koöperasies met beperkte aanspreeklikheid, benewens die besonderhede vermeld in subartikel (1), ook voorskrywe—

- (a) die wyse waarop die uitreiking en oordrag van aandele in die **[maatskappy of vereniging]** koöperasie beheer moet word, die wyse waarop vir sodanige aandele betaal moet word, en die wyse waarop die aandeelkapitaal verminder kan word deur intrëkking of verbeuring van aandele;
- (b) die grootste bedrag wat by wyse van rente aan aandeelhouders betaal mag word, ten opsigte van aandele wat hulle besit, maar daardie bedrag mag in geen geval meer as **[agt persent]** twalf persent op die aandele betaal, insluitende enige bedrag wat op sulke aandele betaal is ondanks die feit dat geen oproep verskuldig of betaalbaar is nie, wees nie: Met dien verstande dat 'n koöperasie wanneer hy rente op kapitaal, ooreenkomstig hierdie artikel betaal, ook rente teen dieselfde koers op die bedrae betaal op aandele wat ingetrek is maar wat nog nie aan die belanghebbendes uitbetaal is nie, sal betaal;
- (c) die nominale waarde van elke aandeel in die **[maatskappy of vereniging]** koöperasie.

(3) Die **[regulasies]** statuut kan, in die geval van **[maatskappye of verenigings]** koöperasies met beperkte aanspreeklikheid, ook—

- (a) die grootste bedrag vasstal van die voorwaardelike aanspreeklikheid wat aan aandele verbonde kan wees; en
- (b) bepaal dat lede verplig is om 'n minimum aantal aandele te besit of aandele te besit, wat aan hulle uitgereik is of deur hulle deur oordrag verkry is, tot 'n bedrag wat in verhouding staan tot die gebruik wat hulle van die **[maatskappy of vereniging]** koöperasie maak of wat in verhouding staan tot een of ander direkte produktiewe bate of faktor en dié statuut van die koöperasie kan bepaal dat waar 'n lid nie die vereiste aantal aandele besit nie die raad aan so 'n lid sonder dat hy daarom aansoek doen 'n getal aandele kan toeken ten einde sy aandele besit tot die vereiste hoeveelheid te bring en die statuut moet ook bepaal hoe betaling vir dié aandele sal geskied en dat hierdie bepaling op alle lede van 'n koöperasie van toepassing is, en, in die geval van

and the manner of voting and the majority necessary for carrying any particular class of resolution);

- (k) the mode of managing the funds of the **【society or company】** co-operative, of keeping and auditing its accounts, and of the keeping of registers of members;
- (l) the manner in which a pool is administered and the regulations may provide that a credit balance on a pool account, where all the products of the pool have been disposed of or all the money for services rendered has been collected, may be carried forward for later application; and may provide for the settlement by arbitration, or by a central or federal co-operative, of disputes arising between members or between the **【society or company】** co-operative and any members, resigned members, expelled members, suspended members (where provision is made for the suspension of members), or the legal representative of any deceased or insolvent member, may prescribe all such matters as in terms of this Act may be prescribed by regulation, and, generally, may provide for the management of the **【society or company】** co-operative.

(2) In the case of **【companies or societies】** co-operatives with limited liability, the regulations shall, in addition to the particulars mentioned in subsection (1), prescribe—

- (a) the manner in which the issue and transfer of shares in the **【company or society】** co-operative shall be controlled, the manner in which payment for such shares shall be made, and the manner in which the share capital may be reduced by cancellation or forfeiture of shares;
- (b) the maximum amount which may be paid to shareholders in the form of interest in respect of the shares held by them, but which shall not in any case exceed **【eight】** twelve per cent per annum on the amounts paid on the shares, including any amount paid on such shares notwithstanding the fact that no call is owing or payable: Provided that a co-operative, when it pays interest on capital in terms of this section, shall also pay interest at the same rate on shares which have been cancelled but not yet paid out to the interested parties;
- (c) the nominal value of each share in the **【company or society】** co-operative.

(3) In the case of **【companies or societies】** co-operatives with limited liability the regulations may also—

- (a) fix the maximum amount of the contingent liability which may be attached to shares; and
- (b) provide that it shall be obligatory upon members to hold a minimum number of shares either issued to them or acquired by them by transfer, to an amount proportionate to the use made by them of the **【company or society】** co-operative or proportionate to one or other directly productive asset or factor and the regulations of the co-operative may provide that, where a member does not have the prescribed number of shares, the board may allocate a number of shares to such member without his having applied for same, in order to bring his shareholding to that prescribed and the regulations shall further prescribe the manner in which payment for such shares shall be made and that this provision is applicable to all members of the co-operative, and, in the case of



**【koöperatiewe landboumaatskappye】** landboukoöperasies of spesiale **【koöperatiewe boeremaatskappye】** boerekoöperasies die omvang bepaal van die in paragraaf (c) van subartikel (2) van artikel **【twintig】** een-en-twintig bedoelde aanspreeklikheid van lede.

Skriftelike kontrak aangegaan voor registrasie van koöperasie.

16. 'n Skriftelike kontrak wat aangegaan is deur iemand wat verklaar dat hy as die verteenwoordiger of trustee of promotor van 'n nog op te rigte koöperasie optree, kan, nadat die koöperasie behoorlik geregistreer is, deur die koöperasie bekragtig of aangeneem word of anders bindend teenoor of afdwingbaar deur die koöperasie gemaak word asof hy behoorlik geregistreer was ten tyde van die aangaan van die kontrak en die kontrak aangegaan was sonder sy magtiging: Met dien verstande dat die statuut van die koöperasie by sy registrasie die bekragtiging of aanneming van, of die verkryging van regte of verpligtinge ten opsigte van sodanige kontrak as 'n doelstelling van die koöperasie bevat en dat 'n afskrif van die kontrak wat deur 'n notaris gesertifiseer is, by die registrateur saam met die aansoek om registrasie van die koöperasie ingedien is.

Voorlegging van statuut vir registrasie.

**【16.】 17. (1)** Die statuut, wat vir registrasie aangebied word, behoorlik onderteken soos in artikel *dertien* bepaal, moet deur die registrateur aan die Minister voorgelê word, wat na goeë dunde sy veto kan uitspreek oor die registrasie van 'n **【vereniging of maatskappy】** koöperasie, maar as hy sy vetoreg nie uitoefen nie, en indien aan die bepalings van hierdie Wet voldoen is, moet die registrateur, behoudens die bepalings van subartikel (2) die **【regulasies】** statuut registreer, een duplikaat in sy kantoor bewaar en die ander, met die datum van registrasie daarop aangeteken, aan die **【vereniging of maatskappy】** koöperasie terugstuur.

(2) Die registrateur registreer geen **【vereniging of maatskappy】** koöperasie nie, tensy die **【regulasies】** statuut wat met die aansoek aangebied word aan die bepalings van hierdie Wet voldoen en op generlei wyse daarmee in stryd of onbestaanbaar is nie, en ook nie voordat aan alle ander bepalings van hierdie Wet betreffende registrasie voldoen is nie.

(3) 'n Bedrag van **【een pond】** twee rand voldaan deur middel van ongekanselleerde inkomsteseëls moet by registrasie aan die registrateur betaal word, en bedoelde seëls moet, sodra registrasie deur hom voltooi is, aan die aansoek om registrasie geheg en deur die registrateur gekanselleer word.

Gevolge van registrasie.

**【17.】 18. (1)** Die **【regulasies】** statuut is, na hulle geregistreer is, bindend op die **【vereniging of maatskappy】** koöperasie en op sy lede in dieselfde mate asof elke lid hulle onderteken het en **【asof hulle verbintenisse behels van】** en verbind hulle elke lid en sy regsopvolgers en wettige verteenwoordigers om, behoudens die bepalings van hierdie Wet, aan al die bepalings van die **【regulasies】** statuut te voldoen.

(2) Sodra 'n **【vereniging of maatskappy】** koöperasie aldus geregistreer is, moet die registrateur 'n sertifikaat van registrasie, in 'n vorm deur die Minister voorgeskrywe, aan die kantoor van die **【vereniging of maatskappy】** koöperasie stuur, en bedoelde sertifikaat is in alle geregshoue en plekke afdoende bewys van die feite daarin vermeld. Na ontvangs van bedoelde sertifikaat het bedoelde **【vereniging of maatskappy】** koöperasie alle regte, bevoegdhede, voorregte en pligte wat deur hierdie Wet aan **【koöperatiewe verenigings of koöperatiewe maatskappye】** koöperasies verleen of opgelê word, en is hy daarna geregtig om as 'n **【koöperatiewe vereniging of koöperatiewe maatskappy】** koöperasie sake te begin doen: Met dien verstande dat die registrateur bedoelde registrasie kan kanselleer op bewys gelever deur 'n belanghebbende persoon dat dit deur bedrog verkry is: Met dien verstande voorts dat daar 'n reg van appèl is na 'n provinsiale of plaaslike afdeling van die Hooggeregshof wat

**[co-operative agricultural companies]** agricultural co-operatives or **[farmers']** special **[co-operative companies]** farmers' co-operatives, define the extent of the liability of members referred to in paragraph (c) of subsection (2) of section twenty-one;

**16.** Any contract made in writing by a person professing to act as agent or trustee or promotor for a co-operative not yet registered shall be capable of being ratified or adopted by or otherwise made binding upon and enforceable by such co-operative after it has been duly registered as if it had been duly registered at the time when the contract was made and such contract had been made without its authority: Provided that the regulations of the co-operative on its registration contain as an object of such co-operative the ratification or adoption of or the acquisition of rights and obligations in respect of such contract, and that two copies of such contract one of which shall be certified by a notary public, have been lodged with the registrar together with the application for registration of the co-operative.

Written contract entered into before registration of co-operative.

**[16.] 17.** (1) The regulations **[which it is proposed to register]** tendered for registration and duly signed in the manner described in section thirteen, shall be submitted by the registrar to the Minister, who may in his discretion veto the registration of any **[society or company]** co-operative, but if he does not exercise his right of veto and if the provisions of this Act have been complied with, the registrar shall, subject to the provisions of subsection (2), register the regulations, file one duplicate in his office and return the other, with the date of registration endorsed thereon to the **[society or company]** co-operative.

Submission of regulations for registration.

(2) The registrar shall not register any **[society or company]** co-operative unless the regulations tendered with the application comply with and are in no way repugnant to or inconsistent with the provisions of this Act, nor until all other provisions of this Act in respect of registration have been complied with.

(3) A fee of **[one pound]** two rand shall be paid to the registrar by means of revenue stamps upon registration, and such stamps shall, as soon as registration is effected by him, be affixed to the application for registration and defaced by the registrar.

**[17.] 18.** (1) The regulations shall, when registered, bind the **[society or company]** co-operative and the members thereof to the same extent as if they had been signed by each member and **[contained undertakings on the part of]** bind each member, his successors in title and legal representatives, to observe all the provisions of the regulations, subject to the provisions of this Act.

Consequences of registration.

(2) As soon as the registration of a **[society or company]** co-operative has been so effected, the registrar shall transmit to the office of the **[society or company]** co-operative a certificate of registration, in the form prescribed by the Minister; and such certificate shall, in all courts and places, be conclusive evidence of the facts stated therein. Upon receipt of such certificate such **[society or company]** co-operative shall have all the rights, powers, privileges, and duties by this Act conferred or imposed on **[co-operative societies or co-operative companies]** co-operatives, and shall be thereupon entitled to commence operations as a **[co-operative society or co-operative company]** co-operative: Provided that the registrar may cancel any such registration upon proof furnished by any person interested that it was obtained by fraud: Provided further that there shall be a right of appeal to a provincial or local division of the Supreme

jurisdiksie het teen 'n beslissing van die registrateur om bedoelde registrasie te kanselleer of nie te kanselleer nie.

(3) Vanaf die datum van registrasie vermeld in die sertifikaat van registrasie is die persone wat kragtens artikel 12 (2) 'n aansoek om lidmaatskap geteken het, en behoudens artikel 12 (3), tesame met die persone wat van tyd tot tyd lede van die koöperasie word, 'n regs persoon met die naam vermeld in die statuut, wat al die funksies van 'n geregistreerde koöperasie kan uitoefen, en met voortdurende regsopvolging, maar met die aanspreeklikheid (as daar is) van die lede om in die geval van likwidasië tot die bates van die koöperasie by te dra soos deur hierdie Wet voorgeskryf.

Naam van  
koöperasie en  
verandering daarvan.

**[18.] 19. (1) (a) 'n [Vereniging of maatskappy] Koöperasie**

mag nie geregistreer word nie as die naam volgens die registrateur onwenslik is nie en ook nie onder dieselfde naam as dié waaronder 'n ander **[vereniging of maatskappy]** koöperasie geregistreer is, of wat soveel met 'n aldus geregistreerde naam ooreenkom dat dit volgens oordeel van die registrateur sou kan mislei.

(b) Die statuut van 'n koöperasie kan 'n letterlike vertaling in die ander amptelike taal van die Republiek en/of verkorte vorm van die naam van die koöperasie bevat en die registrateur registreer so 'n letterlike vertaling of verkorte vorm van so 'n naam, indien, in elke geval die vertaling of verkorte vorm van die betrokke naam na die mening van die registrateur nie onwenslik is nie en dit ook nie ooreenstem met die naam of vertaling of verkorte vorm van 'n naam waaronder 'n ander koöperasie reeds geregistreer is, of wat soveel met 'n aldus geregistreerde naam of vertaling of verkorte vorm ooreenkom, dat dit volgens oordeel van die registrateur sou kan mislei.

(2) As 'n **[vereniging of maatskappy]** koöperasie deur onagsaamheid of andersins geregistreer word in stryd met die bepalings van subartikel (1), dan kan die **[vereniging of maatskappy]** koöperasie met toestemming van die registrateur sy naam of vertaling of verkorte vorm van sy naam verander, en is hy verplig op las van die Minister om sy naam of vertaling of verkorte vorm van sy naam te verander.

(3) (a) 'n **[Vereniging of maatskappy]** Koöperasie kan, by besluit van 'n spesiale algemene vergadering vir daardie doel belê en met skriftelike toestemming van die Minister, sy naam of vertaling of verkorte vorm van sy naam verander.

(b) Wanneer 'n koöperasie sy naam verander, moet hy terselfdertyd, indien die vertaling of verkorte vorm van die naam van die koöperasie wat kragtens subartikel (1) (b) geregistreer is nie meer op die naam van die koöperasie soos verander toepaslik is nie, aansoek doen—

- (i) om die vertaling of verkorte vorm van die naam te verander na 'n nuwe vertaling of verkorte vorm van die naam deur die registrateur goedgekeur; of
- (ii) om die vorige vertaling of verkorte vorm van die naam van die koöperasie te deregistreer.

(4) Wanneer 'n **[vereniging of maatskappy]** koöperasie sy naam of vertaling of verkorte vorm van die naam, verander, dan moet die registrateur die nuwe naam of vertaling of verkorte vorm van die naam in plaas van die vorige op die register inskrywe en 'n sertifikaat van registrasie in ooreenstemming met die omstandighede van die geval uitreik.

(5) Die naamsverandering het geen invloed op enige regte of verpligtings van die **[vereniging of maatskappy]** koöperasie of sy lede nie en maak geen regsgeding ingestel deur of teen die **[vereniging of maatskappy]** koöperasie ongeldig nie, en enige

Court having jurisdiction against a decision of the registrar to cancel or not to cancel any such registration.

(3) The persons who signed an application for membership in terms of section 12 (2), subject to the provisions of section 12 (3), together with those persons who, from time to time, become members of the co-operative, constitute a juristic person with the name stated in the regulations, exercising all the functions of a registered co-operative, with continuous succession at law, but with the liability (if any) of the members to contribute to the assets of the co-operative, as prescribed by this Act, in the case of liquidation.

**[18.] 19.** (1) (a) A **[society or company] co-operative** shall not be registered if the registrar considers the name undesirable nor shall it be registered by a name identical with that by which a **[society or company] co-operative** is already registered, or so nearly resembling that name as, in the opinion of the registrar, to be calculated to mislead.

Name of co-operative and change thereof.

(b) The regulations of a co-operative may contain a literal translation into the other official language of the Republic, and/or include an abbreviated form, of the name of the co-operative and the registrar shall register such literal translation or abbreviated form of the name, if, in every case, the translation or abbreviated form of the name concerned, in the opinion of the registrar, is not undesirable and is not identical with the name or translation or abbreviated form of a name by which another co-operative is already registered, or so nearly resembles a name or translation or abbreviated form thereof already registered in such manner that, in the opinion of the registrar, it may be misleading.

(2) If a **[society or company] co-operative** through inadvertence or otherwise is registered in conflict with the provisions of subsection (1), the **[society or company] co-operative** may, with the sanction of the registrar, and shall, if the Minister so directs, change its name or the translation or abbreviation of its name.

(3) (a) Any **[society or company] co-operative** may, by resolution of a special general meeting called for the purpose and with the approval in writing of the Minister, change its name or the translation or abbreviation of its name;

(b) when a co-operative changes its name, and the translation or abbreviation of the name registered in terms of subsection (1) (b) is no longer applicable to the changed name, the co-operative shall at the same time apply—

(i) to change the translation or abbreviation to a new translation or abbreviation of its name, approved by the registrar; or

(ii) to de-register the previous translation or abbreviation of its name.

(4) When a **[society or company] co-operative** changes its name or translation or abbreviation of the name, the registrar shall enter the new name or translation or abbreviation of the name in the register in place of the former name and shall issue a certificate of registration to meet the circumstances of the case.

(5) The change of name shall not affect any rights or obligations of the **[society or company] co-operative** or its members, or render defective any legal proceedings by or against the **[society or company] co-operative**, and any legal proceed-



regsgeding wat onder sy vorige naam deur of teen hom voortgesit of ingestel kon geword het, kan onder sy nuwe naam voortgesit of ingestel word.

Wysiging van statuut.

**[19.] 20.** (1) Die **[regulasies] statuut** van 'n **[vereniging of maatskappy] koöperasie** word nie gewysig nie, tensy die wysiging goedgekeur is deur minstens twee-derdes van die lede wat in eie persoon of (waar dit deur die **[regulasie] statute** toegelaat word) deur gevolgmagtigdes hul stemme uitbring op 'n algemene vergadering wat spesiaal vir die doel belê is en besonderhede van die voorgenome wysiging vermeld is in die kennisgewing waardeur die vergadering belê is: Met dien verstande dat 'n wysiging waarby die tydperk van bestaan van 'n **[vereniging of maatskappy] koöperasie** verkort word, goedgekeur moet word deur minstens twee-derdes van al die lede van die **[vereniging of maatskappy] koöperasie**.

(2) Elke wysiging van **[regulasies] statuut** wat aldus aangebring word, moet binne een maand daarna vir registrasie voorgelê word aan die registrateur wat dit aan die Minister moet voorlê. Die Minister kan na goeddunke weier om die wysiging toe te laat. As die Minister nie weier om die wysiging toe te laat nie, moet die registrateur die **[selwe] wysiging** registreer, tensy dit met die bepalings van hierdie Wet in stryd of onbestaanbaar is; en na registrasie van die wysiging geld die oorspronklik geregistreerde **[regulasies] statuut** van die **[vereniging of maatskappy] koöperasie** met inagneming van die wysiging. By die toepassing van hierdie subartikel word 'n wysiging van 'n bepaling in die regulasies of memorandum en statute van 'n **[vereniging of maatskappy] koöperasie** bedoel in paragraaf (c) van die voorbehoudsbepaling tot subartikel (1) van artikel **[negentig] een-honderd-en-een** nie geag met die bepalings van hierdie Wet in stryd of onbestaanbaar te wees nie, tensy die uitwerking van daardie wysiging sal wees om aan bedoelde **[vereniging of maatskappy] koöperasie** addisionele bevoegdhede in stryd met 'n bepaling van hierdie Wet te verleen.

(3) Elke aansoek om registrasie van 'n wysiging van die **[regulasies] statuut** van 'n **[vereniging of maatskappy] koöperasie** moet vergesel gaan van die volgende—

- (a) 'n plegtige verklaring afgelê deur die persone wat op die vergadering in subartikel (1) genoem onderskeidelik as voorsitter en sekretaris opgetree het, dat aan al die vereistes van hierdie Wet wat betref die sake wat registrasie van 'n wysiging van die **[regulasies] statuut** voorafgaan en daarmee in verband staan, voldoen is, en sodanige verklaring kan deur die registrateur as afdoende bewys van voldoening aangeneem word;
- (b) twee identiese afskrifte van die voorgestelde wysiging onderteken deur minstens sewe lede of twee lede ingeval van 'n koöperatiewe deelgenootskap, wie se handtekenings elkeen deur minstens een getuie gewaarmerk is. In die geval van 'n sentrale of federale **[koöperatiewe maatskappy] koöperasie** opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, moet bedoelde wysiging op die voorvermelde wyse onderteken word deur die behoorlik gemagtigde verteenwoordigers van minstens twee lede.

(4) Die bepalings van subartikel (3) van artikel **[sestien] sewentien** en van subartikel (1) van artikel **[sewentien] agtien** is van toepassing op die registrasie van 'n aldus gewysigde **[regulasies] statuut**.



ings that might have been continued or commenced by or against it under its former name may be continued or commenced under its new name.

**[19.] 20.** (1) No alteration of the regulations of a **[society or company]** co-operative shall be made unless the alteration has been approved by not less than two-thirds of the members voting in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially convened for that purpose and particulars of the proposed amendment are mentioned in the notice whereby the meeting is convened: Provided that any alteration lessening the period of establishment of a **[society or company]** co-operative shall require the approval of not less than two-thirds of the total number of members of the society or company.

Amendment of regulations.

(2) Every alteration of regulations so made shall, within one month thereafter, be tendered to the registrar for registration, who shall submit it to the Minister. The Minister may in his discretion refuse to allow the alteration. If the Minister does not refuse to allow the alteration, the registrar shall register the same, unless it is repugnant to or inconsistent with the provisions of this Act; and upon the registration of the alteration, the regulations of the **[society or company]** co-operative as originally registered shall be read subject to the alteration. For the purpose of this subsection an alteration to any provision in the regulations or memorandum and articles of association of a **[society or company]** co-operative referred to in paragraph (c) of the proviso to subsection (1) of section **[ninety]** one hundred and one shall not be deemed to be inconsistent with or repugnant to the provisions of this Act, unless such alteration would have the effect of vesting in such **[society or company]** co-operative additional powers in conflict with any provisions of this Act.

(3) Every application for the registration of an amendment of the regulations of a **[society or company]** co-operative shall be accompanied by the following—

- (a) a solemn declaration made by the persons who acted as chairman and secretary respectively at the meeting referred to in subsection (1), of compliance with all the requirements of this Act in respect of matters precedent to the registration of an amendment of the regulations and incidental thereto, which declaration may be accepted by the registrar as sufficient evidence of compliance;
- (b) two identical copies of the proposed amendment signed by not less than seven members, or two members in the case of a co-operative partnership, each of whose signatures shall be attested by at least one witness. In the case of a central or federal co-operative **[company]** co-operative formed under the provisions of Chapter VI of this Act, such amendment shall be signed as aforesaid by the duly authorized representatives of at least two members.

(4) The provisions of subsection (3) of section **[sixteen]** seventeen and of subsection (1) of section **[seventeen]** eighteen shall apply in respect of the registration of regulations so altered.

## HOOFSTUK III

## AANSPEEKLIKHEID VAN LEDE EN KAPITAAL

Aanspreeklikheid van lede.

**[20.] 21.** (1) Dit is 'n voorwaarde van lidmaatskap van 'n **[koöperatiewe landbouvereniging]** **koöperasie** met onbeperkte aanspreeklikheid, dat al sy lede gesamentlik en afsonderlik aanspreeklik is vir betaling van die skulde en verpligtings van die **[vereniging]** **koöperasie**: Met dien verstande dat, onderworpe aan die voorbehoudsbepaling tot subartikel (1) van artikel **[sewen-en-sewentig]** **agt-en-tagtig**, 'n persoon wat bedank het of uit die **[vereniging]** **koöperasie** uitgesit is en die boedel van 'n persoon wat oorlede is nie aanspreeklik is nie—

- (a) ten opsigte van skulde en verpligtings deur die **[vereniging]** **koöperasie** aangegaan na bedoelde bedanking, uitsetting of dood; en
- (b) ten opsigte van enige skulde en verpligtings van die **[vereniging]** **koöperasie** hoegenaamd sodra die **[balansstaat en wins- en verliesrekening van die vereniging, onderteken deur sy ouditeur soos hierna bepaal, 'n batige saldo ten gunste van die vereniging aantoon]** waarde van sy bates volgens die jongste voltooide en deur die ouditeur getekende balansstaat van die **koöperasie** sy betaalbare laste oorskry:

Met dien verstande voorts dat niemand aanspreeklik is vir terugbetaling van 'n lening wat deur die **[vereniging]** **koöperasie** aangegaan is voor die datum waarop hy lid geword het, en wat deels of ten volle aangewend is om voorskotte aan die lede van die **[vereniging]** **koöperasie** te maak of om boerderybenodigdhede aan sy lede te lewer of om die onkoste te dek om die produkte van sy lede te hanteer, te bewerk of van die hand te sit nie, tensy hy van die **[vereniging]** **koöperasie** 'n voorskot uit die opbrengs van die lening ontvang het of deur die **[vereniging]** **koöperasie** voorsien is van boerderybenodigdhede aangekoop of op ander wyse verkry uit die opbrengs van die lening, of tensy die onkoste deur die **[vereniging]** **koöperasie** gemaak om daardie lid se produkte te hanteer, bewerk of van die hand te sit uit die opbrengs van die lening gedek is.

(2) Dit is 'n voorwaarde van lidmaatskap van 'n **[koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en 'n koöperatiewe handelsvereniging]** **koöperasie** met beperkte aanspreeklikheid, dat die aanspreeklikheid van 'n bestaande of gewese lid beperk is tot—

- (a) betaling van die nominale waarde van die aandeel of aandeel deur hom besit; en
- (b) enige voorwaardelike aanspreeklikheid wat ingevolge die **[regulasies]** **statuut** van die **[maatskappy of vereniging]** **koöperasie** aan bedoelde aandeel of aandeel verbonde mog wees; en
- (c) (in die geval van 'n **[koöperatiewe landboumaatskappy of 'n spesiale koöperatiewe boeremaatskappy]** **landboukoöperasie** of 'n spesiale boerekoöperasie of koöperatiewe deelgenootskap) betaling van 'n bedrag wat 'n lid ingevolge die **[regulasies]** **statuut** van die **[maatskappy]** **koöperasie** verplig word om by te dra tot die terugbetaling van enige lening wat deur die **[maatskappy]** **koöperasie** aangegaan is en wat deels of ten volle aangewend is om aan lede voorskotte te verstrek of goedere te lewer of dienste te bewys: Met dien verstande dat bedoelde bedrag nie die waarde te bowe gaan nie wat hy werklik uit die lening ontvang het by wyse van verstrekte voorskotte, gelewerde goedere of bewese dienste.

(3) Die bepalinge van hierdie Wet maak nie 'n bepaling vervat in 'n versekeringspolis of ander kontrak, waardeur die aanspreek-

## CHAPTER III

## LIABILITY OF MEMBERS AND CAPITAL

**[20.] 21.** (1) It shall be a condition of membership of a **co-operative [agricultural society] agricultural co-operative** with unlimited liability, and all its members shall be jointly and severally liable for payment of the debts and obligations of the **[society] co-operative**: Provided that, subject to the proviso to subsection (1) of section **[seventy-seven] eighty-eight**, any person who has resigned his membership or has been expelled from the **[society] co-operative** and the estate of any person who has died shall not be liable—

- (a) in respect of any of the **[society] co-operative's** debts and obligations incurred after such resignation, expulsion or death; and
- (b) in respect of any of the **[society] co-operative's** debts and obligations whatever as soon as, **[the balance sheet and profit and loss account of the society signed by its auditor as hereinafter provided disclose a credit balance in favour of the society]** according to the latest completed balance sheet of the co-operative, duly signed by the auditor, shows that the value of its assets exceeds its payable liabilities:

Provided, further, that no person shall be liable for the repayment of any loan raised by the **[society] co-operative** prior to the date at which he became a member which has been used in whole or in part for making advances to the members of the **[society] co-operative** or supplying farming requisites to its members or defraying the cost of handling, treating or disposing of the products of its members, unless he has received from the **[society] co-operative** an advance out of the proceeds of the loan or has been supplied by the **[society] co-operative** with farming requisites purchased or otherwise acquired out of the proceeds of the loan or unless the cost to the society of handling, treating or disposing of any of his products has been defrayed out of the proceeds of the loan.

(2) It shall be a condition of membership of a co-operative **[agricultural company with limited liability, a farmers' special co-operative company with limited liability, and a co-operative trading society]** with limited liability, that the liability of a member, present or past, shall be limited to—

- (a) payment of the nominal value of the share or shares held by him; and
- (b) any contingent liability which by the regulations of the **[company or society] co-operative** may be attached to such share or shares; and
- (c) (in the case of **[a co-operative agricultural company or a farmers' special co-operative company]** **an** agricultural co-operative or special farmers' co-operative or co-operative partnership) payment of a sum which by the regulations of the **[company] co-operative** a member is obliged to make towards repayment of any loan raised by the **[company] co-operative** and used in whole or in part for making advances or supplying goods or rendering services to members: Provided that such sum shall not exceed the value which he has actually received out of the loan in the form of advances, goods supplied or services rendered.

(3) Nothing in this Act shall invalidate any provision contained in any policy of insurance or other contract whereby the liability

likheid van individuele lede van 'n **[vereniging of maatskappy]** **koöperasie** onder die polis of kontrak beperk word, of uit kragte waarvan aanspraak ten opsigte van die polis of kontrak alleen op die fondse van die **[vereniging of maatskappy]** **koöperasie** gemaak mag word, ongeldig nie.

Voorwaardelike  
aanspreeklikheid  
verbonde aan aandeel.

**[21.] 22.** (1) Aandeel waaraan 'n voorwaardelike aanspreeklikheid verbonde is, word deur 'n **[maatskappy of vereniging]** **koöperasie** met beperkte aanspreeklikheid uitgereik alleen aan lede wat vrywillig daarvoor inskrywe, en die hoogste bedrag van die voorwaardelike aanspreeklikheid verbonde aan sulke aandeel en die voorwaardes waarop hulle toegewys word, word voorgeskrywe deur die **[regulasies]** **statuut** van die **[maatskappy of vereniging]** **koöperasie**.

(2) Wanneer die registrateur oortuig is dat die voorwaardelike aanspreeklikheid verbonde aan 'n aandeel of aandeel deur 'n **[maatskappy of vereniging]** **koöperasie** uitgegee nie meer 'n nuttige doel bevorder nie, of dat dit om een of ander rede ongewens is dat sodanige voorwaardelike aanspreeklikheid bly voortbestaan, kan hy, op skriftelike aansoek deur die **[maatskappy of vereniging]** **koöperasie** die opheffing van die voorwaardelike aanspreeklikheid verbonde aan die aandeel of aandeel aldus uitgegee, goedkeur, mits die reg om die bedrag in te vorder wat betaalbaar is ingevolge die voorwaardelike aanspreeklikheid verbonde aan die aandeel of aandeel nie as sekuriteit vir 'n voorwaardelike of bestaande skuld oorgemaak of verpand is nie, en mits geen belanghebbende persoon, binne veertien dae na publikasie deur die **[maatskappy of vereniging]** **koöperasie** van 'n kennisgewing in die *Staatskoerant* en 'n koerant in omloop in die streek waar die **[maatskappy of vereniging]** **koöperasie** sake doen, waarin vermeld word dat voorgestel word om bedoelde aanspreeklikheid op te hef en waarin alle besonderhede meegedeel word wat die registrateur bepaal, teen sodanige opheffing beswaar maak nie.

Fondse van  
koöperasies met  
onbeperkte  
aanspreeklikheid.

**[22.] 23.** (1) 'n **[Koöperatiewe landbouvereniging]** **Koöperasie** met onbeperkte aanspreeklikheid hoef geen vaste kapitaal te hê nie.

(2) Behoudens die bepalings van subartikels (3), (4) en (5), word, behalwe in die geval van likwidasie, geen deel van die fondse van so 'n **[vereniging]** **koöperasie** op 'n ander wyse as wat deur sy **[regulasies]** **statuut** toegelaat word onder lede verdeel nie.

(3) So 'n **[vereniging]** **koöperasie** kan, by besluit aangeneem op 'n jaarlikse algemene vergadering, 'n deel van die wins ontstaande uit sy werksaamhede in die loop van 'n boekjaar opsy sit om 'n spesiale reserwe **[fonds]** op te bou tot dekking van verliese wat uit sy werksaamhede in die loop van 'n latere boekjaar of latere boekjare mog ontstaan: Met dien verstande dat uit voornoemde wins 'n bedrag, minstens gelyk aan die bedrag aldus opsy gesit, opsy gesit moet word om 'n algemene reserwe **[fonds]** op te bou.

(4) Indien die werksaamhede van die **[vereniging]** **koöperasie** in die loop van 'n boekjaar 'n verlies uitgeloop het, kan die **[vereniging]** **koöperasie** by besluit aangeneem op die jaarlikse algemene vergadering waarop die wins- en verliesrekening vir daardie boekjaar oorweeg word, soveel van genoemde verlies teen die spesiale reserwe **[fonds]** afskrywe as wat by bedoelde besluit vasgestel word, en die oorskot van die verlies word, met inagneming van die bepalings van subartikel (1) van artikel **[twintig]** *een-en-twintig*, deur die lede van daardie jaar in ooreenstemming met die **[regulasies]** **statuut** gedra.

(5) So 'n **[vereniging]** **koöperasie** wat 'n assuransiebesigheid drywe, kan gelde opsy sit om 'n assursiefonds op te bou tot dekking van vorderings van lede van die versekerde bedrae.



of individual members of any **【society or company】** co-operative on the policy or contract is restricted, or whereby the funds of the **【society or company】** co-operative, are alone made liable in respect of the policy or contract.

**【21.】 22.** (1) Shares with a contingent liability shall be issued by a **【company or society】** co-operative with limited liability only to such members as voluntarily subscribe therefor and the maximum amount of the contingent liability attached to such shares and the conditions upon which they shall be allotted shall be as prescribed by the regulations of the **【company or society】** co-operative.

Contingent liability attached to shares.

(2) Whenever the registrar is satisfied that the contingent liability attached to any share or shares issued by a **【company or society】** co-operative no longer serves any useful purpose, or that for any reason it is undesirable that such contingent liability should remain in force, he may, upon written application by the **【company or society】** co-operative, approve of the cancellation of the contingent liability attached to the share or shares so issued, provided the right to recover the amount due under the contingent liability attached to the share or shares has not been ceded or pledged as security for any contingent or existing debt, and provided no objection is raised by any interested person to such cancellation within fourteen days after publication by the **【company or society】** co-operative of a notice in the *Gazette* and a newspaper circulating in the area where the **【company or society】** co-operative carries on operations, stating that it is proposed to cancel such liability and containing all such particulars as may be required by the registrar.

**【22.】 23.** (1) A co-operative **【agricultural society】** with unlimited liability shall not be required to have any fixed capital.

Funds of co-operative agricultural societies with unlimited liability.

(2) Subject to the provisions of subsections (3), (4) and (5), no part of the funds of any such **【society】** co-operative shall except in the event of winding-up be divided amongst its members in any other manner than is authorized by its regulations.

(3) Any such **【society】** co-operative may, upon a resolution passed at an annual general meeting, set aside part of the gain resulting from its operations during any financial year, for the purpose of building up a special reserve **【fund】** for defraying losses which may result from its operations during any later financial year or years: Provided that an amount not less than the amount so set aside shall be set aside out of the aforesaid gain for the purpose of building up a general reserve **【fund】**.

(4) If the operations of the **【society】** co-operative during any financial year have resulted in a loss, the **【society】** co-operative may, upon a resolution passed at the annual general meeting at which the profit and loss account for that financial year is considered, write off against the special reserve **【fund】** so much of the said loss as is fixed by such resolution, and the balance of the loss shall, subject to the provisions of subsection (1) of section *twenty-one*, be borne by the members of that year, in accordance with the regulations.

(5) Any such **【society】** co-operative which carries on the business of insurance may set aside funds for the purpose of forming an insurance fund for meeting claims by members for the amounts insured.

Lenings deur  
koöperasies met  
onbeperkte  
aanspreeklikheid.

Fondse van  
koöperasies met  
beperkte  
aanspreeklikheid.

**[23.] 24.** Geen lening wat meer as **[honderd pond]** twee honderd rand bedra, word deur 'n **[koöperatiewe landbouvereniging]** koöperasie met onbeperkte aanspreeklikheid aangegaan nie, tensy die lening goedgekeur is deur minstens twee-derdes van die lede teenwoordig op 'n algemene vergadering wat spesiaal vir daardie doel belê is en waarvan behoorlik kennis gegee is, met vermelding van volle besonderhede van die voorgestelde lening, en tensy die raad van direkteure die aangaan van die lening goedgekeur het.

**[24.] 25.** (1) (a) Die aandeelkapitaal van 'n **[koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, van 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en van 'n koöperatiewe handelsvereniging]** koöperasie met beperkte aanspreeklikheid is die nominale waarde van aandele wat van tyd tot tyd uitgereik is, en wat nie ingetrek of verbeur is nie.

(b) Die Statuut van 'n koöperasie met beperkte aanspreeklikheid kan voorsiening maak—

- (i) vir die vermindering van die nominale waarde van aandele en die toekenning aan bestaande lede van 'n getal aandele met 'n totale nominale waarde gelyk aan dié van hulle vorige aandeelhouing en dat die bedrag wat op die aandele met 'n hoër nominale waarde opbetaal is eweredig aangewend kan word in betaling van die nuwe aandele met 'n kleiner nominale waarde wat aan die lede toegeken word; en
- (ii) vir die afskrywing van 'n opgehoopte verlies teen die opbetaalde aandeelkapitaal met 'n ooreenstemmende vermindering van die nominale waarde van 'n aandeel sodat die oorspronklike aanspreeklikheid van 'n lid nie vermeerder word nie.

(2) **[Die reserwefonds van die maatskappy of vereniging word nie op 'n ander wyse as wat deur sy regulasies toegelaat word, onder lede verdeel nie behalwe ingeval van likwidasie en kan te eniger tyd aangewend word vir enige doel waarvoor die aandeelkapitaal van die maatskappy of vereniging aangewend kan word: Met dien verstande dat die aanwending van die reserwefonds om verliese van die maatskappy of vereniging te dek of, in die geval van 'n maatskappy of vereniging wat 'n assuransiëbesigheid drywe, om vorderings van lede van die versekerde bedrae te dek, nie geag word 'n verdeling onder lede te wees nie.]**

(a) Indien die koöperasie 'n reserwe het by die inwerking-treding van hierdie Wet of daarna een stig, moet hy dit of as 'n algemene reserwe of as 'n gebeurlikheidsreserwe klassifiseer en moet hy vir dié doel in sy boeke duidelik aandui of die reserwe 'n algemene reserwe of 'n gebeurlikheidsreserwe is.

(b) Die fondse verteenwoordigende 'n reserwe kan afsonderlik belê word of kan gebruik word vir enige doel waarvoor die aandeelkapitaal van die koöperasie aangewend kan word.

(c) 'n Algemene reserwe word nie op 'n ander wyse verminder nie en 'n algemene reserwe of gebeurlikheidsreserwe word nie op 'n ander wyse onder die lede van die koöperasie verdeel nie, as wat deur die koöperasie se statuut toegelaat word: Met dien verstande dat die afskrywing van verliese van 'n buitengewone aard teen 'n gebeurlikheidsreserwe of die aanwending van 'n gebeurlikheidsreserwe ooreenkomstig spesifieke bepalings van die statuut van 'n koöperasie of, in die geval van 'n koöperasie wat 'n assuransiëbesigheid drywe, die vermindering van 'n reserwe deur die betaling van eise van lede vir versekerde bedrae, nie geag word 'n verdeling onder lede te wees nie.

**[23.] 24.** No loan exceeding **[one hundred pounds]** two hundred rand shall be raised by any **[co-operative agricultural society]** co-operative with unlimited liability unless the loan has been approved by not less than two-thirds of the members present at a general meeting specially convened for that purpose, of which notice, stating full particulars of the proposed loan, has been duly given, and unless the board of directors has approved of the raising of the loan.

Loans by co-operative agricultural societies with unlimited liability.

**[24.] 25.** (1) (a) The share capital of a co-operative **[agricultural company with limited liability, of a farmers' special co-operative company with limited liability, and of a co-operative trading society]** with limited liability, shall be the nominal value of shares from time to time issued and not cancelled or forfeited.

Funds of co-operatives with limited liability.

(b) The Regulations of a co-operative with limited liability may provide—

- (i) for the reduction of the nominal value of shares and the allotment to members of a number of shares equal in value to that of their previous shareholding and that the amount paid up on the shares with a greater nominal value shall be allocated *pro rata* in payment of new shares with a smaller nominal value allotted to members as aforesaid; and
- (ii) for the writing-off against paid up share capital of an accumulated loss with a corresponding reduction of the nominal value per share so that the original liability of a member is not increased.

(2) **[The reserve fund of the company or society shall not, except in the event of winding-up, be distributed amongst members in any other manner than is authorized by its regulations, and shall at any time be applicable to any purposes to which the share capital of the company or society is applicable: Provided that the use of the reserve fund to defray losses of the company or society or, in the case of a company or society which carries on the business of insurance, to pay claims by members for the amounts insured, shall not be deemed to be a distribution amongst members.]**

(a) If on the date this Act is promulgated a co-operative has a reserve or creates one thereafter it shall be classified either as a general reserve or a contingency reserve and for this purpose it shall be clearly indicated in the books of the co-operative whether the reserve is a general reserve or a contingency reserve.

(b) Those funds representing a reserve may be invested separately or may be used for any purpose to which the share capital of the co-operative is applied.

(c) The general reserve shall not be reduced, and a general reserve distributed amongst members in any other manner than is authorized by its regulations: Provided that the writing-off of losses of an unusual nature against a contingency reserve or the application of a contingency reserve in accordance with specific provisions of a co-operative's regulations or, in the case of a co-operative which carries on the business of insurance, the reduction of a reserve by payment of claims by members for the amounts insured, shall not be deemed to be a distribution among members.

(d) Indien 'n vaste bates van 'n koöperasie vervreem word, vir, of herwaardeer word teen, 'n bedrag wat hoër is as die bedrag waarteen die bate min enige voorsiening vir waardevermindering in die boeke van die koöperasie verskyn, word die oorskot na 'n algemene reserwe oorgeplaas.

(3) Die aandeel deur die **【maatskappy of vereniging】** koöperasie uitgegee is, behoudens die bepalings van subartikel (2) van artikel **【twintig】** een-en-twintig almal van dieselfde klas en dieselfde rangorde.

(4) Behalwe in die geval van aandeel waarvoor deur applikante vir lidmaatskap ingeskryf is voor die aansoek om registrasie van 'n **【vereniging of maatskappy】** koöperasie volgens artikel dertien, of aandeel aan lede uitgereik volgens paragraaf (b) van subartikel (3) van artikel vyftien word geen aandeel in die **【maatskappy of vereniging】** koöperasie toegewys nie voordat een-tiende van die nominale waarde daarvan betaal is.

(5) 'n Bedrag wat aan 'n lid ten opsigte van rente of bonus verskuldig is, word aangewend ter betaling van oproepe op aandeel wat wanneer bedoelde bedrag betaalbaar word, deur hom verskuldig en nog nie betaal is nie.

(6) 'n Aandeel in die **【maatskappy of vereniging】** koöperasie **【kan】** word nie sonder toestemming van die **【direkteure】** raad **【gegee op 'n vergadering van die direkteure】** raad aan 'n ander persoon oorgedra **【word】** nie.

(7) Die **【direkteure】** raad van die **【maatskappy of vereniging】** koöperasie kan, na goedgekeurde, ondanks die feit dat geen oproep verskuldig of betaalbaar is nie, van 'n lid wat bereid is om dit te betaal, die volle nominale waarde van die aandeel of aandeel wat hy besit, of 'n deel daarvan, aanneem, en so 'n betaling verminder die aanspreeklikheid van die lid ten opsigte van betaling van die nominale waarde van die aandeel of aandeel waarvoor hy ingeskryf het met 'n bedrag gelyk aan die bedrag aldus betaal.

(8) (a) 'n Koöperasie kan indien sy statuut daarvoor voorsiening maak, ledefondse stig waarkragtens die lede gekrediteer word met bydraes wat hulle moet maak of met bedrae aan hulle toegewys in die verdeling onder hulle van enige reserwes van die koöperasie of met enige verklaarde en aan hulle betaalbare bonus of met enige ander stelsel van bydraes en ingevolge waarvan die bydraes of bedrae aldus gekrediteer aan hulle betaalbaar is in omstandighede soos die statuut van die koöperasie voorskryf.

(b) Die ledefondse van 'n koöperasie kan afsonderlik belê word of kan gebruik word om enige van sy doeleindes uit te voer: Met dien verstande dat dit nie aangewend mag word om enige verliese wat voortvloei uit die verrigtings van die koöperasie, te dek nie.

Leningsbevoegdheid  
van koöperasies met  
beperkte  
aanspreeklikheid.

**【25.】 26. 'n 【Koöperatiewe maatskappy of vereniging】** Koöperasie met beperkte aanspreeklikheid mag nie 'n lening aangaan van, of lenings aangaan van gesamentlik, 'n groter bedrag as die helfte van die dan bestaande aandeelkapitaal van die **【maatskappy of vereniging】** koöperasie nie, behalwe met goedkeuring van minstens twee-derdes van die lede wat in eie persoon of deur gevolmagtigdes (waar dit deur die **【regulasies】** statuut toegelaat word) hul stemme uitbring op 'n algemene vergadering wat spesiaal vir daardie doel belê is en waarvan behoorlik kennis gegee is, met vermelding van volledige besonderhede van enige voorgestelde lening: Met dien verstande dat wanneer sodanige goedkeuring aldus verleen is, die **【maatskappy of vereniging】** koöperasie, ongeag die bedrag wat nog deur hom ten opsigte van sodanige lening of lenings verskuldig is, van tyd tot tyd 'n verdere lening van, of verdere lenings van gesamentlik, hoogstens die bedrag van helfte van die dan bestaande aandeelka-



- (d) If a co-operative's fixed assets are alienated for or re-valued at, an amount higher than the value less any provision for depreciation as shown in the books of the co-operative, the surplus shall be transferred to the general reserve.

(3) Subject to the provisions of subsection (2) of section **[twenty]** twenty-one, the shares issued by the **[company or society]** co-operative shall only be of one class, all ranking equally.

(4) Except in the case of shares subscribed for by applicants for membership prior to the application for registration of the **[company or society]** co-operative under section *thirteen* or shares issued to members under paragraph (b) of subsection (3) of section *fifteen*, no share in the **[company or society]** co-operative shall be allotted unless one-tenth of the nominal value thereof has been paid.

(5) Any amount due to a member by way of interest or bonus shall be applied to paying off any calls on shares which may at the time such amount becomes payable be due by him and unpaid.

(6) A share in the **[company or society]** co-operative shall not be transferred to any person without the consent of the **[director]** board given at a meeting of the directors.

(7) The **[directors]** board of the **[company or society]** co-operative, may, if they think fit, notwithstanding that no call may be due and payable, receive from any member willing to pay the same all or any part of the nominal value of the share or shares held by him, and such payment shall constitute a reduction, to the extent of the payment so made, of the liability of the member in respect of the payment of the nominal value of the share or shares subscribed for by him.

(8) (a) A co-operative may if its regulations so provide establish members' funds in terms of which members are credited with contributions they have to make or with amounts allocated to them in the distribution among them of any reserves of the co-operative or with any bonus declared and payable to them or with any other amounts in terms of a contributory scheme and under which the contributions or amounts so credited are payable to them in circumstances prescribed by the regulations of the co-operative.

(b) The members' funds of a co-operative may be invested separately or used for any of its objects: Provided that they may not be used to defray any losses resulting from the activities of the co-operative.

**[25.] 26.** A co-operative **[company or society]** with limited liability shall not raise any loan, which exceeds, or any loans which in the aggregate exceed, one-half of the share capital for the time being of the **[company or society]** co-operative, except with the approval of not less than two-thirds of the members voting in person or by proxy (where proxies are allowed by the regulations) at a general meeting, specially convened for that purpose, of which notice, stating full particulars of any proposed loan, has been duly given: Provided that whenever such approval has been so granted, the **[company or society]** co-operative may, irrespective of the amount still owing by it in respect of any such loan or loans, from time to time raise any further loan which does not exceed, or any further loans which in the aggregate do not exceed, one-half of the share capital for the time being of the

Borrowing powers of co-operatives with limited liability.

pitaal van die **【maatskappy of vereniging】** koöperasie kan aangaan, tensy daardie vergadering anders gelas.

Lenings en waarborge aan organisasies waarin 'n koöperasie aandele opgeneem het.

**27.** 'n Koöperasie mag nie lenings toestaan aan 'n organisasie waarin hy aandele opgeneem het of waarborge aan so 'n organisasie verstrek nie tensy—

- (a) sy statuut voorsiening maak dat hy sulke lenings kan toestaan en waarborge verstrek; en
- (b) mag 'n koöperasie geen lenings toestaan of waarborge verstrek vir gesamentlik 'n groter bedrag as die bedrag wat goedgekeur is deur minstens twee-derdes van die lede wat in eie persoon of deur gevolgmagtigdes (waar dit in die statuut toegelaat word) hulle stemme uitbring het op 'n algemene vergadering wat spesiaal vir die doel belê is en waarvan behoorlik kennis gegee is.

#### HOOFSTUK IV

##### VERBANDE EN OBLIGASIES

Uitgifte en registrasie van obligasies en register van verbande en obligasies.

**【26.】 28.** (1) Indien deur sy **【regulasies】** statuut daartoe gemagtig, kan 'n volgens hierdie Wet geregistreerde **【vereniging of maatskappy】** koöperasie obligasies tot stand bring en uitgee, en as sekuriteit vir die vervulling van die verpligtings ingevolge daarvan **【onderneem】**, die roerende of onroerende of beide die roerende en onroerende goed van die **【vereniging of maatskappy】** koöperasie op die hierna omskrewe wyse verbind.

(2) Die verbinding van onroerende goed as sekuriteit vir 'n obligasie of obligasies vind plaas in 'n registrasiekantoor of registrasiekantore van aktes deur middel van 'n verband of verbande namens die **【vereniging of maatskappy】** koöperasie uitgemaak en geteken.

(3) Die verbinding van roerende goed as sekuriteit vir 'n obligasie of obligasies geskied deur 'n verband of verbande uitgemaak en geteken namens die **【vereniging of maatskappy】** koöperasie voor 'n notaris en geregistreer in 'n registrasiekantoor of registrasiekantore van aktes: Met dien verstande dat die obligasies self, indien voor 'n notaris uitgemaak en geteken, in 'n registrasiekantoor of registrasiekantore van aktes geregistreer kan word op dieselfde manier asof hulle notariële verbande was.

(4) Die verbinding van beide onroerende en roerende goed as sekuriteit vir 'n obligasie of obligasies geskied deur die uitmaking en tekening en registrasie van 'n verband of verbande wat die onroerende goed verbind en van 'n bykomende notariële verband of verbande wat die roerende goed verbind of deur 'n notariële verband of verbande of notariële obligasie of obligasies wat die roerende goed en 'n bykomende verband of verbande wat die onroerende goed verbind. Wanneer dit verlang word om roerende of onroerende goed te verbind as addisionele sekuriteit tot 'n verband, notariële verband of notariële obligasie, moet bedoelde roerende of onroerende goed verbind word deur bykomende notariële verband in die geval van roerende en deur bykomende verband in die geval van onroerende goed.

(5) So 'n voormelde verband, notariële verband of notariële obligasie kan ten gunste van een of meer obligasiehouers uitgemaak en geteken word en so 'n verband of notariële verband kan ten gunste van een of meer persone as kuratore vir die obligasiehouers oor die algemeen uitgemaak en geteken word. As die verband ten gunste van een of meer obligasiehouers is, moet die obligasie geheg word aan een kopie van die verband en 'n duplikaat of gesertifiseerde kopie van die obligasie moet aan die ander kopie geheg word. As die verband ten gunste van kuratore vir obligasiehouers is, moet 'n gesertifiseerde kopie van die akte van opdrag waardeur die kurator benoem word en waarin hul regte en pligte bepaal word, met 'n proef-eksemplaar van die obligasies, aan elke kopie van die verband geheg word: Met dien verstande dat **【op en na die inwerkingtreding van hierdie Wet】** 'n direkteur van 'n **【vereniging of maatskappy】** koöperasie nie

**[company or society]** co-operative, unless such meeting otherwise directs.

27. A co-operative may not grant loans to or issue guarantees for an organization in which it has taken up shares unless—
- (a) its regulations provide that it may grant such loans and issue such guarantees; and
  - (b) a co-operative may not grant loans or issue guarantees for an amount jointly exceeding the amount approved by not less than two-thirds of the members voting in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially convened for that purpose and of which proper notice was given).

Loans to and guarantees for organizations in which a co-operative has taken up shares.

## CHAPTER IV

### MORTGAGES AND DEBENTURES

**[26.] 28.** (1) A **[society or company]** co-operative registered under this Act may, if so authorized by its regulations, create and issue debentures, and as security for the fulfilment of the obligation undertaken thereunder may, in the manner hereinafter described, bind movable or immovable property or both movable and immovable property of the **[society or company]** co-operative.

Issue and registration of debentures and register of mortgages and debentures.

(2) The binding of immovable property as security for any debenture or debentures shall be effected in a deeds registry or registries by means of a mortgage bond or bonds executed on behalf of the **[society or company]** co-operative.

(3) The binding of movable property as security for any debenture or debentures shall be effected by a bond or bonds executed on behalf of the **[society or company]** co-operative before a notary public and registered in a deeds registry or registries: Provided that the debentures themselves may, if executed before a notary, be registered in a deeds registry or registries in like manner as if they were notarial bonds.

(4) The binding of both immovable and movable property as security for any debenture or debentures shall be effected by the execution and registration of a mortgage bond or bonds binding the immovable property and of a collateral notarial bond or bonds binding the movable property, or by a notarial bond or bonds or notarial debenture or debentures binding the movable property and a collateral mortgage bond or bonds binding the immovable property. Whenever it is desired to bind movable or immovable property as additional security to any mortgage bond, notarial bond or notarial debenture, such movable or immovable property shall be bound by collateral notarial bond in the case of the movable and by collateral mortgage bond in the case of the immovable property.

(5) Any such mortgage bond, notarial bond or notarial debenture as aforesaid may be executed in favour of one or more debenture holders and any such mortgage bond or notarial bond may be executed in favour of one or more persons as trustees for the debenture holders generally. If the bond is in favour of one or more debenture holders the debenture shall be annexed to one copy of the bond and a duplicate or certified copy of the debenture shall be annexed to the other copy. If the bond is in favour of trustees for debenture holders a certified copy of the trust deed by which the trustees are appointed and in which their rights and duties are defined, together with a specimen form of the debentures, shall be annexed to each copy of the bond: Provided that **[on and after the commencement of this Act]** no director of a **[society or company]** co-operative shall be capable of being

bevoeg is om as kurator vir die obligasiehouers in daardie **【vereniging of maatskappy】** koöperasie aangestel te word nie.

(6) Registrasie van verbande en notariële verbande, insluitende notariële obligasies ingevolge die voorafgaande bepalings, en van latere transaksies in verband daarmee vind plaas ooreenkomstig die regulasies en praktyk van die betrokke registrasiekantoor van aktes wat betref respektieflik aktes van verbande en notariële verbande.

(7) In enige verband ten gunste van kuratore vir obligasiehouers oor die algemeen uitgemaak en geteken, kan bepaal word dat die obligasies wat daardeur verseker is of moet word, van tyd tot tyd en op verskillende datums uitgegee kan word, soas die **【vereniging of maatskappy】** koöperasie mag besluit, maar alle sodanige obligasies, wanneer hulle ook uitgegee mag wees, gee met mekaar gelyke voorrang vanaf die registrasiedatum van die verband.

(8) (a) Behoudens die bepalings van hierdie artikel is 'n

bepaling in 'n trustakte ter sekurering van 'n uitreiking van obligasies, of in 'n kontrak met die houer van obligasies wat deur 'n trustakte gesekureer is, nietig in die mate waarin dit die uitwerking sou hê dat 'n kurator daarvan vrygestel word van of gevrywaar word teen aanspreeklikheid vir troubreuk indien hy versuim om die mate van sorg en ywer aan die dag te lê wat van hom as kurator vereis word, gedagtig aan die bepalings van die trustakte wat bevoegdhede, magtigings of diskresies aan hom verleen.

(b) Die bepalings van paragraaf (a) bring nie mee nie die ongeldigmaking van 'n kwytskelding wat andersins geldiglik verleen is ten opsigte van iets gedoen of nagelaat deur 'n kurator voor die kwytskelding of van 'n bepaling wat so 'n kwytskelding magtig—

(i) met die toestemming van 'n meerderheid van minstens drie-kwart in waarde van die obligasiehouers wat persoonlik of deur 'n gevolgmagtigde teenwoordig is en stem op 'n vergadering wat vir dié doel byeengeroep is; en

(ii) met betrekking tot besondere handelinge of versuime of wanneer die kuratore te sterwe kom of ophou om op te tree.

(9) Geen obligasie, obligasiesertifikaat of prospektus met betrekking tot obligasies mag deur 'n koöperasie uitgereik word nie tensy die uitdrukking „obligasie” of die ander uitdrukking daarin gebruik wat op 'n obligasie dui deur die woord „versekerde” of „onversekerde”, na gelang van die geval, gekwalifiseer word.

(10) (a) Geen obligasie of obligasiesertifikaat mag deur 'n koöperasie uitgereik word nie tensy die voorwaardes van die betrokke obligasie op die obligasie of op die obligasiesertifikaat vermeld word.

(b) 'n Obligasie of obligasiesertifikaat moet onderteken wees deur een direkteur van die koöperasie en 'n beampite van die koöperasie behoorlik daartoe gemagtig deur die raad.

(c) 'n Naamtekening in paragraaf (b) bedoel kan op outografiese of meganiese wyse op 'n obligasie of obligasiesertifikaat aangebring word.

(d) 'n Obligasie of obligasiesertifikaat uitgereik ingevolge hierdie artikel is *prima facie*-bewys van die reg van die persoon daarin genoem op sodanige obligasie of obligasiesertifikaat.

**【(8)】** (11) Elke houer van 'n obligasie wat verseker is deur 'n verband uitgemaak en geteken ten gunste van kuratore vir obligasiehouers oor die algemeen is, tensy die verband of die akte van opdrag en daaraan gehegte obligasievorm anders bepaal, geregtig om sy regte kragtens daardie obligasie uit te oefen sodra dit aan hom uitgegee is, op dieselfde manier asof hy self die houer van daardie verband was. Geen kennisgewing van die sessie van so 'n obligasie is nodig om aan 'n sessionaris daarvan die regte van die sedent te verleen nie.



appointed a trustee for the holders of debentures in that **[society or company]** co-operative.

(6) Registration of mortgage bonds and notarial bonds, including notarial debentures in pursuance of the foregoing provisions, and of subsequent transactions relating thereto shall be effected in accordance with the regulations and practice of the deeds registry concerned relating to mortgage bonds and notarial bonds respectively.

(7) In any bond executed in favour of trustees for debenture holders generally provision may be made that the debentures thereby secured or to be secured may be issued from time to time and at different dates, as the **[society or company]** co-operative may determine, but all such debentures, whenever issued, shall rank in preference concurrently with one another as from the date of registration of the bond.

(8) (a) Subject to the provisions of this section, any provision contained in a trust deed for securing an issue of debentures, or in any contract with the holders of debentures secured by a trust deed, shall be void in so far as it would have the effect of exempting a trustee thereof from or indemnifying him against liability for breach of trust where he fails to show the degree of care and diligence required of him as trustee having regard to the provisions of the trust deed conferring on him any powers, authorities or discretions.

(b) The provisions of subsection (1) shall not have the effect of invalidating any release otherwise validly given in respect of anything done or omitted to be done by a trustee before the giving of the release or any provision enabling such release to be given—

- (i) with the consent of a majority of not less than three-fourths in value of the debenture-holders present and voting in person or by proxy at a meeting summoned for the purpose; and
- (ii) with respect to specific acts or omissions or on the trustee dying or ceasing to act.

(9) No debenture, debenture certificate or prospectus relating to debentures shall be issued by a co-operative unless the term "debenture" or such other term denoting a debenture used therein is qualified by the word "secured" or "unsecured", as the case may be.

(10) (a) No debenture or debenture certificate shall be issued by a co-operative unless the conditions of the debenture concerned are stated on the debenture or the debenture certificate.

- (b) A debenture or debenture certificate shall be signed by one director of the co-operative and an official of the co-operative duly empowered thereto by the board.
- (c) Any signature referred to in subsection (b) may be affixed to a debenture or debenture certificate by autographic or mechanical means.
- (d) Any debenture or debenture certificate issued in terms of this section shall be *prima facie* evidence of the title of the person named therein to such debenture or debenture certificate.

**[(8)]** (11) Every holder of a debenture secured by a bond executed in favour of trustees for debenture holders generally shall, unless it is otherwise provided by the terms of the bond or of the trust deed and form of debenture annexed thereto, be entitled to enforce his rights under such debenture as soon as it has been issued to him in the same manner as if he were himself the holder of such bond. No notice of the cession of any such debenture shall be necessary in order to confer upon any cessionary thereof the rights of the cedent.

**[(9)] (12)** Elke **[vereniging of maatskappy]** **koöperasie** moet op sy geregisteerde kantoor 'n register van verbande en obligasies aanhou en daarin alle verbande en obligasies aanteken wat eiendom van die **[vereniging of maatskappy]** **koöperasie** raak, in elke geval met 'n kort beskrywing van die **beswaarde** eiendom, die bedrag van die verband en (behalwe in die geval van sekuriteite aan toonder) die name van die verbandhouders en obligasiehouers.

**[(10)] (13)** As 'n direkteur, bestuurder, sekretaris of ander beamppte van die **[vereniging of maatskappy]** **koöperasie** uitlating van 'n aantekening, wat hierdie artikel voorskrywe, veroorloof of met wete toelaat, dan is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens **[vyftig pond]** een honderd rand.

**[(11)] (14)** Die register van verbande en obligasies gehou ingevolge hierdie artikel, mag op alle redelike tye deur die registrateur of iemand deur hom gemagtig, of enige persoon aangestel ingevolge artikel **[sewen-en-veertig]** **twee-en-vyftig** of enige skuldeiser of lid van die **[vereniging of maatskappy]** **koöperasie** kosteloos ingesien word, en deur enige ander persoon teen betaling van 'n bedrag van hoogstens **[twee sjielings en ses pennies]** vyf-en-twintig sent vir elke insage **[as]** soos die **[vereniging of maatskappy]** **koöperasie** mag voorskrywe.

**[(12)] (15)** Word die insage van voormelde register geweier, dan is enige beamppte van die **[vereniging of maatskappy]** **koöperasie** wat die insage weier en elke direkteur, bestuurder, sekretaris of ander beamppte van die **[vereniging of maatskappy]** **koöperasie** wat die weiering magtig of willens en wetens toelaat, skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens **[tien pond]**, **twintig rand** en buitendien mag die hof (en ook die veroordelende hof) deur 'n order die onmiddellike insage van voormelde register afdwing.

Obligasie-register.

**[27.] 29. (1)** Elke **[vereniging of maatskappy]** **koöperasie** wat **[volgens]** **kragtens** hierdie Wet geregisteer is, moet op sy geregisteerde kantoor 'n register van obligasies aanhou en daarin vermeld die aantal obligasies wat uitgegee en uitstaande is en of hulle al dan nie aan toonder uitgegee is, en by die wat nie aan toonder uitgegee is nie, verder vermeld die name en adresse van die houters daarvan.

(2) Wanneer 'n **koöperasie** met 'n ander persoon (in hierdie artikel die agent genoem) reëlins tref ingevolge waarvan die agent onderneem om die register van obligasies ten behoeve van die **koöperasie** op te stel kan die register, in plaas van by die geregisteerde kantoor van die **koöperasie** gehou word, by die agent se kantoor in die Republiek waar die werk gedoen word, gehou word. 'n **Koöperasie** wie se register van obligasies nie by sy geregisteerde kantoor gehou word nie, moet die registrateur skriftelik verwittig van die plek waar die register gehou word en van enige verandering van daardie plek.

**[(2)] (3)** Elke sodanige register mag, behalwe as hy ooreenkomstig die **[regulasies]** **statuut** gesluit is, gedurende die tydperk of tydperke (tesame nie meer as sestig dae in een jaar nie), wat die **[regulasies]** **statuut** daarvoor bepaal, deur enige persoon ingesien word, behoudens sulke billike beperkings as die **[vereniging of maatskappy]** **koöperasie** op 'n algemene vergadering mag vasstel. **[sodat]** Daar moet minstens twee uur op elke dag vir die insage bestem **[is]** word, en die **[vereniging of maatskappy]** **koöperasie** moet aan elke persoon op sy versoek uittreksels uit die register verstrek teen betaling van **[een sjieling]** **tien sent** vir elke honderdtal of breukdeel van 'n honderdtal woorde wat die verlangde uittreksel bevat, of moet aan hom voldoende geleentheid verskaf om sulke uittreksels **self** te maak.

**[(9)] (12)** Every **[society or company] co-operative** shall keep at its registered office a register of mortgages and debentures and enter therein all mortgages and debentures affecting property of the **[society or company] co-operative** giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge, and (except in case of securities to bearer) the names of the mortgages and debenture-holders.

**[(10)] (13)** If any director, manager, secretary or other officer of the **[society or company] co-operative** authorizes or knowingly permits the omission of any entry required to be made in pursuance of this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding **[fifty pounds] one hundred rand**.

**[(11)] (14)** The register of mortgages and debentures kept in pursuance of this section shall be open at all reasonable times to the inspection of the registrar or any person authorized by him or any person appointed in terms of section **[forty-seven] fifty-two** or any creditor or member of the **[society or company] co-operative** without fee, and of any other person on payment of such fee, not exceeding **[two shillings and sixpence] twenty-five cents** for each inspection, as the **[society or company] co-operative** may prescribe.

**[(12)] (15)** If inspection of the said register is refused, any officer of the **[society or company] co-operative** refusing inspection and every director, manager, secretary or other officer of the **[society or company] co-operative** authorizing or knowingly and wilfully permitting the refusal, shall be guilty of an offence and liable, on conviction, to a fine not exceeding **[ten pounds] twenty rand**; and the court (including the court convicting) may, by order, compel immediate inspection of the said register.

**[27.] 29.** (1) Every **[society or company] co-operative** registered under this Act shall keep at its registered office a register of debentures showing the number of debentures issued and outstanding and specifying whether issued to bearer or not, and, in the case of those not issued to bearer specifying further the names and addresses of the holders thereof.

Register of  
debentures.

(2) Should a co-operative enter into an agreement with another person (referred to in this section as the agent) whereby the agent undertakes to draw up the debenture register the said register may be kept at the agent's office in the Republic where the work is done instead of at the registered office of the co-operative. A co-operative whose debenture register is not kept at its registered office shall advise the registrar in writing of the place where the register is kept and of any change of that place.

**[(2)] (3)** Every such register shall, except when closed in accordance with the regulations, during such period or periods (not exceeding in the whole sixty days in any year) as may be specified in the regulations, be open to the inspection of any person but subject to such reasonable restrictions as the **[society or company] co-operative** may in general meeting impose, so that at least two hours in each day are appointed for inspection, and the **[society or company] co-operative** shall furnish to any person at his request extracts from the register on payment of **[one shilling] ten cents** for every hundred words or fractional part thereof required to be extracted or shall afford him adequate facilities for making such extracts.

(4) Die bepalings van hierdie artikel met betrekking tot die register van obligasies en die insae of voorlegging van so 'n register of tot die verskaffing van afskrifte van so 'n register of 'n deel daarvan is op dieselfde wyse van toepassing op 'n agent wat so 'n register ten behoeve van die koöperasie hou as wat hulle op die koöperasie van toepassing is.

[(3)] (5) 'n Kopie van 'n akte van opdrag as sekuriteit vir 'n uitgifte van obligasies moet aan elke houer van sulke obligasies op sy versoek gestuur word teen betaling, as die akte van opdrag gedruk is, van die som van **[twee sjielings en ses pennies]** vyf-en-twintig sent of so 'n mindere bedrag as die **[vereniging of maatskappy]** koöperasie voorskrywe, of as die akte van opdrag nie gedruk is nie, teen betaling van **[een sjieling]** tien sent vir elke honderdtal of breukdeel van 'n honderdtal woorde wat die verlangde kopie bevat.

[(4)] (6) Word die insage, uittreksels of geleentheid geweier, of 'n kopie van 'n akte van opdrag geweier of nie opgestuur nie, dan is die **[vereniging of maatskappy]** koöperasie skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens **[tien pond]** tien rand.

[(5)] (7) **[Wanneer 'n vereniging of maatskappy in gebreke is soos voornoemde kan die hof by bevel tot onmiddellike insage van die register noodsaak of gelas dat die vereiste afskrifte gestuur word aan die persoon wat dit eis.]** In die geval van so 'n weiering of versuim kan die hof die onmiddellike insae van die register afdwing of gelas dat die vereiste afskrifte gestuur word aan die persoon wat dit eis.

Bevoegdheid om in sekere gevalle afgeloste obligasies weer uit te gee.

**[28.] 30.** (1) Wanneer 'n **[vereniging of maatskappy]** koöperasie wat **[volgens]** kragtens hierdie Wet geregistreer is, obligasies wat voorheen uitgegee is, afgelos het, dan is die **[vereniging of maatskappy]** koöperasie geregtig, tensy die **[regulasies]** statuut of voorwaardes van uitgifte uitdruklik anders bepaal, of tensy die **[vereniging of maatskappy]** koöperasie die obligasies afgelos het onder 'n verpligting om dit te doen (en wel onder 'n verpligting wat nie afdwingbaar is nie alleen deur die persoon aan wie die afgeloste obligasies uitgegee is of deur sy regsopvolgers), om die obligasies te laat voortbestaan met die doel om hulle weer uit te gee, en wanneer blyk dat 'n **[vereniging of maatskappy]** koöperasie so 'n reg uitgeoefen het, is die **[vereniging of maatskappy]** koöperasie geregtig om die obligasies weer uit te gee deur dieselfde obligasies weer uit te gee of deur ander obligasies in die plek daarvan uit te gee, en na die **[weder]** heruitgifte het die persoon, aan wie die obligasies toekom, dieselfde regte en voorkeur asof die obligasies nie voorheen uitgegee was nie.

(2) Wanneer obligasies, met die doel om hulle te laat voortbestaan en weer uit te gee, oorgedra is aan iemand wat die **[vereniging of maatskappy]** koöperasie daartoe benoem het dan word 'n oordrag van die aldus benoemde beskou as 'n **[weder]** heruitgifte, vir die doeleindes van hierdie artikel.

(3) Wanneer 'n **[vereniging of maatskappy]** koöperasie van sy obligasies gedeponeer het as sekuriteit vir voorskotte wat hy van tyd tot tyd op sy lopende rekening of anders ontvang het, dan word die obligasies nie geag afgelos te wees nie slegs omdat die debiet-saldo op die rekening van die **[vereniging of maatskappy]** koöperasie verdwyn het terwyl die obligasies aldus gedeponeer was.

(4) Hierdie artikel beperk nie enige bevoegdheid, wat aan 'n **[vereniging of maatskappy]** koöperasie voorbehou is in sy obligasies of die sekuriteite daarvoor, om obligasies uit te gee in die plek van enige obligasies wat afbetaal of op 'n ander manier voldaan of gedelg is nie.



(4) The provisions of this section in regard to the debenture register and the inspection or production of such register or to the furnishing of copies of such register or any part thereof shall apply to an agent who keeps such register on behalf of the co-operative in the same manner as they apply to the co-operative.

[(3)] (5) A copy of any trust deed for securing any issue of debentures shall be transmitted to every holder of any such debentures at his request on payment, in the case of a printed trust deed, of the sum of **[two shillings and sixpence]** twenty-five cents or such less sum as may be prescribed by the **[society or company]** co-operative or where the trust deed has not been printed, on payment of **[one shilling]** ten cents for every hundred words or fractional part thereof required to be copied.

[(4)] (6) If the inspection, extracts, or facilities be refused, or a copy of a trust deed be refused or not transmitted, the **[society or company]** co-operative shall be guilty of an offence and liable, on conviction, to a fine not exceeding **[ten pounds]** ten rand.

[(5)] (7) Where a society or company is in default as aforesaid, the court may by order compel immediate inspection of the register or direct that copies required shall be sent to the person requiring them.] In the case of such refusal or delay the court may compel an immediate inspection of the register or direct that the required copies be sent to the person demanding them.

**[28.] 30.** (1) Where a **[society or company]** co-operative registered under this Act has redeemed any debentures previously issued, the **[society or company]** co-operative unless the regulations or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the **[society or company]** co-operative so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his successors in title) shall have power to keep the debentures alive for the purpose of re-issue, and where a **[society or company]** co-operative has purported to exercise such a power the **[society or company]** co-operative shall have power to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have the same rights and priorities as if the debentures had not previously been issued.

Power to re-issue redeemed debentures in certain cases.

(2) Where with the object of keeping debentures alive for the purpose of re-issue, they have been transferred to a nominee of the **[society or company]** co-operative, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a **[society or company]** co-operative has deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the **[society or company]** co-operative having ceased to be in debit whilst the debentures remained so deposited.

(4) Nothing in this section shall prejudice any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a **[society or company]** co-operative by its debentures or the securities for the same.

Spesifieke uitvoering  
van 'n kontrak om  
obligasies op te neem.

**[29.] 31.** 'n Kontrak met 'n **[vereniging of maatskappy]** koöperasie wat **[volgens]** kragtens hierdie Wet geregistreer is om obligasies van die **[vereniging of maatskappy]** koöperasie op te neem en daarvoor te betaal, mag deur 'n order tot spesifieke uitvoering afgedwing word.

## HOOFSTUK V

### BESTUUR VAN KOÖPERASIES

Direkteure van  
koöperasies.

**[30.] 32.** (1) Die werksaamhede van elke **[koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging]** koöperasie word bestuur en beheer deur 'n raad van direkteure, wat behoudens die bepalings van subartikel (2) van artikel *twalf* van hierdie Wet **[en paragraaf (a) van subartikel (3) van artikel een-en-dertig van die Wet op die Vee- en Vleisnywerhede, 1934 (Wet No. 48 van 1934),]** deur die lede op die jaarlikse algemene vergadering van die **[vereniging of maatskappy]** koöperasie gekies word tensy sy statuut 'n ander wyse waarop die direkteure deur lede gekies kan word, beaal.

(2) Die aantal direkteure is minstens drie, (behalwe in die geval van 'n koöperatiewe deelgenootskap waar die aantal minstens twee moet wees) en behoudens die bepalings van subartikel (3), is geen persoon bevoeg om 'n direkteur te wees nie, tensy hy 'n lid van die koöperasie is of 'n lid is van 'n organisasie wat lid is van die koöperasie: **[Met dien verstande dat 'n persoon wat—**

(a) lid is van 'n vereniging van persone wat boerdery beoefen wat lid is van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid; of  
(b) lid is van 'n vereniging of maatskappy wat lid is van 'n ander vereniging of maatskappy met beperkte aanspreeklikheid of van 'n sentrale of federale maatskappy, tensy die regulasies van die vereniging of maatskappy of sentrale of federale maatskappy anders bepaal, bevoeg is om direkteur te wees van bedoelde koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy, vereniging of maatskappy of sentrale of federale maatskappy.]

(3) Enige van die volgende persone is gediskwalifiseer om aangestel te word as 'n direkteur van 'n koöperasie—

- (a) 'n regspersoon;
- (b) 'n minderjarige of 'n ander persoon wat handelsonbevoegd is, behalwe 'n getroude vrou onder die maritale mag van haar eggenoot wie se skriftelike toestemming tot haar aanstelling as direkteur by die koöperasie ingedien is;
- (c) behalwe met magtiging van die Hof—
  - (i) 'n ongerehabiliteerde insolvent;
  - (ii) iemand uit 'n vertrouensamp ontslaan op grond van wangedrag;
  - (iii) iemand wat te eniger tyd (in die Republiek of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste stuk, meened, 'n misdryf kragtens die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), aan 'n misdryf waarby oneerlikheid betrokke is of in verband met die oprigting, stigting of bestuur van 'n koöperasie of 'n maatskappy geregistreer kragtens een of ander wet, en daarvoor gestraf is met gevangenisstraf sonder die keuse van 'n boete of met 'n boete van meer as 'n honderd rand.
- (d) 'n persoon wat die ouderdom van 70 jaar bereik het;
- (e) die bepalings van hierdie subartikel word nie so uitgelê nie dat dit 'n koöperasie verhinder om in sy statuut vir enige verdere diskwalifikasies vir die aanstelling van iemand as 'n direkteur van sodanige koöperasie voorsiening te maak.

**[(3)] (4)** Behoudens die bepalings van hierdie artikel word die direkteure gekies op die wyse wat deur die **[regulasies]** statuut

**[29.] 31.** A contract with a **[society or company]** co-operative registered under this Act to take up and pay for any debentures of the **[society or company]** co-operative may be enforced by an order for specific performance.

Specific performance of contract to subscribe for debentures.

## CHAPTER V

### MANAGEMENT OF CO-OPERATIVES

**[30.] 32.** (1) The operations of every **[co-operative agricultural society or company or farmers' special co-operative company or co-operative trading society]** co-operative shall be managed and controlled by a board of directors who shall, subject to the provisions of subsection (2) of section *twelve* of this Act **[and paragraph (a) of subsection (3) of section *thirty-one* of the Livestock and Meat Industries Act, 1934 (Act No. 48 of 1934)]** be elected at the annual general meeting of the **[society or company]** co-operative, unless its regulations prescribe another manner in which directors shall be elected by members.

Directors of co-operatives.

(2) The number of the directors shall not be less than three (except in the case of a co-operative partnership where the number shall be not less than two) and, subject to the provisions of subsection (3), no person shall be qualified to be a director, unless he is a member of the **[society or company]** co-operative or a member of an organization which is a member of the co-operative:

**[Provided that any person who—**

- (a) is a member of a body of persons carrying on farming operations which is a member of a co-operative agricultural company with limited liability or a farmers' special co-operative company with limited liability; or
- (b) is a member of a society or company which is a member of another society or company with limited liability or of a central or federal company,

shall, unless the regulations of the society or company or central or federal company otherwise provide, be qualified to be a director of such co-operative agricultural company, or farmers' special co-operative company, society or company, or central or federal company.]

(3) Any of the following persons shall be disqualified from appointment as director of a co-operative—

- (a) a body corporate;
- (b) a minor or any other person under legal disability, except a married woman subject to the marital control of her husband whose written agreement to her appointment as director has been handed in to the co-operative;
- (c) except by authorization of the court—
  - (i) an unrehabilitated insolvent;
  - (ii) a person discharged from a position of trust on the grounds of misconduct;
  - (iii) a person who at any time (in the Republic or elsewhere) has been found guilty of theft, fraud, forgery or the issuing of a forged document, perjury, any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), any offence whereby dishonesty was concerned or in connection with the formation, promotion or management of a co-operative or a company incorporated under some other Act, and was sentenced therefor to imprisonment without the option of a fine or to a fine of more than one hundred rand;
- (d) a person who has reached the age of 70 years;
- (e) the provisions of this subsection shall not be interpreted in such a way as to prevent a co-operative providing in its regulations for further disqualifications in respect of the appointment of a person as director of the co-operative.

**[(3)] (4)** Subject to the provisions of this section, the directors shall be elected in the manner prescribed by the regulations of the

van die **【vereniging of maatskappy】** koöperasie voorgeskrywe word, en behoudens die bepalings van artikel **【een-】** drie-en-dertig beklee hulle hul amp en tree hulle af soas aldus voorgeskrywe word.

**【(4)】** (5) (a) Die direkteure hou vergaderings so dikwels as nodig mag wees om die sake en werksaamhede van die **【vereniging of maatskappy】** koöperasie behoorlik te verrig.

(b) Die voorsitter van die raad of minstens twee ander direkteure kan wanneer hulle dit nodig ag 'n vergadering van die raad byeenroep.

**【(5)】** (6) Die kworum op 'n vergadering van direkteure word deur die **【regulasies】** statuut van die **【vereniging of maatskappy】** koöperasie voorgeskrywe: Met dien verstande dat dit, behoudens die bepalings van paragraaf (b) van subartikel (4) van artikel 33, **【in geen geval】** nie minder as die helfte van die getal direkteure mag wees nie.

**【(6)】** (7) Die raad van direkteure kies op sy eerste vergadering gehou na die oprigting van die **【vereniging of maatskappy】** koöperasie, en daarna op die eerste vergadering van die raad gehou na die jaarlikse algemene vergadering, een van die direkteure as voorsitter en een as ondervoorsitter tot die eerste of (na gelang van die geval) die volgende jaarlikse algemene vergadering, en ingeval die voorsittersamp of ondervoorsittersamp gedurende bedoelde tydperk vakant word, moet die vakature gevul word sodra 'n vergadering van die raad belê kan word: Met dien verstande dat die raad te eniger tyd by besluit op 'n vergadering daarvan spesiaal vir die doel belê die voorsitter of ondervoorsitter van sy amp as sodanig kan onthef en 'n ander direkteur kan kies om as voorsitter of ondervoorsitter op te tree tot sodanige eerste of (na gelang van die geval) volgende jaarlikse algemene vergadering.

**【(7)】** (8) Die ondervoorsitter in subartikel **【(6)】** sewe genoem, tree as voorsitter op wanneer die voorsitter nie in staat is om as sodanig op te tree nie.

Ampsontruiming deur direkteure.

**【31.】 33.** (1) 'n Direkteur ontruim sy amp—

- (a) as hy insolvent raak of sy boedel ten voordele van sy skuldeisers afstaan of met sy skuldeisers 'n skikking aangaan; of
- (b) as hy kranksinnig word of aan 'n oortreding skuldig bevind word en tot gevangenisstraf sonder keuse van boete veroordeel word; of
- (c) as hy van vier agtereenvolgende gewone vergaderings van die raad afwesig is sonder verlof van die raad (en sodanige verlof word nie toegestaan vir 'n tydperk wat oor meer as ses agtereenvolgende gewone vergaderings loop nie, tensy hy afwesig is in verband met die sake van die **【vereniging of maatskappy】** koöperasie); of
- (d) **【as hy as lid van die vereniging of maatskappy bedank】** as sy lidmaatskap van die koöperasie of die lidmaatskap uit hoofde waarvan hy as direkteur gekies is beëindig word of wanneer hy aan die raad kennis gee dat hy as lid van die koöperasie bedank; of wettig uitgesit word; of
- (e) as hy die raad **【een maand vooraf】** skriftelik kennis gee van sy voorneme om te bedank en sy bedanking deur die raad aangeneem word: Mits dat die raad kan vereis dat 'n maand kennis van so 'n bedanking gegee word; of
- (f) as hy van sy amp onthef word by besluit aangeneem op 'n algemene vergadering wat spesiaal vir daardie doel belê is.

(2) Die bepalings van subartikel (1) word nie so uitgelê nie dat dit 'n koöperasie verhinder om in sy statuut verdere bepalings vir die ontruiming van 'n amp deur iemand as 'n direkteur van sodanige koöperasie voorsiening te maak.



**[society or company]** co-operative and subject to the provisions of section thirty-**[one]** **three**, shall hold office and retire as so prescribed.

**[(4)] (5)** (a) The directors shall hold meetings as often as may be necessary for properly conducting the business and operations of the **[society or company]** co-operative.

(b) The chairman of the board or not less than two other directors may, when they consider it necessary, call a meeting of the board.

**[(5)] (6)** The quorum of a meeting of directors shall be as prescribed by the regulations of the **[society or company]** co-operative: Provided that it shall **[not in any case]** subject to the provisions of paragraph (b) of subsection (4) of section 33, not be less than half the number of directors.

**[(6)] (7)** The Board of directors shall at its first meeting held after the formation of the **[society or company]** co-operative, and thereafter at the first meeting of the board held after the annual general meeting, elect one of the directors to be chairman and one to be vice-chairman until the first or next (as the case may be) annual general meeting, and if any vacancy occur during such time in the office of chairman or vice-chairman, it shall be filled as soon as a meeting of the board can be convened: Provided that the board may at any time by resolution at a meeting specially convened for that purpose remove such chairman or vice-chairman from office and elect any other director to act as chairman or vice-chairman until such first or next (as the case may be) annual general meeting.

**[(7)] (8)** The vice-chairman mentioned in subsection **[(6)] seven** shall act as chairman whenever the chairman is unable to function as such.

**[31.] 33.** (1) A director shall vacate his office—

Vacation of office by directors.

- (a) if he becomes insolvent or assigns his estate for the benefit of or compounds with his creditors; or
- (b) if he becomes of unsound mind, or is convicted of any offence and sentenced to any period of imprisonment without the option of a fine; or
- (c) if he is absent from four consecutive ordinary meetings of the board without its leave (and such leave shall not be granted for a period covering more than six consecutive ordinary meetings, unless the absence be on the business of the **[society or company]** co-operative); or
- (d) **[if he resigns his membership of the society or company]** if his membership of the co-operative or the membership by virtue of which he was elected director is terminated or if and whenever he advises the board that he is resigning from membership of the co-operative; or he is lawfully expelled therefrom;
- (e) if he gives **[one month's]** notice in writing to the board of his intention to resign office and his resignation is accepted by the board: Provided that the board may require that a month's notice of such resignation be given; or
- (f) if he is removed from office by resolution passed at a general meeting specially convened for that purpose.

(2) The provisions of subsection (1) shall not be interpreted in such manner as to prevent a co-operative making further provisions in its regulations in respect of the vacation by someone of the office of director of such co-operative.

**[(2)] (3)** 'n Vakature wat aldus op die raad van direkteure ontstaan, word gevul op die wyse wat in die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie bepaal word.

(4) (a) Wanneer 'n direkteur of 'n aantal direkteure hul amp as

direkteur bedank en dit tot gevolg sal hê dat die aantal direkteure op die raad tot benede die kworum, soos in die statuut van die koöperasie bepaal, sal daal bly so 'n direkteur of direkteure in sy of hulle amp aan tot tyd en wyl die vakature(s) op 'n algemene vergadering wat spesiaal vir die doel deur die raad belê moet word, aangevul is.

(b) Wanneer die aantal direkteure op 'n raad deur omstandighede anders as bedanking tot benede die kworum, soos in die koöperasie se statuut bepaal, sou daal, word die koöperasie, niteenstaande die bepalings van subartikel 6 van artikel 32 van hierdie Wet en die statuut van die koöperasie, deur die oorblywende lede van die raad bestuur en beheer tot tyd en wyl die vakatures op die raad op 'n spesiale vergadering wat vir die doel deur die oorblywende direkteure belê moet word gevul is en so 'n vergadering moet binne 30 dae nadat die vakatures ontstaan het, gehou word.

Bevoegdheid van  
raad van direkteure.

**[32.] 34.** (1) Behoudens enige beperkings wat deur hierdie Wet of deur die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie gelê word op die bevoegdheid van die raad van direkteure, kan die raad namens die **[vereniging of maatskappy]** koöperasie al die regte en bevoegdheid uitoefen en al die verpligtings nakom van die **[vereniging of maatskappy]** koöperasie en word elke direkteur wat, wanneer hy daartoe gemagtig is deur 'n besluit van die raad 'n handeling verrig wat binne die bestek van die doeleindes van die **[vereniging of maatskappy]** koöperasie val, geag die gevolgmagtigde van die **[vereniging of maatskappy]** koöperasie te wees.

(2) Geen direkteur word teenoor die **[vereniging of maatskappy]** koöperasie aanspreeklik gehou weens enige verlies wat die **[vereniging of maatskappy]** koöperasie mag ly nie, tensy die verlies te wyte was aan sy opsetlike wangedrag of growwe nalatigheid of aan sy versuim om aan een of ander bepaling van hierdie Wet of aan die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie te voldoen.

(3) Die handelings van 'n vergadering van direkteure of van iemand wat as direkteur optree, is ondanks enige gebrek wat later ontdek mag word in verband met die aanstelling of bevoegdheid van daardie direkteure of persone wat as voormeld opgetree het, ewe geldig asof so 'n gebrek nie bestaan het nie.

'n Direkteur moet sy  
belange by 'n kontrak  
verklaar.

**35.** (1) 'n Direkteur van 'n koöperasie wat op enige wyse, hetsy regstreeks of onregstreeks, belang het by 'n kontrak of voorgenome kontrak met die koöperasie of deel in die winste van enige kontrak met die koöperasie of 'n direkteur, behalwe 'n direkteur wat die koöperasie op die raad van die hierna gemelde ander maatskappy verteenwoordig, ampsdraer of amptenaar van 'n ander maatskappy behalwe 'n koöperasie wat onder hierdie Wet geregistreer is of 'n lid van 'n firma is wat 'n kontrak met die koöperasie aangaan, moet die aard en omvang van sy belang verklaar soos in subartikel (2) voorgeskryf.

(2) Die by subartikel (1) vereiste verklaring moet gedoen word op die vergadering van die raad van die koöperasie waarop die vraag of die kontrak aangegaan moet word vir die eerste keer in ooreweging geneem word as die betrokke direkteur op daardie vergadering teenwoordig is, of anders op die volgende vergadering van die raad wat volg op die ontvangs deur hom van skriftelike kennisgewing van sodanige kontrak, of indien die direkteur nie op die datum van daardie vergadering belang by die voorgenome kontrak gehad het nie, op die eerste vergadering nadat hy aldus belanghebbend geword het, en as 'n direkteur

**[(2)] (3)** Any vacancy so occurring on the board of directors shall be filled as prescribed by the regulations of the **[society or company] co-operative**.

- (4) (a) When a director resigns or a number of directors resign from the office of director with the result that the number of directors on the board will be less than the quorum, as determined by the regulations of the co-operative, such director or directors shall remain in office until such time as the vacancy (vacancies) are filled at a special general meeting that must be convened by the board especially for that purpose.
- (b) When the number of directors of a board becomes less than the quorum required by the regulations of the co-operative for reasons other than resignation, the co-operative, notwithstanding the provisions of subsection 6 of section 32 of this Act and the regulations of the co-operative, shall be managed and controlled by the remaining members of the board until such time as the vacancies are filled at a special general meeting that must be convened by the remaining directors especially for that purpose and such a meeting shall be held within 30 days of the occurrence of the vacancies.

**[32.] 34.** (1) Subject to any restrictions imposed by this Act or by the regulations of the **[society or company] co-operative** on the powers of the board of directors, the board may, on behalf of the **[society or company] co-operative**, exercise all the rights and powers and perform all the obligations of the **[society or company] co-operative**, and every director who, upon the authority of a resolution of the board does any act falling within the scope of the objects of the **[society or company] co-operative**, shall be deemed to be the agent of the **[society or company] co-operative**.

Powers of board of directors.

(2) No director shall be held liable to the **[society or company] co-operative** for any loss it may sustain, unless the loss was due to his wilful misconduct or gross negligence, or to his failure to comply with any provisions of this Act or of the regulations of the **[society or company] co-operative**.

(3) The acts done by any meeting of the directors or by any person acting as a director shall, notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any directors or persons acting as aforesaid, be as valid as if no such defect existed.

**35.** (1) A director of a co-operative who is in any way, whether directly or indirectly, interested in any contract or proposed contract with the co-operative or participates in the profits of any contract with the co-operative or is a director, office-bearer or officer of any company, except a co-operative which is registered under this Act, or a member of any firm entering into any contract with the co-operative, shall declare the nature and extent of his interest as provided in subsection (2).

A director shall declare his interest in a contract.

(2) The declaration required by subsection (1) shall be made at the meeting of the directors of the co-operative at which the question of entering into the contract is first taken into consideration if the director concerned is present at such meeting, otherwise at the next meeting of the directors following his receipt of notification, in writing, of such contract, or if the director was not at the date of that meeting interested in the proposed contract at the first meeting after he becomes so interested and where a

belanghebbend in 'n kontrak word nadat dit aangegaan is, op die eerste vergadering van die raad gehou nadat die direkteur belanghebbend in die kontrak geword het.

(3) 'n Direkteur wat 'n belang het soos uiteengesit in subartikel (1) neem nie deel aan die bespreking van so 'n kontrak of enige aangeleentheid wat daaruit voortvloei nie, behalwe indien hy versoek word om inligting te verstrek en hy stem nie ten opsigte daarvan nie.

Direkteure kan hulle bevoegdhede oordra.

**[33.] 36.** (1) Behoudens enige beperkings by besluit van 'n algemene vergadering opgelê, kan die direkteure van 'n **[vereniging of maatskappy]** koöperasie **[indien hulle meer as ses is en]** indien sy **[regulasies]** statuut dit toelaat, een of meer van hul bevoegdhede oordra aan 'n komitee bestaande uit die direkteure wat hulle raadsaam ag om daartoe aan te stel; en 'n aldus saamgestelde komitee moet hom, by die uitoefening van die bevoegdhede aldus oorgedra, hou aan die reëls of voorskrifte wat die direkteur aan hom mag oplê of uitreik.

(2) Die handelings van 'n vergadering van so 'n komitee is, ondanks enige gebrek wat later ontdek mag word in verband met die aanstelling of bevoegdheid van 'n lid van bedoelde komitee, ewe geldig asof so 'n gebrek nie bestaan het nie.

(3) Die direkteure van 'n **[koöperatiewe handelsvereniging]** handelskoöperasie of 'n sentrale **[koöperatiewe handelsmaatskappy]** handelskoöperasie of 'n federale **[koöperatiewe handelsmaatskappy]** handelskoöperasie wat deur sy **[regulasies]** statuut gemagtig word om 'n besigheid te dryf, kan indien deur daardie **[regulasies]** statuut daartoe gemagtig, aan een van daardie direkteure deur hulle geskik geag sodanige van hul bevoegdhede oordra as wat uit hoofde van 'n wetsbepaling op die dryf van daardie besigheid nodig mag wees.

Lys van Direkteure moet aan registrateur gestuur word.

**[34.] 37.** Elke **[vereniging of maatskappy]** koöperasie moet, binne een maand na elke jaarlikse algemene vergadering, aan die registrateur 'n lys stuur wat die name en adresse bevat van die lede wat tydens die indiening van die lys die direkteure van die **[vereniging of maatskappy]** koöperasie uitmaak; en elke **[vereniging of maatskappy]** koöperasie moet die registrateur skriftelik in kennis stel van enige verandering in die name en adresse van direkteure binne een maand nadat so 'n verandering plaasgevind het.

Boekjaar.

**[35.] 38.** Tensy dit in die **[regulasies]** statuut van 'n **[vereniging of maatskappy]** koöperasie anders bepaal word, loop die boekjaar vanaf die eerste dag van **[Julie]** Maart tot die daaropvolgende **[dertigste]** laaste dag van **[Junie]** Februarie, beide dae ingereken.

Algemene vergadering.

**[36.] 39.** (1) (a) 'n Jaarlikse algemene vergadering van elke **[vereniging of maatskappy]** koöperasie moet gehou word behoudens die bepalinge van sy statuut binne ses maande nadat die boekjaar van die **[vereniging of maatskappy]** koöperasie ten einde loop, om die finansiële toestand en die balansstaat en die staat van rekenings van die **[vereniging of maatskappy]** koöperasie te oorweeg en te behandel, 'n verslag van direkteure te ontvang en om direkteure en 'n ouditeur te kies, en vir algemene besigheid. Bedoelde vergadering word die jaarlikse algemene **[jaarlikse]** vergadering genoem en word gehou op sodanige gerieflike plek en datum en tyd as die raad mag bepaal.

(b) Die registrateur kan, op aansoek by hom voor die verstryking van die tydperk waarin die jaarlikse algemene vergadering kragtens die bepalinge van die koöperasie se statuut gehou moet word en by



director becomes so interested in a contract after it is made, at the first meeting of the directors held after the director becomes interested in the contract.

(3) A director having an interest as set out in subsection (1), shall not take part in the discussion of any such contract or any matter arising from it, nor shall he vote in respect thereof.

**[33.] 36.** (1) Subject to any restrictions imposed by resolution of a general meeting, the directors of a **[society or company]** co-operative shall, **[if their number exceed six, and]** if so authorized by its regulations, have the power to delegate any of their powers to a committee consisting of those directors whom they think fit to appoint thereto; and any committee so formed shall in the exercise of the powers so delegated, conform to any rules or instructions that may be imposed on or issued to it by the directors. Directors may delegate their powers.

(2) The acts done by any meeting of such committee shall, notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of such committee, be as valid as if no such defect existed.

(3) The directors of a **[co-operative trading society]** trading co-operative central **[co-operative trading company]** trading co-operative or a federal **[co-operative trading company]** trading co-operative which is authorized by its regulations to carry on any business may, if authorized thereto by such regulations, delegate to one of such directors deemed suitable by them such of their powers as may be necessary by virtue of any law relating to the carrying on of such business.

**[34.] 37.** Every **[society or company]** co-operative shall, within one month after each annual general meeting, transmit to the registrar a list containing the names and addresses of the members who, at the date of the transmission of the return are the directors of the **[society or company]** co-operative; and every **[society or company]** co-operative shall, within one month after the occurrence of any change in the names and addresses of directors advise the registrar in writing of such change. List of directors to be sent to registrar.

**[35.] 38.** Unless it is otherwise provided in the regulations of the **[society or company]** co-operative the financial year shall be from the first day of **[July]** March to the **[thirtieth]** last day of **[June]** February next ensuing, both days inclusive. Financial year.

**[36.] 39.** (1) (a) An annual general meeting of every **[society or company]** co-operative shall be held subject to the provisions of its regulations within six months after the close of the **[society's or company's]** co-operative's financial year for the purpose of considering and dealing with the financial position and the balance-sheet and statement of accounts of the **[society or company]** co-operative, to receive a directors' report and for the election of directors and auditor, and for general business. Such meeting shall be called the annual general meeting and shall be held at such convenient place and date and time as may be prescribed by the board. General meeting.

(b) The registrar may, on application to him by the co-operative before the period within which the annual general meeting shall be held in terms of the co-operative's regulations has elapsed and on presentation

aanvoering van goeie redes daardie tydperk verleng tot 'n tydperk wat nie langer dan ses maande na die verstryking van die boekjaar van die koöperasie mag wees nie.

(2) Benewens die jaarlikse algemene vergadering kan die raad of twee direkteure wat gesamentlik die kennisgewing onderteken, deur skriftelike kennisgewing 'n spesiale algemene vergadering van die **[vereniging of maatskappy]** koöperasie byeenroep, wanneer hulle dit in belang van die **[vereniging of maatskappy]** koöperasie nodig ag dat so 'n vergadering gehou word; en die raad moet so 'n vergadering byeenroep indien 'n versoekskrif, onderteken deur minstens een-tiende, maar in ieder geval minstens vyf van die lede van die **[vereniging of maatskappy]** koöperasie of, in die geval van 'n koöperatiewe deelgenootskap sentrale of federale **[maatskappye]** koöperasie deur minstens twee lede van die **[maatskappy]** koöperasie by die raad ingedien word.

(3) Indien 'n spesiale vergadering nie binne een-en-twintig dae na die indiening van so 'n versoekskrif deur die raad byeengeroep word nie, kan dit deur die ondertekenaars van die versoekskrif byeengeroep word.

Prosedure op  
algemene  
vergaderings.

**[37.] 40.** (1) Die voorsitter van die raad of in sy afwesigheid die ondervoorsitter of in afwesigheid van albei, 'n ander direkteur, tree op as 'n voorsitter op 'n algemene vergadering **[tensy die vergadering anders besluit]** of indien die vergadering op 'n versoekskrif van lede kragtens subartikel (3) van artikel 39 byeengeroep is, word die voorsitter deur daardie vergadering gekies.

(2) Geen item van die verrigtings word op 'n algemene vergadering behandel nie, tensy 'n kworum van die lede teenwoordig is gedurende die tyd wanneer die vergadering daardie item oorweeg.

(3) (a) Behalwe in die geval van 'n sentrale of federale **[maatskappy]** koöperasie opgerig kragtens Hoofstuk VI, is die kworum vir 'n algemene vergadering een-tiende van die ledetal van die **[vereniging of maatskappy]** koöperasie indien die ledetal tweehonderd nie oorskry nie en, indien die ledetal tweehonderd oorskry, is die kworum een-tiende van bedoelde lede ten opsigte van die eerste tweehonderd, plus een-vyftigste van die lede oor die tweehonderd, en in die geval van 'n **[koöperatiewe landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid, 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid en 'n **[koöperatiewe handelsvereniging]** handelskoöperasie met beperkte aanspreeklikheid, word lede wat deur 'n gevolgmagtigde verteenwoordig word (waar dit deur die **[regulasies]** statuut toegelaat word) vir doeleindes van 'n kworum geag aanwesig te wees: Met dien verstande dat 'n kworum in geen geval uit minder as vyf lede wat in eie persoon aanwesig is, mag bestaan nie behalwe in die geval van 'n koöperatiewe deelgenootskap waar die kworum in geen geval uit minder as twee lede in eie persoon teenwoordig, mag bestaan nie.

(b) In die geval van 'n sentrale of federale **[maatskappy]** koöperasie opgerig kragtens Hoofstuk VI mag die kworum in geen geval uit minder as twee lede deur gevolgmagtigdes verteenwoordig, bestaan nie.

(c) 'n **[Vereniging of maatskappy]** Koöperasie kan **[by regulasie]** in sy statuut voorsiening maak vir 'n kworum bestaande uit meer lede as die aantal deur hierdie subartikel bepaal.

of well motivated reasons, extend the period to one which may not be longer than six months after the close of the co-operative's financial year.

(2) The board, or any two directors jointly signing the notice, may by written notice, convene, in addition to the annual general meeting, a special general meeting of the **[society or company]** co-operative, when the holding of such meeting appears to them necessary in the interests of the **[society or company]** co-operative; and the board shall convene such meeting if a requisition in writing signed by not less than one-tenth, but in no case less than five, of the members of the **[society or company]** co-operative or in the case of a co-operative partnership, or a central or federal **[company]** co-operative, by not less than two members of such **[company]** co-operative be transmitted to the board.

(3) If, within twenty-one days after the transmission of such requisition a special meeting is not convened by the board, it may be convened by the requisitionists.

**[37.] 40.** (1) The chairman of the board, or in his absence the vice-chairman, or in the absence of both another director shall, **[unless the meeting otherwise determines by resolution]** be the chairman of any general meeting or if the meeting is convened following a requisition in writing in terms of subsection (3) of section 39 the chairman shall be elected by that meeting. Procedure at general meeting.

(2) No item of business shall be transacted at any general meeting unless a quorum of members is present during the time when the meeting is considering that item.

(3) (a) Except in the case of a central or federal **[company]** co-operative formed under Chapter VI, the quorum for any general meeting shall be one-tenth of the members of the **[society or company]** co-operative if the members do not exceed two hundred, and if the members exceed two hundred, the quorum shall be one-tenth of such members in respect of the first two hundred, plus one-fiftieth of the members in excess of two hundred, and in the case of **[a co-operative agricultural company]** an agricultural co-operative with limited liability a **[farmers']** special **[co-operative company]** farmers' co-operative with limited liability and a **[co-operative trading society]** trading co-operative with limited liability, members present by proxy (where proxies are allowed by the regulations) shall for the purposes of a quorum be deemed to be present: Provided that a quorum shall in no case consist of less than five members present in person except in the case of a co-operative partnership where the quorum shall in no case consist of less than two persons present in person.

(b) In the case of a central or federal **[company]** co-operative formed under Chapter VI, the quorum shall in no case consist of less than two members present by proxy.

(c) Any **[society or company]** co-operative may by regulation provide for a quorum consisting of more members than the number provided for in this subsection.

(4) Indien daar binne een uur na die bepaalde tyd vir 'n vergadering geen kworum aanwesig is nie, word die vergadering, as dit op 'n versoekskrif van lede byeengeroep is, nie gehou nie. In elke ander geval word die vergadering verdaag tot dieselfde dag in die volgende week op dieselfde tyd en plek of, as daardie dag 'n openbare feesdag is, word die vergadering verdaag tot die eersvolgende dag wat nie 'n openbare feesdag is nie, en as daar op so 'n verdaagde vergadering binne een uur vanaf bedoelde tyd geen kworum aanwesig is nie, maak die aanwesige lede, mits hulle minstens vyf of, in die geval van 'n koöperatiewe deelgenootskap of 'n sentrale of federale **[maatskappy]** koöperasie, minstens twee is, 'n kworum uit: Met dien verstande dat, waar dit deur hierdie Wet of die **[regulasies]** statuut van 'n **[vereniging of maatskappy]** koöperasie bepaal word dat die onderwerp vir beslissing op 'n algemene vergadering deur 'n bepaalde aantal of meerderheid van stemme beslis moet word en nie deur 'n blote meerderheid van stemme nie, die kworum voorgeskryf by subartikel (3) aanwesig moet wees.

(5) Behalwe waar dit in hierdie Wet of die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie anders bepaal word, word elke onderwerp wat vir beslissing aan 'n algemene vergadering voorgelê is, deur 'n meerderheid van die lede wat in eie persoon aanwesig is, beslis deur die opsteek van hande, tensy 'n **[hoofdelike]** stemming met stembriefies deur minstens vyf lede of, in die geval van 'n koöperatiewe deelgenootskap of 'n sentrale of federale **[maatskappy]** koöperasie opgerig kragtens die bepalinge van Hoofstuk VI van hierdie Wet, deur minstens twee lede, geëis word.

(6) Die verklaring van die voorsitter dat 'n punt, wat aldus beslis moet word, aangeneem, of eenparig aangeneem, of deur 'n bepaalde meerderheid aangeneem, of verwerp is en 'n aantekening in dié sin in die notule van die vergadering, is afdoende bewys daarvan, sonder bewys van die aantal of die verhouding van die stemme wat ten gunste van of teen die besluit uitgebring is.

(7) Word 'n **[hoofdelike]** stemming met stembriefies geëis, dan moet dit onverwyld plaasvind op die wyse wat in die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie voorgeskrywe is.

(8) Die voorsitter van die vergadering het benewens sy beraadslagende stem ook 'n beslissende stem ingeval van staking van stemme, hetsy by opsteek van hande of by 'n **[hoofdelike]** stemming met stembriefies, tensy die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie anders bepaal: Met dien verstande dat in die geval van 'n raad wat uit minder as drie lede bestaan het die voorsitter slegs 'n beraadslagende stem.

Stemme van lede van  
koöperasies met  
onbeperkte  
aanspreeklikheid.

**[38.] 41.** In die geval van 'n **[koöperatiewe landbouvereniging]** koöperasie met onbeperkte aanspreeklikheid moet lede hul stemme in eie persoon uitbring en geen lid het meer as een stem nie.

Stemme van lede van  
koöperasies met  
beperkte  
aanspreeklikheid.

**[39.] 42.** (1) In die geval van 'n **[koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en 'n koöperatiewe handelsvereniging]** koöperasie met beperkte aanspreeklikheid het elke lid een stem: Met dien verstande dat, indien die **[regulasies]** statuut van die **[maatskappy of vereniging]** koöperasie dit toelaat, elke lid ingeval van 'n **[hoofdelike]** stemming met stembriefies geregtig is op 'n addisionele stem of stemme bereken volgens die waarde van die besigheid wat hy met die **[maatskappy of vereniging]** koöperasie in die loop van 'n deur of kragtens die **[regulasies]** statuut van die **[maatskappy of vereniging]** koöperasie te bepale tydperk verrig het; en die aantal sodanige addisionele stemme (hoogstens vier vir elke lid) en die prosedure wat gevolg moet word by die toekenning daarvan word



(4) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall not be held. In any other case the meeting shall stand adjourned to the same day in the next week at the same time and place, or if that day is a public holiday, it shall stand adjourned to the next day which is not a public holiday, and if at such adjourned meeting a quorum is not present within one hour from such time, the members present not being less than five, or, in the case of a co-operative partnership or a central or federal **[company]** co-operative not being less than two, shall constitute a quorum: Provided that whenever it is by this Act or the regulations of a **[society or company]** co-operative required that the question for decision by a general meeting shall be determined by a specific number or majority of votes, and not by a bare majority of votes only, the quorum prescribed by subsection (3) must be secured.

(5) Save as is otherwise provided in this Act or the regulations of the **[society or company]** co-operative every question for decision by a general meeting shall be determined by a majority of members present in person thereat, **[and]** on a show of hands, unless a **[poll]** vote by ballot is demanded by at least five members, or, in the case of a co-operative partnership or a central or federal **[company]** co-operative formed under the provisions of Chapter VI of this Act, by at least two members.

(6) The declaration by the chairman that a question to be so decided has been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the minutes of the meeting, shall be conclusive evidence of that fact, without proof of the number or proportion of votes recorded in favour of or against the resolution.

(7) A **[poll]** vote by ballot, if demanded shall be taken forthwith in the manner prescribed by the regulations of the **[society or company]** co-operative.

(8) The chairman of the meeting shall, in addition to his deliberative vote, have also a casting vote in the case of an equality of votes, whether on a show of hands or on a **[poll]** vote by ballot unless it is otherwise provided by the regulations of the **[society or company]** co-operative: Provided that in the case of a board consisting of less than three members the chairman shall have a deliberative vote only.

**[38.] 41.** In the case of a **[co-operative agricultural society]** co-operative with unlimited liability, members shall record their votes in person and no member shall have more than one vote. Votes of members of co-operatives with unlimited liability.

**[39.] 42.** (1) In the case of a **[co-operative agricultural company with limited liability, a farmers' special co-operative company with limited liability and a co-operative trading society]** co-operative with limited liability every member shall have one vote: Provided that, if so authorized by the regulations of the **[company or society]** co-operative every member shall **[on a poll]** in the case of a vote by ballot be entitled to an additional vote or votes based on the value of his business with the **[company or society]** co-operative during a period to be fixed by or in terms of the regulations of the **[company or society]** co-operative; and the number of such additional votes (not exceeding four for any one member) and the procedure to be observed in making the allotment thereof shall be as prescribed by Votes of members of co-operatives with limited liability.

deur die **[regulasies]** statuut van die **[maatskappy of vereniging]** koöperasie voorgeskrywe; en, indien die **[regulasies]** statuut van die **[maatskappy of vereniging]** koöperasie wel daartoe magtiging verleen, word alle bepalings van hierdie Wet, waarby 'n meerderheid van lede vir die beslissing oor enige saak voorgeskryf word, by toepassing daarvan op daardie **[maatskappy of vereniging]** koöperasie uitgelê asof hulle dieselfde meerderheid van stemme vir die beslissing oor daardie saak voorskryf.

(2) 'n Lid, anders as 'n lid wat 'n natuurlike persoon is, kan by besluit van sy direkteur of ander beherende liggaam, enige individu magtig om as sy verteenwoordiger op te tree by 'n vergadering van 'n koöperasie waarvan die lid lid is. 'n Aldus gemagtigde persoon is geregtig om namens die lid wat hy verteenwoordig dieselfde bevoegdheid op 'n vergadering van die koöperasie uit te oefen as wat hy sou kan uitoefen indien hy 'n lid van die koöperasie wat 'n natuurlike persoon is, sou wees.

**[(2)] (3)** By 'n **[hoofdelike]** stemming met stembriefies kan lede hul stemme in eie persoon uitbring of as die **[regulasies]** statuut van sodanige **[maatskappy of vereniging]** koöperasie dit toelaat, deur middel van 'n gevolmagtigde: Met dien verstande dat niemand as 'n gevolmagtigde mag optree nie tensy hy lid is van die **[vereniging of maatskappy]** koöperasie of lid is van 'n **[vereniging of maatskappy]** koöperasie wat lid is van die **[vereniging of maatskappy]** koöperasie: Met dien verstande, voorts, dat niemand op 'n vergadering as gevolmagtigde van meer as sewe lede kan optree nie.

**43.** Die wettige verteenwoordiger van 'n lid van 'n koöperasie wat wetlik onbevoeg is om self op te tree het die reg om 'n algemene vergadering van die koöperasie by te woon en die lid se stem uit te bring en hy word vir die bepaling van 'n kworum op so 'n vergadering ingeneem.

Persone wat lede van sentrale of federale koöperasies kan verteenwoordig op algemene vergaderings.

**[40.] 44.** 'n Persoon is nie bevoeg om op 'n algemene vergadering van 'n sentrale of federale **[maatskappy]** koöperasie as die verteenwoordiger van 'n lid van bedoelde sentrale of federale **[maatskappy]** koöperasie op te tree nie, tensy hy of—

- (a) 'n lid is van 'n **[vereniging of maatskappy]** koöperasie, wat regstreeks of onregstreeks deur tussenkoms van 'n **[vereniging of maatskappy]** koöperasie (hetsy sentrale, federale of andersins) 'n lid is van die **[maatskappy]** koöperasie wat die vergadering hou; of
- (b) 'n lid is van 'n vereniging van persone wat boerdery beoefen, wat lid is van 'n **[koöperatiewe landboumaatskappy]** koöperasie met beperkte aanspreeklikheid of 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid, en wat regstreeks of onregstreeks deur tussenkoms van 'n **[maatskappy]** koöperasie, (hetsy sentrale, federale of andersins) lid is van die **[maatskappy]** koöperasie wat die vergadering hou.

Reeksvergaderings.

**[41.] 45.** (1) Tensy die onderwerp vir oorweging op 'n algemene vergadering van 'n **[vereniging of maatskappy]** koöperasie die ontbinding daarvan is of 'n verkorting van die tydperk waarvoor dit bestaan, word die hou van twee of meer algemene vergaderings op verskillende plekke en op dieselfde datum of op verskillende datums beskou as die hou van een algemene vergadering, indien—

- (a) die woonplekke van minstens een-tiende van die lede van die koöperasie vyftig kilometers of verder geleë is van die geregistreerde kantoor van die koöperasie;

the regulations of the **[company or society] co-operative** and if the regulations of the **[company or society] co-operative** do so authorize, all provisions of this Act prescribing a majority of members for the decision of any matter shall in their application to that **[company or society] co-operative** be construed as prescribing the same majority of votes for the decision of that matter.

(2) A member other than a member who is a natural person, may in accordance with the decision of its directors or other controlling body, authorize any individual to act as its representative at a meeting of a co-operative of which the first afore-named member is a member. Such authorized person is empowered to perform, on behalf of the member he represents, the same functions at a meeting of the co-operative as he would be empowered to perform if he were a member of the co-operative who is a natural person.

**[(2)] (3)** Members may, **[on a poll]** in the case of a vote by ballot, give their votes either personally or, if so authorized by the regulations of such **[company or society] co-operative** by proxy: Provided that no person shall act as a proxy unless he is a member of the **[society or company] co-operative** or a member of a **[society or company] co-operative** which is a member of the **[society or company] co-operative**: Provided, further, that no person shall at any meeting act as proxy for more than seven members.

**43.** The lawful representative of a member of a co-operative who is legally incapable of acting for himself has the right to attend a general meeting of the co-operative and to vote on the member's behalf and shall be included for the purpose of determining a quorum at such meeting.

**[40.] 44.** A person shall not be qualified to act at a general meeting of a central or federal **[company] co-operative** as the representative of a member of such central or federal **[company] co-operative** unless he is either—

Persons who may represent members of central or federal co-operatives at general meetings.

- (a) a member of a **[society or company] co-operative** which is directly or indirectly through an intermediary **[society or company] co-operative** (whether central, federal or otherwise) a member of the **[company] co-operative** holding the meeting;
- (b) a member of an association of persons carrying on farming operations, which is a member of a **[co-operative agricultural company] co-operative** with limited liability or a **[farmers] special [co-operative company] farmers' co-operative** with limited liability, and which is directly or indirectly through an intermediary **[company] co-operative** (whether central, federal or otherwise) a member of the **[company] co-operative** holding the meeting.

**[41.] 45.** (1) Unless the question for consideration at a general meeting of a **[society or company] co-operative** is the dissolution thereof, or a curtailment of the period of existence thereof, the holding of two or more general meetings at different places on the same date or on different dates shall be deemed to be the holding of one general meeting, if—

Series of meetings.

- (a) the places of residence of at least one-tenth of the members of the co-operative are distant fifty kilometres or further from the registered office of the co-operative;

- [(a)] (b)** aan die bepalings van hierdie Wet betreffende die hou van algemene vergaderings voldoen word in alle ander opsigte op en met betrekking tot elkeen van die vergaderings, behalwe soos spesiaal bepaal word in subartikel (3) van hierdie artikel;
- [(b)] (c)** die aantal lede teenwoordig op al daardie vergaderings tesaam die kworum voorgeskrywe in subartikel (3) van artikel **[(sewen-en-dertig)] veertig** bereik;
- [(c)] (d)** daar op elke sodanige vergadering voorsit—
- (i) die voorsitter of ondervoorsitter van die raad, of by afwesigheid van hulle albei, 'n ander direkteur, **[(of in die afwesigheid van ook 'n ander direkteur, 'n lid van die vereniging of maatskappy wat deur daardie vergadering gekies word;)]** of
  - (ii) indien die vergaderings op 'n versoekskrif van lede ingevolge subartikel (2) van artikel **[(ses)] nege-en-dertig** byeengeroep is, 'n voorsitter deur daardie vergadering gekies;
- [(d)] (e)** die agenda aan elke sodanige vergadering voorgelê dieselfde is;
- (f)** enige mosie gestel word, dit slegs op die eerste van die reeks vergaderings gestel kan word; en
- (g)** 'n stemming met stembriefies aangevra word dit slegs op die eerste vergadering aangevra kan word en indien so 'n stemming met stembriefies op die eerste vergadering toegestaan en gehou word moet dit ook op die daaropvolgende vergaderings gehou word;

(2) Die voorsitter van elkeen van die vergaderings behalwe die laaste moet die voorsitter van die laaste van die vergaderings onverwylde verwittig van die aantal stemme uitgebring op elke item van die agenda op die vergadering waar hy voorgesit het. Die voorsitter van die laaste van die vergaderings voeg, vir die doel van die verklaring wat hy moet maak ingevolge subartikel (6) van artikel **[(sewen-en-dertig)] veertig**, by die stemme wat op die vergadering waarop hy voorgesit het voor of teen elke punt op die agenda uitgebring is, die stemme uitgebring voor of teen (na gelang van die geval) daardie item op al die voorafgaande vergaderings.

**[(3)]** Die bepalings van hierdie artikel is nie op 'n vereniging of maatskappy wat geen skriftelike verlof van die Minister ontvang het om twee of meer vergaderings te hou, soos beskryf in subartikel (1) van hierdie artikel, van toepassing nie. Die Minister verleen nie sodanige verlof nie, tensy die vereniging of maatskappy tot sy bevrediging bewys gelever het dat die woonplekke van minstens een-tiende van die lede van die vereniging of maatskappy dertig myl of verder geleë is van die geregistreerde kantoor van die vereniging of maatskappy. Die Minister kan so 'n skriftelike verlof intrek, maar die intrekking maak nie die verrigtings op 'n vergadering of vergaderings waarvan tydens die intrekking reeds kennis gegee is, ongeldig nie.

**[(4)] (3)** Die bepalings van subartikels (2) en (4) van artikel **[(sewen-en-dertig)] veertig** is nie op 'n algemene vergadering gehou kragtens hierdie artikel van toepassing nie.

Notules van  
vergaderings.

**[42.] 46. (1) (a)** Notule van die verrigtings op alle algemene vergaderings en op elke vergadering van die raad en op elke vergadering van 'n komitee van die raad moet **[(gereeld)] binne twee maande na die datum waarop so 'n vergadering gehou is** ingeskrywe word in aparte boeke wat vir die doel aangehou word en wat behoorlik gerangskikte besonderhede bevat van die werksaamhede op die vergadering afgehandel.



- [(a)] (b) the provisions of this Act relating to the holding of any general meeting are complied with in all other respects at and as regards each of those meetings, save as is specially provided in subsection (3) of this section;
- [(b)] (c) the number of members present at all such meetings reach in the aggregate the quorum prescribed by subsection (3) of section **[thirty-seven] forty**;
- [(c)] (d) each of such meetings is presided over by—
- (i) the chairman or vice-chairman of the board or in the absence of both of them any other director **[or in the absence of also any other director any member of the society or company elected by such meeting]** or
  - (ii) if such meetings were convened upon the requisition of members in terms of subsection (2) of section **thirty- [six] nine**, any chairman elected by such meeting; and
- [(d)] (e) the agenda presented to each such meeting are identical;
- (f) that any motion brought forward may be brought forward at the first of the series of meetings only; and
- (g) that if a vote by ballot is asked for it may be asked for at the first of the series of meetings only and if such vote by ballot is allowed and held at the first meeting such vote by ballot shall also be held at the meetings following the first meeting.

(2) The chairman of each such meeting, except the last, shall forthwith transmit to the chairman of the last such meeting information as to the number of votes recorded on each item of the agenda at the meeting at which he presided. The chairman of the last such meeting shall, for the purpose of the declaration to be made by him under subsection (6) of section **[thirty-seven] forty** add to the votes given at the meeting at which he presided for or against on each item of the agenda the votes given for or against (as the case may be) on that item at all the preceding meetings.

[(3) The provisions of this section shall not apply to any society or company which has not received a written permission from the Minister to hold two or more meetings as described in subsection (1) of this section. The Minister shall not grant such permission unless the society or company has furnished proof to his satisfaction that the places of residence of at least one-tenth of the members of the society or company are distant thirty miles or more from the registered office of the society or company. The Minister may withdraw any such written permission, but such withdrawal shall not invalidate the proceedings of any meeting or meetings of which notice has at the time of the withdrawal already been given.]

[(4)] (3) The provisions of subsections (2) and (4) of section **[thirty-seven] forty** shall not apply to a general meeting held in terms of this section.

**[42.] 46.** (1) (a) Minutes of the proceedings at all general Minutes of meetings.  
meetings and at every meeting of the board and at every meeting of a committee of the board shall **[regularly]** within two months of the date on which such meeting is held be entered in separate books kept for the purpose and containing properly arranged details of the business conducted at the meeting.

- (b) Los velle papier word nie vir die doeleindes van hierdie artikel geag 'n notuleboek uit te maak nie, tensy hulle blywend saam ingebind is, sonder dat maniere voorsien is om velle te verwyder of in te voeg, en die bladsye agtereenvolgend genommer is;

(2) **[Die notule van die verrigtings op elke vergadering moet aan die eersvolgende vergadering voorgelê word, en indien daarop goedgekeur, word hulle]** Die notules van die verrigtings op elke raadsvergadering of enige komitee daarvan moet aan die eersvolgende raadsvergadering voorgelê word; die notule van die verrigtings van elke jaarlikse algemene vergadering moet aan die eersvolgende jaarlikse algemene vergadering voorgelê word; en die notules van die verrigtings van elke spesiale algemene vergadering moet aan die eersvolgende spesiale- of jaarlikse algemene vergadering voorgelê word; en indien dit op daardie betrokke eersvolgende vergadering as korrek verklaar word, word dit deur die handtekening van die voorsitter van die vergadering **[bekragtig]** bevestig, en is hulle vervolgens sonder verdere bewys in alle geregshoue en plekke *prima facie* getuienis van die verrigtings op die vergaderings waarvan hulle voorgee notule te wees.

(3) Elke sodanige notuleboek moet op die geregisteerde kantoor van die **[vereniging of maatskappy]** koöperasie gehou word en kan ingesien word deur enige persoon skriftelik daartoe gemagtig deur die Minister, en as die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie dit veroorloof, kan sodanige notuleboeke, uitgesonderd die van vergaderings van die raad of 'n komitee van die raad ook **[op alle redelike tye]** gedurende besigheidsure deur enige lid van die **[vereniging of maatskappy]** koöperasie ingesien word.

Aanstelling van  
ouditeur deur  
koöperasies.

**[43.] 47.** (1) Behoudens die bepalings van hierdie artikel en van artikel **[vier]** **[agt-en-veertig]**, moet elke **[vereniging of maatskappy]** koöperasie 'n rekenmeester en ouditeur of 'n firma van ouditeurs wat kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), geregistreer is en openbare praktyk beoefen of indien daartoe deur die registrateur goedgekeur 'n inspekteur van koöperasies ingevolge subartikel (1) van artikel **[twee-en-veertig]** aangestel, as ouditeur van sy rekenings aanstel en sodanige aanstelling word gedoen—

- (a) in die geval van die eerste ouditeur van 'n **[vereniging of maatskappy]** koöperasie, deur die direkteure voor die einde van die eerste boekjaar; en  
(b) in die geval van enige latere ouditeur van 'n **[vereniging of maatskappy]** koöperasie, deur die lede op die jaarlikse algemene vergadering.

(2) (a) 'n Ouditeur ingevolge hierdie artikel aangestel ontruim sy amp indien hy ophou om bevoeg te wees om ingevolge subartikel (1) as 'n ouditeur aangestel te word.

- (b) Wanneer om enige rede 'n toevallige vakature in die amp van ouditeur ontstaan, moet die direkteure van die betrokke **[vereniging of maatskappy]** koöperasie, binne een maand nadat die vakature ontstaan het, 'n ander ouditeur aanstel om die vakature te vul.

- (c) 'n Verandering in die samestelling van 'n firma van ouditeure terwyl hy die amp van ouditeur van 'n koöperasie beklee, maak nie 'n toevallige vakature in die amp van ouditeure uit nie maar as minder as die helfte van die lede van so 'n firma na enige een so 'n verandering oorbly, word dit as 'n bedanking van die ouditeur beskou en maak dit 'n toevallige vakature uit wat ooreenkomstig paragraaf (b) van hierdie subartikel gevul moet word.

- (b) For the purpose of this section loose pages of paper are not deemed to constitute a minute book unless permanently bound together without any method whereby pages can be removed or inserted and the pages are numbered in sequence;

(2) **【The minutes of proceedings of each meeting shall be submitted at the next ensuing meeting and, if passed thereat as correct, shall be.】** The minutes of proceedings at each board meeting or meeting of a committee thereof shall be submitted at the next ensuing board meeting; the minutes of the proceedings of every annual general meeting shall be submitted at the next ensuing annual general meeting; and the minutes of the proceedings of every special general meeting shall be submitted at the next ensuing special or annual general meeting; and if passed as correct at that next ensuing meeting, shall be confirmed by the signature of the chairman thereof, and shall thereupon without further proof be *prima facie* evidence in all courts and places of the proceedings of the meetings of which they purport to be minutes.

(3) Every such minute book shall be kept at the registered office of the **【society or company】** co-operative and shall be open to inspection of any person authorized thereto in writing by the Minister and, if the regulations of the **【society or company】** co-operative so permit, such minute books, except those of board meetings or committees of the board shall also be open to the inspection during all reasonable hours of any member of the **【society or company】** co-operative.

**【43.】 47.** (1) Subject to the provisions of this section and of section *forty-four*, every **【society or company】** co-operative shall appoint an accountant and auditor or a firm of auditors **【who is】** registered under the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951), and **【is】** engaged in public practice or, if approved by the registrar, an inspector of co-operatives appointed in terms of subsection (1) of section *fifty-two*, as the auditor of its accounts and such appointment shall be made—

Appointment of auditor by co-operative.

- (a) in the case of the first auditor of a **【society or company】** co-operative, by the directors before the end of the first financial year; and
  - (b) in the case of any subsequent auditor of a **【society or company】** co-operative, by the members at the annual general meeting.
- (2) (a) Any auditor appointed in terms of this section shall vacate his office if he ceases to be qualified for appointment as an auditor in terms of subsection (1).
- (b) When for any reason a casual vacancy in the office of auditor occurs, the directors of the **【society or company】** co-operative in question shall, within one month after the vacancy occurred, appoint another auditor to fill such vacancy.
- (c) A change in the structure of a firm of auditors whilst it occupies the office of auditors of a co-operative does not create a casual vacancy in respect of the said office but if, after one or other such change, less than half the members of such firm remain, it shall be regarded as a resignation of office by the auditor and a casual vacancy is thereby created which shall be filled according to the provisions of paragraph (b) of this subsection.

(3) Alle aanstellings van ouditeurs kragtens hierdie artikel is onderworpe aan die goedkeuring van die registrateur wat enige sodanige aanstelling kan goedkeur of afkeur sonder om redes op te gee.

(4) Wanneer 'n aanstelling deur die registrateur afgekeur word ingevolge subartikel (3), moet die direkteure van die betrokke **[vereniging of maatskappy]** koöperasie, binne een maand na sodanige afkeuring, 'n nuwe aanstelling doen.

(5) Indien die lede van 'n **[vereniging of maatskappy]** koöperasie of die direkteure daarvan nalaat om 'n aanstelling van 'n ouditeur te doen wat hulle, ingevolge hierdie artikel, verplig is om te doen, moet die registrateur die nodige aanstelling doen.

(6) Niemand word ingevolge subartikel (2), (4) of (5) as 'n ouditeur van 'n **[vereniging of maatskappy]** koöperasie aangestel nie tensy hy bevoeg is om ingevolge subartikel (1) as 'n ouditeur van 'n **[vereniging of maatskappy]** koöperasie aangestel te word.

(7) Iemand wat kragtens hierdie artikel as 'n ouditeur van 'n **[vereniging of maatskappy]** koöperasie aangestel is, beklee sy amp, behoudens die bepalings van hierdie artikel, tot die einde van die eerste jaarlikse algemene vergadering wat na die datum van sy aanstelling gehou word.

(8) Ondanks andersluidende bepalings van hierdie Wet word enige persoon wat by die begin van enige jaarlikse algemene vergadering van 'n **[vereniging of maatskappy]** koöperasie die amp van ouditeur daarvan beklee vir die doeleindes geag by sodanige vergadering deur die lede as ouditeur van sodanige **[vereniging of maatskappy]** koöperasie aangestel te gewees het ingevolge paragraaf (b) van subartikel (1), tensy—

(a) hy die **[vereniging of maatskappy]** koöperasie skriftelik in kennis gestel het dat hy nie bereid is om voort te gaan om die amp van ouditeur daarvan te beklee nie; of

(b) 'n besluit by sodanige vergadering aangeneem word waarby iemand anders as ouditeur van die **[vereniging of maatskappy]** koöperasie aangestel word.

(9) Geen besluit waarby 'n ouditeur aangestel word, word by 'n jaarlikse algemene vergadering aangeneem nie tensy skriftelike kennis van die voorneme om so 'n besluit voor te stel aan die raad van die betrokke **[vereniging of maatskappy]** koöperasie gegee is nie later nie as die laaste dag van die boekjaar wat die jaarlikse algemene vergadering waarop die besluit voorgestel gaan word, voorafgaan: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie—

(a) indien die amp van ouditeur by die begin van sodanige jaarlikse algemene vergadering vakant is of gedurende die loop daarvan vakant raak; of

(b) indien die persoon wat by sodanige begin die amp beklee die in paragraaf (a) van subartikel (8) bedoelde kennis gegee het; of

(c) waar behoorlike kennis gegee is van 'n besluit om iemand as ouditeur aan te stel wat ingevolge subartikel (1) bevoeg is om as sulks aangestel te word en sodanige besluit om enige rede nie voorgestel word nie.

(10) Na ontvangs van 'n kennisgewing van 'n besluit om iemand as ouditeur aan te stel, moet die betrokke raad—

(a) onverwyld 'n afskrif daarvan aan die persoon stuur wat dan die amp van ouditeur van die **[vereniging of maatskappy]** koöperasie beklee (as daar een is), tensy hy alreeds die in paragraaf (a) van subartikel (8) bedoelde kennis gegee het; en

(b) gelyktydig met en op dieselfde manier as wat kennis van die jaarlikse algemene vergadering gegee word aan die lede van die **[vereniging of maatskappy]** koöperasie kennis gee van die voorgestelde besluit.

(11) 'n Direkteur of beampte of lid van die **[vereniging of maatskappy]** koöperasie is nie bevoeg om as ouditeur daarvan aangestel te word nie.



(3) All appointments of auditors under this section shall be subject to the approval of the registrar, who may confirm or reject any such appointment without assigning any reasons.

(4) Whenever any appointment is rejected by the registrar under subsection (3), the directors of the **【society or company】** co-operative in question shall, within one month after such rejection, make a fresh appointment.

(5) If the members of a **【society or company】** co-operative or the directors thereof fail to make any appointment of an auditor which they are, in terms of this section, required to make, the registrar shall make the necessary appointment.

(6) No person shall be appointed as an auditor of any **【society or company】** co-operative in terms of subsection (2), (4) or (5) unless he holds the qualifications necessary for appointment as an auditor of a **【society or company】** co-operative in terms of subsection (1).

(7) Any person appointed as an auditor of a **【society or company】** co-operative under this section shall, subject to the provisions of this section, hold office until the conclusion of the first annual general meeting held after the date of his appointment.

(8) Notwithstanding anything to the contrary in this Act contained, any person who, at the commencement of any annual general meeting of a **【society or company】** co-operative holds office as auditor thereof shall, unless—

- (a) he has given the **【society or company】** co-operative written notice that he is not prepared to continue to hold office as auditor thereof; or
- (b) a resolution is passed at such meeting appointing another person as auditor of the **【society or company】** co-operative;

for all purposes be deemed to have been appointed in terms of paragraph (b) of subsection (1) as auditor of such **【society or company】** co-operative by the members at such meeting.

(9) No resolution appointing an auditor shall be passed at an annual general meeting unless written notice of the intention to move such a resolution has been given to the board of the **【society or company】** co-operative in question not later than the last day of the financial year which precedes the annual general meeting at which the resolution is to be moved: Provided that the provisions of this subsection shall not apply—

- (a) if the office of auditor is vacant at the commencement of such annual general meeting or becomes vacant during the course thereof; or
- (b) if the person holding office at such commencement has given such notice as is referred to in paragraph (a) of subsection (8); or
- (c) where proper notice has been given of a resolution to appoint as auditor any person who is qualified for such appointment in terms of subsection (1) and such resolution is, for any reason, not moved.

(10) On receipt of any notice of a resolution to appoint any person as auditor the board concerned shall—

- (a) forthwith send a copy thereof to the person who is then holding office as auditor of the **【society or company】** co-operative (if any), unless he has already given such notice as is referred to in paragraph (a) of subsection (8); and
- (b) at the same time and in the same manner as notice is given of the annual general meeting give notice to the members of the **【society or company】** co-operative of the proposed resolution.

(11) A director or officer or member of the **【society or company】** co-operative shall not be capable of being appointed as its auditor.

(12) (a) Die besoldiging van die ouditeur van 'n **vereniging of maatskappy** koöperasie word by elke jaarlikse algemene vergadering vasgestel: Met dien verstande dat die direkteure van die **vereniging of maatskappy** koöperasie die besoldiging kan vasstel van 'n ouditeur aangestel kragtens paragraaf (a) van subartikel (1), paragraaf (b) van subartikel (2) of subartikel (4) en die registrateur die besoldiging kan vasstel van 'n ouditeur aangestel kragtens subartikel (5) vir die tydperk tot die eersvolgende jaarlikse algemene vergadering.

(b) Enige besoldiging van 'n ouditeur kragtens paragraaf (a) vasgestel, word uit die fondse van die **vereniging of maatskappy** koöperasie betaal.

(13) Elke ouditeur kragtens hierdie artikel aangestel, het te eniger tyd reg van toegang tot die boeke, rekenings, bewysstukke en dokumente van die **vereniging of maatskappy** koöperasie, en kan van die direkteure en beamptes daarvan die inligting en verduidelikings vereis wat hy nodig ag ten einde sy pligte as ouditeur te kan vervul.

(14) Die ouditeur moet aan die lede van die **vereniging of maatskappy** koöperasie 'n verslag uitbring omtrent die rekenings wat hy ondersoek het en omtrent die in artikel **vyf** nege-en-veertig genoemde state, en die verslag moet vermeld—

(a) of hy die boeke en rekenings en bewysstukke van die **vereniging of maatskappy** koöperasie ondersoek het;

(b) of hy al die inligting en verduidelikings verkry het wat volgens sy oordeel vir die doel van die ouditering nodig was;

(c) of, volgens sy oordeel, behoorlike rekeningboeke deur die **vereniging of maatskappy** koöperasie gehou is;

(d) of, volgens sy oordeel, die state genoem in artikel **vyf** nege-en-veertig en vermeld in sy verslag behoorlik opgestel is sodat hulle 'n ware en redelike weergawe is van die finansiële toestand van die **vereniging of maatskappy** koöperasie volgens die inligting waaroor hy beskik en die verduidelikings wat aan hom verstrekkend is en soos blyk uit die boeke van die **vereniging of maatskappy** koöperasie;

(e) of die regulasies van die **vereniging of maatskappy** koöperasie nagekom is; en

(f) indien hy nie in staat is om so 'n verslag sonder voorbehoud uit te bring nie, die feite of omstandighede wat hom belet om die verslag sonder voorbehoud uit te bring.

(15) Die ouditeur moet sonder versuim 'n afskrif van enige verslag hoegenaamd wat hy in die uitoefening van sy ampspligte as ouditeur van die **vereniging of maatskappy** koöperasie uitbring aan die registrateur stuur.

(16) 'n Ouditeur van 'n **vereniging of maatskappy** koöperasie kan enige algemene vergadering van die **vereniging of maatskappy** koöperasie op sy eie koste bywoon en moet 'n geleentheid gegee word om, binne die redelike perke wat die lede wat by die vergadering teenwoordig is te eniger tyd mag bepaal, enige verklaring daar te doen wat hy wens te doen met betrekking tot enige boeke, dokumente, rekenings of balansstaat wat hy ondersoek het of verslag wat hy uitgebring het of om vertoë te lewer met betrekking tot enige aangeleentheid wat sy aanstelling of besoldiging raak.

(17) Daar moet aan die ouditeur van 'n **vereniging of maatskappy** koöperasie dieselfde kennis van algemene vergaderings van die **vereniging of maatskappy** koöperasie gegee word as wat aan sy lede gegee word.

Aanstelling van  
ouditeur deur die  
Minister.

**[44.] 48.** (1) Indien die Minister oortuig is op 'n skriftelike versoek deur 'n **vereniging of maatskappy** koöperasie dat die omvang of aard van sy besigheid in 'n bepaalde boekjaar nie die

- (12) (a) The remuneration of the auditor of a **[society or company] co-operative** shall be fixed at every annual general meeting: Provided that the directors of the **[society or company] co-operative** may fix the remuneration of an auditor appointed under paragraph (a) of subsection (1), paragraph (b) of subsection (2) or subsection (4) and the registrar may fix the remuneration of an auditor appointed under subsection (5) for the period up to the next annual general meeting.
- (b) Any remuneration of an auditor fixed under paragraph (a) shall be payable out of the funds of the **[society or company] co-operative**.

(13) Every auditor appointed under this section shall have a right of access at all times to the books, accounts, vouchers and documents of the **[society or company] co-operative** and may require from its directors and officers such information and explanations as he thinks necessary for the performance of his duties as auditor.

(14) The auditor shall make a report to the members of the **[society or company] co-operative** on the accounts examined by him and on the statements mentioned in section forty-**[five] nine** and the report shall state—

- (a) whether he has examined the books and accounts and vouchers of the **[society or company] co-operative**;
- (b) whether he has obtained all the information and explanations which in his opinion were necessary for the purposes of the audit;
- (c) whether, in his opinion, proper books of account have been kept by the **[society or company] co-operative**;
- (d) whether, in his opinion, the statements mentioned in section forty-**[five] nine** and referred to in the report are properly drawn up so as to give a true and fair view of the financial position of the **[society or company] co-operative** according to the information at his disposal and explanations given to him and as shown by the books of the **[society or company] co-operative**;
- (e) whether the regulations of the **[society or company] co-operative** have been observed; and
- (f) if he is unable to make any such report without qualification, the facts or circumstances which prevent him from making the report without qualification.

(15) The auditor shall without delay transmit to the registrar a copy of any report whatsoever made by him in the performance of his duties as auditor of the **[society or company] co-operative**.

(16) An auditor of a **[society or company] co-operative** shall be entitled to attend any general meeting of the **[society or company] co-operative** at his own expense and shall be given an opportunity to make thereat, within such reasonable limits as may at any time be determined by the members present at such meeting, any statement that he desires to make in relation to any books, documents, accounts or balance-sheet examined by him or report made by him or to make representations in relation to any matter affecting his appointment or remuneration.

(17) An auditor of a **[society or company] co-operative** shall be given the same notice of general meetings of the **[society or company] co-operative** as is given to its members.

**[44.] 48.** (1) If the Minister is satisfied upon a written request by a **[society or company] co-operative** that the volume or nature of its business in any financial year does not necessitate the

Appointment of  
auditor by the  
Minister.

aanstelling van 'n persoon beskrywe in subartikel (1) van artikel **[drie-] sewe-en-veertig** noodsaak om die rekenings van die **[vereniging of maatskappy]** koöperasie te ouditeer nie, kan die Minister enige geskikte persoon aanstel om die audit uit te voer teen 'n besoldiging deur hom vasgestel. Sodanige besoldiging word deur die **[vereniging of maatskappy]** koöperasie betaal.

(2) Elke aldus aangestelde persoon het die bevoegdheid bepaal in subartikel (13) van genoemde artikel en moet die bepalings van subartikels (14) en (15) daarvan nakom.

Finansiële state van die koöperasie.

**[45.] 49.** (1) (a) Die raad moet, minstens drie weke voor die datum vasgestel vir die jaarlikse algemene vergadering, **[die balansstaat en wins- en -verliesrekening]** finansiële state tot aan die einde van die **[vorige]** pas afgelope boekjaar van die **[vereniging of maatskappy]** koöperasie **[opmaak in 'n vorm wat die Minister mog voorskryf]** laat opstel.

(b) Die finansiële state wat opgestel moet word bestaan onder andere uit—

- (i) 'n balansstaat, insluitende aantekeninge daarop of 'n dokument daarby aangeheg wat inligting deur hierdie Wet vereis verstrek;
  - (ii) 'n wins- en verliesrekening, of 'n soortgelyke finansiële staat insluitende aantekeninge daarop of 'n dokument daarby aangeheg wat inligting deur hierdie Wet vereis, verstrek;
  - (iii) 'n ouditeursverslag ingevolge subartikel 14 van artikel 47 uitgebring.
- (c) Die finansiële state moet ooreenkomstig algemene aanvaarde rekeningkundige praktyk die toestand van die sake van die koöperasie en sy besigheid aan die einde van die betrokke boekjaar en die surplus of tekort van die koöperasie vir daardie boekjaar weergee en moet vir daardie doel in ooreenstemming wees met en ten minste insluit die aangeleenthede voorgeskryf deur Bylae A van hierdie Wet, vir sover as wat dit toepaslik is en voldoen aan enige ander vereistes van hierdie Wet en enige vereistes wat deur die registrateur gestel kan word.
- (d) Die Minister kan die bepalings van Bylae A van hierdie Wet van tyd tot tyd by kennisgewing in die *Staatskoerant* wysig of aanvul.

(2) **[Bedoelde balansstaat en wins- en verliesrekening, onderteken deur 'n meerderheid van direkteure en deur die ouditeur van die vereniging of maatskappy, indien hy dit goedgekeur het na ondersoek van die rekenings van die vereniging of maatskappy, word tesame met die verslag wat deur die ouditeur ingevolge subartikel (14) van artikel drie-en-veertig uitgebring is, aan elke lid gestuur met die kennisgewing van bedoelde algemene vergadering, of anders, indien die regulasies van die vereniging of maatskappy sulks bepaal, kan bedoelde state en verslag deur lede ingesien word op sy kantoor vir 'n deur daardie regulasie te bepale tydperk].** 'n Koöperasie moet, tensy dit aan elke lid gestuur word, minstens veertien dae voor die hou van die jaarlikse algemene vergadering die volgende verslae en state, by sy geregistreerde kantoor of in die geval van koöperasies wat reeksvergaderings hou by die naaste tak van die koöperasie aan elk van die plekke waar die vergaderings gehou word, ter insae van sy lede hou—

- (a) die balansstaat en wins- en verliesrekening insluitende enige dokument daar aangeheg wat ooreenkomstig subartikel (1) opgestel moet word en wat deur die volgende onderteken is—
  - (i) die ouditeur van die koöperasie, indien hy dit goedgekeur het nadat hy die rekenings van die koöperasie ondersoek het; en
  - (ii) twee direkteure van die koöperasie daartoe gemagtig deur die raad of waar so 'n magtiging nie



appointment of a person such as is described in subsection (1) of section ~~forty-three~~ seven to audit the accounts of the **[society or company]** co-operative the Minister may appoint any suitable person to carry out the audit at a fee fixed by him. Such fee shall be paid by the **[society or company]** co-operative.

(2) Every person so appointed shall have the powers described in subsection **[(9)]** (13) of the said section and shall observe the provisions of subsection **[(10)]** (14) and (15) thereof.

**[45.]** 49. (1) (a) Not less than three weeks before the date <sup>Financial statements of the co-operative,</sup> fixed for the annual general meeting the board shall **[prepare]** have drawn up the **[balance-sheet and profit and loss account]** financial statements made up to the close of the **[previous]** past financial year of the **[society or company]** co-operative. **[in such form as may be prescribed by the Minister.]**

(b) The financial statements which shall be drawn up consist, *inter alia*, of—

- (i) A balance sheet, including notes thereto or a document attached thereto furnishing information required under this Act;
  - (ii) a profit and loss account, or similar statement, including notes thereto or a document attached thereto furnishing information required under this Act;
  - (iii) an auditors' report made in accordance with subsection 14 of section 47.
- (c) The financial statements shall in accordance with accepted accounting practice reveal the state of affairs of the co-operative and its business at the end of the relevant financial year and the surplus or loss of the co-operative for that financial year and shall for that purpose, be in agreement with and at least include the matters prescribed in Schedule A of this Act as far as applicable and satisfy any other requirements of this Act and such requirements as the registrar may lay down.
- (d) The Minister may, from time to time, by notice in the *Government Gazette*, amend or add to the provisions of Schedule A.

(2) **[Such balance-sheet and profit and loss account signed by a majority of directors and by the auditor of the society or company, if approved by him after examination of the accounts of the society or company, shall together with the report made by the auditor in terms of subsection (10) of section ~~forty-three~~ be transmitted to each member with the notice of such general meeting or, in the alternative, if it is so provided by the regulations of the society or company, such statements and report shall be open to inspection of members, at its office for a period to be fixed by the regulations.]** A co-operative shall not less than fourteen days before the annual general meeting is held, keep at its registered office or in the case of co-operatives which hold a series of meetings, at the branch of the co-operative nearest to each of the places where the meetings will be held, for inspection by its members the following reports and statements—

- (a) the balance sheet and profit and loss account including any document attached thereto drawn up in accordance with subsection (1) and which are signed by—
  - (i) the auditor of the co-operative, if he has approved same after his examination of the co-operative's accounts; and
  - (ii) two directors of the co-operative thereto empowered by the board or, in the absence of such

- verleen is nie deur 'n meerderheid van direkteure en waar twee direkteure die finansiële state teken moet die feit dat die raad hulle daartoe gemagtig het op die finansiële state gemeld word;
- (b) 'n ouditeursverslag ingevolge subartikel 14 van artikel 47 uitgebring.
- (3) (a) **【Bedoelde balansstaat en wins- en verliesrekening (onderteken soos voornoemd), en ouditeursverslag】** Afskrifte van die verslae en state, geteken soos voorgeskryf, en wat kragtens subartikel (2) ter insae van lede moet lê moet bowendien minstens veertien dae voor die datum vasgestel vir die jaarlikse algemene vergadering aan die registrateur gestuur word, en hulle moet ook op bedoelde vergadering voorgelees word, tensy die vergadering anders besluit.
- (b) Die koöperasie moet minstens vir veertien dae voor die hou van die jaarlikse algemene vergadering by sy geregistreerde kantoor ter insae van sy lede hou die jongste geouditeerde finansiële state van elke maatskappy geregistreer kragtens die Maatskappywet, 1973, wat hy beheer asook van sulke maatskappye waarin hy aandeel hou en wie se finansiële bedrywighede 'n wesenlike invloed op die finansiële posisie van die koöperasie uitoefen, en afskrifte van die finansiële state moet indien daartoe versoek aan die registrateur gestuur word.
- (4) Enige persoon kan **【genoemde balansstaat, rekening en verslag】** die in paragraaf (b) van subartikel (1), genoemde finansiële state op die kantoor van die registrateur insien na betaling van bedrae wat die Minister mag voorskrywe.
- (5) (a) Elke koöperasie moet aan die jaarlikse algemene vergadering 'n direkteursverslag voorlê. Die verslag moet 'n algemene oorsig gee van die besigheid en bedrywighede van die koöperasie gedurende die afgelede boekjaar en van die resultate daarvan. Dit moet handel met elke geleentheid wat wesenlik vir die begrip deur lede van die koöperasie van die toestand van die sake, besigheid en die surplus of tekort van die koöperasie en van enige ander maatskappy, geregistreer kragtens die Maatskappywet, 1973, wat hy beheer, indien enige, asook van enige ander organisasie waarin hy aandeel hou en wie se bedrywighede 'n wesenlike invloed op die finansiële posisie van die koöperasie uitoefen.
- (b) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* voorskrifte uitreik waaraan 'n direkteursverslag moet voldoen.
- (c) 'n Afskrif van genoemde direkteursverslag moet nie later dan 'n maand na die datum waarop die jaarlikse algemene vergadering gehou is, aan die registrateur gestuur word en hierdie verslag kan nie ingevolge subartikel (4) ingesien word nie.

**【(5) (6) Elke 【vereniging of maatskappy】 koöperasie moet benewens 【genoemde balansstaat rekening en verslag】 die finansiële state en verslae in subartikels (2), (3) en (5) genoem die registrateur te eniger tyd op sy versoek voorsien van afskrifte van enige poel- of handelsrekening, behoorlik onderteken deur die ouditeur van die 【vereniging of maatskappy】 koöperasie, en van enige ander inligting betreffende die bestuur en handelstransaksies van die 【vereniging of maatskappy】 koöperasie en enige inligting in verband met die sake en aktiwiteite van maatskappye geregistreer kragtens die Maatskappywet, 1973 en waarin die koöperasie aandeel hou. Die addisionele inligting aldus verstrek kan nie ingevolge subartikel (4) ingesien word nie.**

authorization, by a majority of directors, and where two directors sign the financial statements it shall be stated on the financial statements that the board authorized them so to do;

- (b) an auditors' report brought out in terms of subsection 14 of section 47.

- (3) (a) **【Such balance-sheet and profit and loss account (signed as aforesaid) and auditor's report】** Copies of the reports and statements, signed as prescribed and which in terms of subsection (2) shall lie open to inspection by members, shall further be transmitted to the registrar at least fourteen days before the date fixed for the annual general meeting, and they shall also be read at such meeting unless the meeting otherwise decides.

- (b) The co-operative shall, not less than fourteen days before the annual general meeting is held; keep at its registered office, for inspection by its members the latest audited financial statements of every company incorporated under the Companies Act, 1973 which it controls and of such other companies in which it holds shares and whose financial activities have a material influence on the financial position of the co-operative, and copies of the financial statements shall, if required, be forwarded to the registrar.

- (4) Any person may inspect the **【said balance-sheet, account and report】** financial statements named in paragraph (b) of subsection (1) at the office of the registrar on payment of such fees as may be prescribed by the Minister.

- (5) (a) Every co-operative shall lay before the annual general meeting a director's report. The report shall give a general review of the business and activities of the co-operative during the past financial year and the results thereof. It shall deal with all matters material to the understanding by members of the state of affairs, business and surplus or loss of the co-operative and any other company, incorporated under the Companies Act, 1973, which it controls, if any, and further, of any other organization, in which it holds shares, the activities whereof have a material influence on the financial position of the co-operative.

- (b) The Minister may, from time to time, by notice in the *Government Gazette* issue instructions whereto a director's report shall comply.

- (c) A copy of the afore-named director's report shall, not later than a month from the date on which the annual general meeting is held, be forwarded to the registrar and this report may not be open for inspection in terms of subsection (4).

**【(5)】** (6) In addition to the **【said balance-sheet, account and report】** financial statements and reports named in subsections (2), (3) and (5), every **【society or company】** co-operative shall furnish the registrar, whenever required by him with copies of any pool or trading accounts, duly signed by the auditor of the **【society or company】** co-operative and with any other information relating to the management and trading activities of the **【society or company】** co-operative, and any information in connection with the affairs and activities of companies incorporated under the Companies Act, 1973, in which the co-operative holds shares. The additional information so supplied shall not be open to inspection in terms of subsection (4).

Boetes vir laat  
indiening van  
dokumente.

**50.** Indien 'n koöperasie sonder grondige redes versuim om binne die voorgestelde tydperk 'n dokument wat kragtens artikels 37, 49 en 54 vereis word in te dien kan die registrateur 'n boete van R20 per maand vir elke voltooide maand na die laaste datum waarop sodanige dokument ingedien moes word van so 'n koöperasie vorder. Sodanige boete word in die gekonsolideerde Inkomstefonds gestort.

Hou van boeke, ens.

**[46.] 51.** (1) Elke kragtens hierdie Wet geregistreerde **[vereniging of maatskappy]** koöperasie moet in **[die Afrikaanse, Engelse of Hollandse taal]** een van die amptelike tale van die Republiek boeke en dokumente hou wat duidelik en presies sy transaksies en finansiële toestand aantoon.

(2) Versuim 'n **[vereniging of maatskappy]** koöperasie om aan subartikel (1) te voldoen, dan is die **[vereniging of maatskappy]** koöperasie en elke persoon wat tydens die versuim 'n direkteur, bestuurder of ander beampte daarvan is (tensy hy bewys dat hy nie van die versuim geweet het nie) aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand.

(3) (a) 'n Lid van 'n **[vereniging of maatskappy]** koöperasie kan, behoudens die bepalings van paragraaf (b), die rekeningboeke van die betrokke **[vereniging of maatskappy]** koöperasie gedurende besigheidsure insien, teen betaling, vir elke afsonderlike insae, van die bedrag wat die **[vereniging of maatskappy]** koöperasie in sy **[regulasies]** statuut vir doeleindes van hierdie paragraaf kan voorskryf en minder as vyftig sent moet wees of, by ontstentenis van so 'n **[regulasie]** bepaling, van 'n bedrag van vyftig sent.

(b) 'n **[Vereniging of maatskappy]** Koöperasie kan van tyd tot tyd, op 'n algemene vergadering, op die reg van lede om ingevolge paragraaf (a) rekeningboeke van daardie **[vereniging of maatskappy]** koöperasie in te sien, redelike beperkings plaas wat met die aard van die boeke wat ingesien kan word, of met daardie boeke in enige ander opsig, verband hou.

Aanstelling van  
inspekteurs van  
koöperasies en  
ondersoek van sake  
van koöperasies deur  
persoon benoem deur  
Minister.

**[47.] 52.** (1) Die Minister kan, met inagneming van die regsbepalings wat die Staatsdiens van die **[Unie]** Republiek beheer, beamptes aanstel wat inspekteurs van **[koöperatiewe verenigings]** koöperasie genoem word.

(2) (a) Iemand wat 'n boek of dokument betreffende 'n kragtens hierdie Wet geregistreerde **[vereniging of maatskappy]** koöperasie onder sy beheer of in sy bewaring het, moet dit te aller tye beskikbaar hou vir insae deur 'n inspekteur van **[koöperatiewe verenigings]** koöperasies of 'n persoon wat spesiaal deur die Minister daartoe benoem is (wat afskrifte daarvan kan maak of uittreksels daaruit kan neem), en dit is die plig van elke direkteur en ander beampte van bedoelde **[vereniging of maatskappy]** koöperasie om alle inligting waaroor hy beskik aangaande die **[vereniging of maatskappy]** koöperasie te verstrek wat bedoelde inspekteur of ander persoon van hom mag vorder.

(b) 'n Inspekteur van koöperasies of 'n ander persoon ingevolge paragraaf (a) deur die Minister benoem, kan indien hy dit vir die doel van sy ondersoek na die sake van die koöperasie nodig ag die sake ondersoek van 'n maatskappy geregistreer kragtens die Maatskappyywet, 1973 en wat die koöperasie hetsy alleen of saam met 'n ander koöperasie beheer.

(c) 'n Direkteur, beampte of agent van sodanige maatskappy wie se sake ondersoek word moet op versoek van sodanige inspekteur van koöperasies of ander persoon



**50.** If a co-operative, without thorough reasons, fails to lodge any documents prescribed in sections 37, 49 and 54 within the prescribed period, the registrar may claim from such co-operative a fine of R20 per month for every completed month after the last date on which such document should have been lodged. Such fines shall be placed in the consolidated Revenue Fund.

Fines for late lodging of documents.

**[46.] 51.** (1) Every **[society or company]** co-operative registered under this Act shall keep in **[the Afrikaans, English or Dutch language]** one of the official languages of the Republic such books and documents as will show a correct record of its transactions and financial position.

Keeping of books, etc.

(2) If the **[society or company]** co-operative fails to comply with subsection (1), the **[society or company]** co-operative and every person who is a director, manager or other officer thereof during the time of the default (unless he proves that he was ignorant of the default), shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand.

(3) (a) A member of any **[society or company]** co-operative may, subject to the provisions of paragraph (b), inspect the books of account of the **[society or company]** co-operative in question during business hours, on payment, for each separate inspection, of the amount which the **[society or company]** co-operative may by its regulations prescribe for the purposes of this paragraph and which shall be less than fifty cents or, in the absence of such a regulation, of the amount of fifty cents.

(b) Any **[society or company]** co-operative may from time to time in general meeting, impose upon the right of members to inspect, under paragraph (a) the books of account of that **[society or company]** co-operative reasonable restrictions relating to the books that may be inspected or relating to those books in any other respect.

**[47.] 52.** (1) The Minister may, subject to the law governing the public service of the **[Union] Republic**, appoint officers styled inspectors of **[co-operative societies]** co-operatives.

Appointment of inspectors of co-operatives and investigation of affairs of co-operatives by person appointed by Minister.

(2) (a) Any person having the charge or custody of any book or document relating to any **[society or company]** co-operative registered under this Act shall at all times hold it available for inspection by any inspector of **[co-operative societies]** co-operatives or any person specially appointed thereto by the Minister (who may make copies thereof or take extracts therefrom), and it shall be the duty of every director and other officer of such **[society or company]** co-operative to furnish all such information at his disposal concerning the **[society or company]** co-operative as such inspector or other person may demand from him.

(b) An inspector of co-operatives or other person appointed by the Minister in terms of paragraph (a) may, if he considers it necessary for the purpose of his investigation into the affairs of the co-operative, investigate the affairs of any company incorporated under the Companies Act, 1973, which the co-operative, either alone or in conjunction with another co-operative, controls.

(c) Any director, official or agent of such company the affairs of which are being investigated shall, at the request of such inspector of co-operatives or other person appointed thereto by the Minister, make available

daartoe deur die Minister benoem, alle boeke en dokumente van of met betrekking tot die maatskappy in sy bewaring of onder sy beheer aan hom voorlê en aan die inspekteur of ander persoon die hulp binne sy vermoë verleen in verband met die ondersoek wat onderneem word.

(3) Iedereen wat bedoel word in subartikel (2) en wat in gebreke bly om aan die voorskrifte van daardie subartikel te voldoen, en iedereen wat 'n inspekteur van **[koöperatiewe verenigings]** koöperasies of 'n spesiaal deur die Minister kragtens daardie subartikel aangestelde persoon, belemmer of hinder by die insae van of maak van afskrifte van of uittreksels uit enige boek of dokument soas voornoemd, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[vyf-en-twintig pond]** vyftig rand.

(4) Voordat 'n ondersoek deur 'n inspekteur van **[koöperatiewe verenigings]** koöperasies ingestel word op versoek van 'n **[vereniging of maatskappy]** koöperasie of 'n lid daarvan, kan die Minister na goeddunke eis dat daardie **[vereniging of maatskappy]** koöperasie of lid onderneem om die onkoste van en verbonde aan daardie ondersoek, of so 'n deel daarvan as wat die Minister later na oorweging van die verslag oor die ondersoek mog bepaal, te betaal, en eis dat genoemde **[vereniging of maatskappy]** koöperasie of lid sekuriteit stel vir die betaling van daardie onkoste of deel daarvan.

(5) Die Minister kan gelas dat 'n afskrif van die hele verslag of 'n deel van die verslag oor 'n ondersoek deur 'n inspekteur van **[koöperatiewe verenigings]** koöperasies van die sake van 'n **[vereniging of maatskappy]** koöperasie vir 'n tydperk wat hy vasstel deur lede by die kantoor van die **[vereniging of maatskappy]** koöperasie ingesien kan word, **[en]** of dat 'n algemene vergadering van lede spesiaal byeengeroep word vir die doel om die verslag of deel van die verslag (na gelang van die geval) te lees en te oorweeg; **[en]** of hy kan met toestemming van die raad van direkteure, van die **[vereniging of maatskappy]** koöperasie 'n afskrif van so 'n verslag of 'n deel daarvan laat stuur aan enige persoon of die lede van enige klas persone wat hy mag aandui.

Koöperasies met onbeperkte aanspreeklikheid moet ledelyste aan registrateur stuur.

**[48.] 53.** (1) Elke **[koöperatiewe landbouvereniging]** koöperasie met onbeperkte aanspreeklikheid moet, binne veertien dae nadat 'n verandering plaasgevind het in sy lidmaatskap, hetsy deur toelating van 'n nuwe lid of deur **[oorlyde]**, afsterwe, bedanking of uitsetting van 'n lid, volledige inligting daaroor aan die registrateur stuur, en moet, ingeval 'n nuwe lid toegelaat word, die handtekening van daardie lid aan die registrateur stuur.

(2) Die registrateur is geregtig om te veronderstel dat elke persoon van wie die naam op so 'n lys of aanvullende lys of op die in paragraaf (d) van subartikel (2) van artikel dertien genoemde lys verskyn, 'n lid van die **[vereniging]** koöperasie is, tensy binne veertien dae na publikasie daarvan in die *Staatskoerant* ingevolge subartikel (3) van hierdie artikel 'n persoon hom daarvan oortuig dat hy nie 'n lid van die **[vereniging]** koöperasie is nie.

(3) Wanneer registrasie van so 'n **[vereniging]** koöperasie plaasgevind het, moet die registrateur in die *Staatskoerant* 'n lys publiseer wat die volle name en adresse van alle bestaande lede van die **[vereniging]** koöperasie bevat, en wanneer die registrateur van die **[vereniging]** koöperasie inligting ontvang van enige verandering in die ledelys, moet hy in die *Staatskoerant* 'n aanvullende lys publiseer van alle lede wat sedert die publikasie van die vorige lys lede van die **[vereniging]** koöperasie geword het of opgehou het om lede te wees.

(4) Indien 'n **[vereniging]** koöperasie versuim om aan die vereistes van subartikel (1) te voldoen, dan is elke direkteur, bestuurder of ander beampte van die **[vereniging]** koöperasie

to him all books and documents of, or relating to the company; in his custody or under his control, and shall render such help as is within his powers to the inspector or other person in connection with the investigation being undertaken.

(3) Every person to whom subsection (2) refers who fails to comply with the requirements of that subsection, and every person who obstructs or hinders an inspector of **co-operative societies** co-operatives or persons specially appointed by the Minister in terms of that subsection in inspecting, copying or making extracts from any book or document as aforesaid shall be guilty of an offence and liable, on conviction, to a fine not exceeding **twenty-five pounds** fifty rand.

(4) Before any investigation by an inspector of **co-operative societies** co-operatives is undertaken at the request of a **society or company** co-operative or a member thereof, the Minister may in his discretion require that **society, company** co-operative or member to undertake to defray the costs of and incidental to such investigation of such portion of those costs as the Minister may subsequently after consideration of the report on the investigation determine, and may require the said **society or company** co-operative or member to furnish security for the payment of such costs or portion thereof.

(5) The Minister may order that a copy of the whole or any part of the report on any investigation by an inspector of **co-operative societies** co-operatives into the affairs of any **society or company** co-operative shall be open for inspection by members at the office of that **society or company** co-operative for a period to be fixed by him, and that a general meeting of members be specially convened for the purpose of reading and considering the report or portion of the report, as the case may be; and he may, with the consent of the board of directors of the **society or company** co-operative cause a copy of any such report or any part thereof to be transmitted to any person or the members of any class of persons indicated by him.

**[48.] 53.** (1) Every co-operative **agricultural society** with unlimited liability shall, within fourteen days after any change takes place in its membership, whether by new admission, death, resignation or expulsion, transmit full information thereof to the registrar and, in the case of a new admission, shall transmit to the registrar the new member's signature.

Agricultural co-operatives with unlimited liability, to transmit to registrar lists of members.

(2) The registrar shall be entitled to assume that every person whose name appears on any such list or supplementary list, or on the list mentioned in paragraph (d) of subsection (2) of section thirteen, is a member of the **society or company** co-operative unless, within fourteen days after the publication thereof in the Gazette in terms of subsection (3) of this section, any person satisfies him that he is not a member of the **society** co-operative.

(3) When registration of such **society** co-operative has been effected, the registrar shall publish in the Gazette a list containing the full names and addresses of all existing members of the **society** co-operative and whenever the registrar receives information from the **society** co-operative of any change in the list of members, he shall publish in the Gazette a supplementary list of all members who, since the publication of the previous list, have become or have ceased to be members of the **society** co-operative.

(4) If a **society** co-operative makes default in complying with the requirements of subsection (1) every director, manager or other officer of the **society** co-operative who knowingly and

wat wetens en willens die versuim magtig of toelaat, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **honderd pond** twee honderd rand.

**[49. Die bestaande artikel 49 word in geheel geskraap en deur die volgende artikel vervang.]**

Koöperasies met beperkte aanspreeklikheid moet jaarliks besonderhede oor die aantal lede aan die registrateur stuur.

**54. (1) Elke koöperasie met beperkte aanspreeklikheid moet wanneer hy afskrifte van sy finansiële jaarstate aan die registrateur stuur, soos vereis in artikel 49 (3), ook die volgende besonderhede insake die aantal lede of enige ander inligting wat verlang word aan die registrateur stuur. Die verlangde besonderhede kan as 'n aantekening op die finansiële jaarstate verstrek word of dit kan as 'n afsonderlike opgaaf ingedien word—**

- (a) Die totale getal lede van die koöperasie aan die begin van die voorafgaande boekjaar of ingeval van 'n koöperasie wat vir die eerste keer finansiële jaarstate verstrek, die aantal lede op datum van die registrasie van die koöperasie kragtens hierdie Wet;
- (b) die totale getal persone wat gedurende die betrokke boekjaar of sedert datum van registrasie van die koöperasie, wat ook al die geval mag wees, lede geword het;
- (c) die totale getal persone wat in die loop van die genoemde tydperk opgehou het om lede van die koöperasie te wees;
- (d) die totale getal aan die einde van die boekjaar.

(2) Indien daartoe deur die registrateur versoek moet 'n koöperasie 'n volledige lys met name en adresse, die beroep van elke lid, die aantal aandele deur elke lid gehou en enige ander besonderhede wat verlang word, aan die registrateur, stuur.

Koöperasies met onbeperkte aanspreeklikheid moet ledelyste, ens. hou.

**[50.] 55. Elke [koöperatiewe landbouvereniging] koöperasie met onbeperkte aanspreeklikheid hou op sy kantoor [en vir insae deur sy lede op alle redelike tye]—**

- (a) 'n volledige [lys] register van sy lede met vermelding van die naam, beroep en adres van elke lid, die datum waarop elke lid lid geword het, en die datum waarop enige persoon opgehou het om lid te wees;
- (b) die handtekening van elke lid;
- (c) die sertifikaat van sy registrasie en 'n ware afskrif van sy [regulasies] statuut met enige wysiginge daarin aangebring en ingevolge hierdie Wet geregistreer; en
- (d) 'n lys van die direkteure met vermelding van die naam en adres van elke direkteur.

Koöperasies met beperkte aanspreeklikheid moet lederegister, ens. hou.

**[51.] 56. Elke [koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en koöperatiewe handelsvereniging] koöperasie met beperkte aanspreeklikheid hou op sy kantoor [en ter insae van sy lede op alle redelike tye]—**

- (a) die sertifikaat van sy registrasie en 'n ware afskrif van sy [regulasies] statuut met enige wysigings daarin aangebring en ingevolge hierdie Wet geregistreer;
- (b) 'n lys van direkteure met vermelding van die naam en adres van elke direkteur;
- (c) in een of meer registers 'n lys van sy lede, met vermelding van—
  - (i) die naam, adres en, in die geval van [koöperatiewe landboumaatskappy] landboukoöperasies of [spesiale koöperatiewe boeremaatskappy] spesiale boerekoöperasies, die beroep van elke lid;
  - (ii) die aandele in besit van elke lid, [met die onderskeidende nommer van elke aandeel];
  - (iii) die bedrag op die aandele van elke lid opbetaal;
  - (iv) die datum waarop elke lid lid geword het;



wilfully authorizes or permits the default shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand.

**[49. The existing section 49 is cancelled and replaced by the following section.]**

**54. (1)** Every co-operative with limited liability shall, when forwarding copies of its financial statements to the registrar, as prescribed by section 49 (3), in addition forward particulars concerning the number of members and any other information required, to the registrar. The required particulars may be given as a note to the annual financial statements or as a separate return—

Co-operatives with limited liability shall forward to the registrar annually details of the number of members.

- (a) the total number of members at the beginning of the previous year or, in the case of a co-operative rendering financial statements for the first time, the number of members of the co-operative at the date of registration of the co-operative under this Act;
- (b) the total number of persons who, during the financial year or since the date of registration of the co-operative, as the case may be, have become members;
- (c) the total number of persons who during the respective period have ceased to be members;
- (d) the total number at the end of the financial year.

(2) If the registrar so requests, the co-operative shall forward to him a complete list of members with their names and addresses, the occupation of each member, the number of shares held by each member and such other particulars as may be required.

**[50.] 55.** Every co-operative **[agricultural society]** with unlimited liability shall keep at its office **[and open to inspection of its members at all reasonable hours]**—

Co-operatives with unlimited liability to keep list of members, etc.

- (a) a complete **[list]** register of its members showing the name, address, and occupation of each member, the date at which each member became a member, and the date at which any person ceased to be a member;
- (b) the signature of each member;
- (c) the certificate of its registration and a correct copy of its regulations with any alterations therein made and registered under this Act; and
- (d) a list of the directors showing the name and address of each director.

**[51.] 56.** Every co-operative **[agricultural company with limited liability, farmers' special co-operative company with limited liability and co-operative trading society]** with limited liability shall keep at its office **[and open to inspection of its members at all reasonable hours]**—

Co-operatives with limited liability to keep list of members, etc.

- (a) the certificate of its registration and a correct copy of its regulations with any alteration therein made and registered under this Act;
- (b) a list of the directors showing the name and address of each director;
- (c) in one or more registers, a list of its members, showing—
  - (i) the name, address and, in case of **[co-operative agricultural companies]** agricultural co-operatives or **[farmers' special co-operative companies]** farmers' special co-operatives the occupation of such member;
  - (ii) the shares held by each member; **[distinguishing each share by its number]**
  - (iii) the amount paid on the shares of each member;
  - (iv) the date at which each member became a member;

- (v) die datum waarop enige persoon opgehou het om lid te wees;
- (vi) sodanige verdere besonderhede as die **[regulasies]** statuut mag voorskrywe.

Insaë in lederegisters, ens. deur koöperasies gehou.

**57.** (1) 'n Lys van lede, sertifikaat van registrasie, afskrifte van statute en 'n lys van direkteure wat die koöperasies ingevolge die bepalings van artikels 55 en 56 op sy kantoor moet hou moet gedurende besigheidsure (behoudens die redelike beperkings wat die koöperasie op 'n algemene vergadering op lê) beskikbaar wees vir kostelose insaë deur 'n lid en deur 'n ander persoon teen betaling vir elke insaë van 'n bedrag van een rand of die kleiner bedrag wat die koöperasie vasstel.

(2) 'n Persoon kan by die koöperasie aansoek doen om 'n afskrif van of uittreksel uit die genoemde registers, statuut, sertifikaat van registrasie en lys van direkteure en die koöperasie kan daardie afskrif of uittreksel teen betaling deur die applikant van 'n bedrag van tien sent of die kleiner bedrag wat die koöperasie vasstel, vir elke honderd woorde of deel daarvan van die verlangde afskrif of uittreksel verskaf. Indien die koöperasie dit nie verskaf nie moet aan so 'n persoon voldoende geleentheid verleen word om self die afskrif of uittreksel te maak.

Straf vir versuim om te voldoen aan die bepalings van artikel 55, 56 of 57.

**[52.] 58.** Versuim 'n **[koöperatiewe landbouvereniging om te voldoen aan die bepalings van artikel vyftig, of 'n koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging]** koöperasie om te voldoen aan die bepalings van artikel **[een-en-vyftig]** *vyf-en-vyftig*, *ses-en-vyftig* en *sewe-en-vyftig* dan is elke direkteur, bestuurder of ander beampte van die **[vereniging of maatskappy]** koöperasie (na gelang van die geval) wat die versuim wetens en willens magtig of toelaat, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand.

## HOOFSTUK VI

### OPRIGTING VAN SENTRALE EN FEDERALE KOÖPERASIES

Oprigting van sentrale landboukoöperasies en sentrale spesiale boerekoöperasies.

**[53.] 59.** (1) Enige aantal kragtens hierdie Wet geregistreerde **[koöperatiewe landbouverenigings met onbeperkte aanspreeklikheid, koöperatiewe landboumaatskappye met beperkte aanspreeklikheid en spesiale koöperatiewe boeremaatskappye met beperkte aanspreeklikheid]** landboukoöperasies, sentrale landboukoöperasies, spesiale boerekoöperasies en sentrale spesiale boerekoöperasies, kan gesamentlik 'n sentrale **[koöperatiewe landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid of 'n sentrale spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid oprig.

(2) Na die registrasie van so 'n sentrale **[koöperatiewe landboumaatskappy]** landboukoöperasie of sentrale spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie is—

- (a) 'n kragtens hierdie Wet geregistreerde **[koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy, spesiale koöperatiewe boeremaatskappy, sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy]** landboukoöperasie, spesiale boerekoöperasie, sentrale landboukoöperasie, sentrale spesiale boerekoöperasie en 'n deur die Minister goedgekeurde handelskoöperasie of sentrale handelskoöperasie of beheerraad, geregistreer kragtens die Bemarkingswet 1968 (Wet No. 59 van 1968);

- (v) the date at which any person ceased to be a member;
- (vi) such further particulars as the regulations may prescribe.

**57. (1)** A list of members, the certificate of registration, copies of its regulations and a list of directors which the co-operative, in terms of sections 55 and 56 shall keep at its office, shall during business hours (subject to reasonable restrictions as laid down by the co-operative at a general meeting) be open to inspection, free of charge, by a member and by any other person on payment for each inspection of the amount of one rand or such lesser amount as the co-operative rules.

Examination of register of members, etc. kept by co-operatives.

(2) Any person may apply to the co-operative for a copy of, or extract from, the above-named registers, regulations, certificate of registration and list of directors and the co-operative may supply the said copy or extract on payment by the applicant of an amount of ten cents, or such lesser amount as the co-operative prescribes, per hundred words or part thereof, of the required copy or extract. If the co-operative does not supply same to such person full opportunity shall be afforded such person by the co-operative to make the copy, or extract.

**[52.] 58.** If any co-operative **[agricultural society]** fails to comply with the provisions of section **[fifty, or any co-operative agricultural company or farmers' special co-operative company or co-operative trading society]** fails to comply with the provisions of section **[fifty-one]** five, fifty-six and fifty-seven, every director, manager or other officer of the **[society or company]** co-operative (as the case may be), who knowingly and wilfully authorizes or permits the default, shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand.

Penalty for failure to comply with provisions of sections 55, 56 or 57.

## CHAPTER VI

### FORMATION OF CENTRAL AND FEDERAL CO-OPERATIVES

**[53.] 59. (1)** Any number of **[co-operative agricultural societies with unlimited liability, co-operative agricultural companies with limited liability and farmers' special co-operative companies with limited liability]** agricultural co-operatives, central agricultural co-operatives, special farmers' co-operatives and central special farmers' co-operatives, registered under this Act, may jointly form a central **[co-operative agricultural company]** agricultural co-operative with limited liability or a central special **[co-operative farmers' company]** farmers' co-operative with limited liability.

Formation of central agricultural co-operatives and central special farmers' co-operatives.

(2) After the registration of any such central **[co-operative agricultural company]** agricultural co-operative or central **[farmers' special co-operative company]** special farmers' co-operative—

- (a) any **[co-operative agricultural society, co-operative agricultural company, farmers' special co-operative company, central co-operative agricultural company, or central farmers' special co-operative company]** central agricultural co-operative, central special farmers' co-operative and, if approved by the Minister, a trading co-operative or central trading co-operative or central board registered under the Marketing Act 1968 (Act No. 59 of 1968);

(b) 'n deur die Minister goedgekeurde **koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy, of sentrale koöperatiewe landboumaatskappy, geregistreer in die mandaatgebied Suidwes-Afrika kragtens Proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan;**

**[(c) 'n Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protectoraat of the mandaatgebied Suidwes-Afrika geregistreerde en deur die Minister goedgekeurde maatskappy;]** landboukoöperasie, sentrale landboukoöperasies of ander maatskappye met regspersoonlikheid geregistreer in 'n onafhanklike staat binne of buite die grense van die Republiek;

**[(d)] (c)** in die geval van 'n sentrale spesiale **koöperatiewe boeremaatskappy** **boerekoöperasie**, 'n maatskappy wat as sulks kragtens een of ander wet met regspersoonlikheid bekleed of geregistreer is of 'n deur die Minister goedgekeurde vereniging van persone, hetsy met regspersoonlikheid bekleed al dan nie, wat landbouprodukte of lewende hawe of lewendehaweprodukte hanteer, behandel of van die hand sit, of 'n deur die Minister goedgekeurde landbou assosiasie,

bevoeg om lid te wees van bedoelde sentrale **koöperatiewe landboumaatskappy** **landboukoöperasie** of sentrale spesiale **koöperatiewe boeremaatskappy** **boerekoöperasie**.

(3) 'n Sentrale **koöperatiewe landboumaatskappy** **landboukoöperasie** of sentrale spesiale **koöperatiewe boeremaatskappy** **boerekoöperasie** kan, behoudens die bepalinge van hierdie Wet, opgerig word vir een of meer van die doeleindes uiteengesit in paragrawe (a) tot en met (p) en paragrawe (t) **[tot]** en **[met (w)] (v)** van subartikel (1) van artikel vyf en paragrawe (a) tot en met **[(r)] (n)** en paragrawe **[(t) en] (r), (t) en (u)** van subartikel (1) van artikels ses, **[7]** asook—

**[(3) (a)bis] (i)** die onderneming en voortsetting volgens 'n koöperatiewe stelsel van die versekering van sy lede en sy lede se lede se eiendom en sodanige ander versekering as wat die Minister goedkeur of enige ander versekering in verband met die uitvoering van sy doeleindes deur so 'n lid of om as agent vir sy lede en dié se lede op te tree ten opsigte van sodanige versekering;

(ii) om behoudens die bepalinge van artikel 5 (1) (r) en 6 (1) (q) namens sy lede as agent vir hulle lede op te tree ten opsigte van dié se versekeringsbesigheid met versekeraars;

(iii) om namens en ten behoeve van sy lede en dié se lede volgens 'n koöperatiewe stelsel 'n pensioenfonds kragtens die bepalinge van die Pensioenfondswet (No. 24 van 1956) en 'n mediese skema kragtens die bepalinge van die Wet op Mediese Skemas (No. 72 van 1967) te onderneem en voort te sit of om as agent vir sy lede en dié se lede ten opsigte van sodanige pensioenfonds en/of mediese skema op te tree.

**[(3) (a) (b)] (iv)** samespanning met enige buitelandse maatskappy in gesamentlike optrede vir die verkoop van produkte of die aankoop van landboubenodighede ten behoeve van sy lede, en om **[te dien einde]** vir die doel aandeel in enige sodanige deur die Minister goedgekeurde maatskappy te verwerf.



- (b) any **[co-operative agricultural society, co-operative agricultural company or central co-operative agricultural company registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof]** agricultural co-operative, central agricultural co-operative or other companies incorporated and registered in an independent state within or outside the borders of the Republic and approved by the Minister;
- [(c) any company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate or the mandate territory of South West Africa, and approved by the Minister; or]**
- [(d)] (c)** in the case of a central **[farmers' special co-operative company]** special farmers' co-operative, any company incorporated or registered as such under any law of any body of persons corporate or unincorporate handling, treating or disposing of agricultural products or livestock, or livestock products, and approved by the Minister, or any agricultural association approved by the Minister,

shall be qualified to be a member of such central co-operative agricultural company or central farmers' co-operative company.

(3) A central **[co-operative agricultural company]** agricultural co-operative or central special farmers' co-operative may, subject to the provisions of this Act, be formed for all or any of the objects set forth in paragraphs (a) to (p) inclusive and paragraphs (t) **[to]** and **[(w) inclusive]** (v) of subsection (1) of section five and paragraphs (a) to **[(r)]** (n) inclusive and paragraphs **[(t) and]** (r), (t) and (u) of subsection (1) of section **[7]** six; including—

- [(3) (a) bis]** (i) the commencement and carrying on under a co-operative system of the insurance of any property of its members and its members' members and such other insurance as the Minister may approve or any other insurance in connection with the carrying out by any such member of any of its objects or to act as agent for its members and their members in respect of such insurance;
- (ii) subject to the provisions of section 5 (1) (r) and 6 (1) (q), to act on behalf of its members as agent for their members in respect of the last-named members' insurance business with insurers;
- (iii) to commence and carry on for and on behalf of its members and their members under a co-operative system a pension fund in accordance with the provisions of the Pension Funds Act, No. 24 of 1956, and a medical scheme in accordance with the provisions of the Medical Schemes Act, No. 72 of 1967 or to act as agent for its members and their members in respect of such pension fund and/or medical scheme.
- [(3) (a) (b)]** (iv) the combining with any foreign company in any joint operations for the sale of produce or the purchase of agricultural requirements on behalf of its members, and for that purpose to acquire shares in any such company approved by the Minister.

**[(5)]** (4) By die toepassing van hierdie artikel beteken 'n „buitelandse maatskappy", 'n maatskappy, agentskap of inrigting wat in 'n ander land as die **[Unie]** Republiek geregistreer of met regspersoonlikheid bekleed is ingevolge die wette van daardie land. **[En deel van die hoofdoel waarvan bestaan uit die verkoop van produkte of die aankoop van boerderybenodigdhede ten behoeve van boere georganiseer volgens 'n koöperatiewe stelsel.]**

**[(4)]** (5) Wanneer 'n doelstelling van 'n sentrale **[koöperatiewe landboumaatskappy]** landboukoöperasie of 'n sentrale spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie bestaan uit transaksies van die aard wat in hierdie artikel beskrywe word, word dergelike transaksies met ander sentrale **[koöperatiewe landboumaatskappye]** landboukoöperasies of sentrale spesiale **[koöperatiewe boeremaatskappye]** boerekoöperasies geag onder sy wettige doeleindes inbegrepe te wees.

(6) 'n Sentrale landboukoöperasie of sentrale spesiale boerekoöperasie besit behoudens die bevoegdheid wat uitdruklik uitgesluit of gekwalifiseer word in sy statuut, die bevoegdheid soos uiteengesit in paragrafe (a) tot (j) en paragrafe (l) tot (n) van subartikel (2) van artikel vyf en paragrafe (a) tot (j) en paragrafe (l) tot (n) van subartikel (2) van artikel ses, asook die werwing deur aankoop of op ander wyse van aandele in 'n kragtens hierdie Wet geregistreerde ander sentrale **[koöperatiewe landboumaatskappy]** landboukoöperasie of sentrale spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie of federale **[koöperatiewe landboumaatskappy]** landboukoöperasie of federale spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie of in 'n deur die Minister goedgekeurde **[koöperatiewe handelsvereniging]** handelskoöperasie of sentrale of federale **[koöperatiewe handelsmaatskappy]** handelskoöperasie of maatskappy met regspersoonlikheid en geregistreer ingevolge 'n ander wet: Met dien verstande dat die Minister na goeddunke enige voorwaardes waaronder die aandele in sodanige maatskappy gehou mag word kan stel en dat hy kan bepaal watter aktiwiteite en waar dit deur die maatskappy verrig mag word solank die koöperasie aandele daarin hou;

Oprigting van sentrale handelskoöperasies.

**[54.] 60.** (1) Enige aantal kragtens hierdie Wet geregistreerde **[koöperatiewe handelsverenigings]** handelskoöperasies met beperkte aanspreeklikheid kan gesamentlik 'n sentrale **[koöperatiewe handelsmaatskappy]** handelskoöperasie met beperkte aanspreeklikheid oprig.

(2) Na die registrasie van so 'n sentrale **[koöperatiewe handelsmaatskappy]** handelskoöperasie is—

(a) 'n kragtens hierdie Wet geregistreerde **[koöperatiewe handelsvereniging]** handelskoöperasie of sentrale **[koöperatiewe handelsmaatskappy]** handelskoöperasie of 'n deur die Minister goedgekeurde landboukoöperasie, spesiale boerekoöperasie, sentrale landboukoöperasie of 'n sentrale spesiale boerekoöperasie; of

**[(b)]** 'n deur die Minister goedgekeurde koöperatiewe handelsvereniging of sentrale koöperatiewe handelsmaatskappy geregistreer in die mandaatgebied Suidwes-Afrika kragtens proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan; of

(c) 'n deur die Minister goedgekeurde maatskappy geregistreer in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protektoraat of die mandaatgebied Suidwes-Afrika]

**[(b)]** 'n deur die Minister goedgekeurde koöperasie of sentrale koöperasie of ander maatskappy met regsper-

**[(5)] (4)** For the purposes of this section a "foreign company" means a company, agency or institution registered or incorporated in any country other than the **[Union] Republic** under the laws of such country. **[and which has as part of its main objects the sale of produce or the purchase of farming requirements on behalf of farmers organized under a co-operative system.]**

**[(4)] (5)** Whenever any of the objects of a central **[co-operative agricultural company]** agricultural co-operative or a central **[farmers']** special **[co-operative company]** farmers' co-operative are such dealings as are described in this section, similar dealings with other central **[co-operative agricultural companies]** agricultural co-operatives or central **[farmers']** special **[co-operative companies]** farmers' co-operatives shall be deemed to be included among its lawful objects.

(6) A central agricultural co-operative or central special farmers' co-operative has, apart from those powers expressly included or qualified in its regulations, the powers set forth in paragraphs (a) to (j) and paragraphs (l) to (n) of subsection 2 of section five and paragraphs (a) to (j) and paragraphs (l) to (n) of subsection (2) of section six including the acquisition by purchase or otherwise of shares in any other central **[co-operative agricultural company]** agricultural co-operative or central **[farmers']** special **[co-operative company]** farmers' co-operative or federal **[co-operative agricultural company]** agricultural co-operative or federal **[farmers']** special **[co-operative company]** farmers' co-operative registered under this Act or, if approved by the Minister, in any **[co-operative trading society]** trading co-operative or central or federal **[co-operative trading company]** trading co-operative or company incorporated and registered under another Act: Provided that the Minister may, in his discretion, prescribe any conditions whereby the shares in such company may be held and in respect of what activities and the place where such activities may be engaged in by the company as long as shares therein are held by the co-operative.

**[54.] 60.** (1) Any number of **[co-operative trading societies]** Formation of central trading co-operative. trading co-operatives with limited liability, registered under this Act, may jointly form a central **[co-operative trading company]** trading society with limited liability.

(2) After the registration of any such central **[co-operative trading company]** trading co-operative—

- (a) any **[co-operative trading society]** trading co-operative or central **[co-operative trading company]** trading co-operative registered under this Act or, if approved by the Minister, agricultural co-operative, special farmers' co-operative, central agricultural co-operative or central farmers' co-operative; or
- [(b)]** any co-operative trading society or central co-operative trading company registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof, and approved by the Minister; or
- (c) any company registered in Basutoland, Swaziland, Southern Rhodesia, the Bechuanaland Protectorate or mandated territory of South West Africa, and approved by the Minister.]
- (b) any, co-operative or central co-operative or other company incorporated and registered in an independent

soonlikheid geregistreer in 'n onafhanklike staat binne of buite die grense van die Republiek;

bevoeg om lid te wees van bedoelde sentrale **【koöperatiewe handelsmaatskappy】** handelskoöperasie.

(3) 'n Sentrale **【koöperatiewe handelsmaatskappy】** handelskoöperasie kan, behoudens die bepalings van hierdie Wet, opgerig word vir **【een of meer van】** die doeleindes waarvoor 'n **【koöperatiewe handelsvereniging】** handelskoöperasie met beperkte aanspreeklikheid opgerig kan word soos bepaal in **【paragrafe (a) tot en met (e) en paragraaf (g) van】** subartikel (1) van artikel *elf*, en het die bevoegdhede soos bepaal in paragrafe (a) tot en met (e) en paragrafe (g) en (h) van subartikel (2) van artikel *elf* inbegrepe die verwerwing deur aankoop of op ander wyse van aandele in enige ander kragtens hierdie Wet geregistreerde sentrale **【koöperatiewe handelsmaatskappy】** of federale **【koöperatiewe handelsmaatskappy】** handelskoöperasie of in 'n deur die Minister goedgekeurde sentrale of federale landboukoöperasie of sentrale of federale spesiale boerekoöperasie of buitelandse maatskappy of maatskappy met regspersoonlikheid geregistreer ingevolge 'n ander Wet van die Republiek: Met dien verstande dat die Minister na goeëdunke enige voorwaardes waaronder die aandele in sodanige maatskappy gehou mag word kan stel en dat hy kan bepaal watter aktiwiteite en waar deur die maatskappy verrig mag word solank die koöperasie aandele daarin hou.

(4) By die toepassing van hierdie artikel beteken 'n „buitelandse maatskappy” 'n maatskappy, agentskap of inrigting wat in 'n ander land as **【Unie】** die Republiek geregistreer of met regspersoonlikheid beklee is ingevolge die wette van daardie land. **【en wat dieselfde of dergelike doeleindes het as dié van 'n koöperatiewe handelsvereniging geregistreer ingevolge hierdie Wet.】**

Oprigting van federale landboukoöperasies en federale spesiale boerekoöperasies.

**【55.】 61.** (1) Enige aantal kragtens hierdie Wet geregistreerde sentrale of federale **【koöperatiewe landboumaatskappye】** landboukoöperasies of sentrale of federale spesiale **【koöperatiewe boeremaatskappye】** boerekoöperasies, kan gesamentlik 'n federale **【koöperatiewe landboumaatskappy】** landboukoöperasie met beperkte aanspreeklikheid of 'n federale spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie met beperkte aanspreeklikheid oprig.

(2) Na die registrasie van so 'n federale **【koöperatiewe landboumaatskappy】** landboukoöperasie of federale spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie is—

- (a) 'n kragtens hierdie Wet geregistreerde sentrale of federale **【koöperatiewe landboumaatskappy】** landboukoöperasie of sentrale of federale spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie of sentrale of federale handelskoöperasie;
- (b) 'n kragtens hierdie Wet geregistreerde **【koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy】** landboukoöperasie of spesiale boerekoöperasie, vir die uitvoering van die doel waarvan geen sentrale **【koöperatiewe landboumaatskappy】** landboukoöperasie of sentrale spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie opgerig is nie;
- (c) 'n deur die Minister goedgekeurde **【koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy of sentrale of federale koöperatiewe landboumaatskappy】** geregistreer in die mandaatgebied Suidwes-Afrika kragtens Proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan; **【landboukoöperasie, sentrale of**



state within or outside the borders of the Republic and approved by the Minister, shall be qualified to be a member of such central **[co-operative trading company]** trading co-operative.

(3) A central **[co-operative trading company]** trading co-operative may, subject to the provisions of this Act, be formed for **[all or any of]** the objects for which a **[co-operative trading society]** trading co-operative with limited liability may be formed **[as contained in paragraphs (a) to (e) inclusive and paragraph (g) of subsection (1) of section eleven]** and has the powers contained in paragraphs (a) to (e) inclusive and paragraphs (g) and (h) of subsection (2) of section eleven, including the acquisition by purchase or otherwise of shares in any other central **[co-operative trading company]** trading co-operative or federal **[co-operative trading company]** trading co-operative registered under this Act, or if approved by the Minister, in any central or federal agricultural co-operative or central or federal special farmers' co-operative or in any foreign company or company incorporated and registered under another Act of the Republic: Provided that the Minister may in his discretion, prescribe any conditions whereby the shares in such company may be held and in respect of what activities and the place where such activities may be performed by the company as long as shares therein are held by the co-operative.

(4) For the purpose of this section a "foreign company" means a company, agency or institution, registered or incorporated in any country other than the **[Union]** Republic under the laws of such country. **[and which has objects the same as or similar to those of a co-operative trading society registered under this Act.]**

**[55.] 61.** (1) Any number of central or federal **[co-operative agricultural companies]** agricultural co-operatives or central or federal **[farmers']** special **[co-operative companies]** farmers' co-operatives, registered under this Act, may jointly form a federal **[co-operative]** agricultural **[company]** co-operative with limited liability or a federal **[farmers']** special **[co-operative company]** farmers' co-operative with limited liability.

Formation of federal agricultural co-operatives and federal special farmers' co-operatives.

(2) After the registration of any such federal **[co-operative agricultural company]** agricultural co-operative or federal **[farmers']** special **[co-operative company]** farmers' co-operative—

- (a) any central or federal **[co-operative agricultural company]** agricultural co-operative or central or federal **[farmers']** special **[co-operative company]** farmers' co-operative registered under this Act;
- (b) any **[co-operative agricultural society, co-operative agricultural company or farmers' special co-operative company]** agricultural co-operative or special farmers' co-operative registered under this Act, for the carrying out of whose object no central **[co-operative agricultural company]** agricultural co-operative or central **[farmers']** special **[co-operative company]** farmers' co-operative is established;
- (c) any **[co-operative agricultural society, co-operative agricultural company or central or federal co-operative agricultural company]** registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory or any amendment thereof, **[agricultu-**

federale landboukoöperasie of ander maatskappy met regspersoonlikheid geregistreer in 'n onafhanklike staat binne of buite die Republiek van Suid-Afrika;

(d) **['n deur die Minister goedgekeurde maatskappy geregistreer in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protoktoraat of die mandaatgebied Suidwes-Afrika;]** 'n deur die Minister goedgekeurde Beheerraad geregistreer kragtens die Bemarkingswet 1968 (Wet No. 59 van 1968); of

(e) in die geval van 'n federale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie, 'n maatskappy wat as sulks kragtens een of ander wet met regspersoonlikheid bekleed of geregistreer is of 'n vereniging van persone, hetsy met regspersoonlikheid bekleed al dan nie, wat landboupprodukte, **[en]** lewende hawe en lewendehawe produkte van 'n deur die Minister bepaalde soort, hanteer, behandel of van die hand sit, of 'n deur die Minister goedgekeurde landbou-assosiasie,

bevoeg om lid te wees van bedoelde federale koöperatiewe **['landboumaatskappy]** landboukoöperasie of federale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie.

(3) 'n Federale **['Koöperatiewe landboumaatskappy]** landboukoöperasie of federale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie kan, behoudens die bepalings van hierdie Wet, opgerig word vir een of meer van die doeleindes waarvoor 'n kragtens hierdie Wet geregistreerde sentrale **['koöperatiewe landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid of sentrale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid opgerig kan word en kan dieselfde bevoegdhede as 'n sentrale landboukoöperasie of sentrale spesiale boerekoöperasie uitoefen: Met dien verstande dat die verwerwing van aandele in 'n sentrale **['koöperatiewe landboumaatskappy]** landboukoöperasie of sentrale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie nie geag word inbegrepe te wees onder die **['doeleindes waarvoor]** bevoegdhede van 'n federale **['koöperatiewe landboumaatskappy]** landboukoöperasie of federale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie **['opgerig kan word]** nie.

(4) Wanneer 'n doel van 'n federale **['koöperatiewe landboumaatskappy]** landboukoöperasie of federale spesiale **['koöperatiewe boeremaatskappy]** boerekoöperasie bestaan uit transaksies wat in hierdie artikel beskrywe word, word dergelike transaksies met ander federale **['koöperatiewe landboumaatskappye]** landboukoöperasies of federale spesiale **['koöperatiewe boeremaatskappye]** boerekoöperasies geag onder sy wettige doeleindes inbegrepe te wees.

Oprigting van 'n federale handelskoöperasie.

**[56.] 62.** (1) Enige aantal kragtens hierdie Wet geregistreerde sentrale of federale **['koöperatiewe handelsmaatskappye]** handelskoöperasies met beperkte aanspreeklikheid kan gesamentlik 'n federale **['koöperatiewe handelsmaatskappy]** handelskoöperasie met beperkte aanspreeklikheid oprig.

(2) Na die registrasie van so 'n federale **['koöperatiewe handelsmaatskappy]**, handelskoöperasie, is—

(a) 'n ingevolge hierdie Wet geregistreerde sentrale of federale **['koöperatiewe handelsmaatskappy]** handelskoöperasie, 'n deur die Minister goedgekeurde sentrale of federale landboukoöperasie of sentrale of federale boerekoöperasie;

(b) 'n deur die Minister goedgekeurde sentrale of federale **['koöperatiewe handelsmaatskappy]** geregistreer in

ral co-operative, central or federal agricultural co-operative or other company incorporated and registered in an independent state within or outside the borders of the Republic of South Africa, and approved by the Minister;

(d) any **[company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate, or the mandated territory of South West Africa, and approved by the Minister]** Control Board registered under the Marketing Act 1968 (Act No. 59 of 1968) and approved by the Minister; or

(e) in the case of a federal **[farmers']** special **[co-operative company]** farmers' co-operative, any company incorporated or registered as such under any law, or any body of persons corporate or unincorporate handling, treating or disposing of classes of agricultural products, **[and]** livestock and livestock products, determined by the Minister, or any agricultural association, approved by the Minister,

shall be qualified to be a member of such federal **[co-operative agricultural company]** agricultural co-operative or federal **[farmers']** special **[co-operative company]** farmers' co-operative.

(3) A federal **[co-operative agricultural company]** agricultural co-operative or federal **[farmers']** special **[co-operative company]** farmers' co-operative may, subject to the provisions of this Act, be formed for all or any of the objects for which a central **[co-operative agricultural company]** agricultural co-operative with limited liability or central **[farmers']** special **[co-operative company]** farmers' co-operative with limited liability, registered under this Act, may be formed and may exercise the same powers as a central agricultural co-operative or central farmers' co-operative: Provided that the acquisition of shares in a central **[co-operative agricultural company]** agricultural co-operative or a central **[farmers']** special **[co-operative company]** farmers' co-operative shall not be deemed to be included among the objects for which a federal **[co-operative agricultural company]** agricultural co-operative or federal **[farmers']** special **[co-operative company]** farmers co-operative may be formed.

(4) Whenever any of the objects of a federal **[co-operative agricultural company]** agricultural co-operative or federal **[farmers']** special **[co-operative company]** farmers' co-operative are such dealings as are described in this section, similar dealings with other federal **[co-operative agricultural companies]** agricultural co-operatives or federal **[farmers']** special **[co-operative companies]** farmers' co-operatives shall be deemed to be included among its lawful objects.

**[56.] 62.** (1) Any number of central or federal **[co-operative trading companies]** trading co-operatives with limited liability, registered under this Act, may jointly form a federal **[co-operative trading company]** trading co-operative with limited liability.

Formation of federal trading co-operative.

(2) After the registration of any such federal **[co-operative trading company]** trading co-operative—

- (a) any central or federal **[co-operative trading company]** trading co-operative registered under this Act;
- (b) any central or federal **[co-operative trading company]** registered in the mandated territory of South West

die mandaatgebied Suidwes-Afrika kragtens Proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan] handelskoöperasie of ander maatskappy met regspersoonlikheid geregistreer in 'n onafhanklike staat binne of buite die grens van die Republiek; [of]

[(c) 'n deur die Minister goedgekeurde maatskappy geregistreer in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protektoraat of die mandaatgebied Suidwes-Afrika] bevoeg om lid te wees van bedoelde federale [koöperatiewe handelsmaatskappy] handelskoöperasie.

(3) 'n Federale [koöperatiewe handelsmaatskappy] handelskoöperasie kan behoudens die bepalings van hierdie Wet, opgerig word vir [een of meer van] die doeleindes waarvoor 'n ingevolge hierdie Wet geregistreerde sentrale [koöperatiewe handelsmaatskappy] handelskoöperasie met beperkte aanspreeklikheid opgerig kan word en kan dieselfde bevoegdhede as 'n kragtens hierdie Wet geregistreerde sentrale handelskoöperasie uitoefen: Met dien verstande dat die verwerf van aandele in 'n sentrale [koöperatiewe handelsmaatskappy] handelskoöperasie of sentrale landboukoöperasie of, sentrale landboukoöperasie of sentrale spesiale boerekoöperasie nie geag word inbegrepe te wees onder die [doeleindes] bevoegdhede wat 'n federale [koöperatiewe handelsmaatskappy] handelskoöperasie [opgerig kan word nie] uitoefen nie.

Bepalings toepaslik op landboukoöperasies geld ook vir sentrale en federale landboukoöperasies.

**[57.] 63.** Die bepalings van hierdie Wet wat toepaslik is op 'n [koöperatiewe landboumaatskappy] landboukoöperasie met beperkte aanspreeklikheid, is *mutatis mutandis* van toepassing op 'n kragtens hierdie Wet geregistreerde sentrale [koöperatiewe landboumaatskappy] landboukoöperasie met beperkte aanspreeklikheid en 'n federale [koöperatiewe landboumaatskappy] landboukoöperasie met beperkte aanspreeklikheid.

Bepalings toepaslik op spesiale boereboukoöperasies geld ook vir sentrale en federale spesiale boerekoöperasies.

**[58.] 64.** Die bepalings van hierdie Wet wat toepaslik is op 'n spesiale [koöperatiewe boeremaatskappy] boerekoöperasie met beperkte aanspreeklikheid, is *mutatis mutandis* van toepassing op 'n kragtens hierdie Wet geregistreerde sentrale spesiale [koöperatiewe boeremaatskappy] boerekoöperasie met beperkte aanspreeklikheid en 'n federale spesiale [koöperatiewe boeremaatskappy] boerekoöperasie met beperkte aanspreeklikheid.

Bepalings toepaslik op handelskoöperasies geld ook vir sentrale en federale handelskoöperasies.

**[59.] 65.** Die bepalings van hierdie Wet wat toepaslik is op 'n [koöperatiewe handelsvereniging] handelskoöperasie met beperkte aanspreeklikheid, is *mutatis mutandis* van toepassing op 'n kragtens hierdie Wet geregistreerde sentrale [koöperatiewe handelsmaatskappy] handelskoöperasie met beperkte aanspreeklikheid en 'n federale [koöperatiewe handelsmaatskappy] met beperkte aanspreeklikheid.

## HOOFSTUK VII

### LIKWIDASIE EN ONTBINDING VAN KOÖPERASIES

Metodes van likwidasie.

**[60.] 66.** 'n [Vereniging of maatskappy] Koöperasie kan gelikwideer word, of—

- (a) vrywillig by besluit van die [vereniging of maatskappy] koöperasie ingevolge artikel [een] sewe-en-sestig; of
- (b) op bevel van 'n geregshof ingevolge artikel [twee] agt-en-sestig; en moet gelikwideer word sonder besluit



**Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof,] trading co-operative or other company incorporated and registered in an independent state within or outside the borders of the Republic, and approved by the Minister;**

- [(c) any company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate, or the mandated territory of South West Africa, and approved by the Minister.]**

shall be qualified to be a member of such federal **[co-operative trading company]** trading co-operative.

(3) A federal **[co-operative trading company]** trading co-operative may, subject to the provisions of this Act, be formed for **[all or any of]** the objects for which a central **[co-operative trading company]** trading co-operative with limited liability, registered under this Act, may be formed and may exercise the same powers as a central trading co-operative registered under this Act: Provided that the acquisition of shares in a central **[co-operative trading company]** trading co-operative or central agricultural co-operative or central special farmers' co-operative shall not be deemed to be included among the **[objects for]** powers which a federal **[co-operative company]** trading co-operative may **[be formed]** exercise.

**[57.] 63.** The provisions of this Act which apply to **[a co-operative agricultural company]** an agricultural co-operative with limited liability shall, *mutatis mutandis*, apply to any central **[co-operative agricultural company]** agricultural co-operative with limited liability and federal **[co-operative agricultural company]** agricultural co-operative with limited liability registered under this Act.

Provisions applying to agricultural co-operatives to apply to central and federal agricultural co-operatives.

**[58.] 64.** The provisions of this Act which apply to a **[farmers'] special [co-operative company] farmers' co-operative** with limited liability shall, *mutatis mutandis*, apply to any central **[farmers'] special [co-operative company] farmers' co-operative** with limited liability and federal **[farmers'] special [co-operative company] farmers' co-operative** with limited liability registered under this Act.

Provisions applying to special farmers' co-operative to apply to central and federal special farmers' co-operative.

**[59.] 65.** The provisions of this Act which apply to a **[co-operative trading society]** trading co-operative with limited liability shall, *mutatis mutandis*, apply to any central **[co-operative]** trading **[company]** co-operative with limited liability and federal **[co-operative]** trading **[company]** co-operative with limited liability registered under this Act.

Provisions applying to trading co-operatives to apply to central and federal trading co-operatives.

## CHAPTER VII

### WINDING UP AND DISSOLUTION OF CO-OPERATIVES

**[60.] 66.** A **[society or company]** co-operative may be wound up either—

Modes of winding-up.

- (a) voluntarily on a resolution of the **[society or company]** co-operative under section sixty-**[one]** seven; or
- (b) on an order of court under section sixty-**[two]** eight, and shall be wound up without any resolution thereof or

daarvan of bevel van 'n geregshof wanneer enigeen van die in artikel **[drie]** *nege-en-sestig* vermelde gebeurtenisse voorval.

Vrywillige likwidasië van 'n koöperasie.

**[61.] 67.** 'n **[Vereniging of maatskappy]** Koöperasie kan gelikwider word by besluit aangeneem deur minstens **[tweederdes]** een-kwart van die totale aantal lede van die **[vereniging of maatskappy]** koöperasie teenwoordig in eie persoon of verteenwoordig deur gevolmagtigdes (waar dit deur die **[regulasies]** statuut toegelaat word) op 'n algemene vergadering spesiaal vir daardie doel byeengeroep: Met dien verstande dat so 'n besluit deur minstens twee-derdes van die stemme op so 'n vergadering uitgebring, geneem moet word.

Verpligte likwidasië van 'n koöperasie.

**[62.] 68.** (1) 'n **[Vereniging of maatskappy]** Koöperasie kan gelikwider word op bevel van een of ander afdeling van die Hooggeregshof wat regs mag besit in die gebied waar die kantoor van die **[vereniging of maatskappy]** koöperasie geleë is, op aansoek van een of ander belanghebbende persoon.

(2) Die geregshof wat 'n applikasie vir die likwidasië van 'n **[vereniging of maatskappy]** koöperasie behandel, kan die applikasie met of sonder koste van die hand wys, of die verhoor voorwaardelik of onvoorwaardelik verdaag of 'n tussentydse of ander bevel wat hy goëddink, verleen.

(3) Die Hof kan te eniger tyd nadat 'n koöperasie in voorlopige likwidasië kragtens 'n bevel van 'n afdeling van die Hooggeregshof geplaas is, op aansoek van 'n likwidateur, raad van direkteure of 'n ander belanghebbende persoon en by bewys tot bevrediging van die Hof dat alle verrigtinge in verband met die likwidasië opgeskort of opgehef behoort te word, 'n bevel vir die opskorting of opheffing van die verrigtinge of die voortsetting van 'n likwidasië gee op die bedinge of voorwaardes wat die Hof goëddink.

Omstandighede waaronder koöperasies gelikwider moet word.

**[63.] 69.** (1) 'n **[Vereniging of maatskappy]** Koöperasie word sonder 'n besluit daarvan of bevel van 'n geregshof gelikwider—

- (a) as die ledetal verminder word, in die geval van 'n koöperatiewe deelgenootskap, sentrale of federale **[maatskappy]** koöperasie tot minder as twee; of, in die geval van 'n **[koöperatiewe landbouvereniging of -maatskappy]**, of 'n **[spesiale koöperatiewe boere-maatskappy]** landboukoöperasie of spesiale boerekoöperasie, tot minder as sewe; of, in die geval van 'n **[koöperatiewe handelsvereniging]** handelskoöperasie opgerig met die doel om een of ander handelsartikel te vervaardig en van die hand te sit, tot minder as sewe; of, in die geval van 'n ander **[koöperatiewe handelsvereniging]** handelskoöperasie, tot minder as vyf-en-twintig;
- (b) wanneer die **[vereniging of maatskappy]** koöperasie gedurende 'n onafgebroke tydperk van twaalf maande geen sake gedoen het nie: Met dien verstande dat die Minister daardie tydperk voor verstryking daarvan kan verleng, en daarna die tydperk van tyd tot tyd, voor die datum waartoe 'n tydperk volgens hierdie voorbehoudsbepaling verleng is, verder kan verleng;
- (c) wanneer die tydperk (as die genoem is) wat vir die duur van die **[vereniging of maatskappy]** koöperasie in sy **[regulasies]** statuut vasgestel is, verstryk het;
- (d) wanneer die gebeurtenis (as die genoem is) waarna, volgens die bepalinge van die **[regulasies]** statuut die **[vereniging of maatskappy]** koöperasie gelikwider of ontbind moet word, plaasvind;

order of court upon the occurrence of any of the events mentioned in section *sixty-three* nine.

**[61.] 67.** A **[society or company]** co-operative may be wound up by resolution passed by not less than two-thirds a quarter of the total number of members of the **[society or company]** co-operative, present in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially convened for that purpose: Provided that such a resolution shall be passed by not less than two-thirds of the votes brought out at such meeting.

Voluntary winding-up of a co-operative.

**[62.] 68.** (1) A **[society or company]** co-operative may be wound up on the order of any division of the Supreme Court having jurisdiction in the district where the office of the **[society or company]** co-operative is situate, upon the application of any interested person.

Compulsory winding-up of a co-operative.

(2) In dealing with an application for the winding-up of a **[society or company]** co-operative, the Court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order or any other order that it deems just.

(3) The Court may at any time after a co-operative has been placed in provisional liquidation on an order of a division of the Supreme Court, on the application of the liquidator, the board of directors or other interested person and on proof to the satisfaction of the Court that all proceedings in relation to the winding-up should be stayed or set aside, make an order staying or setting aside the proceedings or for the continuance of any winding-up on such terms and conditions as the Court deems fit.

**[63.] 69.** (1) A **[society or company]** co-operative shall be wound up without any resolution thereof or order of court—

Circumstances under which a co-operative shall be wound-up.

- (a) if the number of members is reduced, in the case of a co-operative partnership or a central or federal **[company]** co-operative, below two; or in the case of a **[co-operative agricultural society or company or a farmers' special co-operative company]** an agricultural co-operative or a special farmers' co-operative, below seven; or, in the case of a **[co-operative trading society]** trading co-operative, formed for the purpose of manufacturing and disposing of any commodity, below seven; or, in the case of any other **[co-operative trading society]** trading co-operative, below twenty-five;
- (b) whenever the **[society or company]** co-operative has not transacted any business during any continuous period of twelve months: Provided that the Minister may before the expiration of that period extend that period and thereafter may from time to time, before the date to which any period has been extended in terms of this proviso, further extend the period;
- (c) when the period (if any) fixed for the duration of the **[society or company]** co-operative by its regulations expires;
- (d) whenever the event (if any) occurs, upon the occurrence of which the regulations provide that the **[society or company]** co-operative is to be wound up or dissolved;

- (e) wanneer die Minister kragtens artikel **【honderd-en-twaalf】** een-honderd drie-en-twintig 'n bevel uitvaardig dat die **【vereniging of maatskappy】** koöperasie gelikwieder moet word.

(2) By die berekening van die ledetal van 'n **【koöperatiewe landbouvereniging of -maatskappy of 'n spesiale koöperatiewe boeremaatskappy of 'n koöperatiewe handelsvereniging】** koöperasie vir die toepassing van paragraaf (a) van subartikel (1) van hierdie artikel or artikel **【honderd-en-dertien】** een honderd vier-en-twintig, word die getal lede nie geag deur die afsterwing van 'n lid verminder te wees nie, totdat twee maande verstryk het sedert die afsterwing. Ingeval die weduwee of 'n voordeeltrekkende uit die boedel van die oorlede lid met toestemming van die raad van direkteure voordat daardie tydperk verstryk lid word van die **【vereniging of maatskappy】** koöperasie en die regte en verpligtings van die oorlede lid met betrekking tot die **【vereniging of maatskappy】** koöperasie oorneem, dan word die ledetal van die **【vereniging of maatskappy】** koöperasie nie geag deur die **【afsterwing】** afsterwe van daardie oorlede lid verminder te wees nie.

Begin van likwidasië. **【64.】 70.** Likwidasië van 'n **【vereniging of maatskappy】** koöperasie word geag te begin—

- (a) op die datum van aanname van die besluit wat likwidasië magtig, as die likwidasië vrywillig geskied;
- (b) op die datum van uitvaardiging van die bevel waarby likwidasië van die **【vereniging of maatskappy】** koöperasie gelas word (inbegrepe 'n bevel wat die **【vereniging of maatskappy】** koöperasie in provisionele likwidasië plaas) indien likwidasië ingevolge die bepalings van artikel **【twee】** agt-en-sestig geskied;
- (c) op die datum waarop 'n gebeurtenis voorval as die **【vereniging of maatskappy】** koöperasie by so 'n voorval gelikwieder moet word ingeval likwidasië ingevolge die bepalings van artikel **【drie】** nege-en-sestig geskied.

Kennisgewing van likwidasië aan registrateur.

**【65.】 71.** (1) Wanneer 'n besluit vir die likwidasië van 'n **【vereniging of maatskappy】** koöperasie aangeneem is kragtens artikel **【een】** sewe-en-sestig of 'n gebeurtenis voorgeval het by die voorval waarvan 'n **【vereniging of maatskappy】** koöperasie ingevolge artikel **【drie】** nege-en-sestig gelikwieder moet word, moet die voorsitter van die direkteure van die **【vereniging of maatskappy】** koöperasie binne veertien dae na die aanname van daardie besluit of die voorval van daardie gebeurtenis by die registrateur 'n deur hom en die sekretaris of bestuurder van die **【vereniging of maatskappy】** koöperasie beëdigde verklaring indien—

- (a) wat, indien die likwidasië kragtens artikel **【een-】** sewe-en-sestig plaasvind, 'n afskrif van bedoelde besluit bevat, en waarin vermeld word dat dit aangeneem is ooreenkomstig die bepalings van daardie artikel en die datum waarop dit aangeneem is; of
- (b) waarin, indien die likwidasië kragtens artikel **【drie】** nege-en-sestig plaasvind, vermeld word watter gebeurtenis voorgeval het en op watter datum dit voorgeval het.

(2) Wanneer 'n bevel vir die likwidasië van 'n **【vereniging of maatskappy】** koöperasie (inbegrepe 'n bevel wat die **【vereniging of maatskappy】** koöperasie in provisionele likwidasië plaas) deur die geregshof uitgevaardig word, moet die registrateur van die geregshof onverwyld 'n **【oorspronklike】** duplikaat van die bevelskrif aan die registrateur stuur.



- (e) whenever the Minister makes an order under section *one hundred and [twelve] twenty-three* for the winding-up of the **[society or company] co-operative**.

(2) In calculating for the purposes of paragraph (a) of subsection (1) of this section or section *one hundred and [thirteen] twenty-four* the number of members of a **[co-operative agricultural society or company or a farmers' special co-operative company or a co-operative trading society] co-operative**, the number of members shall not be deemed to be reduced by the death of any member until two months have passed after such death. If before the expiration of that period the widow or any beneficiary of the estate of the deceased member, with the approval of the board of directors, becomes a member of the **[society or company] co-operative** and takes over the rights and obligations of the deceased member in relation to the **[society or company] co-operative**, the number of the members of the **[society or company] co-operative**, shall not be deemed to be reduced by the death of such deceased member.

**[64.] 70.** A winding-up of a **[society or company] co-** Commencement of winding-up.  
**operative** shall be deemed to commence—

- (a) at the date of passing of the resolution authorizing the winding-up, if such winding-up is voluntary;
- (b) at the date of the making of the order for the winding-up of the **[society or company] co-operative** (including an order placing the **[society or company] co-operative** in provisional liquidation) if the winding-up is under the provisions of section *sixty-[two] eight*;
- (c) at the date upon which the event occurs upon the occurrence of which the **[society or company] co-operative** is to be wound up, if the winding-up is under the provisions of section *sixty-[three] nine*.

**[65.] 71.** (1) Whenever a resolution for the winding-up of a **[society or company] co-operative** has been passed under section *sixty-[one] seven* or an event has occurred upon the occurrence of which a **[society or company] co-operative** must be wound up under section *sixty-[three] nine*, the chairman of the directors of the **[society or company] co-operative** shall, within fourteen days after the passing of such resolution or the occurrence of such event, lodge with the registrar an affidavit sworn by him and by the secretary or manager of the **[society or company] co-operative**— Notice to registrar of winding-up.

- (a) containing, if the winding-up is under section *sixty-[one] seven*, a copy of such resolution, and stating that it was passed in accordance with the provisions of that section, and the date when it was passed;
- (b) if the winding-up is under section *sixty-[three] nine*, stating what the event is which has occurred and the date of its occurrence.

(2) Whenever an order for the winding-up of a **[society or company] co-operative** (including an order placing the **[society or company] co-operative** in provisional liquidation) is made by the court, the registrar of the court shall forthwith transmit to the registrar a duplicate of the order.

Inventarisse van bate en lyste van laste moet by likwidasië aan registrateur gestuur word.

**[66.] 72.** (1) Behalwe die beëdigde verklaring wat volgens subartikel (1) van artikel **[vyf-en-sestig]** een-en-sewentig deur die voorsitter van die direkteur van 'n **[vereniging of maatskappy]** koöperasië by die registrateur ingedien moet word, moet die voorsitter ook, as die likwidasië kragtens artikel **[een]** sewe-en-sestig of **[drie]** nege-en-sestig plaasvind, binne veertien dae nadat die likwidasië begin het 'n inventaris van alle goed (met inbegrip van uitstaande skulde) wat aan die **[vereniging of maatskappy]** koöperasië behoort, asook 'n lys met besonderhede van al sy laste, op die datum waarop die likwidasië begin het, opmaak en by die registrateur indien. Elke sodanige inventaris en lys moet deur 'n beëdigde verklaring van die voorsitter en die sekretaris of bestuurder van die **[vereniging of maatskappy]** koöperasië bevestig word.

(2) 'n Provisionele likwidateur moet binne veertien dae na sy aanstelling deur die hof 'n inventaris en lys, soos beskrywe in subartikel (1), opmaak en by die registrateur indien. Elke sodanige inventaris en lys moet deur 'n beëdigde verklaring van die provisionele likwidateur bevestig word.

(3) Elke likwidateur aangestel deur die Minister ten opsigte van 'n **[vereniging of maatskappy]** koöperasië ten opsigte waarvan 'n provisionele likwidateur deur die geregshof aangestel was, moet binne veertien dae na sy aanstelling 'n inventaris en lys, soos beskrywe in subartikel (1), opmaak en by die registrateur indien, tensy 'n inventaris en lys reeds deur die provisionele likwidateur ingedien is. Elke sodanige inventaris en lys moet deur 'n beëdigde verklaring van die likwidateur bevestig word.

Bewaring en beheer van goed van koöperasies.

**73.** By die likwidasië van 'n koöperasië kragtens artikels 67, 68 en 69 van hierdie Wet word al die geld, goed, boeke en dokumente van die koöperasië geag in die bewaring en onder die beheer van die raad te wees totdat 'n voorlopige likwidateur deur die Hof of 'n likwidateur deur die Minister, wat ook al die geval mag wees, aangestel is wanneer die beheer en bewaring daarvan na die voorlopige likwidateur en wanneer 'n likwidateur aangestel word na hom oorgaan.

Aanstelling van likwidateur.

**[67.] 74.** (1) Wanneer 'n **[vereniging of maatskappy]** koöperasië gelikwideer word kragtens artikel sewe-en-sestig of nege-en-sestig, of kragtens artikel agt-en-sestig deur bevel van 'n geregshof in finale likwidasië geplaas word, stel die Minister ten opsigte van sodanige **[vereniging of maatskappy]** koöperasië 'n likwidateur of gesamentlike likwidateurs aan wat onder beheer en toesig van die registrateur optree. Die Minister kan, indien hy dit nodig ag, 'n inspekteur van koöperasies ingevolge sub-(1) van artikel 52 aangestel, as 'n likwidateur van koöperasies aanstel.

(2) (a) Wanneer 'n **[vereniging of maatskappy]** koöperasië in provisionele likwidasië geplaas word kragtens artikel agt-en-sestig, kan die geregshof wat die bevel uitvaardig te eniger tyd voordat 'n likwidateur aangestel is 'n provisionele likwidateur aanstel wat die amp beklee totdat een of meer likwidateurs deur die Minister aangestel word, of totdat die bevel tersyde gestel word, of totdat die Minister kragtens artikel **[agt-en-sestig]** vyf-en-sewentig gelas het dat die aanstelling van 'n likwidateur agterweë gelaat word.

(b) Wanneer die Hof nie 'n provisionele likwidateur aanstel nie kan die registrateur 'n bevoegde persoon aanstel om as provisionele likwidateur op te tree tot tyd en wyl 'n likwidateur of gesamentlike likwidateurs deur die Minister aangestel word.

(c) Wanneer 'n vakature in die amp van likwidateur ontstaan kan die registrateur 'n bevoegde persoon aanstel om die amp te vervul tot tyd en wyl 'n likwidateur of gesamentlike likwidateurs weer deur die Minister aangestel word.

**[66.] 72.** (1) In addition to the affidavit which by subsection (1) of section **[sixty-five]** *seventy-one* the chairman of the directors of a **[society or company]** co-operative is required to lodge with the registrar, the chairman shall also, if the winding-up is under section *sixty-***[one]***seven* or *sixty-***[three]***nine*, within fourteen days after the commencement of the winding-up make and lodge with the registrar an inventory of all property (including outstanding debts) belonging to the **[society or company]** co-operative and also a detailed list of all its liabilities, as at the date of the commencement of the winding-up. Every such inventory and list shall be verified by affidavit of the chairman and the secretary or manager of the **[society or company]** co-operative.

Inventories of assets and lists of liabilities to be transmitted to registrar upon winding-up.

(2) A provisional liquidator shall within fourteen days after his appointment by the court make and lodge with the registrar an inventory and list as described in subsection (1). Every such inventory and list shall be verified by affidavit of the provisional liquidator.

(3) Every liquidator, appointed by the Minister, of a **[society or company]** co-operative of which a provisional liquidator was appointed by the court shall within fourteen days after his appointment, make and lodge with the registrar an inventory and list as described in subsection (1), unless an inventory and list have already been lodged by the provisional liquidator. Every such inventory and list shall be verified by affidavit of the liquidator.

**73.** In the winding-up of a co-operative under sections 67, 68 and 69 of this act all moneys, property, books and documents of the co-operative shall be deemed to be in the custody and under the control of the board until a provisional liquidator has been appointed by the Court or a liquidator has been appointed by the Minister, whatever the case may be, when the control and custody thereof shall vest in the provisional liquidator and, when a liquidator is appointed, in him.

Custody and control of property of co-operative.

**[67.] 74.** (1) Whenever a **[society or company]** co-operative is wound up under section *sixty-***[one]***seven* or *sixty-***[three]***nine* or is placed in final liquidation by an order of court under section *sixty-***[two]***eight* the Minister shall appoint a liquidator or joint liquidators of such **[society or company]** co-operative, who shall act under the control and supervision of the registrar. The Minister may if he deems it necessary, appoint an inspector of co-operatives appointed so in terms of subsection (1) of section 52, as a liquidator of any co-operative wound up as afore-stated.

Appointment of liquidator.

(2) (a) Whenever a **[society or company]** co-operative is placed in provisional liquidation under section *sixty-***[two]***eight* the court making the order may at any time before a liquidator has been appointed appoint a provisional liquidator, who shall hold office until one or more liquidators are appointed by the Minister or until the order is set aside, or until the Minister has directed in terms of section **[sixty-eight]** *seventy-five* that the appointment of a liquidator be dispensed with.

(b) When a provisional liquidator has not been appointed by the Court the registrar may appoint a competent person to act as provisional liquidator until a liquidator or joint liquidators have been appointed by the Minister.

(c) When a vacancy occurs in the office of liquidator the registrar may appoint a competent person to fill the position until a liquidator has or joint liquidators have again been appointed by the Minister.

- (3) (a) Elke likwidateur of provisionele likwidateur moet, voordat hy sy amp aanvaar, die registrateur voorsien van sodanige sekuriteit as laasgenoemde mag vorder vir die getroue en ywerige vervulling van sy pligte.
- (b) Die koste van die stel van sekuriteit deur 'n likwidateur of provisionele likwidateur word betaal uit die bate van die betrokke koöperasie as deel van die koste van likwidasie.
- (c) Wanneer 'n likwidateur in die loop van die likwidasie van 'n koöperasie tot bevrediging van die registrateur rekenskap gegee het van die bates wat aan die koöperasie behoort, kan hy skriftelik aansoek doen om toestemming tot vermindering van die sekuriteit deur hom gestel en die registrateur kan, indien hy oortuig is dat die verminderde sekerheid voldoende sal wees om die koöperasie, sy skuldeisers en lede te vrywaar teen wanadministrasie aan die kant van die likwidateur ten opsigte van die oorblywende bates wat aan die koöperasie behoort, tot sodanige vermindering in sy geheel of ten dele toestem.

(4) Elke likwidateur moet, onverwyld nadat hy sodanige sekuriteit verstrekket het, in die *Staatskoerant* en in 'n koerant in omloop in die distrik waar die kantoor van die **[vereniging of maatskappy]** koöperasie geleë is, 'n kennisgewing publiseer waarin sy naam en adres vermeld word en sy aanstelling bekend gemaak word. Met dien verstande dat die registrateur die likwidateur na goeddunke kan onthef van die verpligting om so 'n kennisgewing te publiseer.

Minister kan  
aanstelling van  
likwidateur agterweë  
laat.

**[68.] 75.** Die Minister hoef in die geval van 'n **[vereniging of maatskappy]** koöperasie wat ingevolge hierdie Wet gelikwideer word geen likwidateur aan te stel nie, wanneer dit blyk uit die inventaris ingedien ten opsigte van so 'n **[vereniging of maatskappy]** koöperasie ingevolge artikel **[ses-en-sestig]** *twee-en-sewentig* dat die waarde van sy bate nie meer as **[honderd pond (£100)]** een duisend rand (R1 000) bedra nie, en hy kan in so 'n geval sodanige opdrag gee as hy goedvind vir die administrasie en distribusie van die bate en die likwidasie van die laste. Die bepalings van hierdie artikel word nie geag die aanspreeklikheid van enige persoon ten opsigte van die **[vereniging of maatskappy]** koöperasie te raak nie.

Verwydering van  
likwidateur.

**[69.] 76.** (1) Die Minister kan weens redes wat hy afdoende ag die aanstelling van 'n likwidateur herroep.

(2) Die geregshof kan die aanstelling van 'n provisionele likwidateur herroep weens enige rede wat hy afdoende ag.

**77.** (1) Die registrateur kan te eniger tyd van 'n likwidateur vereis dat hy antwoord op navrae in verband met die likwidasie waarmee hy besig is en kan, as hy dit goedgevind, sodanige likwidateur of enige ander persoon onder eed omtrent die likwidasie ondervra.

(2) Die registrateur kan ter eniger tyd die boeke en bewysstukke wat betrekking het op die likwidasie van 'n koöperasie en wat die likwidateur hou laat ondersoek en kan ook verder beslag op sulke boeke en dokumente lê.

Besoldiging van  
likwidateur.

**[70.] 78.** (1) Die deur die Minister aangestelde likwidateur of die deur die geregshof aangestelde provisionele likwidateur word besoldig volgens 'n skaal deur die Minister te bepaal. Met dien verstande dat wanneer gesamentlike likwidateurs aangestel word, die besoldiging soos voorgeskrywe onder hulle verdeel word. Met dien verstande **[voorts]** verder dat die besoldiging van 'n likwidateur of provisionele likwidateur, tensy die registrateur anders bepaal, eers met die finale afhandeling van die likwidasie betaalbaar word en dat die registrateur 'n likwidateur of provisionele likwidateur sy besoldiging geheel of gedeeltelik kan



- (3) (a) Before assuming his office every liquidator or provisional liquidator shall furnish the registrar with such security as the latter may require for the faithful and diligent performance of his duties.
- (b) The cost of giving security by a liquidator or provisional liquidator shall be paid out of the assets of the co-operative concerned as part of the cost of liquidation thereof.
- (c) When a liquidator has in the course of the winding-up of a co-operative accounted to the satisfaction of the registrar for any property belonging to the co-operative, he may in writing apply for the consent of the registrar to a reduction of the security given by him and the registrar, if he is satisfied that the reduced security will suffice to indemnify the co-operative and the creditors and members thereof against any maladministration on the part of the liquidator in respect of the remaining property belonging to the co-operative, may consent wholly or in part to such reduction.

(4) Every liquidator shall forthwith after he has furnished such security publish in the *Gazette* and in a newspaper circulating in the district in which the office of the **[society or company]** co-operative is situate a notice stating his name and address and the fact of his appointment: Provided that the registrar may in his discretion, absolve the liquidator from the duty of publishing such notice.

**[68.] 75.** The Minister may dispense with the appointment of a liquidator of any **[society or company]** co-operative which is being wound-up under this Act, when it appears from the inventory, lodged in respect of such **[society or company]** co-operative under section **[sixty-six]** *seventy-two* that the value of the assets thereof does not exceed **[one hundred pounds (£100)]** *one-thousand rand (R1 000)* and he may, in any such case, give such directions as he may deem fit for the administration and distribution of the assets and the liquidation of the liabilities. Nothing in this section contained shall be deemed to affect the liability of any person in respect of the **[society or company]** co-operative.

Minister may dispense with appointment of liquidator.

**[69.] 76.** (1) The Minister may cancel the appointment of any liquidator on any ground he may deem sufficient.

(2) The court may cancel the appointment of any provisional liquidator on any ground it may deem sufficient.

Removal of liquidator.

**77.** (1) The registrar may at any time require any liquidator to answer any enquiry in relation to any winding-up in which such liquidator is engaged, and may, if he thinks fit, examine such liquidator or any person on oath concerning the winding-up.

(2) The registrar may at any time have the books and vouchers referring to the winding-up of a co-operative and which are kept by the liquidator, examined and may furthermore attach such books and documents.

**[70.] 78.** (1) The liquidator appointed by the Minister or the provisional liquidator appointed by the Court shall be paid fees on a scale to be prescribed by the Minister: Provided that whenever joint liquidators are appointed the fees as prescribed shall be divided amongst them: Provided further that the fees of a liquidator or provisional liquidator become payable only when the affairs of the co-operative have been finally wound-up, except if the registrar determines otherwise and that the registrar may disallow the remuneration of any liquidator or provisional

Liquidator's fees.

ontsê weens enige versuim of vertraging by die uitvoer van sy pligte.

(2) Niemand by wie 'n likwidateur in diens is of wat saam met hom in diens is of wat in sy gewone diens is, is, behalwe met goedkeuring van die registrator, geregtig om uit die bate van die [vereniging of maatskappy] koöperasie enige besoldiging te ontvang nie vir dienste gelewer in verband met die uitvoering van die pligte van die likwidateur en geen likwidateur is geregtig, hetsy persoonlik of deur sy vennoot, om enige besoldiging, benewens die besoldiging waarop hy ingevolge hierdie Wet geregtig is, uit die bate van die [vereniging of maatskappy] koöperasie te ontvang nie.

Bevoegdheid van likwidateur.

**[71.] 79.** (1) Die likwidateur is bevoeg—

- (a) om in die naam en ten behoeve van die [vereniging of maatskappy] koöperasie enige aksie of ander regsge- ding van siviele aard [in 'n bevoegde geregshof] en behoudens die bepalings van 'n wet met betrekking tot strafproses, strafregtelike stappe in te stel of te verdedig;
- (b) om met goedkeuring van die registrator regsadvies in te win op enige regspunt betreffende die likwidasie van die [vereniging of maatskappy] koöperasie;
- (c) om enige deel van die besigheid van die [vereniging of maatskappy] koöperasie voort te sit of te staak, vir sover dit nodig mag wees vir die voordelige likwidasie daarvan;
- (d) om die roerende en onroerende goed van die [vereniging of maatskappy] koöperasie by publieke veilingen of uit die hand te verkoop, en om geldige titel daarvan by akte van transport of op ander wyse aan die koper oor te dra: Met dien verstande egter dat onroerende goed alleen met goedkeuring van die registrator van die hand gesit mag word;
- (e) om aan die [vereniging of maatskappy] koöperasie verskuldigde bedrae in te vorder en om skulde wat volgens oordeel van die likwidateur onverhaalbaar is, met goedkeuring van die registrator, af te skrywe;
- (f) om namens en ten behoeve van die [vereniging of maatskappy] koöperasie alle aktes, kwitansies en ander dokumente te onderteken;
- (g) om met die goedkeuring van die registrator 'n geskil aangaande 'n vordering of eis deur of teen die koöperasie aan beslegting deur arbiters te onderwerp;

**[(g)] (h)** om alle ander dinge te doen wat nodig mag wees om die sake van die [vereniging of maatskappy] koöperasie af te wikkell.

(2) 'n Provisionele likwidateur is bevoeg om enige deel van die besigheid van die [vereniging of maatskappy] koöperasie voort te sit of te staak vir sover dit nodig mag wees vir die voordelige likwidasie daarvan, om met die goedkeuring van die registrator van die roerende of onroerende goed van die koöperasie van die hand te sit en om alle ander dinge te doen wat die geregshof mag beveel.

Likwidateur moet bankrekening open.

**[72.] 80.** (1) Die likwidateur moet by 'n bank in die [Unie] Republiek 'n rekening open in die naam van die [vereniging of maatskappy] koöperasie in likwidasie, en moet alle gelde wat hy namens die [vereniging of maatskappy] koöperasie ontvang van tyd tot tyd op krediet van die [vereniging of maatskappy] koöperasie stort. Alle tjeks of orders wat op daardie rekening getrek mag word, moet die naam van die ontvanger en die grond van betaling aantoon en moet op order betaalbaar en deur die likwidateur of sy gevolmagtigde onderteken wees.

liquidator either wholly or in part on account of any failure or delay in the discharge of his duties.

(2) No person who employs or is a fellow employee of, or is in the ordinary employment of the liquidator shall except with the approval of the registrar, be entitled to receive any remuneration out of the assets of the **【society or company】** co-operative for services rendered in connection with the discharge of the functions of the liquidator, and no liquidator shall be entitled either by himself or his partner to receive out of the assets of the **【society or company】** co-operative any remuneration for his services beyond the remuneration to which under this Act he is entitled.

**【71.】 79.** (1) The liquidator shall have power—

Liquidator's powers.

- (a) to bring or to defend in the name and on behalf of the **【society or company】** co-operative any action or other legal proceedings of a civil nature, **【in any competent court of law】** and, subject to any law relating to criminal procedure, any criminal proceedings;
- (b) to obtain with the approval of the registrar legal advice on any question of law affecting the liquidation of the **【society or company】** co-operative;
- (c) to carry on or discontinue any part of the business of the **【society or company】** co-operative in so far as may be necessary for the beneficial liquidation thereof;
- (d) to sell the movable and immovable property of the **【society or company】** co-operative by public auction or private contract and to give valid title thereof to the purchaser by transfer or otherwise: Provided, however, that immovable property may be disposed of only if approved by the registrar;
- (e) to collect amounts due to the **【society or company】** co-operative and to abandon if approved by the registrar, any claims which are, in the liquidator's opinion, irrecoverable;
- (f) to execute in the name and on behalf of the **【society or company】** co-operative all deeds, receipts, and other documents;
- (g) to submit subject to the approval of the registrar, to the determination of arbitrators any dispute concerning any claim or demand by or upon the co-operative;

**【(g)】 (h)** to do all such other things as may be necessary to wind up the affairs of the **【society or company】** co-operative.

(2) A provisional liquidator shall have power to carry on or discontinue any part of the business of the **【society or company】** co-operative in so far as may be necessary for the beneficial liquidation thereof and, subject to the approval of the registrar, to dispose of the moveable and immovable property of the co-operative and to do all such other things as the court shall order.

**【72.】 80.** (1) The liquidator shall open an account in the name of the **【society or company】** co-operative in liquidation with a bank within the **【Union】** Republic, and shall deposit to the credit of the **【society or company】** co-operative from time to time all moneys received by him on its behalf. All cheques or orders which may be drawn upon that account shall contain the name of the payee and the cause of payment and shall be drawn to order and signed by the liquidator, or his agent.

Banking account to be opened by liquidator.

(2) Onmiddellik na die opening van die rekening moet die likwidateur die registrateur verwittig van die bank en tak van die bank waar die rekening geopen is en hy moet die registrateur van tyd tot tyd verwittig van enige oordrag van sodanige rekening na 'n ander bank of tak van 'n bank, en die bank moet die registrateur te eniger tyd op sy versoek voorsien van 'n gesertifiseerde afskrif van die rekening.

(3) Die likwidateur of provisionele likwidateur kan geld gestort in die subartikel (1) bedoelde bankrekening wat nie onmiddellik vir betaling van 'n vordering teen die koöperasie nodig is nie, by so 'n bank of bouvereniging, geregistreer kragtens die Bouverenigingswet 1965 (Wet No. 24 van 1965) of enige ander deur die registrateur goedgekeurde organisasie in die Republiek, in rentedraende deposito op naam van die koöperasie plaas. Die likwidateur moet van tyd tot tyd die registrateur verwittig van die bank, bouvereniging of ander organisasie waar die rentedraende deposito gemaak is.

(4) Die registrateur en 'n borg vir die likwidateur of so 'n borg se gevolmagtigde het dieselfde reg op inligting met betrekking tot die bankrekening in subartikel (1) genoem en die rentedraende deposito's kragtens subartikel (3) gemaak as die likwidateur self en kan alle daarop betreklike bewysstukke ondersoek, ongeag of hulle in besit van die bank of bouvereniging of ander organisasie of van die likwidateur is.

(5) Die registrateur kan, na kennisgewing aan die likwidateur, die bestuurder van 'n kantoor, takkantoor of agentskap waarby 'n in subartikels (1) en (3) bedoelde bankrekening geopen is en deposito gemaak is, skriftelik gelas om geen uitbetalings uit so 'n rekening of opvraging van 'n deposito toe te laat nie en bedoelde bestuurder moet aan daardie opdrag en enige latere opdragte van die registrateur gevolg gee.

Boeke deur die likwidateur gehou te word.

**[73.] 81.** (1) Onmiddellik na sy aanstelling moet die likwidateur 'n boek of ander register aanlê waarin hy van tyd tot tyd aantekening moet maak van alle gelde, goedere, boeke, rekenings en ander dokumente deur hom ontvang ten behoeve van die **[vereniging of maatskappy] koöperasie**.

(2) Die registrateur kan die likwidateur te eniger tyd skriftelik gelas om genoemde boek of register en daarby behorende bewysstukke ter insae voor te lê.

(3) Iemand van wie die naam verskyn as 'n kontribuant op 'n lys opgestel kragtens artikel **[sewen-en-sewentig] agt-en-tagtig** of **[agt-en-sewentig] nege-en-tagtig**, en as die registrateur dit skriftelik gelas, ook 'n skuldeiser, kan sodanige boek of register op alle redelike tye persoonlik insien of deur 'n gevolmagtigde laat insien.

Likwidasie skors aksies.

**[74.] 82.** (1) Wanneer 'n **[vereniging of maatskappy] koöperasie** in likwidasie (inbegrepe provisionele likwidasie) geplaas is, word alle siviele gedinge teen die **[vereniging of maatskappy] koöperasie [geskors] opgeskort** totdat 'n likwidateur aangestel is en is 'n beslaglegging of eksekusie wat teen die boedel of bate van die koöperasie na die aanvang van die likwidasie in werking gestel is nietig.

(2) Elkeen wat voornemens is om 'n regsgeging teen 'n **[vereniging of maatskappy] koöperasie**, wat deur die likwidasie geskors is, voort te sit, en elkeen wat voornemens is om 'n regsgeging in te stel tot verhaal van 'n eis teen die **[vereniging of maatskappy] koöperasie** wat voor die begin van die likwidasie ontstaan het, moet, binne drie weke na die publikasie in die Staatskoerant van die kennisgewing vermeld in subartikel (4) van artikel **[sewen-en-sestig] vier-en-sewentig**, of, indien so 'n kennisgewing nie gepubliseer is nie, binne drie weke nadat hy van die likwidateur 'n skriftelike kennisgewing van sy aanstelling ontvang het, aan die likwidateur minstens drie weke skriftelik kennis gee voordat hy die regsgeging instel of voortsit. By gebreke daarvan word die geding geag opgegee te wees, tensy die



(2) Immediately after opening the account the liquidator shall notify the registrar of the bank and the branch of the bank with which the account has been opened, and shall keep the registrar advised of any transfer of such account to any other bank or branch; and the bank shall at any time upon the request of the registrar furnish him with a certified copy of the account.

(3) A liquidator or provisional liquidator may open any interest bearing accounts in the name of the co-operative with a registered bank or building society, registered in terms of the Building Society Act 1965, (Act No. 24 of 1965) or any other organization approved by the registrar, and transfer thereto from the account referred to in subsection (1) any money not immediately required for the payment of a claim against the co-operative. The liquidator shall from time to time notify the registrar of the bank, building society or other organization with which the interest bearing deposit has been opened.

(4) The registrar and a surety for the liquidator or any person authorized by such surety have the same right to information in regard to the bank account referred to in subsection (1) and the interest bearing deposit referred to in subsection (3) as the liquidator himself possesses, and may examine all vouchers in relation thereto, whether in the hands of the bank or building society or other organization or of the liquidator.

(5) The registrar may after notice to the liquidator direct the manager of an office, branch or agency, where the bank account or deposit referred to in subsections (1) and (3) has been opened or made, respectively, in writing not to allow any payments out of such an account or any withdrawals of a deposit and such manager must comply with such order or subsequent orders of the registrar.

**[73.] 81.** (1) Immediately after his appointment the liquidator shall open a book or other record wherein he shall enter from time to time a statement of all moneys, goods, books, accounts and other documents received by him for the **[society or company]** co-operative. Books to be kept by liquidator.

(2) The registrar may at any time in writing order the liquidator to produce the said book or record with supporting vouchers for inspection.

(3) Any person whose name appears as a contributory in a list framed under section **[seventy-seven/or seventy-eight]** eighty-eight or eighty-nine, and if the registrar so orders in writing, any creditor, may at all reasonable times personally or through his agent inspect such book or record.

**[74.] 82.** (1) When a **[society or company]** co-operative has been placed in liquidation (including provisional liquidation) all civil proceedings against the **[society or company]** co-operative shall be suspended until the appointment of a liquidator and any attachment, or execution put in force against the estate or assets of the co-operative after the commencement of the liquidation shall be void. Actions stayed on winding-up.

(2) Every person who, having instituted legal proceedings against a **[society or company]** co-operative which were suspended by a winding-up, intends to continue the same and every person who intends to institute legal proceedings for the purpose of enforcing any claim against the **[society or company]** co-operative which arose before the commencement of the winding-up shall, within three weeks after the publication in the *Gazette* of the notice referred to in subsection (4) of section **[sixty-seven]** seventy-four, or if no such notice has been published, within three weeks after he has received written notification by the liquidator of his appointment, give the liquidator not less than three weeks' notice in writing before continuing or commencing the proceedings. In default thereof the proceedings shall be considered to be abandoned unless the court

hof bevind dat daar redelike verontskuldiging vir die versuim bestaan het en die voortsetting of instelling van die geding toestaan op voorwaardes of andersins, soas hy goedvind.

Toepassing van  
Insolvensiewet, 1936.

**83. (1)** Die bepalings van die ondergenoemde artikels van die Insolvensiewet, 1936 (Wet No. 24 van 1936), is vir sover as wat hulle toegepas kan word en nie in stryd met die bepalings van hierdie Wet is nie, van toepassing op 'n likwidasië van 'n koöperasie; te wete—artikels 35, 36, 37, 38, 46, 50, 84, 85, 87, 88, 89 en 98 tot 102.

(2) By die toepassing van dié artikels van die Insolvensiewet, 1936, ingevolge subartikel (1) van hierdie artikel, word 'n verwysing in enige van gemelde artikels van daardie Wet—

- (a) na die insolvent of 'n boedel van 'n insolvent uitgelê as 'n verwysing na die betrokke koöperasie of die boedel van die betrokke koöperasie;
- (b) na die Meester, uitgelê as 'n verwysing na die Registrateur van Koöperasies;
- (c) na die kurator van 'n insolvente boedel, uitgelê as 'n verwysing na die likwidateur van sodanige koöperasie;
- (d) na 'n krediteur wat 'n eis teen 'n insolvente boedel bewys het, uitgelê as 'n verwysing na 'n persoon wat 'n eis teen sodanige koöperasie het;
- (e) na die besigheid of sake of goed van 'n insolvent, uitgelê as 'n verwysing na die besigheid of sake of goed van sodanige koöperasie;
- (f) na 'n persoon wat iets skuld aan 'n insolvente boedel, uitgelê as 'n verwysing na 'n persoon wat iets aan sodanige koöperasie skuld;
- (g) na die sekwestrasie van 'n insolvente boedel, uitgelê as 'n verwysing na die aanvang van die likwidasië van sodanige koöperasie.

Bewys van vorderings  
teen bates van  
koöperasie in  
likwidasië.

**84. (1)** 'n Skuldeiser of 'n verteenwoordiger van 'n skuldeiser wat 'n eis teen die koöperasie het, waarvan die oorsaak voor die likwidasië van die koöperasie ontstaan het moet binne drie maande na die datum van bekendmaking van die aanstelling van 'n likwidateur, in 'n plaaslike koerant en die *Staatsskoerant*, sy eis teen die boedel bewys. So 'n eis moet deur middel van 'n beëdigde verklaring bewys word en moet vergesel word van stawende dokumente.

(2) Die likwidateur moet alle beskikbare boeke en stukke van die koöperasie ondersoek om na te gaan of die koöperasie wel aan die eiser die bedrag geëis verskuldig is.

(3) As die likwidateur 'n eis betwis kan die registrateur nadat die likwidateur die redes waarop hy die vordering betwis verstrekt het, die eis bekragtig of hy kan, nadat hy die eiser die geleentheid gegee het om sy eis te staaf, die eis verminder of skrap. Met dien verstande dat die vermindering of skapping die eiser nie belet om sy eis in 'n regsgeeding te bewys nie.

(4) Na bekragtiging deur die registrateur van 'n likwidasië-rekening, en distribusie- of kontribusierekening kragtens artikel twee-en-negentig mag niemand 'n regsgeeding teen daardie koöperasie in likwidasië instel nie weens 'n aanspreeklikheid wat voor so 'n likwidasië ontstaan het behalwe met goedkeuring van die registrateur.

Vertraagde bewys van  
vorderings.

**85. (1)** 'n Skuldeiser van 'n koöperasie wat nie voor die dag waarop die likwidateur van daardie boedel aan die registrateur 'n distribusierekening in daardie boedel voorgelê het 'n vordering teen daardie boedel bewys het nie, is nie geregtig om te deel in die bate wat in daardie rekening ter verdeling aangegee word nie. Met dien verstande dat die registrateur ter eniger tyd voor die bekragtiging van bedoelde rekening aan so 'n skuldeiser wat sy vordering na bedoelde dag bewys het kan toestaan om in daardie bate te deel as die registrateur oortuig is dat die skuldeiser 'n redelike verontskuldiging het vir die vertraging van die bewys van sy vordering.

(2) 'n Skuldeiser van 'n koöperasie wat 'n vordering teen daardie boedel bewys het na die dag waarop die likwidateur 'n

finds that there was a reasonable excuse for the default and allows the proceedings to continue or to be commenced on terms or otherwise as it may think fit.

83. (1) The provisions of the under mentioned sections of the Insolvency Act, 1936 (Act No. 24 of 1936), shall, in so far as they can be applied and are not inconsistent with the provisions of this Act, apply to a winding-up of a co-operative—sections 35, 36, 37, 38, 46, 50, 84, 85, 87, 88, 89 and 98 up to 102.

Application of  
Insolvency Act, 1936.

(2) In applying the sections of the Insolvency Act, 1936, referred to in subsection (1) any reference in any of these sections of that Act—

- (a) to the insolvent or estate of an insolvent shall be construed as a reference to the co-operative or the estate of the co-operative concerned;
- (b) to the master, shall be construed as a reference to the registrar of Co-operatives;
- (c) to the trustee of an insolvent estate, shall be construed as a reference to the liquidator of the co-operative concerned;
- (d) to a creditor who has proved a claim against an insolvent estate shall be construed as a reference to a person who has proved a claim against such co-operative;
- (e) to the business or affairs or property of an insolvent shall be construed as a reference to the business or affairs or property of such co-operative;
- (f) to any person indebted to an insolvent estate shall be construed as reference to a person indebted to such co-operative;
- (g) to the sequestration of an insolvent estate shall be construed as a reference to the commencement of the winding-up of such co-operative.

84. (1) A creditor or a representative of a creditor who has a claim against the co-operative, the cause of which arose before the winding-up of the co-operative must prove his claim against the estate within three months after the date of the appointment of the liquidator has been published in a local news paper and the *Gazette*. Such a claim shall be proved by affidavit and must be submitted together with supporting documents.

Proof of claims  
against assets of a  
co-operative in  
liquidation.

(2) The liquidator shall examine all available books and documents of the co-operative for the purpose of ascertaining whether the co-operative in fact owes the claimant the amount claimed.

(3) If the liquidator disputes a claim the registrar may, after the liquidator has submitted his reasons for disputing the claim, confirm the claim or he may after having afforded the claimant an opportunity to substantiate his claim, reduce or disallow the claim: Provided that such reduction or disallowance shall not debar the claimant from establishing his claim by an action at law.

(4) After confirmation by the registrar of the liquidation account and plan of distribution or plan of contribution in terms of section ninety-two no person may, except if approved by the registrar, institute a lawsuit against a co-operative in liquidation for a liability which arose before the winding-up of the co-operative.

85. (1) A creditor of a co-operative who has not proved a claim against that estate before the date upon which the liquidator of that estate submitted to the registrar a plan of distribution in that estate, shall not be entitled to share in the distribution of assets brought up for distribution in that plan: Provided that the registrar may, at any time before the confirmation of the said plan permit any such creditor who has proved his claim after the said date to share in the distribution of the said assets, if the registrar is satisfied that the creditor has a reasonable excuse for the delay in proving his claim.

Late proof of claims.

(2) A creditor of a co-operative who proved a claim against that estate after the date upon which the trustee submitted to the

distribusiërekening in daardie boedel aan die registrateur voorgelê het en aan wie nie kragtens subartikel (1) toegestaan is om op grond van daardie rekening in die bate te deel nie, is geregtig op toekenning, op grond van 'n verdere distribusiërekening wat na die bewys van sy vordering aan die registrateur voorgelê word, van die bedrag wat op grond van die vorige distribusiërekening aan hom toegeken sou geword het, as hy sy vordering bewys het voordat daardie rekening aan die registrateur voorgelê was, mits die registrateur van oordeel is dat die skuldeiser 'n redelike verontskuldiging het vir die vertraging van die bewys van sy vordering.

【Koste van likwidasië en rangorde daarvan.】

**75. (1) Die koste, onkoste en uitgawes verbonde aan die likwidasië van 'n vereniging of maatskappy, met inbegrip van die besoldiging betaalbaar aan die likwidateur, word geag inbegrepe te wees by en deel uit te maak van die laste en verpligtings van 'n vereniging of maatskappy wat kragtens hierdie Wet gelikwideer word. Sodanige koste, onkoste, uitgawes en besoldiging geniet voorkeur van betaling teenoor alle ander eise.**

**(2) Die registrateur kan al die koste, onkoste en uitgawes deur die likwidateur beloop in verband met die likwidasië van die vereniging of maatskappy, of 'n deel daarvan, verminder of ontsê, indien hy sodanige koste, onkoste of uitgawes onnodig of buitensporig ag.】**

Rangorde van kostes en eise teen bates.

**86. (1) Koste ten laste van sekuriteite—**

(„Sekuriteit” met betrekking tot die vordering van 'n skuldeiser van 'n koöperasië in likwidasië beteken goed van daardie koöperasië waarop die skuldeiser 'n preferente reg het kragtens 'n spesiale verband, stilswyende hipoteek van 'n verhuurder, pand of rentensiereg.)

Uit die opbrengs van sekuriteite word die volgende koste betaal—

- (a) die koste van instandhouding, bewaring en tegeldemaking van goed;
- (b) die likwidateur se vergoeding met betrekking tot sodanige goed;
- (c) 'n eweredige aandeel (bereken volgens die opbrengs van die goed van die boedel) van die koste, onkoste en uitgawes aan die likwidasië van die koöperasië met inbegrip van die koste van die likwidateur om sekuriteit te gee vir sy behoorlike bereddering van die boedel en enige regs- en hofkoste en onkoste aangegaan om die koöperasië in likwidasië te plaas;
- (d) enige belasting, wat daarop verskuldig is of sal word ten opsigte van enige termyn van hoogstens twee jaar wat onmiddellik die datum waarop die betrokke koöperasië in likwidasië geplaas is voorafgaan ten opsigte van die termyn vanaf daardie datum tot die datum van die transport van daardie goed deur die likwidateur met enige rente of boete wat verskuldig is op bedoelde belasting ten opsigte van enige sodanige termyn; (Die bepalings van subartikel (4) en (5) van artikel 89 van die Insolvensiewet, 1936 (Wet No. 24 van 1936) is in die verband van toepassing.)
- (e) alle op 'n versekerde vordering verskuldigde rente vir 'n tydperk van nie meer as twee jaar nie wat die datum van likwidasië onmiddellik voorafgegaan het, is ewe eens verseker asof dit 'n deel van die hoofsom was.
- (f) Die opbrengs van goed wat aan 'n spesiale verband, stilswyende hipoteek van 'n verhuurder, pandreg of retensiereg onderhewig is, word na aftrekking van die koste bedoel in paragrawe (a) tot (e) van hierdie artikel aangewend tot voldoening van die vordering wat deur daardie goed verseker is en wel volgens die rangorde van hulle preferensie. Enige oorskot wat oorbly na die vorderings en rente daarop betaal is word na die vrye oorskot oorgedra.
- (g) Indien die opbrengs van 'n sekuriteit nie voldoende is om die koste, onkoste en uitgawes in paragrawe (a) tot



registrar a plan of distribution in that estate and who was not permitted to share in the distribution of assets under that plan, in terms of subsection (1), shall be entitled to be awarded under any further plan of distribution submitted to the registrar after the proof of his claim, the amount which would have been awarded to him under the previous plan of distribution, if he had proved his claim prior to the submission of that plan to the registrar and provided that the registrar is satisfied that the creditor had a reasonable excuse for the delay in proving his claim.

**[75. (1) The costs, charges and expenses of the winding-up of any society or company, including the fees payable to the liquidator, shall be deemed to be included in, and form part of, the liabilities and obligations of any society or company wound up under this Act. Such costs, charges, expenses and fees shall be payable in priority to all other claims.]** [Costs of liquidation and priority thereof.]

(2) The registrar may reduce or disallow the whole or part of any costs, charges and expenses incurred by the liquidator in connection with the winding-up of the society or company, if in his opinion such costs, charges or expenses appear to be unnecessary or excessive.]

**86. (1) Cost to which securities are subject—**

Ranking of costs and claims against assets.

("Security", in relation to the claim of a creditor of a co-operative in liquidation, means property of the estate over which the creditor has a preferent right by virtue of any special mortgage, landlord's legal hypothec, pledge or right of retention.)

Out of the proceeds of securities the following costs are paid—

- (a) the cost of maintaining, conserving, and realizing any property;
- (b) the liquidators' remuneration in respect of any such property;
- (c) a proportionate share calculated on the proceeds of the property of the estate, of the costs, charges and expenses in connection with the liquidation of the co-operative, including the cost incurred by the liquidator to give security for his proper administration of the estate and any legal expenses incurred in winding-up the co-operative;
- (d) any tax which is or will become due thereon in respect of any period not exceeding two years immediately preceding the date of liquidation and in respect of the period from that date to the date of the transfer of that property by the liquidator, with any interest or penalty which may be due on the said tax in respect of any such period;  
(The provisions of subsections (4) and (5) of section 89 of the Insolvency Act, 1936 (Act No. 24 of 1936) are applicable in this connection).
- (e) Any interest due on a secured claim in respect of any period not exceeding two years immediately preceding the date of liquidation shall be likewise secured as if it were part of the capital sum.
- (f) The proceeds of any property which was subject to a special mortgage, landlord's legal hypothec, pledge or right of retention, after deduction therefrom of the costs mentioned in paragraphs (a) to (e) of this subsection, shall be applied in satisfying the claims secured by the said property, in their order of preference. Any surplus remaining after the claims and interest thereon have been paid is transferred to the free residue account.
- (g) If the proceeds of a security is not sufficient to defray the costs, charges and expenses mentioned in paragraphs

- (d) genoem te dek nie word die tekort uit die opbrengs van die vrye oorskot van die bates van die koöperasie betaal.
- (h) Indien 'n vordering of 'n gedeelte daarvan nie uit die opbrengs van 'n sekuriteit betaal kan word nie word die onbetaalde vordering kragtens die bepalings van paragraaf (d) van subartikel (2) van hierdie artikel, uit die vrye oorskot van die bates van die koöperasie betaal.
- (2) Rangorde van kostes en eise teen vrye oorskot:
- (a) Die vrye oorskot van bates van 'n koöperasie word, met uitsondering van die koste bedoel in paragrawe (b) en (c) van subartikel (1) en behoudens die bepalings van paragraaf (g) van subartikel (1), ten eerste aangewend om die regs- en hofkoste en onkoste om die koöperasie in likwidasie te plaas, te betaal;
- (b) daarna word die orige van die vrye oorskot aangewend ter betaling van die kostes, onkoste en uitgawes verbonde aan die likwidasie van die koöperasie, met inbegrip van die besoldiging van die likwidateur en sy onkoste om sekuriteit te gee: Met dien verstande dat die registrateur al die koste, onkoste en uitgawes deur die likwidateur beloop in verband met die likwidasie van die koöperasie of 'n deel daarvan, kan verminder of ontsê indien hy sodanige koste, onkoste of uitgawes onnodig of buitensporig ag;
- (c) die vrye oorskot word dan verder in volgorde soos bepaal in artikels 98 tot 102 van die Insolvensiewet 1936 (Wet 24 van 1936) sover dit van toepassing is, uitbetaal;
- (d) die res van die vrye oorskot word daarna behoudens die bepalings van paragraaf (h) van subartikel (1) en die bepalings van die statuut van 'n koöperasie aangewend om eweredig die bedrag daarby betrokke die volgende te betaal—
- (i) die onversekerde of anders nie-preferente vorderings wat teen die betrokke boedel bewys is;
  - (ii) bedrae aan lede verskuldig vir onversekerde lenings aan die koöperasie gemaak;
  - (iii) enige belange van lede in enige ledefondse; en
  - (iv) enige donasie of ander betalings wat kragtens die bepalings van die statuut gemaak word.

Opstelling van  
distribusierekening as  
daar 'n oorskot is.

**[76.] 87.** (1) Indien daar, nadat al die teenswoordige of voorwaardelike laste en verpligtings van 'n **[vereniging of maatskappy]** koöperasie gelikwadeer kragtens artikel **[een]** **[sewen-en-sestig]**, **[twee]** **[agt-en-sestig]** of **[drie]** **[nege-en-sestig]**, voldaan is, en die koste, onkoste, uitgawes en besoldiging bedoel in artikel **[vyf-en-sewentig]** **[ses-en-tagtig]** betaal is, en elke donasie gemaak is wat ingevolge die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie gemaak moet word ingeval van likwidasie, 'n oorskot van bate is, moet die likwidateur behoudens die bepalings van paragraaf (d) van hierdie subartikel 'n distribusierekening opstel vir die verdeling van sodanige oorskot plus die reserwefondse op onderstaande wyse—

- (a) in die geval van 'n **[koöperatiewe landbouvereniging]** landboukoöperasie en koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid, onder die bestaande lede in verhouding met die waarde van die besigheid van elke lid met die **[vereniging]** koöperasie gedurende die voorafgaande vyftien jaar, of, as die **[vereniging]** koöperasie nie vir so 'n tydperk bestaan het nie, gedurende die bestaan van die **[vereniging]** koöperasie;
- (b) in die geval van 'n **[koöperatiewe landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid of 'n spesiale **[koöperatiewe boere maatskappy]** boerekoöperasie met beperkte aanspreeklikheid, onder

(a) to (e) the shortfall shall be defrayed out of the proceeds of the free residue of the assets of the co-operative.

(2) Ranking of costs and claims against free-residue:

- (a) Any free residue of the assets of a co-operative shall, with the exception of the cost mentioned in paragraphs (a) to (c) of subsection (1) and subject to the provisions of paragraph (g) of subsection (1), in the first place be applied to pay the legal and Court Expenses incurred to liquidate the co-operative.
- (b) Thereafter any balance of the free residue shall be applied in defraying the costs, charges and expenses of winding-up the co-operative, including the remuneration of the liquidator and his cost to give surety: Provided that the registrar may reduce or disallow the whole or part of any costs, charges and expenses incurred by the liquidator in connection with the winding-up of the co-operative, if in his opinion such costs, charges or expenses appear to be unnecessary or excessive.
- (c) The free residue shall thereafter be applied in the order, as is mentioned in sections 98 to 102 of the Insolvency Act, 1936 (Act 24 of 1936) so far as it is applicable.
- (d) The balance of the free residue shall thereafter, subject to the provisions of paragraph (h) of subsection (1) and the regulations of the co-operative, be applied to pay the following in proportion to the amounts concerned—
  - (i) the unsecured or non-preferred claims which have been proved against the estate concerned;
  - (ii) amounts due to members for unsecured loans to the co-operative;
  - (iii) any interest of members in any members' funds; and
  - (iv) any donations or other payments which must be made in terms of the regulations.

**[76.] 87.** (1) If after all the liabilities and obligations present or contingent of a **[society or company]** co-operative wound up under section sixty-**[one]**~~seven~~, sixty-**[two]**~~eight~~ or sixty-**[three]**~~nine~~, have been discharged, and the costs, charges, expenses and fees referred to in section **[seventy-five]** ~~eighty-six~~ have been defrayed, and every donation has been made which in terms of the regulations of the **[society or company]** co-operative is required to be made in the event of winding-up, there remains any surplus of assets, the liquidator shall subject to the provisions of paragraph (d) of this subsection, frame a plan of distribution distributing such surplus, including the reserve funds, in the following manner—

Framing of plan of distribution if there is a surplus.

- (a) in the case of an **[co-operative agricultural society]** agricultural co-operative and a co-operative partnership with unlimited liability, among existing members in proportion to the value of the business of each member with the **[society]** co-operative during the last preceding fifteen years, or, if the **[society]** co-operative has not existed for such period, during the existence of the **[society]** co-operative;
- (b) in the case of an **[co-operative agricultural company]** agricultural co-operative special farmers' co-operative with limited liability or a **[farmers' special co-operative company]** special farmers' co-operative with

die bestaande lede by wyse van terugbetaling van die nominale waarde (of so 'n mindere bedrag as opbetaal mag wees) van die aandeel wat op hul name geregistreer is en as daar nadat sodanige terugbetaling geskied het nog bate oorbly, word dit onder die bestaande lede verdeel in verhouding met die waarde van die besigheid van elke sodanige lid met die **[maatskappy]** koöperasie gedurende die voorafgaande vyftien jaar, of, as die **[maatskappy]** koöperasie nie vir so 'n tydperk bestaan het nie, gedurende die bestaan van die **[maatskappy]** koöperasie: Met dien verstande dat, in die geval van 'n **[maatskappy]** koöperasie opgerig vir die doeleindes vermeld in paragraaf (s) van subartikel (1) van artikel **[ses]** vyf, en 'n koöperatiewe deelgenootskap met beperkte aanspreeklikheid enige oorblywende bate, na terugbetaling aan bestaande lede van die nominale waarde (of so 'n mindere bedrag as opbetaal mag wees) van die aandeel op hul name geregistreer, soos voormeld gelykop of in verhouding tot hulle aandelekapitaal en ander bydraes soos deur die statuut bepaal onder al die bestaande lede van die **[maatskappy]** koöperasie verdeel moet word;

- (c) in die geval van 'n **[koöperatiewe handelsvereniging]** handelskoöperasie met beperkte aanspreeklikheid onder bestaande lede by wyse van terugbetaling van die nominale waarde (of so 'n mindere bedrag as opbetaal mag wees) van die aandeel wat op hul name geregistreer is, en, as daar nadat sodanige terugbetaling geskied het nog bate oorbly, word dit onder bestaande lede verdeel in verhouding met die waarde van die besigheid van elke sodanige lid met die **[vereniging]** koöperasie gedurende die voorafgaande vyf jaar, of, as die **[vereniging]** koöperasie vir 'n korter tydperk as vyf jaar bestaan het, gedurende die bestaan van die **[vereniging]** koöperasie: Met dien verstande dat sodanige tydperk van vyf jaar verleng kan word **[by besluit]** indien so 'n besluit daartoe aangeneem is deur minstens twee-derdes van **[al]** die lede van die **[vereniging]** koöperasie teenwoordig is eie persoon of deur gevolmagtigdes verteenwoordig (waar dit deur die **[regulasies]** statuut toegelaat word) op 'n algemene vergadering wat voor die datum van likwidasie spesiaal vir daardie doel byeengeroep is;

- (d) Indien die oorskot van bates so vermeld na oordeel van die registrator te gering is vir verdeling kan die registrator, indien die statuut van 'n koöperasie nie daarvoor voorsiening maak nie, na goeddunke die bedrag aan 'n inrigting of organisasie skenk waar dit tot voordeel van koöperasies aangewend kan word.

(2) Indien—

- (a) 'n lid van so 'n **[vereniging of maatskappy]** koöperasie dood is; of
- (b) 'n lid van so 'n **[koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy]** landboukoöperasie of spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie bedank het omdat hy nie meer boer nie; of
- (c) 'n lid van so 'n **[koöperatiewe handelsvereniging]** handelskoöperasie bedank het omdat hy nie meer in die gebied waar die **[vereniging]** koöperasie besigheid drywe, woon nie;

dan kan so 'n lid wat bedank het en die eksekuteur van so 'n oorlede lid, mits die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie daarvoor voorsiening maak, 'n be-



limited liability, among existing members in repayment of the nominal value (or such lesser amount as may have been paid up) of the shares registered in their names, and if any assets remain over after such repayment has been made, the same shall be distributed among existing members in proportion to the value of the business of each such member with the **[company] co-operative** during the last preceding fifteen years, or, if the **[company] co-operative** has not existed for such a period, during the existence of the **[company] co-operative**: Provided that, in the case of a **[company] co-operative** formed for the objects set forth in paragraph (s) of subsection (1) of section **[six] five** and a **co-operative partnership** any assets remaining after repayment to existing members of the nominal value (or such lesser amount as may have been paid up) of the shares registered in their names as aforesaid shall be divided equally or in proportion to their share capital or any other contribution as determined by the regulations among all the existing members of the **[company] co-operative**;

- (c) in the case of a **[co-operative trading society] co-operative** with limited liability, among existing members in repayment of the nominal value (or such lesser amount as may have been paid up) of the shares registered in their names, and if any assets remain over after such repayment has been made, the same shall be distributed among existing members in proportion to the value of the business of each such member with the **[society] co-operative** during the last preceding five years, or, if the **[society] co-operative** has existed for a period of less than five years, during the existence of the **[society] co-operative**: Provided that such period of five years may be extended by a resolution adopted by not less than two-thirds of the total number of members of the **[society] co-operative** present in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially called for the purpose before the date of winding-up.

- (d) If the surplus mentioned above is, in the opinion of the registrar, too small for distribution, the registrar may, if the regulations do not provide therefor, at his discretion donate such an amount to an institution or organization where it can be used to the benefit of co-operatives.

(2) If—

- (a) any member of any such **[society or company] co-operative** has died; or
- (b) any member of any such **[co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company] agricultural co-operative or special farmers' co-operative** has resigned because he has relinquished farming operations; or
- (c) any member of any such **[co-operative trading society] trading co-operative** has resigned because he has ceased to reside in the area in which the **[society] co-operative** carries on its business;

any such resigned member and the executor of any such deceased member may, if the regulations of the **[society or company] co-operative** so provide, authorize in writing any existing member

staande lid van die **[vereniging of maatskappy]** koöperasie in geskrif magtig om, vir die doeleindes van hierdie artikel, by die waarde van die besigheid van bedoelde bestaande lid met die **[vereniging of maatskappy]** koöperasie gedurende die tydperk van vyftien jaar of vyf jaar onmiddellik voor die likwidasie of gedurende die bestaan van die **[vereniging of maatskappy]** koöperasie (na gelang van die geval), die waarde te voeg van die besigheid van die lid, wat bedank het of wat dood is, met die **[vereniging of maatskappy]** koöperasie gedurende die betrokke tydperk: Met dien verstande dat so 'n magtiging geen uitwerking het nie, tensy dit binne drie maande na sodanige dood of bedanking, al na die geval, by die **[vereniging of maatskappy]** koöperasie ingedien word.

(3) Indien 'n **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie wat ingevolge artikel **[vier-en-negentig]** een-honderd-en-ses geregistreer is, gelikwadeer word voordat dit vyftien jaar lank bestaan het in die geval van 'n **[koöperatiewe landboumaatskappy]** landboukoöperasie of 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie of koöperatiewe deelgenootskap of vyf jaar lank in die geval van 'n **[koöperatiewe handelsvereniging]** handelskoöperasie word die waarde van die besigheid van 'n lid daarvan met 'n oorspronklike **[maatskappy of vereniging]** koöperasie wat tot amalgamasie oorgegaan het om daardie **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie te vorm, gedurende die tydperk van vyftien jaar of, na gelang van die geval, vyf jaar, wat die likwidasie van daardie **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie onmiddellik voorafgaan, by die toepassing van subartikel (1) gevoeg by die waarde van die besigheid van daardie lid met daardie **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie.

Opstelling van  
kontribusierekening  
as daar 'n tekort is.

**[77.] 88.** (1) Indien daar, nadat alle bate van 'n **[vereniging of maatskappy]** koöperasie tot geld gemaak is, nog onvoldane laste of verpligtings bestaan, moet die likwidateur 'n kontribusierekening opstel waarby die skulde en verpligtings verdeel word onder diegene wat vir die bepaling daarvan aanspreeklik is, ooreenkomstig die bepalings van subartikel (1) van artikel **[twintig]** een-en-twintig in die geval van 'n **[vereniging]** koöperasie met onbeperkte aanspreeklikheid, of, in die geval van 'n **[vereniging of maatskappy]** koöperasie met beperkte aanspreeklikheid, ooreenkomstig die bepalings van subartikel (2) van daardie artikel: Met dien verstande dat, indien die likwidasie van 'n **[vereniging]** koöperasie met onbeperkte aanspreeklikheid begin binne twaalf maande na die bedanking of uitsetting van 'n lid, daardie lid wat bedank het of uitgesit is ook aanspreeklik bly vir die koste, onkoste en uitgawes verbonde aan die likwidasie.

(2) Indien 'n persoon wat vir betaling aanspreeklik is, sterf voor of nadat sy naam in die kontribusierekening opgeneem is, dan is sy boedel verplig om by te dra.

(3) Indien die boedel van 'n persoon wat vir betaling aanspreeklik is, gesekwestreer word, of as hy sy boedel afstaan, hetsy voor of nadat sy naam in die kontribusierekening opgeneem is, dan kan die beraamde bedrag van aanspreeklikheid vir toekomstige sowel as reeds gedane vorderings teen die insolvente of afgestane boedel bewys word: Met dien verstande dat, indien so 'n persoon se boedel gerehabiliteer word voor die datum waarop die sake van die **[vereniging of maatskappy]** koöperasie finaal gelikwadeer word, hy persoonlik aanspreeklik bly vir die hele bedrag of enige vorderings vasgestel by die eerste of 'n volgende kontribusierekening.

(4) By die opstelling van genoemde kontribusierekening kan die likwidateur rekening hou met die waarskynlikheid dat party van die persone wat vir betaling aanspreeklik is, deels of geheel en al in gebreke mog bly om te betaal.

of the **[society or company] co-operative** to include, for the purposes of this section, as part of the value of the business of such existing member with the **[society or company] co-operative** during the period of fifteen years or five years immediately preceding the winding-up or during the existence of the **[society or company] co-operative** (as the case may be), the value of the business of such resigned or deceased member with the **[society or company] co-operative** during the period in question: Provided that no such authority shall be of any effect unless it has been lodged with the **[society or company] co-operative** within three months after such death or resignation, as the case may be.

(3) If any **[new company or society registered]** amalgamated co-operative in terms of section **[ninety-four] one-hundred and six** is wound up before it has been in existence for fifteen years, in the case of **[a co-operative agricultural company or a farmers' special co-operative company]** an agricultural co-operative, special farmers' co-operative and co-operative partnership or five years in the case of a **[co-operative trading society]** trading co-operative the value of the business of any member thereof with any original **[company or society] co-operative** which proceeded to amalgamation in order to constitute such **[new company or society]** amalgamated co-operative, during the period of fifteen years or of five years, as the case may be, immediately preceding the winding up of such **[new company or society]** amalgamated co-operative, shall be included for the purposes of subsection (1) as part of the value of the business of such member with such **[new company or society]** amalgamated co-operative.

**[77.] 88.** (1) If, after realization of all the assets of a **[society or company] co-operative**, any liability or obligation remains undischarged, the liquidator shall frame a plan of contribution apportioning the debt or obligation among those persons liable to pay, in accordance with the provisions of subsection (1) of section **[twenty] twenty-one** in the case of a **[society] co-operative** with unlimited liability, or, in the case of a **[society or company] co-operative** with limited liability, in accordance with the provisions of subsection (2) of that section: Provided that if the winding-up of a **[society] co-operative** with unlimited liability is commenced within twelve months after the resignation or expulsion of any member, such resigned or expelled member shall also remain liable for costs, charges and expenses of the winding-up.

Framing of plan of contribution if there is a deficit.

(2) If any person liable to pay dies before or after his name has been included in the plan of contribution, his estate shall be liable to contribute.

(3) If the estate of any person liable to pay is sequestrated or if he assigns his estate, either before or after his name has been included in the plan of contribution, there may be proved against the insolvent or assigned estate the estimated amount of liability to future calls as well as calls already made: Provided that if any such person's estate is rehabilitated before the date upon which the affairs of the **[society or company] co-operative** are finally liquidated, he shall remain personally liable for the whole or any calls fixed under the first or any subsequent plan of contribution.

(4) The liquidator may, in framing the said plan of contribution take into consideration the probability that some of the persons liable to pay may partly or wholly fail to pay.

(5) Indien 'n persoon wat ingevolge 'n kontribusierekening, bekragtig soas hierin verder bepaal, aanspreeklik is om by te dra, sy bydrae nie betaal het nie en ook nie, vir sover die likwidateur weet, voldoende goed of besittings het om aan sy verpligting te voldoen nie, moet die likwidateur 'n verdere kontribusierekening opstel waarby die onvoldane deel van die verpligting van die persoon wat in gebreke bly, met inagneming van die toepaslike bepaling van artikel een-en-twintig en van die voorbehoudsbepaling by subartikel (1) van hierdie artikel onder al die ander persone verdeel word; en indien 'n persoon, wat volgens die tweede kontribusierekening vir betaling aanspreeklik is, na bekragtiging daarvan nie in staat is om te betaal nie, moet die likwidateur op die voormelde wyse 'n derde kontribusierekening opstel en moet hy so voortgaan totdat alle laste en verpligtings van die **【vereniging of maatskappy】** koöperasie voldaan is. Die bepaling van subartikels (2), (3) en (4) van hierdie artikel is van toepassing op die tweede en enige daaropvolgende kontribusierekening wat deur die likwidateur opgestel word.

Voorlegging van  
likwidasierekening en  
distribusie- of  
kontribusierekening.

**【78.】 89.** (1) Elke likwidateur moet binne hoogstens ses maande (of sodanige langer tydperk as die registrateur mag goedkeur) na sy aanstelling 'n rekening van sy ontvangste en uitbetalings en, as daar 'n oorskot is, die distribusierekening deur hom opgestel ingevolge artikel **【ses-en-sewentig】** sewe-en-tagtig, of, as daar 'n tekort is, die kontribusierekening deur hom opgestel ingevolge artikel **【sewen-en-sewentig】** agt-en-tagtig, opstel en by die registrateur indien.

(2) Die likwidasierekening en die distribusie- of kontribusierekening moet in duplikaat opgestel word in 'n deur die registrateur goedgekeurde vorm en moet deur beëdigde verklaring van die likwidateur bevestig word.

(3) Die likwidasierekening moet ten volle deur bewysstukke gestaaf wees.

(4) As die likwidasierekening en distribusie- of kontribusierekening nie finale rekenings is nie, moet die likwidateur van tyd tot tyd **【volgens voorskrif van】** binne sodanige tydperk as wat die registrateur bepaal 'n verdere likwidasierekening en distribusie- of kontribusierekening opstel en aan hom voorlê.

(5) Indien 'n likwidateur nie in staat is om die rekenings in subartikels (1) en (4) genoem binne die voorgeskrewe tydperk in te dien nie, moet hy voor die verstryking van die betrokke tydperk, skriftelike redes vir sy onvermoë om die betrokke rekenings in te dien by die registrateur indien tesame met 'n verklaring van die gronde, as daar is, waarop hy op uitstel vir indiening van sodanige rekening aanspraak maak; en die registrateur kan daarna uitstel verleen wat hy in die omstandighede nodig ag.

**【(5)】 (6)** Behalwe wanneer die kantoor van die **【vereniging of maatskappy】** koöperasie binne die distrik Pretoria geleë is, moet die registrateur 'n duplikaat van die likwidasierekening en distribusie- of kontribusierekening stuur aan die **【magistraat】** landdros van die distrik waarin die kantoor van die **【vereniging of maatskappy】** koöperasie geleë is.

Insae van  
likwidasierekening en  
distribusie- of  
kontribusierekening.

**【79.】 90.** (1) Die likwidasierekening en distribusie- of kontribusierekening moet in die kantoor van die registrateur beskikbaar gehou word, en, as die geregistreerde kantoor van die **【vereniging of maatskappy】** koöperasie nie binne die distrik Pretoria geleë is nie, moet die duplikaat daarvan in die kantoor van die **【magistraat】** landdros van die distrik waarin die geregistreerde kantoor van die **【vereniging of maatskappy】** koöperasie geleë is, beskikbaar gehou word, ter insae deur belanghebbende persone vir so 'n redelike tydperk, maar minstens veertien dae, as die registrateur mag vasstel.

(2) Die registrateur moet, op koste van die **【vereniging of maatskappy】** koöperasie 'n kennisgewing in die *Staatskoerant* en



(5) If any person liable to contribute under the plan of contribution confirmed as hereinafter provided, has not paid his contribution and has not, to the knowledge of the liquidator, property or effects sufficient to meet his liability, the liquidator shall frame a further plan of contribution apportioning, subject to the relative provisions of section **[twenty]** twenty-one, and to the proviso to subsection (1) of this section, among each of the other persons the share of the defaulting person's unsatisfied liability; and if any person liable to pay under the second plan of contribution, after confirmation thereof, is unable to pay, the liquidator shall frame a third plan of contribution in the manner aforesaid, and so on until all the liabilities and obligations of the **[society or company]** co-operative have been settled. The provisions of subsections (2), (3) and (4) of this section shall apply to the second and any subsequent plans of contribution framed by the liquidator.

**[78.] 89.** (1) Every liquidator shall, not later than six months (or such longer period as the registrar may approve) after his appointment, frame and lodge with the registrar an account of his receipts and payments and if there is a surplus the plan of distribution framed by him in terms of section **[seventy-six]** eighty-seven, or, if there is a deficit, the plan of contribution framed by him in terms of section **[seventy-seven]** eighty-eight.

Lodging of  
liquidation account  
and plan of  
distribution or plan of  
contribution.

(2) The account and plan shall be in duplicate and in a form approved by the registrar, and shall be verified by affidavit by the liquidator.

(3) The account shall be fully supported by vouchers.

(4) If the account and plan are not the final account and plan, the liquidator shall from time to time, **[and as the registrar may direct]** within such a period as the registrar may determine, frame and lay before the registrar a further account and plan.

(5) If a liquidator is not in a position to submit the accounts mentioned in subsections (1) and (4) within the prescribed period, he must, before the expiring of the relevant period submit in writing to the registrar his reasons for his inability to submit the accounts together with an explanation on what grounds, if any, he is applying for postponement for the submission of the accounts, and the registrar may, if the circumstances warrant it, grant an extension of time.

**[(5)] (6)** Except where the office of the **[society or company]** co-operative is situate within the district of Pretoria, the registrar shall transmit a duplicate of the account and plan to the magistrate of the district in which the office of the **[society or company]** co-operative is situate.

**[79.] 90.** (1) The account and plan shall lie open at the registrar's office and, if the registered office of the **[society or company]** co-operative is not situate within the district of Pretoria, the duplicate thereof shall lie open at the office of the magistrate of the district in which the registered office of the **[society or company]** co-operative is situate, for inspection by persons interested for such reasonable time, not being less than fourteen days, as the registrar may determine.

Inspection of  
liquidation account  
and plan of  
distribution or  
contribution.

(2) The registrar shall, at the cost of the **[society or company]** co-operative cause to be published in the *Gazette* and in a

in 'n koerant in omloop in die distrik waarin die geregistreerde kantoor van die **[vereniging of maatskappy]** koöperasie geleë is, laat publiseer waarin die tydperk waaroor en die plek of plekke waar die likwidasierekening en distribusie- of kontribusierekening ter insae soas voormeld beskikbaar gehou sal word, vermeld word, en waarin alle belanghebbende persone aangesê word om voor 'n bepaalde dag, minstens sewe dae na die verstryking van genoemde tydperk, besware teen die likwidasierekening of distribusie- of kontribusierekening, met die redes daarvoor, by die registrateur in te dien, en waarin vermeld word dat elke sodanige beswaar en die redes daarvoor deur beëdigde verklaring bevestig moet word.

(3) Die landdros laat 'n kennisgewing op 'n openbare, plek in of by sy kantoor aanbring waarin vermeld word dat die betrokke rekenings by sy kantoor ingedien is met vermelding van die onderskeie tydperke waartydens hulle ter insae sal lê en by verstryking van so 'n tydperk reik hy 'n sertifikaat uit dat die betrokke rekening by sy kantoor ter insae gelê het en stuur hy die sertifikaat en rekening aan die registrateur.

Besware deur  
belanghebbende  
persone teen  
likwidasierekening of  
distribusie- of  
kontribusierekening.

**[80.] 91.** (1) Iemand wat belang het by die likwidasie van die **[vereniging of maatskappy]** koöperasie kan te eniger tyd voor die dag vermeld in die subartikel (2) van artikel **[negen-en-sewentig]** *negentig* bedoelde kennisgewing beswaar teen die likwidasierekening of distribusie- of kontribusierekening met redes daarvoor, bevestig soas vermeld, by die registrateur indien.

(2) As die registrateur van oordeel is—

- (a) dat so 'n by hom ingediende beswaar gedeeltelik of geheel en al gehandhaaf behoort te word; of
- (b) hoewel geen beswaar by hom ingedien is nie, dat die bate met 'n ongepaste pos gedebiteer is, of dat die likwidasierekening of die distribusie- of kontribusierekening in een of ander opsig verkeerd is en gewysig behoort te word,

dan kan hy die likwidateur gelas om die likwidasierekening of distribusie- of kontribusierekening te wysig, of sodanige ander opdrag uitvaardig as hy goetvind, en as hy van oordeel is dat so 'n beswaar nie gehandhaaf behoort te word nie, dan moet hy die persoon wat die beswaar ingedien het, meedeel dat hy weier om dit te handhaaf.

(3) Die likwidateur of iemand wat ontevrede is met so 'n opdrag van die registrateur of met die weiering van die registrateur om so 'n beswaar te handhaaf, kan, binne veertien dae na die datum van die registrateur se opdrag of weiering, na kennisgewing aan die likwidateur, by wyse van mosie aan 'n afdeling van die Hooggeregshof wat regs mag besit in die distrik waarin die geregistreerde kantoor van die **[vereniging of maatskappy]** koöperasie geleë is, versoek om 'n order tot vernietiging van die registrateur se beslissing, en die hof kan so 'n bevel verleen as hy goetvind.

(4) Wanneer so 'n opdrag van die registrateur (wat nie deur die hof vernietig is nie), of so 'n bevel van die hof, die belange raak van iemand wat nie by die registrateur beswaar ingedien het nie, dan moet die aldus gewysigde likwidasierekening en distribusie- of kontribusierekening, tensy die betrokke persoon skriftelik instem met die onmiddellike bekragtiging daarvan, weer ter insae beskikbaar gehou word op die wyse en met die kennisgewing voorgeskrywe in artikel **[negen-en-sewentig]** *negentig* en die bepalings van subartikels (1), (2) en (3) van hierdie artikel is daarop van toepassing.

Bekragtiging van  
likwidasierekening en  
distribusie of  
kontribusierekening.

**[81.] 92.** Wanneer die registrateur oortuig is dat die likwidasierekening en distribusie- of kontribusierekening ter insae beskikbaar gehou is of (indien nodig) weer ter insae beskikbaar gehou is ooreenkomstig die bepalings van artikels **[negen-en-sewentig]** *negentig* en **[tagtig]** *een-en-negentig* en dat die opdrag van die hof en van die registrateur (in soverre dit nie deur die hof opsy gesit of gewysig is nie) uitgevoer is, moet hy die rekening bekragtig, en sy bekragtiging het die werking van 'n eindvonnis.

newspaper circulating in the district in which the registered office of the **[society or company]** co-operative is situate a notice stating the period during which and the place or places at which the account and plan will lie open for inspection as aforesaid, and calling upon all persons interested to lodge with the registrar before a stated day, not being earlier than seven days after the close of the said period, any objection to the account or plan, with the reasons therefor, and stating that every such objection and the reasons therefor shall be verified by affidavit.

(3) The magistrate shall cause to be affixed in some public place in or about his office a notice wherein is mentioned that the respective account has been lodged in his office, showing the period during which it will be open for inspection and shall upon the expiry of the period issue a certificate that the account has been open in his office for inspection and transmit the certificate and account to the registrar.

**[80.] 91.** (1) Any person interested in the winding-up of the **[society or company]** co-operative may, at any time before the day stated in the notice referred to in subsection (2) of section **[seventy-nine]** ninety, lodge with the registrar any objection to the account or plan, with the reasons therefor, verified as aforesaid.

Objections by interested persons to liquidation account or plan of distribution or contribution.

(2) If the registrar is of opinion that—

- (a) any objection so lodged with him ought to be sustained, wholly or in part, or
- (b) notwithstanding that no objection has been lodged with him, any improper charge has been made against the assets, or the account or the plan is in any respect incorrect and should be amended,

he may direct the liquidator to amend the account or plan, or may give such other directions as he may think fit, and if he is of opinion that any such objection ought not to be sustained, he shall notify the objector that he refuses to sustain it.

(3) The liquidator or any person aggrieved by any such direction of the registrar, or by the refusal of the registrar to sustain such objection may apply by motion to any division of the Supreme Court having jurisdiction in the district where the registered office of the **[society or company]** co-operative is situate within fourteen days after the date of the registrar's direction or refusal, and after notice to the liquidator, for an order to set aside the registrar's decision and the court may give such direction as it thinks fit.

(4) Whenever any such direction of the registrar (which has not been set aside by the court) or any such direction of the court affects the interests of any person who has not lodged any objection with the registrar, the account and plan so amended shall, unless the person affected consents in writing to the immediate confirmation of the account and plan, again lie open for inspection in the manner and with the notice prescribed in section **[seventy-nine]** ninety, and the provisions of subsection (1), (2) and (3) of this section shall apply thereto.

**[81.] 92.** When the registrar is satisfied that the account and plan have lain open for inspection or have again lain open for inspection (if necessary), in accordance with the provisions of sections **[seventy-nine]** ninety and **[eighty]** ninety-one and that the directions of the court and those of the registrar (in so far as they have not been set aside or varied by the court) have been given effect to, he shall confirm the account; and his confirmation shall have the effect of a final sentence.

Confirmation of liquidation account and plan of distribution or contribution.



Verdeling van oorskot  
of invordering van  
tekort.

**[82.] 93.** (1) Onmiddellik na die bekragtiging van die likwidasierekening en distribusie- of kontribusierekening, moet die likwidateur, as daar 'n oorskot is, oorgaan tot die verdeling van daardie oorskot volgens die distribusierekening, of, as daar 'n tekort is, van diegene wat vir bydraes aanspreeklik is die bedrae invorder waarvoor hulle volgens die kontribusierekening aanspreeklik is.

(2) Indien 'n volgens die distribusierekening betaalbare bedrag nie binne drie maande na die bekragtiging van die rekening betaal word nie, dan moet die likwidateur dit onverwyld in die Voogdyfonds stort op rekening van die persoon aan wie dit verskuldig is. 'n Persoon wat aanspraak maak op geld wat deur die likwidateur in die Voogdyfonds gestort is kan by die Meester van die Hooggeregshof aansoek doen vir betaling daarvan en die Meester kan op grond van 'n sertifikaat van die likwidateur of registrator of op ander voldoende bewys dat die persoon wat sodanige betaling eis, daarop geregtig is, die betrokke bedrag aan die betrokke persoon betaal.

(3) Die likwidateur moet die kwitansie of ander bewys van betaling vir alle bedrae betaalbaar volgens die distribusierekening sonder versuim aan die registrator voorlê.

(4) Indien die likwidateur na afloop van in die subartikel (2) gemelde tydperk in gebreke gebly het om 'n behoorlike kwitansie of ander bewys van betaling aan die registrator voor te lê ten opsigte van enige bedrag betaalbaar volgens die distribusierekening, dan is sy versuim *prima facie* bewys dat die bedrag deur hom ontvang en nie op wettige wyse bestee is nie, en die registrator kan 'n regsverordening teen die likwidateur instel om sy versuim te verantwoord. Die hof wat die regsverordening verhoor, kan die likwidateur gelas om bedoelde bedrag aan die persoon aan wie dit verskuldig is, te betaal of dit in die Voogdyfonds te stort, en om bowendien by wyse van boete so 'n verdere bedrag, hoogstens gelyk aan die onbetaalde bedrag, te betaal, as die hof goetvind, en daardie bedrag word in die Gekonsolideerde Inkomstefonds gestort.

(5) Indien iemand wat volgens die kontribusierekening aanspreeklik is om 'n bedrag by te dra, versuim om bedoelde bedrag aan die likwidateur te betaal binne tien dae nadat 'n eis vir sodanige betaling aan hom gestuur is per geregisteerde brief gerig aan sy laasbekende woonplek of besigheidsplek, dan moet die **[magistraat]** landdros van die distrik waarin die geregisteerde kantoor van die **[vereniging of maatskappy]** koöperasie geleë is op versoek van die likwidateur 'n lasbrief van eksekusie teen die goed van sodanige persoon uitreik.

(6) Elke sodanige lasbrief word ten uitvoer gelê teen die roerende goed van die skuldenaar, en as daar nie voldoende roerende goed gevind kan word om aan die lasbrief te voldoen nie, dan teen sy onroerende goed.

(7) Elke sodanige lasbrief word ten uitvoer gelê op dieselfde wyse, en dieselfde fooie is ten opsigte van die uitreiking en tenuitvoerlegging daarvan betaalbaar, asof dit uitgereik was ingevolge 'n vonnis van 'n **[magistraatshof]** landdroshof.

Bevoegdheid van  
geregshof om persone  
verdag in besit te  
wees van goed van  
koöperasie te  
dagvaar.

**[83.] 94.** (1) 'n Bevoegde hof kan, op aansoek van die registrator, die likwidateur of 'n belanghebbende persoon, enige beampte van 'n **[vereniging of maatskappy]** koöperasie wat gelikwideer word, of persoon van wie dit bekend is of wat verdink word dat hy goed van die **[vereniging of maatskappy]** koöperasie in sy besit het, of wat veronderstel word by die **[vereniging of maatskappy]** koöperasie in skuld te wees, of 'n persoon wat die hof in staat ag om inligting te verstrek aangaande die besigheid, transaksies, sake of goed van die **[vereniging of maatskappy]** koöperasie voor hom dagvaar.

(2) Die hof kan hom onder eed daaromtrent ondervra, hetsy mondeling of deur skriftelike vraagpunte, en kan sy antwoorde op skrif stel en van hom eis dat hy dit onderteken, en van hom kan geëis word om enige vraag by die ondervraging aan hom gestel,



**[82.] 93.** (1) Immediately after the confirmation of the account and plan, the liquidator shall, if there is a surplus, proceed to distribute that surplus in accordance with the plan of distribution, or if there is a deficit, to collect from the persons liable to contribute the amounts for which they are liable under the plan of contribution.

Distribution of surplus or collection of deficit.

(2) If any amount payable under the plan of distribution remains unpaid for a period of three months after the confirmation of the account, the liquidator shall immediately pay the same into the Guardian's Fund for account of the person to whom it is due. Any person claiming to be entitled to money paid into the Guardian's Fund by the liquidator may apply to the Master of the Supreme Court for payment thereof, and the Master may, on a certificate of the liquidator or registrar or on sufficient evidence that a person claiming such payment is entitled thereto, pay the amount in question to the person concerned.

(3) The liquidator shall without delay lodge with the registrar the receipts or other proof of payment for all amounts payable under the plan of distribution.

(4) If the liquidator, at the expiry of the period referred to in subsection (2), has failed to lodge with the registrar a proper receipt or other proof of payment for any amount payable under the plan of distribution, his failure shall be *prima facie* evidence that the amount has been received and has not lawfully been disposed of by him and the registrar may institute proceedings against the liquidator to answer for his default. The court hearing those proceedings may order the liquidator to pay such amount to the person to whom it is due, or into the Guardians' Fund, and, in addition, by way of penalty such sum, not exceeding the amount unpaid, as it may think fit, and such sum shall be paid into the Consolidated Revenue Fund.

(5) If any person liable to contribute any amount under the plan of contribution fails to pay such amount to the liquidator within ten days after a demand for such payment has been sent by registered letter addressed to him at his last known place of residence or business, the magistrate of the district in which the registered office of the **[society or company] co-operative** is situate shall, upon application by the liquidator, issue a writ of execution against the property of such person.

(6) Every such writ shall be executed against the movable property of the debtor, and, if there be not found sufficient movable property to satisfy the writ, then against his immovable property.

(7) Every such writ shall be executed in like manner, and the same fees shall be payable in respect of the issue and execution thereof, as if it was issued pursuant to a judgment of a magistrate's court.

**[83.] 94.** (1) Any court of competent jurisdiction may upon the application of the registrar, the liquidator or any interested person summon before it any officer of a **[society or company] co-operative** which is being wound up, or person known or suspected to have in his possession any property of the **[society or company] co-operative**, or supposed to be indebted to the **[society or company] co-operative** or any person whom the court deems capable of giving information concerning the trade, dealings, affairs, or property of the **[society or company] co-operative**.

Power of court to summon persons suspected of having property of any co-operative.

(2) The court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and may reduce his answer to writing and require him to sign them, and he may be required to answer any question put to him at the

te beantwoord, al sou die antwoord hom ook kan inkrimineer, en enige antwoord gegee op so 'n vraag kan daarna as getuieis teen hom gebruik word.

(3) Die hof kan van hom eis dat hy enige boeke en stukke wat betrekking het op die **[vereniging of maatskappy]** koöperasie en wat in sy bewaring is of waarvoor hy beskik, moet oorlê, maar as hy aanspraak maak op 'n retensiereg op boeke of stukke deur hom oorgelê, dan doen die oorlegging geen afbreuk aan daardie retensiereg nie, en die hof is regsbevoeg om by die likwidasie alle kwessies in verband met daardie retensiereg te beslis.

(4) Indien 'n aldus gedagvaarde persoon aan wie 'n redelike bedrag vir sy onkoste aangebied is, in gebreke bly om op die vasgestelde tyd voor die hof te verskyn, sonder wettige verontskuldiging (aan die hof tydens sy sitting bekendmaak en deur hom aangeneem), kan die hof hom in hegtenis laat neem en voor die hof laat bring om ondervra te word.

Bevoegdheid om  
openbare  
ondervraging van  
direkteure, ens. te  
gelas.

**[84.] 95.** (1) 'n Bevoegde hof kan, op aansoek van die registrator, die likwidateur of 'n belanghebbende persoon, en na oorweging van 'n verslag van die registrator, waaruit blyk dat volgens sy oordeel bedrog gepleeg is deur iemand in verband met die aanleidende stappe tot oprigting of in verband met die oprigting van die **[vereniging of maatskappy]** koöperasie wat gelikwedeer word, of deur 'n direkteur of beampte van die **[vereniging of maatskappy]** koöperasie met betrekking tot die **[vereniging of maatskappy]** koöperasie of 'n skuldeiser daarvan sedert sy oprigting, gelas dat enige persoon, wat aan die aanleidende stappe tot oprigting of aan die oprigting van die **[vereniging of maatskappy]** koöperasie deelgeneem het of wat 'n direkteur of beampte van die **[vereniging of maatskappy]** koöperasie was, voor die hof verskyn op 'n dag deur die hof vir daardie doel vasgestel om openbaar ondervra te word aangaande die aanleidende stappe tot oprigting of aangaande die oprigting of die drywe van die besigheid van die **[vereniging of maatskappy]** koöperasie of aangaande sy gedrag en transaksies as direkteur of beampte daarvan.

(2) Die registrator kan aan die ondervraging deelneem en kan, indien spesiaal daartoe gemagtig deur die Minister, vir daardie doel van die dienste van 'n prokureur met of sonder advokaat gebruik maak.

(3) Die likwidateur en enige skuldeiser of kontribuant kan ook aan die ondervraging deelneem, hetsy persoonlik of deur 'n prokureur met of sonder advokaat.

(4) Die hof kan aan die ondervraagde persoon sodanige vrae stel as die hof goedvind.

(5) Die ondervraagde persoon moet onder eed ondervra word en moet alle vrae beantwoord wat die hof aan hom stel of toelaat om aan hom te stel, al sou 'n antwoord hom kan inkrimineer.

(6) Iemand van wie die ondervraging ingevolge hierdie artikel gelas is, moet as hy dit verlang, voor sy ondervraging op eie koste voorsien word van 'n afskrif van die registrator se verslag, en kan op eie koste gebruik maak van die dienste van 'n prokureur met of sonder 'n advokaat wat vrae aan hom mag stel wat die hof billik ag ten einde hom in staat te stel om antwoorde deur hom verstrekte te verduidelik of te kwalifiseer. Met dien verstande dat indien so 'n persoon volgens oordeel van die hof onskuldig is aan enige beskuldigings wat teen hom ingebring of geopper is, die hof aan hom die koste kan toestaan wat die hof volgens sy diskresie billik ag.

(7) Notule moet van die ondervraging gehou en aan die ondervraagde persoon voorgelees of deur hom gelees en deur hom onderteken word, en kan daarna as getuieis teen hom gebruik word en kan op alle redelike tye deur enige skuldeiser of kontribuant ingesien word.

(8) Die hof kan die ondervraging van tyd tot tyd na goeddunke verdaag.

examination, notwithstanding that the answer might tend to incriminate him, and any answer given to any such question may thereafter be used in evidence against him.

(3) The court may require him to produce any books and papers in his custody or power relating to the **[society or company] co-operative**; but where he claims any lien on books or papers produced by him the production shall be without prejudice to such lien, and the court shall have jurisdiction in the winding-up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, fails to appear before the court at the time appointed having no lawful excuse (made known to the court at the time of its sitting and allowed by it), the court may cause him to be apprehended and brought before the court for examination.

**[84.] 95.** (1) Any court of competent jurisdiction may, upon the application of the registrar, the liquidator or any interested person, and after considering a report by the registrar, showing that in his opinion a fraud has been committed by any person in the promotion or formation of the **[society or company] co-operative** which is being wound up, or by a director or officer of the **[society or company] co-operative** in relation to the **[society or company] co-operative** or any creditor thereof since its formation, direct that any person who has taken part in the promotion or formation of the **[society or company] co-operative** or has been a director or officer of the **[society or company] co-operative**, shall attend before the court on a day appointed by the court for that purpose, and be publicly examined as to the promotion or formation, or the conduct of the business of the **[society or company] co-operative**, or as to his conduct and dealings as director or officer thereof.

Power to order public examination of directors, etc.

(2) The registrar may take part in the examination and for that purpose may, if specially authorized by the Minister in that behalf, employ an attorney with or without counsel.

(3) The liquidator and any creditor or contributory may also take part in the examination either personally or by attorney with or without counsel.

(4) The court may put such questions to the person examined as the court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him notwithstanding that any answer may tend to incriminate him.

(6) A person ordered to be examined under this section shall at his own cost, before his examination, be furnished at his request with a copy of the registrar's report, and may at his own cost employ an attorney with or without counsel, who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him: Provided that if he is, in the opinion of the court, exculpated from any charges made or suggested against him, the court may allow him such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The court may, if it thinks fit, adjourn the examination from time to time.



Bevoegdheid om voortvlugtige kontribuant in hegtenis te neem.

**[85.] 96.** 'n Bevoegde hof kan, op aansoek van die registrateur, die likwidateur of 'n belanghebbende persoon, en as bewys gelewer word dat daar rede is om te glo dat 'n kontribuant van 'n **[vereniging of maatskappy]** koöperasie wat gelikwider word op die punt staan om die **[Unie]** Republiek te verlaat, of hom andersins uit die voete te maak, of om goed te verwyder of te verberg, ten einde die betaling van opvorderings te ontduik of ondervraging aangaande die sake van die **[vereniging of maatskappy]** koöperasie te ontwyk, die kontribuant in hegtenis laat neem en sy boeke en dokumente en roerende goed in beslag laat neem en hom en die boeke, dokumente en goed in veilige bewaring laat hou tot 'n tyd wat die hof mag bepaal.

Ontbinding van koöperasies.

**[86.] 97.** Wanneer die sake van 'n **[vereniging of maatskappy]** koöperasie **[gelikwider]** afgewikkel is ooreenkomstig die bepalings van hierdie Wet en **[andersins]** tot bevrediging van die registrateur, moet die registrateur die naam van die **[vereniging of maatskappy]** koöperasie van die register verwyder, en daarop is die **[vereniging of maatskappy]** koöperasie ontbind.

Ontslag van likwidateur.

**[87.] 98.** Die likwidateur van 'n **[vereniging of maatskappy]** koöperasie wat gelikwider is, kan te eniger tyd na die ontbinding daarvan by die registrateur aansoek doen om sy ontslag, en as die Minister dit goedkeur, moet die registrateur sodanige ontslag toestaan.

Beskikking oor boeke en dokumente.

**[88.] 99.** Na vyf jaar vanaf die datum van ontslag van die likwidateur, kan die boeke en stukke van die **[vereniging of maatskappy]** koöperasie en die boeke en stukke met betrekking tot die likwidasie van die **[vereniging of maatskappy]** koöperasie vernietig word.

Registrateur kan vervalte koöperasie uit register skrap.

**[89.] 100.** (1) Wanneer die registrateur gegronde redes het om te glo dat 'n **[vereniging of maatskappy]** koöperasie geen besigheid drywe of nie in werking is nie, dan moet hy per brief, deur die pos gestuur, van die **[vereniging of maatskappy]** koöperasie verneem of hy besigheid drywe of in werking is.

(2) As die registrateur nie binne een maand na versending van die brief 'n antwoord daarop ontvang nie, dan moet hy binne veertien dae na verloop van die maand aan die **[vereniging of maatskappy]** koöperasie 'n geregistreerde brief stuur waarin hy na die eerste brief verwys en meedeel dat geen antwoord daarop ontvang is en dat, as binne een maand vanaf die datum van die tweede brief geen antwoord daarop ontvang word nie, 'n kennisgewing in die *Staatskoerant* gepubliseer sal word met die oogmerk om die naam van die **[vereniging of maatskappy]** koöperasie uit die register te skrap.

(3) As die registrateur 'n antwoord van die **[vereniging of maatskappy]** koöperasie ontvang dat hy geen besigheid drywe of nie in werking is nie of binne een maand na die versending van die tweede brief geen antwoord ontvang nie, dan kan hy in die *Staatskoerant* en aan die **[vereniging of maatskappy]** koöperasie deur die pos kennis gee dat na verloop van drie maande vanaf die datum van die kennisgewing die naam van die **[vereniging of maatskappy]** koöperasie wat daarin genoem word van die register geskrap en die **[vereniging of maatskappy]** koöperasie ontbind sal word, tensy 'n rede daarteen aangevoer word.

(4) Na verloop van die tydperk vasgestel in 'n kennisgewing vermeld in subartikel (3), mag die registrateur, tensy die **[vereniging of maatskappy]** koöperasie voorheen gronde daarteen aanvoer, sy naam van die register skrap, en moet hy daarvan in die *Staatskoerant* kennis gee, en by publikasie van daardie kennisgewing is die **[vereniging of maatskappy]** koöperasie ontbind: Met dien verstande dat die aanspreeklikheid



**[85.] 96.** Any court of competent jurisdiction, upon the application of the registrar, the liquidator or any interested person, and on proof that there is reason to believe that a contributory of a **[society or company]** co-operative which is being wound up is about to quit the **[Union]** Republic, or otherwise to abscond, or to remove or to conceal any property for the purpose of evading payment of calls, or of avoiding examination respecting the affairs of the **[society or company]** co-operative, may cause the contributory to be arrested, and his books and papers and movable property to be seized, and him and them to be safely kept until such time as the court may order.

Power to arrest absconding contributory.

**[86.] 97.** When the affairs of a **[society or company]** co-operative have been wound up in accordance with the provisions of the Act and otherwise to the satisfaction of the registrar, the registrar shall remove the name of the **[society or company]** co-operative from the register, and thereupon the **[society or company]** co-operative shall be dissolved.

Dissolution of a co-operative.

**[87.] 98.** The liquidator of a **[society or company]** co-operative which has been wound up may at any time after its dissolution apply to the registrar for his release, and the registrar shall, if the Minister approves grant such release.

Release of liquidator.

**[88.] 99.** After five years from the date of release of the liquidator, the books and papers of the **[society or company]** co-operative and those relating to the winding-up of the **[society or company]** co-operative may be destroyed.

Disposal of books and papers.

**[89.] 100.** (1) When the registrar has reasonable cause to believe that a **[society or company]** co-operative is not carrying on business or is not in operation, he shall send to the **[society or company]** co-operative by post a letter enquiring whether it is carrying on business or is in operation.

Registrar may strike defunct co-operative off register.

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall, within fourteen days after the expiration of the month, send to the **[society or company]** co-operative a registered letter referring to the first letter and stating that no answer thereto has been received, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the *Gazette* with a view to striking the name of the **[society or company]** co-operative off the register.

(3) If the registrar either receives an answer from the **[society or company]** co-operative to the effect that it is not carrying on business or is not in operation, or does not within one month after sending the second letter receive any answer, he may publish in the *Gazette* and send to the **[society or company]** co-operative by post a notice that at the expiration of three months from the date of that notice the name of the **[society or company]** co-operative mentioned therein will, unless cause is shown to the contrary, be struck off the register and the **[society or company]** co-operative will be dissolved.

(4) At the expiration of the period mentioned in any such notice as is described in subsection (3), the registrar may, unless cause to the contrary is previously shown by the **[society or company]** co-operative strike its name off the register and shall publish notice thereof in the *Gazette*, and on the publication of this notice the **[society or company]** co-operative shall be dissolved: Provided that the liability (if any) of every director, managing

(as daar bestaan) van elke direkteur, besturende beamppte en lid van die (vereniging of maatskappy] koöperasie voortbestaan en gevorder kan word asof die [vereniging of maatskappy] koöperasie nie ontbind was nie.

(5) As 'n [vereniging of maatskappy] koöperasie of enige lid of skuldeiser daarvan beswaar daarteen het dat die [vereniging of maatskappy] koöperasie van die register geskrap is, kan 'n bevoegde hof, op versoek van die [vereniging of maatskappy] koöperasie of lid of skuldeiser, en indien oortuig dat die [vereniging of maatskappy] koöperasie toe hy geskrap geword is, besigheid gedrywe het of in werking was, of andersins dat dit billik is dat die [vereniging of maatskappy] koöperasie op die register herstel word, gelas dat die naam van die [vereniging of maatskappy] koöperasie op die register herstel word, en daarop word die [vereniging of maatskappy] koöperasie geag voort te bestaan het net asof sy naam nie geskrap was nie; en die hof mag die bevel gee en voorsiening maak wat billik lyk om die [vereniging of maatskappy] koöperasie en alle ander persone soveel as moontlik in dieselfde toestand te plaas asof die [vereniging of maatskappy] koöperasie nie geskrap was nie.

(6) 'n Brief of kennisgewing ingevolge hierdie artikel moet aan die [vereniging of maatskappy] koöperasie aan sy geregistreerde kantoor geadresseer word, of as geen kantoor geregistreer is nie, per adres van een of ander direkteur of beamppte van die [vereniging of maatskappy] koöperasie, of as daar geen direkteur of beamppte van die [vereniging of maatskappy] koöperasie is nie wie se naam en adres aan die registrateur bekend is, dan kan dit gestuur word aan een of ander of elkeen van die persone wat die voorgestelde [regulasies] statuut van die [vereniging of maatskappy] koöperasie onderteken het, wat ingevolge paragraaf (c) van subartikel (2) van artikel *dertien* aan die registrateur voorgelê is.

## HOOFSTUK VIII

### TOEPASSING VAN WET

Toepassing van Wet  
op koöperasies  
geregistreer kragtens  
Wet 29 van 1939.

**[90.] 101.** (1) Hierdie Wet is op elke [koöperatiewe vereniging of maatskappy] koöperasie wat by die inwerking-treding van hierdie Wet kragtens die [Wet op Koöperatiewe Verenigings, 1922 (Wet No. 28 van 1922)] Wet op Koöperatiewe Verenigings, No. 29 van 1939, soos gewysig, geregistreer was [of wat ingevolge artikel *ses-en-veertig* van daardie Wet geag was aldus geregistreer te wees] op dieselfde wyse van toepassing asof die [vereniging of maatskappy] koöperasie kragtens hierdie Wet opgerig en geregistreer was; en elke [vereniging of maatskappy] koöperasie waarop hierdie Wet aldus toepaslik is, word geag behoorlik kragtens hierdie Wet geregistreer te wees: Met dien verstande dat—

- (a) 'n vermelding in hierdie Wet, hetsy uitdruklik of stilswygend, van die datum van registrasie, geag word 'n vermelding te wees van die datum waarop die [vereniging of maatskappy] koöperasie geregistreer was kragtens [Wet No. 17 van 1908 (Transvaal) of Wet No. 1 van 1910 (Oranje-Vrystaat) of voornoemde] Wet No. 28 van 1922 of Wet No. 29 van 1939 [die datum waarop sy statute aan die sentrale raad van die Land- en Landboubank van Suid-Afrika gelewer was volgens artikel *drie* van die Landbank Wet 1912. Wijzigingswet, 1916 (Wet No. 30 van 1916)] al na die geval;
- (b) die bepalinge van hierdie Wet betreffende die likwidasie en ontbinding van [koöperatiewe verenigings en maatskappye] koöperasies nie op so 'n [vereniging of maatskappy] koöperasie van toepassing is nie, indien

officer and member of the **[society or company]** co-operative shall continue and may be enforced as if the **[society or company]** co-operative had not been dissolved.

(5) If a **[society or company]** co-operative or any member or creditor thereof feels aggrieved by the **[society or company]** co-operative having been struck off the register, any court of competent jurisdiction may, on the application of the **[society or company]** co-operative or member or creditor, and if satisfied that the **[society or company]** co-operative was at the time of the striking off carrying on business or was in operation or otherwise that it is just that the **[society or company]** co-operative be restored to the register, order the name of the **[society or company]** co-operative to be restored to the register, and thereupon the **[society or company]** co-operative shall be deemed to have continued in existence as if its name had not been struck off; and the court may give such directions and make such provision as seem just for placing the **[society or company]** co-operative and all other persons in the same position, as nearly as may be, as if the **[society or company]** co-operative had not been struck off.

(6) A letter or notice under this section shall be addressed to the **[society or company]** co-operative at its registered office, or, if no office has been registered, to the care of some director or officer of the **[society or company]** co-operative, or, if there is no director or officer of the **[society or company]** co-operative whose name and address are known to the registrar, may be addressed to any or all of the persons who signed the proposed regulations of the **[society or company]** co-operative submitted to the registrar under paragraph (c) of subsection (2) of section thirteen.

## CHAPTER VIII

### APPLICATION OF ACT

**[90.] 101.** (1) This Act shall apply to every **[co-operative society or company]** co-operative which, at the commencement of this Act, was registered under the **[Co-operative Societies Act, 1922 (Act No. 28 of 1922)]** Co-operative Societies Act, No. 29 of 1939, in the same manner as if the **[society or company]** co-operative had been formed and registered under this Act; and every **[society or company]** co-operative to which this Act is so applicable shall be deemed to be duly registered under this Act: Provided that—

Application of Act to co-operatives registered or deemed to be registered under Act 29 of 1939.

- (a) reference in this Act, express or implied, to the date of registration, shall be construed as a reference to the date on which the **[society or company]** co-operative was registered under **[Act No. 17 of 1908 (Transvaal) or Act No. 1 of 1910 (Orange Free State) or the aforesaid]** Act No. 28 of 1922 or Act No. 29 of 1939, **[the date on which its articles of association were lodged with the central board of the Land and Agricultural Bank of South Africa in terms of section three of the Land Bank Act, 1912, Amendment Act, 1916 (Act No. 30 of 1916)]** as the case may be;
- (b) the provisions of this Act relating to the liquidation and dissolution of **[co-operative societies and companies]** co-operatives shall not apply to any such **[society or company]** co-operative if it has commenced to be



- met die ontbinding daarvan begin is voor die inwerking-treding van hierdie Wet, maar die ontbinding van so 'n **[vereniging of maatskappy]** koöperasie word voort-  
gesit asof hierdie Wet nie ingevoer was nie;
- (c) behoudens die bepalings van subartikel **[(2)] drie**, 'n **[vereniging of maatskappy]** koöperasie wat geregi-  
streer is of geag word geregistreer te wees as 'n **[koöperatiewe vereniging of maatskappy]** ko-  
öperasie kragtens voornoemde Wet No. 28 van 1922,  
of Wet No. 29 van 1939 sy werksaamhede kan voortsit  
op dieselfde wyse en in dieselfde mate as voor die  
inwerkingtreding van hierdie Wet, ondanks enige bot-  
sing tussen sy regulasies of memorandum en statute en  
die bepalings van hierdie Wet.
- [(d)] die tweede voorbehoudsbepaling tot subartikel (1)**  
**van artikel twintig van hierdie Wet nie van toepassing**  
**is nie in die geval van iemand wat voor die**  
**een-en-twintigste dag van Junie 1933 lid geword het**  
**van 'n koöperatiewe landbouvereniging met onbe-**  
**perkte aanspreeklikheid.]**

(2) Die bepalings van hierdie Wet raak nie 'n reg of voorreg  
verkry of aanspreeklikheid opgeloop deur 'n bestaande ko-  
öperasie, hetsy deur ooreenkomste of andersins, voor die inwerking-  
treding van hierdie Wet nie, of raak nie die geldigheid van die  
statuut van so 'n bestaande koöperasie wat van krag is of geag  
word van krag te wees by sodanige inwerkingtreding en wat nie  
strydig met die bepalings van hierdie Wet is nie.

**[(2)] (3)** Ondanks die bepalings van artikel **[negentien]** *twintig*,  
soas by subartikel (1) van hierdie artikel toegepas op die in  
daardie subartikel bedoelde **[verenigings of maatskappye]** ko-  
öperasies kan die registrateur te eniger tyd met die Minister se  
toestemming die **[regulasies]** statuut van so 'n **[vereniging of**  
**maatskappy]** koöperasie wysig deur die invoeging daarin van  
bepalings met betrekking tot aangeleenthede ten opsigte waarvan  
volgens hierdie Wet in die **[regulasies]** statuut van 'n **[vereni-**  
**ging of maatskappy]** koöperasie voorsiening gemaak moet word,  
of deur 'n wysiging op 'n wyse wat hy raadsaam ag of skraping  
van enige **[regulasie]** statuutbepaling wat met die bepalings van  
hierdie Wet in stryd is, en die registrateur moet aan die  
**[vereniging of maatskappy]** koöperasie kennis gee van elke  
wysiging aldus aangebring; en daarna is die bepalings van  
subartikel (1) van artikel **[sewentien]** *agtien* van toepassing op so  
'n wysiging.

**[(3)] (4)** Die registers van koöperatiewe verenigings en  
maatskappye gehou deur die registrateur kragtens voornoemde  
Wet No. 28 van 1922 en Wet 29 van 1939 word geag deel uit te  
maak van die registers gehou te word ingevolge hierdie Wet.

Registrasie van  
maatskappye kragtens  
ander wette  
geregistreer as  
koöperasies.

**[91.] 102.** (1) 'n Maatskappy met beperkte aanspreeklikheid  
wat volgens 'n koöperatiewe stelsel een of meer van die  
doeleindes vermeld in artikel **[sewe]** *vyf* of *ses* wil uitvoer, en wat  
**[tydens die inwerkingtreding van hierdie Wet]** kragtens 'n  
ander wet as **[voornoemde Wet No. 28 van 1922 of 'n wet wat**  
**deur daardie Wet herroep is],** hierdie Wet geregistreer **[was]**  
is, kan op 'n deur die registrateur goedgekeurde vorm by hom  
aansoek doen om kragtens hierdie Wet geregistreer te word as 'n  
landboukoöperasie, of spesiale **[koöperatiewe boeremaat-**  
**skappy]** boerekoöperasie met beperkte aanspreeklikheid: Met  
dien verstande dat voordat so 'n aansoek gedoen word, so 'n  
maatskappy eers van die registrateur 'n konsep moet verkry van  
wysigings wat in sy bestaande **[memorandum]** akte van  
oprigting en statute aangebring moet word om die maatskappy in  
staat te stel om as 'n landboukoöperasie of 'n spesiale  
**[koöperatiewe boeremaatskappy]** boerekoöperasie geregi-  
streer te word.



dissolved before the commencement of this Act, but the dissolution of any such **[society or company]** co-operative shall be continued as if this Act had not been passed;

- (c) any **[society or company]** co-operative registered or deemed to be registered as a co-operative **[society or company]** under the aforesaid Act No. 28 of 1922 or Act No. 29 of 1939 may, subject to the provisions of subsection **[(2)]** *three*, continue to carry on its operations in the same manner and to the same extent as before the commencement of this Act, notwithstanding that its regulations or memorandum and articles of association are in conflict with any of the provisions of this Act;

- [(d)]** the second proviso to subsection (1) of section *twenty* of this Act shall not apply in the case of any person who became a member of a co-operative agricultural society with unlimited liability before the twenty-first day of June, 1933.]

(2) The provisions of this Act shall not affect any right or privilege acquired or liability entered into by an existing co-operative, whether by agreement or otherwise, prior to the commencement of this Act, nor shall they affect the validity of such co-operative's regulations in force or deemed to be in force at the time of such commencement and which are not repugnant to the provisions of this Act.

**[(2)]** (3) Notwithstanding the provisions of section **[nineteen]** *twenty*, as applied by subsection (1) of this section to **[societies or companies]** co-operatives referred to in that subsection, the registrar may at any time with the consent of the Minister amend the regulations of any such **[society or company]** co-operative by the insertion therein of provisions relating to any matter in respect of which provision is in terms of this Act required to be made in the regulations of a **[society or company]** co-operative, or by the modification in such manner as he may deem expedient or the deletion of any regulation which is in conflict with any provision of this Act, and the registrar shall notify the **[society or company]** co-operative of every alteration so made; and thereupon the provisions of subsection (1) of section **[seventeen]** *eighteen* shall apply in respect of any such alteration.

**[(3)]** (4) The registers of co-operatives **[societies and companies]** kept by the registrar under the aforesaid Act No. 28 of 1922 and Act No. 29 of 1939 shall be deemed to form part of the registers to be kept under this Act.

**[91.] 102.** (1) Any company with limited liability which desires to carry on under a co-operative system any or all of the objects specified in section **[seven]** *five or six* and which **[at the commencement of this Act was]** is registered under a law **[other than the aforesaid Act No. 28 of 1922 or any law repealed by that Act]** other than this Act may apply to the registrar, in a form authorized by him, to be registered under this Act as **[a farmers' special co-operative company]** an agricultural co-operative or special farmers' co-operative with limited liability: Provided that before such application is made such company shall first obtain from the registrar a draft of amendments necessary to its existing memorandum and articles of association in order to enable the company to become registered as an agricultural co-operative or **[farmers']** special **[co-operative company]** farmers' co-operative.

Registration of companies registered as co-operatives under other laws.

(2) Genoemde aansoek moet vergesel gaan van onderstaande stukke—

- (a) 'n afskrif van 'n besluit wat die aansoek om registrasie en die voorgestelde wysiging van die **memorandum** akte van oprigting en statute goedkeur, met 'n sertifikaat, onderteken deur die voorsitter en die sekretaris, waarin verklaar word dat 'n meerderheid van die lede van die maatskappy, persoonlik teenwoordig of deur gevolmagtigdes verteenwoordig (waar dit toegelaat word) hul stemme ten gunste van die besluit uitgebring het op 'n algemene vergadering van die maatskappy wat spesiaal byeengeroep is met die doel om die besluit te oorweeg;
- (b) 'n sertifikaat van registrasie van die maatskappy kragtens hierdie Wet uit kragte waarvan hy geregistreer is;
- (c) twee deur die voorsitter en die sekretaris gesertifiseerde afskrifte van die **memorandum** akte van oprigting en statute van die maatskappy van krag op die datum van aansoek om registrasie kragtens hierdie Wet en van die voorgestelde wysigings daarvan;
- (d) 'n deur die voorsitter en die sekretaris gesertifiseerde afskrif van die balansstaat, wins- en verliesrekening en die ouditeursverslag oor die boekjaar wat die datum van aansoek om registrasie kragtens hierdie Wet onmiddellik voorafgaan;
- (e) 'n lys bevattende die name, adresse en die beroepe van al die bestaande lede en die aantal en klasse (indien meer as een klas uitgereik is) aandeel wat elkeen van hulle besit;
- (f) 'n lys van die direkteure van die maatskappy met vermelding van die naam en adres van elke direkteur.

(3) As die **memorandum** akte van oprigting en statute volgens oordeel van die Minister, indien gewysig soos voorgestel, die maatskappy in staat sal stel om as 'n landboukoöperasie of 'n spesiale **koöperatiewe boeremaatskappy** boerekoöperasie transaksies te onderneem, dan kan hy na goeddunke die registrasie van die maatskappy **as sulks** as 'n koöperasie goedkeur, en die registrateur moet vervolgens die maatskappy **as sulks** kragtens hierdie Wet as koöperasie registreer. By sodanige registrasie word die **memorandum** akte van oprigting en statute van die maatskappy gewysig soos voorgestel, geag die **regulasies** statuut van die **maatskappy** geregistreerde koöperasie te wees. Een afskrif van die gewysigde **memorandum** akte van oprigting en statute moet op die kantoor van die registrateur bewaar en die ander een aan die **maatskappy** koöperasie **terug** gestuur word met die datum van registrasie daarop deur die registrateur aangeteken. Die uitwerking en gevolge van registrasie is dieselfde as in artikel **sewentien** **agtien** van hierdie Wet bepaal word.

(4) Die Minister kan die registrasie as 'n landboukoöperasie of 'n spesiale **koöperatiewe boeremaatskappy** boerekoöperasie met beperkte aanspreeklikheid kragtens hierdie Wet goedkeur van so 'n maatskappy met beperkte aanspreeklikheid **opgerig voor die inwerkingtreding van hierdie Wet en** geregistreer soos voormeld, al bots sy **memorandum** akte van oprigting en statute soas gewysig ook met bepaling van hierdie Wet, en bedoelde maatskappy kan, met inagneming van die wysiging aangebring in sy **memorandum** akte van oprigting en statute, as hy geregistreer is, sy werksaamhede voortsit op dieselfde manier en in dieselfde mate as voor **die inwerkingtreding van** sy registrasie kragtens hierdie Wet. Die Minister kan egter, na die registrasie van so 'n maatskappy as 'n koöperasie, indien hy dit nodig ag, die statute van so 'n geregistreerde koöperasie wysig om aan die bepalings van hierdie Wet te voldoen.

(5) By die registrasie kragtens hierdie artikel van so 'n maatskappy moet die registrateur die registrateur van maatskappye daarvan kennis gee, en laasgenoemde moet daarop die naam van

(2) The said application shall be accompanied by the following documents:

- (a) a copy of a resolution approving of the application for registration and of amendment of the memorandum and articles of association as proposed, with a certificate, signed by the chairman and the secretary, stating that at a general meeting of the company, specially convened for the purpose of considering the resolution, a majority of the members of the company voted in favour of the resolution in person or by proxy (where proxies are allowed);
- (b) a certificate of the company's registration under the law under which it is registered;
- (c) two copies certified by the chairman and the secretary of the memorandum and articles of association of the company in force at the date of application for registration under this Act and of the proposed amendments thereof;
- (d) a copy, certified by the chairman and the secretary, of the balance sheet, profit and loss account, and the auditor's report for the financial year immediately preceding the date of application for registration under this Act;
- (e) a list containing the names, addresses and occupations of all the existing members, and the number and class (if more than one class has been issued) of shares held by each of them;
- (f) a list of the directors of the company showing the name and address of each director.

(3) If in the opinion of the Minister the memorandum and articles of association, if amended as proposed, will enable the company to carry on operations as **[a farmers' special co-operative company]** an agricultural co-operative or special farmers' co-operative, he may, in his discretion, approve the registration of the company as **[such]** a co-operative and thereupon the registrar shall register the company as **[such]** a co-operative under this Act. Upon such registration the memorandum and articles of association amended as proposed shall be deemed to be the regulations of the **[company]** registered co-operative. One copy of the amended memorandum and articles of association shall be filed in the office of the registrar and the other shall be **[returned]** sent to the **[company]** co-operative with the date of registration noted thereon by the registrar. The effect and consequences of registration shall be as provided in section **[seventeen]** eighteen of this Act.

(4) The Minister may approve of the registration as **[a farmers' special co-operative]** an agricultural co-operative or special farmers' co-operative with limited liability, under this Act of any such Company with limited liability **[formed before the commencement of this Act and]** registered as aforesaid, notwithstanding that its memorandum and articles of association as amended are in conflict with any of the provisions of this Act, and, subject to the amendments effected in the memorandum and articles of association, such company when registered may continue to carry on its operations in the same manner and to the same extent as before **[the commencement of]** its registration under this Act. The Minister, may however, after the registration of such a company as a co-operative, if he should deem it expedient, amend the regulations of such registered co-operative to conform to the provisions of this Act.

(5) Upon registration under this section of any such company the registrar shall give notice thereof to the Registrar of companies, who shall thereupon remove the name of the company



die maatskappy rojeer uit die register van maatskappye gehou in die registrasiekantoor vir maatskappye.

(6) Die bepalings van subartikel (3) van artikel **[sestien]** **sewentien** is van toepassing op 'n registrasie kragtens hierdie artikel.

(7) Die koöperasie wat kragtens hierdie artikel geregistreer is, is vir alle doeleindes 'n voortsetting van die maatskappy wie se naam uit die register van maatskappye geskrap is, en alle bates en laste van die maatskappy word die bates en laste van die koöperasie kragtens hierdie Wet geregistreer.

(8) Elke registrateur van aktes in wie se registrasiekantoor 'n dokument bewaar word wat betrekking het op die oorspronklike maatskappy moet, by vertoning aan hom van die duplikaat van daardie dokument, kosteloos en vry van seëlreg op bedoelde dokument en duplikaat en in die registers in sy kantoor sodanige aantekeninge maak as wat nodig mag wees om aan die bepalings van subartikel (7) gevolg te gee.

(9) Geen handeling ingevolge die bepalings van hierdie artikel maak enige inbreuk op die regte van 'n skuldeiser van die oorspronklike maatskappy nie.

Omskepping van  
landboukoöperasie  
na 'n spesiale  
boerekoöperasie.

**[92.] 103.** (1) 'n **[Koöperatiewe landboumaatskappy]** Landboukoöperasie met beperkte aanspreeklikheid **[wat by die inwerkingtreding van hierdie Wet geregistreer is of geag is geregistreer te wees kragtens die Wet op Koöperatiewe Verenigings, 1922 (Wet No. 28 van 1922), soas gewysig]** kan by die registrateur in 'n deur die registrateur goedgekeurde vorm aansoek doen om kragtens hierdie Wet as 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid geregistreer te word.

(2) Genoemde aansoek moet vergesel gaan van onderstaande stukke—

- (a) 'n afskrif van 'n besluit wat die aansoek om registrasie goedkeur, met 'n deur die voorsitter en sekretaris ondertekende sertifikaat waarin verklaar word dat 'n meerderheid van die lede van die **[maatskappy]** koöperasie persoonlik teenwoordig of deur gevolgmagtigdes verteenwoordig (waar dit toegelaat word) hul stemme ten gunste van die besluit uitgebring het op 'n algemene vergadering van die **[maatskappy]** koöperasie wat spesiaal byeengeroep is met die doel om die besluit te oorweeg;
- (b) die sertifikaat van registrasie van die **[maatskappy]** koöperasie;
- (c) 'n afskrif van die **[regulasie]** statuut van die **[maatskappy]** koöperasie wat op die datum van die aansoek van krag was.

(3) Indien die **[maatskappy]** koöperasie volgens oordeel van die Minister op 'n meer voordelige wyse as 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie sake kan doen, dan kan hy na goeddunke die registrasie van die **[maatskappy]** koöperasie as sulks goedkeur, en die registrateur moet die **[maatskappy]** koöperasie vervolgens as sulks registreer kragtens hierdie Wet.

(4) By registrasie van so 'n **[maatskappy]** koöperasie kragtens hierdie artikel, moet die registrateur dienooreenkomstig aantekeninge maak op die registrasiesertifikaat en die afskrif van die **[regulasies]** statuut met die aansoek ingedien en die afskrif van die **[regulasies]** statuut wat op sy kantoor bewaar word, en daarop word die maatskappy vir alle doeleindes geag aldus geregistreer te wees.

(5) Sodra die registrasie aldus geskied het en die aantekeninge aldus gemaak is, moet die registrateur die registrasiesertifikaat en die afskrif van die **[regulasies]** statuut ingedien met die aansoek aan die **[maatskappy]** koöperasie terugstuur. Die bepalings van paragraaf (a) van artikel **[een-en-vyftig]** **ses-en-vyftig** is nie



from the register of companies kept in the companies registration office.

(6) The provisions of subsection (3) of section **[sixteen]** ~~seventeen~~ shall apply in respect of any registration under this section.

(7) The co-operative registered in terms of this section is to all intents and purposes a continuation of the company whose name has been removed from the register of companies and all assets and liabilities of the company become the assets and liabilities of the co-operative registered under this Act.

(8) Any Registrar of Deeds in whose deeds registry is filed any document relating to the original company shall, on presentation to him of the duplicate of that document, make free of charge or stamp duty such notes upon such document and duplicate thereof and such entries in the registers in his office as may be necessary to give effect to the provisions of subsection (7).

(9) Nothing done under the provisions of this section shall affect the rights of a creditor of the original company.

**[92.] 103.** (1) **[A co-operative agricultural company]** ~~An agricultural co-operative with limited liability~~ **[which at the commencement of this Act was registered or deemed to be registered under the Co-operative Societies Act, 1922 (Act No. 28 of 1922), as amended]** may apply to the registrar, in a form authorized by him, to be registered under this Act as a **[farmers'] special [co-operative company]** ~~farmers' co-operative with limited liability.~~ Conversion of an agricultural co-operative to a special farmer's co-operative.

(2) The said application shall be accompanied by the following documents—

- (a) a copy of a resolution approving of the application for registration, with a certificate signed by the chairman and the secretary, stating that at a general meeting of the **[company]** ~~co-operative~~, especially convened for the purpose of considering the resolution, a majority of the members of the **[company]** ~~co-operative~~ voted in favour of the resolution in person or by proxy (where proxies are allowed);
- (b) the certificate of the **[company's]** ~~co-operative's~~ registration;
- (c) a copy of the regulations of the **[company]** ~~co-operative~~ in force at the date of application.

(3) If in the opinion of the Minister such **[company]** ~~co-operative~~ can function to better advantage as a **[farmers'] special [co-operative company]** ~~farmers' co-operative~~, he may, in his discretion, approve the registration of the **[company]** ~~co-operative~~ as such, and thereupon the registrar shall register the **[company]** ~~co-operative~~ as such under this Act.

(4) Upon registration under this section of any such **[company]** ~~co-operative~~ the registrar shall make notes to that effect upon the certificate of registration and the copy of regulations submitted with the application and the copy of the regulations filed on record in his office, and thereupon the **[company]** ~~co-operative~~ shall for all purposes be deemed to be so registered.

(5) As soon as the registration and notes have been so effected, the registrar shall return to the **[company]** ~~co-operative~~ the certificate of registration and the copy of the regulations submitted with the application. The provisions of paragraph (a) of section **[fifty-one]** ~~fifty-six~~ shall not apply to the **[company]** ~~co-operative~~.

vanaf die datum waarop hierdie dokumente ingevolge hierdie artikel by die registrateur ingedien word tot die datum waarop die dokumente weer deur die maatskappy ontvang word, op die maatskappy van toepassing nie.

(6) 'n Fooi van **vyf sjielings** vyftig sent voldaan deur middel van inkomsteseëls is betaalbaar aan die registrateur, en bedoelde seëls word sodra die registrasie geskied het en die aantekening gemaak is, deur die registrateur aan die aansoek om registrasie geplaak en gekanselleer.

(7) Die spesiale boerekoöperasie wat kragtens hierdie artikel geregistreer is, is vir alle doeleindes 'n voortsetting van die landboukoöperasie wie se naam uit die register geskrap is, alle bates en laste van die landboukoöperasie word die bates en laste van die koöperasie kragtens hierdie Wet geregistreer en geen hereregte is ten opsigte daarvan betaalbaar nie.

(8) Elke registrateur van aktes in wie se registrasiekantoor 'n dokument bewaar word wat betrekking het op die oorspronklike koöperasie moet, by vertoning aan hom van die duplikaat van daardie dokument, kosteloos en vry van seëlreg op bedoelde dokument en duplikaat en in die registers in sy kantoor sodanige aantekeninge maak as wat nodig mag wees om aan die bepalings van subartikel (7) gevolg te gee.

(9) Geen handeling ingevolge die bepalings van hierdie artikel maak enige inbreuk op die regte van 'n skuldeiser van die oorspronklike koöperasie nie.

(10) Ondanks andersluidende regsbepalings is geen aandeel, wat die koöperasie op datum van sy registrasie aan die lede van die oorspronklike koöperasie moet uitreik om uitvoering aan die bepalings van hierdie artikel te gee, onderhewig aan seëlbelasting nie.

Omskepping van 'n landboukoöperasie met onbeperkte aanspreeklikheid na 'n landboukoöperasie met beperkte aanspreeklikheid.

**§ 104. (1) 'n [Koöperatiewe landbouvereniging]** Landboukoöperasie met onbeperkte aanspreeklikheid **[wat by die inwerkingtreding van hierdie Wet geregistreer is of geag is geregistreer te wees kragtens die „Wet op Koöperatiewe Verenigings, 1922”]** geregistreer kragtens hierdie Wet kan by die registrateur in 'n deur hom goedgekeurde vorm aansoek doen om kragtens hierdie Wet as 'n koöperatiewe **[landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid geregistreer te word.

(2) Genoemde aansoek moet vergesel gaan van—

- (a) 'n afskrif van 'n besluit wat die aansoek om registrasie goedkeur, met 'n deur die voorsitter en die sekretaris ondertekende sertifikaat waarin verklaar word dat minstens twee-derdes van die aanwesige lede hul stemme ten gunste van die besluit uitgebring het op 'n algemene vergadering van die **[vereniging]** koöperasie wat spesiaal byeengeroep is vir die doel om die besluit te oorweeg;
- (b) 'n skriftelike verklaring deur elke krediteur van die **[vereniging]** koöperasie waarin aangedui word dat hy geen beswaar het teen die omskepping van die **[vereniging]** koöperasie tot **[sodanige maatskappy]** 'n landboukoöperasie met beperkte aanspreeklikheid nie;
- (c) twee afskrifte van die **[regulasies]** statuut wat die voorgestelde **[maatskappy]** koöperasie sal beheers en op voormelde vergadering aangeneem is.

(3) Indien die **[vereniging]** koöperasie volgens oordeel van die Minister op 'n voordeliger wyse as 'n **[koöperatiewe landboumaatskappy]** landboukoöperasie met beperkte aanspreeklikheid sake kan doen, kan hy na goeddunke die registrasie van die **[vereniging]** koöperasie as **[sodanige maatskappy]** landboukoöperasie met beperkte aanspreeklikheid goedkeur, en daarop moet die registrateur die **[vereniging]** koöperasie met onbeperkte aanspreeklikheid as **[sodanige maatskappy]** 'n

between the time of the submission of these documents to the registrar under this section and the time of their receipt by the **[company] co-operative**.

(6) A fee of **[five shillings]** fifty cents shall be paid to the registrar by means of revenue stamps, and such stamps shall, as soon as the registration and notes have been effected, be affixed to the application for registration and defaced by the registrar.

(7) The special farmers' co-operative registered in terms of this section is to all intents and purposes a continuation of the agricultural co-operative whose name is removed from the register, all assets and liabilities of the agricultural co-operative become the assets and liabilities of the co-operative registered under this Act and no transfer duty is payable in respect thereof.

(8) Any Registrar of Deeds in whose deeds registry any document having reference to the original co-operative is filed shall, on presentation to him of the duplicate of that document, free of charge and stamp duty make such notes on the last-named document and duplicate thereof and in his office registers as may be necessary to give effect to the provisions of subsection (7).

(9) Nothing done under the provisions of this section shall affect the rights of a creditor of the original co-operative.

(10) Notwithstanding anything to the contrary contained in any law any share which the co-operative, at the date of its registration, shall issue to the members of the original co-operative to give effect to the provisions of this section, shall be exempt from stamp duty.

**[92bis] 104.** (1) An **[co-operative agricultural society]** agricultural co-operative with unlimited liability **[which at the commencement of this Act was registered or deemed to be registered under the Co-operative Societies Act, 1922,]** may apply to the registrar, in a form authorized by him, to be registered under this Act as **[a co-operative agricultural company]** an agricultural co-operative with limited liability. Conversion of an agricultural co-operative with unlimited liability to an agricultural co-operative with limited liability.

(2) The said application shall be accompanied by—

- (a) a copy of a resolution approving the application for registration, with a certificate signed by the chairman and the secretary, stating that at a general meeting of the **[society] co-operative**, specially convened for the purpose of considering the resolution, not less than two-thirds of the members present voted in favour of the resolution;
- (b) a statement in writing by every creditor of the **[society] co-operative** indicating that he has no objection to the conversion of the **[society] co-operative** into **[such a company]** an agricultural co-operative with limited liability and
- (c) two copies of the regulations which are to govern the proposed **[company] co-operative** as adopted at the said meeting.

(3) If in the opinion of the Minister such **[society] co-operative** can function to better advantage as **[a co-operative agricultural company]** an agricultural co-operative with limited liability he may, in his discretion, approve the registration of the **[society] co-operative** as **[such a company]** an agricultural co-operative with limited liability, and thereupon the registrar shall register the

koöperasie met beperkte aanspreeklikheid kragtens hierdie Wet registreer.

(4) (a) Een afskrif van die **[regulasies]** statuut met die aansoek ingedien, moet op die kantoor van die registrateur bewaar en die ander een aan die **[maatskappy]** koöperasie terugbesorg word met die datum van registrasie daarop deur die registrateur aangeteken.

(b) Die uitwerking en gevolge van registrasie is dieselfde as wat in artikel **[sewentien]** *agtien* bepaal word.

(5) Die bedrag van **[vyf sjielings]** vyftig sent voldaan deur middel van inkomsteseëls is betaalbaar aan die registrateur, en bedoelde seëls word sodra die registrasie geskied het deur die registrateur aan die aansoek om registrasie geheg en gerojear.

(6) By registrasie van die **[maatskappy]** koöperasie word alle bates en laste van die oorspronklike **[vereniging]** koöperasie die bates en laste van die **[maatskappy]** nuwe koöperasie en geen hereregte is ten opsigte daarvan betaalbaar nie.

(7) Elke registrateur van aktes in wie se registrasiekantoor van aktes 'n dokument bewaar word wat betrekking het op die oorspronklike **[vereniging]** koöperasie, moet by oorlegging aan hom van die duplikaat van daardie dokument, kosteloos en vry van seëlreg, die aantekeninge op bedoelde dokument en duplikaat en die inskrywings in die registers in sy kantoor aanbring wat nodig is om aan die bepalinge van subartikel (6) gevolg te gee.

(8) By sodanige registrasie word dié deel van die bedrag waarmee die bates en laste van die **[maatskappy]** koöperasie oorskry, wat deur sy **[regulasies]** statuut voorgeskryf word, aangewend ter betaling of gedeeltelike betaling van aandele wat deur die **[maatskappy]** koöperasie toegeken staan te word aan persone wat lede van die **[vereniging]** oorspronklike koöperasie onmiddellik voor sy registrasie as sodanige **[maatskappy]** koöperasie kragtens hierdie Wet was, in verhouding tot die waarde van die besigheid van iedere sodanige persoon met daardie **[vereniging]** oorspronklike koöperasie gedurende die vyftien jaar wat die datum van registrasie van die **[maatskappy]** koöperasie kragtens hierdie Wet onmiddellik voorafgaan.

Registrasie van  
verenigings en  
maatskappye kragtens  
ander wette  
geregistreer as  
handelskoöperasies.

**[93.] 105.** (1) 'n Vereniging of maatskappy wat **[ten tye van die inwerkingtreding van hierdie Wet]** kragtens 'n ander wet as **[voornoemde Wet No. 28 van 1922 of 'n wet wat deur daardie Wet herroep is]** hierdie Wet geregistreer **[was]** **[is]** en wat volgens 'n koöperatiewe stelsel een of meer van die doeleindes vermeld in artikel *elf* wil uitvoer en bereid is om sy **[memorandum]** akte van oprigting en statute te wysig om aan die bepalinge van hierdie Wet te voldoen, kan op 'n deur die registrateur goedgekeurde vorm by hom aansoek doen om kragtens hierdie Wet geregistreer te word: Met dien verstande dat, voordat so 'n aansoek gedoen word, so 'n vereniging of maatskappy eers van die registrateur 'n konsep moet kry van wysigings wat in sy bestaande **[memorandum]** akte van oprigting en statute aangebring moet word om die vereniging of maatskappy in staat te stel om kragtens hierdie Wet geregistreer te word.

(2) Genoemde aansoek moet vergesel gaan van onderstaande stukke—

(a) 'n afskrif van 'n besluit wat die aansoek om registrasie en die voorgestelde wysiging van die **[memorandum]** akte van oprigting en statute goedkeur, met 'n sertifikaat, onderteken deur die voorsitter en die sekretaris, waarin verklaar word dat 'n meerderheid van die aandeelhouders in die vereniging of maatskappy persoonlik teenwoordig of deur gevolmagtigdes verteenwoordig (waar dit toegelaat word) hul stemme ten gunste van die besluit uitgebring het op 'n algemene vergadering van die vereniging of maatskappy wat spesiaal byeengeroep is met die doel om die besluit te oorweeg;



**[society]** co-operative with unlimited liability as **[such]** a **[company]** co-operative with limited liability under this Act.

- (4) (a) One copy of the regulations submitted with the application shall be filed in the office of the registrar and the other shall be returned to the **[company]** co-operative with the date of registration noted thereon by the registrar.
- (b) The effect and consequences of registration shall be as provided in section **[seventeen]** eighteen.
- (5) A fee of **[five shillings]** fifty cents shall be paid to the registrar by means of revenue stamps and such stamps shall, as soon as the registration has been effected, be affixed to the application for registration and defaced by the registrar.
- (6) Upon registration of such **[company]** co-operative all assets and liabilities of the original **[society]** co-operative shall be the assets and liabilities of the **[company]** new co-operative and no transfer duty is payable in respect thereof.
- (7) Any registrar of deeds in whose deeds registry is filed any document relating to the original **[society]** co-operative shall upon presentation to him of the duplicate of such document, make, free of charge or stamp duty, such notes upon such document and duplicate and such entries in the registers in his office as may be necessary to give effect to the provisions of subsection (6).
- (8) Upon such registration such portion of the excess of the assets over the liabilities of the **[company]** co-operative as shall be prescribed by its regulations shall be applied in payment or part payment of shares to be allotted by the **[company]** co-operative to persons who were members of the **[society in question]** original co-operative immediately before its registration as such **[company]** co-operative under this Act, in proportion to the value of the business of every such person with the **[such society]** original co-operative during the fifteen years immediately preceding the date of registration of the **[company]** co-operative under this Act.

**[93.] 105.** (1) Any society or company which **[at the commencement of this Act was]** is registered under a law other than **[the aforesaid Act No. 28 of 1922 or any law repealed by that Act]** this Act and which desires to carry on under a co-operative system any or all of the objects specified in section *eleven* and is prepared to amend its memorandum and articles of association to conform to the requirements of this Act, may apply to the registrar, on a form authorized by him, to be registered under this Act: Provided that before such application is made such society or company shall first obtain from the registrar a draft of amendments necessary to its existing memorandum and articles of association in order to enable it to be registered under this Act.

Registration of societies and companies registered as trading co-operatives under other laws.

(2) The said application shall be accompanied by the following documents—

- (a) a copy of a resolution approving of the application for registration and of amendment of the memorandum and articles of association as proposed, with a certificate, signed by the chairman and the secretary, stating that at a general meeting of the society or company specially convened for the purpose of considering the resolution, a majority of the shareholders of the society or company voted in favour of the resolution in person or by proxy (where proxies are allowed);

- (b) 'n sertifikaat van registrasie van die vereniging of maatskappy kragtens die wet uit kragte waarvan hy geregistreer is;
- (c) twee deur die voorsitter en die sekretaris gesertifiseerde afskrifte van die **[memorandum]** akte van oprigting en statute van die vereniging of maatskappy van krag op die datum van aansoek om registrasie kragtens hierdie Wet en van die voorgestelde wysigings daarvan;
- (d) 'n deur die voorsitter en die sekretaris gesertifiseerde afskrif van die balansstaat, wins- en verliesrekening en die ouditeursverslag oor die boekjaar wat die datum van die aansoek om registrasie kragtens hierdie Wet onmiddellik voorafgaan;
- (e) 'n lys bevattende die name en adresse van al die bestaande aandeelhouders en die aantal aandele wat elkeen van hulle besit;
- (f) 'n lys van die direkteure van die vereniging of maatskappy met vermelding van die naam en adres van elke direkteur.

(3) As die **[memorandum]** akte van oprigting en statute volgens oordeel van die Minister, indien gewysig soos voorgestel, die vereniging of maatskappy in staat sal stel om volgens 'n koöperatiewe stelsel een of meer van die doeleindes vermeld in artikel *elf* uit te voer, kan hy na goeë dunde die registrasie van die vereniging of maatskappy as sulks goedkeur, en die registrateur moet vervolgens die vereniging of maatskappy as sulks kragtens hierdie Wet registreer. By sodanige registrasie word die **[memorandum]** akte van oprigting en statute, gewysig soos voorgestel, geag die **[regulasies]** statuut van die **[vereniging of maatskappy]** geregistreerde koöperasie te wees. Een afskrif van die gewysigde **[memorandum]** akte van oprigting en statute moet op die kantoor van die registrateur bewaar en die ander een aan die vereniging of maatskappy teruggestuur word met die datum van registrasie daarop deur die registrateur aangeteken. Die uitwerking en gevolge van registrasie is dieselfde as in artikel **[sewentien]** *agtien* van hierdie Wet bepaal word.

(4) By die registrasie kragtens hierdie artikel van so 'n vereniging of maatskappy moet die registrateur die registrateur van maatskappye daarvan kennis gee, en laasgenoemde moet daarop die naam van die vereniging of maatskappy roeier uit die register van maatskappye gehou in die registrasiekantoor vir maatskappye.

(5) Die bepalings van subartikel (3) van artikel **[sestien]** *sewentien* is van toepassing op 'n registrasie kragtens hierdie artikel.

(6) Indien volgens die bestaande **[memorandum]** akte van oprigting en statute persone, wat nie aandeelhouders in so 'n vereniging of maatskappy was nie, lede daarvan was voor registrasie kragtens hierdie Wet, is die vereniging of maatskappy ondanks andersluidende bepalings in hierdie Wet bevoeg om, na sy registrasie kragtens hierdie Wet, 'n gedeelte van die surplus fondse van die vereniging of maatskappy, opgehoop tot datum van die balansstaat vermeld in paragraaf (d) van subartikel (2) van hierdie artikel, aan te wend ter betaling of gedeeltelike betaling van aandele deur die vereniging of maatskappy toegeken te word aan persone wat lede van die vereniging of maatskappy was voor sy registrasie kragtens hierdie Wet. Met dien verstande dat die fondse van die vereniging of maatskappy nie sonder skriftelike goedkeuring van die Minister vir so 'n doel gebruik mag word nie.

(7) Die koöperasie wat kragtens hierdie artikel geregistreer is, is vir alle doeleindes 'n voortsetting van die oorspronklike vereniging of maatskappy en alle bates en laste van die vereniging of maatskappy word die bates en laste van die koöperasie kragtens hierdie Wet geregistreer en geen hereregte is ten opsigte daarvan betaalbaar nie.

(8) Elke registrateur van aktes in wie se registrasiekantoor 'n dokument bewaar word wat betrekking het op die oorspronklike vereniging of maatskappy moet, by vertoning aan hom van die

- (b) a certificate of the society or company's registration under the law under which it is registered;
- (c) two copies certified by the chairman and the secretary of the memorandum and articles of association of the society or company in force at the date of application for registration under this Act and of the proposed amendments thereof;
- (d) a copy certified by the chairman and the secretary of the balance-sheet, profit and loss account, and the auditor's report for the financial year immediately preceding the date of application for registration under this Act;
- (e) a list containing the names and addresses of all the existing shareholders, and the number of shares held by each of them;
- (f) a list of the directors of the society or company showing the name and address of each director.

(3) If in the opinion of the Minister the memorandum and articles of association, if amended as proposed, will enable the society or company to carry on under a co-operative system any or all of the objects specified in section *eleven*, he may, in his discretion, approve the registration of the society or company as such, and thereupon the registrar shall register the society or company as such under this Act. Upon such registration the memorandum and articles of association, amended as proposed, shall be deemed to be the regulations of the **["society or company"]** registered co-operative. One copy of the amended memorandum and articles of association shall be filed in the office of the registrar and the other shall be returned to the society or company with the date of registration noted thereon by the registrar. The effect and consequences of registration shall be as provided in section **["seventeen"]** *eighteen* of this Act.

(4) Upon registration under this section of any such society or company the registrar shall give notice thereof to the registrar of companies, who shall thereupon remove the name of the society or company from the register of companies kept in the companies registration office.

(5) The provisions of subsection (3) of section **["sixteen"]** *seventeen* shall apply in respect of any registration under this section.

(6) If in terms of the existing memorandum and articles of association any persons who were not shareholders of such society or company were, prior to registration under this Act, members thereof, it shall be competent, notwithstanding anything to the contrary contained in this Act, for the society or company, after its registration under this Act, to apply part of the surplus funds of the society or company, accumulated up to the date of the balance sheet mentioned in paragraph (d) of subsection (2) of this section, in payment or part payment of shares to be allotted by the society or company to persons who were members of the society or company before its registration under this Act: Provided that no funds of the society or company shall be used for such purpose without the written approval of the Minister.

(7) The co-operative registered in terms of this section is to all intents and purposes a continuation of the original society or company and all assets and liabilities of the society or company become the assets and liabilities of the co-operative registered under this Act and no transfer duty is payable in respect thereof.

(8) Any Registrar of Deeds in whose deeds registry any document having reference to the original society or company is filed shall, on presentation to him of the duplicate of that

duplikaat van daardie dokument, kosteloos en vry van seëlreg op bedoelde dokument en duplikaat en in die registers in sy kantoor sodanige aantekeninge maak as wat nodig mag wees om aan die bepalings van subartikel (7) gevolg te gee.

(9) Geen handeling ingevolge die bepalings van hierdie artikel maak enige inbreuk op die regte van 'n skuldeiser van die oorspronklike vereniging of maatskappy nie.

## HOOFSTUK IX

### ALGEMENE EN AANVULLENDE BEPALINGS

Amalgamasie van twee of meer koöperasies.

**[94.] 106.** (1) Twee of meer **[koöperatiewe landboumaatskappye]** landboukoöperasies met beperkte aanspreeklikheid of spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie met beperkte aanspreeklikheid, of twee of meer **[koöperatiewe handelsverenigings]** handelskoöperasies met beperkte aanspreeklikheid of twee of meer koöperatiewe deelgenootskappe met beperkte aanspreeklikheid (hierna genoem die oorspronklike **[maatskappye of verenigings]** koöperasies) kan by besluit aangeneem deur minstens twee-derdes van die lede wat hul stemme uitbring in 'n persoon of deur gevolmagtigdes (waar dit toegelaat word), op 'n algemene vergadering van elke **[maatskappy of vereniging]** koöperasie vir daardie doel byengeroep, tot amalgamasie oorgaan en aldus een **[koöperatiewe maatskappy of vereniging]** koöperasie (hierna genoem die **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie) vorm.

(2) Die bepalings van artikel **[sestien]** **[sewentien]** (uitgesonderd die bepaling wat betrekking het op artikel **[dertien]**) en van artikel **[agtien]** **[negentien]** is *mutatis mutandis* van toepassing op so 'n amalgamasie.

(3) (a) By ontvangs van afskrifte van bedoelde besluite, behoorlik gesertifiseer deur die sekretaris van die oorspronklike **[maatskappye of verenigings]** koöperasies en van twee identiese afskrifte van die **[regulasies]** statuut, behoorlik gesertifiseer deur die sekretaris van die oorspronklike koöperasies dat dit die statuut is wat die **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie sal beheer en wat deur lede van elke van die oorspronklike koöperasies op die vergadering in subartikel (1) genoem goedgekeur is, moet die registrateur die name van die oorspronklike **[maatskappye of verenigings]** koöperasies in sy register deurhaal, en die **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie registreer, en daarop word alle bates en laste van die oorspronklike **[maatskappye of verenigings]** koöperasies die bates en laste van die **[nuwe maatskappy of vereniging]** geamalgameerde koöperasie, en geen hereregte is ten opsigte daarvan betaalbaar nie;

(b) Die geamalgameerde koöperasie kragtens hierdie artikel geregistreer is vir alle doeleindes 'n voortsetting van die oorspronklike koöperasies wie se name uit die register deur die registrateur gehou, geskrap is;

(4) Elke registrateur van aktes, ander staatsdepartement, provinsiale owerheid, plaaslike owerheid of enige ander instansie in wie se **[registrasie]** kantoor 'n dokument bewaar word wat betrekking het op een of ander van die oorspronklike **[maatskappye of verenigings]** koöperasies moet, by vertoning aan hom van die dokument of duplikaat van daardie dokument, kosteloos en vry van seëlreg op bedoelde dokument en duplikaat en in die registers in sy kantoor sodanige aantekeninge maak as wat nodig mag wees om aan die bepalings van subartikel (3) gevolg te gee.



document, free of charge and stamp duty make such notes on the last-named document and duplicate thereof and in his office registers as may be necessary to give effect to the provisions of subsection (7).

(9) Nothing done under the provisions of this section shall affect the rights of a creditor of the original society or company.

## CHAPTER IX

### GENERAL AND SUPPLEMENTARY PROVISIONS

**[94.] 106.** (1) Two or more **co-operative agricultural companies** agricultural co-operatives with limited liability or **farmers' special co-operative companies** farmers' co-operatives with limited liability or two or more **co-operative trading societies** trading co-operatives or two or more co-operative partnerships with limited liability (hereinafter called the original **companies or societies** co-operatives), may by resolution adopted by not less than two-thirds of the members voting in person or by proxy (where proxies are allowed) at a general meeting of each **company or society** co-operative convened for this purpose, proceed to amalgamation and thus constitute one **co-operative company or society** co-operative (hereinafter called the **new company or society** amalgamated co-operative). Amalgamation of two or more co-operatives.

(2) The provisions of section **sixteen** *seventeen* (with the exception of the provision relating to section *thirteen*) and of section **eighteen** *nineteen* shall, *mutatis mutandis*, apply to any such amalgamation.

- (3) (a) The registrar shall, on receipt of such resolutions, duly certified by the secretaries of the original **companies or societies** co-operatives and of two identical copies of the regulations, duly certified by the secretaries of the original co-operatives that these are the regulations which will control the **new company or society** amalgamated co-operative and which are approved by the members of each of the original co-operatives at the meeting named in subsection (1), cancel the names of the original **companies or societies** co-operatives in his register and register the **new company or society** amalgamated co-operative, and thereupon all assets and liabilities of the original **companies or societies** co-operatives shall be the assets and liabilities of the **new company or society** amalgamated co-operative, and no transfer duty shall be payable in respect thereof;
- (b) The amalgamated co-operative registered in terms of this section is to all intents and purposes a continuation of the original co-operatives whose names are removed from the register kept by the registrar.

(4) Any registrar of deeds, other government department, provincial authority, local authority or any other quarter in whose **deeds** registry is filed any document relating to any of the original **companies or societies** co-operatives shall, upon presentation to him of the document or the duplicate of such document, make, free of charge or stamp duty, such notes upon such document and duplicate and such entries in the registers in his office as may be necessary to give effect to the provisions of subsection (3).

(5) Geen handeling ingevolge die bepalings van hierdie artikel maak enige inbreuk op die regte van 'n skuldeiser van een of ander van die betrokke **【maatskappye of verenigings】** oorspronklike koöperasies nie, en word al die verpligtinge van die oorspronklike koöperasies ook die verpligtinge van die geamalgameerde koöperasie.

(6) Ondanks andersluidende regsbepalings is geen aandeel, wat die geamalgameerde koöperasie op datum van sy registrasie aan die lede van die oorspronklike koöperasies moet uitreik om uitvoering aan die bepalings van hierdie artikel te gee, onderhewig aan seëlbelasting nie.

(7) Ondanks die bepalings van die statuut van die oorspronklike koöperasies moet die geamalgameerde koöperasie binne 'n redelike tydperk, in elke geval nie later as ses maande na datum van registrasie van die geamalgameerde koöperasie, finansiële state vir die oorspronklike koöperasies soos op datum van registrasie van die geamalgameerde koöperasie laat opstel. Die bepalings van hierdie Wet wat handel oor die opstel, inhoud, ouditering, insae en indiening van finansiële state is ook op hierdie state, waar moontlik, van toepassing.

(8) Enige surplus wat deur 'n oorspronklike koöperasie gedurende die boekjaar of 'n gedeelte van die boekjaar wat die registrasie van die geamalgameerde koöperasie onmiddellik voorafgegaan gemaak het en wat nie ooreenkomstig die bepalings van die statute van die oorspronklike koöperasie verdeel is nie word na die boeke van die geamalgameerde koöperasie oorgedra en kan, tensy die statuut van die geamalgameerde koöperasie anders bepaal, op 'n algemene vergadering spesiaal vir die doel belê, ooreenkomstig die bepalings van die statuut van die oorspronklike koöperasie, nieteenstaande die feit dat die statuut nie meer van krag is nie, verdeel word en waar 'n toewysing aan lede gemaak word kan dit slegs aan die betrokke lede van die oorspronklike koöperasie gemaak word.

Preferente reg op sekere landbouprodukte en lewendehawe.

**【95.】 107.** Ondanks andersluidende regsbepalings, het 'n **【koöperatiewe landbouvereniging of maatskappy】** landboukoöperasie of spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie ingeval die boedel van 'n lid daarvan gesekwestreer of volgens artikel *sestien* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), geadministreer word, 'n preferente reg op die waarde en opbrengs van enige landbouprodukte of lewendehawe of lewendehaweprodukte waarop volgens hierdie Wet aan daardie lid geld voorgeskiet is deur die vereniging of maatskappy, tot 'n bedrag gelyk aan daardie voorskot en enige rente daarop verskuldig: Met dien verstande dat hierdie artikel geen inbreuk maak nie op enige regte wat deur 'n wet van die Parlement aan die Regering verleen word.

Eiendomsreg in en verpanding van sekere boerderybenodigdhede, landbouprodukte, lewendehawe en lewendehaweprodukte.

**【96.】 108.** (1) So lank as 'n bedrag deur 'n lid van 'n **【koöperatiewe landbouvereniging of -maatskappy of van 'n spesiale koöperatiewe boeremaatskappy】** landboukoöperasie of spesiale boerekoöperasie aan die **【vereniging of maatskappy】** koöperasie verskuldig is ten opsigte van—

(a) die verskaffing aan daardie lid deur die **【vereniging of maatskappy】** koöperasie van brandstof, smeergoed, olie, jong boompies, plante, steggies, saad, voedingstowwe, misstowwe, sakke, berokingsmiddels **【of】** insekdodende middels, lewendehawe, dipstowwe, vee-middels, onderdele vir landbougereedskap en -masjinerie of die verrigting deur die **【vereniging of maatskappy】** koöperasie ten behoeve van daardie lid van berokings-, bespuitings- of skoonmaakwerksaamhede, of herstelwerk aan landbougereedskap en -masjinerie; of

(b) 'n geldelike voorskot deur die **【vereniging of maatskappy】** koöperasie aan daardie lid gegee op produkte

(5) Nothing done under the provisions of this section shall affect the rights of any creditor of either or any of the **[companies or societies]** original co-operatives concerned, and all the obligations of the original co-operative become the obligations of the amalgamated co-operative.

(6) Notwithstanding anything to the contrary contained in any law any share which the amalgamated co-operative, at the date of its regulations, shall issue to the members of the original co-operatives to give effect to the provisions of this section shall be exempt from stamp duty.

(7) Notwithstanding the provisions of the regulations of the original co-operatives the amalgamated co-operative shall, within a reasonable period, in any case not later than six months after the date of registration of the amalgamated co-operative, have drawn up financial statements of the original co-operatives as at the date of registration of the amalgamated co-operative. The provisions of this Act which deal with the drawing-up, content, audit, inspection and submission of financial statements are, where possible, applicable to these statements.

(8) Any surplus realized by an original co-operative during the financial year or part thereof immediately preceding the registration of the amalgamated co-operative and which has not been distributed in accordance with the provisions contained in the regulations of the original co-operative shall be transferred to the books of the amalgamated co-operative and may, unless the regulations of the amalgamated co-operative provide otherwise, be distributed at a general meeting convened especially for that purpose, as provided in the regulations of the original co-operative, notwithstanding the fact that the regulations are no longer in force, and where an allocation is made to members it may be made only to the members who were members of the original co-operative.

**[95.] 107.** Notwithstanding anything to the contrary contained in any law **[a co-operative agricultural society or company]** an agricultural co-operative or **[farmers']** special **[co-operative company]** farmers' co-operative shall, in the event of the sequestration or the administration in terms of section sixteen of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), of the estate of a member thereof, have a preferential claim on the value and proceeds of any agricultural produce or livestock or livestock products on which any advance has in terms of this Act been made to such member by the **[society or company]** co-operative to the extent of any such advance and any interest owing thereon: Provided that nothing in this section contained shall affect any rights conferred upon the Government by any Act of Parliament.

Preferential claim on certain agricultural produce and livestock.

**[96.] 108.** (1) So long as any amount is owing by a member of **[a co-operative agricultural society or company]** an agricultural co-operative or of a **[farmers']** special **[co-operative company]** farmers' co-operative to the **[society or company]** co-operative in respect of—

Ownership in and pledge of certain farming requisites, agricultural produce, livestock and livestock products.

- (a) the supply to him by the **[society or company]** co-operative of fuel, grease, oil, saplings, plants, cuttings, seeds, feeding stuffs, fertilizers, bags, fumigants, **[or]** insecticides, livestock, dips, stock remedies, parts for agricultural implements and machinery, or the performance by the **[society or company]** co-operative on his behalf of fumigating, spraying or cleansing operations, or repairs to agricultural implements;
- (b) any advance of money made to him by the **[society or company]** co-operative on any produce which has not

wat nie aan die **[vereniging of maatskappy]** koöperasie afgelewer is nie, hetsy daardie produkte reeds voortgebring of ingesamel is of nog voortgebring of ingesamel moet word, of op lewende hawe of lewendehaweprodukte wat nie aan die **[vereniging of maatskappy]** koöperasie afgelewer is nie,

geld, ondanks andersluidende wetsbepalings maar behoudens die bepalinge van subartikel (8), die volgende bepalinge, te wete—

- (i) die eiendomsreg in die verskafte brandstof, smeergoed, olie, jong boompies, plante, steggies, saad, voedingstowwe, misstowwe, sakke, berokingsmiddels, **[of]** insekdodende middels, lewendehawe, dipstowwe, veemiddels of onderdele bly by die [vereniging of maatskappy] koöperasie berus so volkome en werkdadiglik asof daardie brandstof, smeergoed, olie, jong boompies, plante, steggies, saad, voedingstowwe, misstowwe, sakke, berokingsmiddels, **[of]** insekdodende middels, lewendehawe, dipstowwe, veemiddels of onderdele in die besit van die **[vereniging of maatskappy] koöperasie gebly het;**
- (ii) alle produkte, hetsy ingesamel al dan nie, by die voortbrenging waarvan die brandstof, smeergoed, olie, saad, misstowwe, berokingsmiddels, insekdodende middels of onderdele gebruik is, of waarvoor die sakke verskaf was, of ten opsigte waarvan die berokings-, bespuitings- of skoonmaakwerkzaamhede of herstelwerk verrig was, of waarop die geld voorgeskiet is, na gelang van die geval, en alle produkte, hetsy ingesamel al dan nie, wat verkry is van die verskafte jong boompies, plante of steggies, word geag verpand te wees aan die **[vereniging of maatskappy] koöperasie** vir die bedrag van die skuld so volkome en werkdadiglik asof bedoelde produkte ingesamel was en deur oorhandiging aan die **[vereniging of maatskappy] koöperasie** verpand was en die **[vereniging of maatskappy] koöperasie** hulle in sy besit gehou het;
- (iii) alle lewende hawe vir die behandeling waarvan die dipstowwe of veemiddels of vir die voer waarvan die voedingstowwe verskaf is en die produkte van daardie lewende hawe, of lewende hawe waarop die geld voorgeskiet is en die produkte van daardie lewende hawe, of lewendehaweprodukte waarop die geld voorgeskiet is en die lewende hawe waarvan daardie produkte verkry is, na gelang van die geval, word geag verpand te wees aan die [vereniging of maatskappy] koöperasie vir die bedrag van die skuld so volkome en werkdadiglik asof enige sodanige lewende hawe of lewendehaweprodukte deur oorhandiging aan die **[vereniging of maatskappy] koöperasie** verpand was en die **[vereniging of maatskappy] koöperasie** hulle in sy besit gehou het;
- (iv) die verskafte brandstof, smeergoed, olie, jong boompies, plante, steggies, saad, misstowwe, sakke, berokingsmiddels, insekdodende middels of onderdele en die produkte, hetsy ingesamel al dan nie, by die voortbrenging waarvan die brandstof, smeergoed, olie, saad, misstowwe, berokingsmiddels, insekdodende middels of onderdele gebruik is of waarvoor die sakke verskaf was, of ten opsigte waarvan die berokings-, bespuitings- of skoonmaakwerkzaamhede of herstelwerk verrig was, of waarop die geld voorgeskiet is, na gelang van die geval, en alle produkte, hetsy ingesamel al dan nie, wat verkry is van die verskafte jong boompies, plante, of steggies, word nie op aansoek van 'n skuldeiser, behalwe die **[vereniging of maatskappy] koöperasie**, ter uitvoe-



been delivered to the **[society or company] co-operative** whether or not that produce has been or is still to be produced or gathered, or on any livestock or livestock products which have not been delivered to the **[society or company] co-operative**;

the following provisions shall, notwithstanding anything to the contrary contained in any law, but subject to the provisions of subsection (8), apply, namely—

- (i) ownership in the fuel, grease, oil, saplings, plants, cuttings, seeds, feeding stuffs, fertilizers, bags, fumigants, **[or]** insecticides, livestock, dips, stock remedies or parts, supplied shall remain vested in the **[society or company] co-operative** as fully and effectually as if such fuel, grease, oil, saplings, plants, cuttings, seeds, feeding stuffs, fertilizers, bags, fumigants, insecticides, livestock, stock remedies or parts had been retained in the possession of the **[society or company] co-operative**;
- (ii) all produce, whether gathered or not, in the production of which the fuel, grease, oil, seeds, fertilizers, fumigants **[or]** insecticides, or parts were used, or for which the bags were supplied, or in respect of which the fumigating, spraying, or cleansing operations or repairs were performed, or on which the money was advanced, as the case may be, and all produce, whether gathered or not, obtained from the saplings, plants or cuttings which were supplied, shall be deemed to be pledged in favour of the **[society or company] co-operative** for the amount of the indebtedness as fully and effectually as if that produce had been gathered and pledged by delivery to the **[society or company] co-operative** and were retained in its possession;
- (iii) all livestock for the treatment of which dips and stock remedies were supplied or for the feeding of which the feeding stuffs were supplied and the products of that livestock, or livestock on which the money was advanced and the products of that livestock, or livestock products on which the money was advanced and the livestock from which those products were obtained, as the case may be, shall be deemed to be pledged for the amount of the indebtedness in favour of the **[society or company] co-operative** as fully and effectually as if any such livestock or livestock products had been pledged by delivery to the **[society or company] co-operative** and were retained in its possession;
- (iv) the fuel, grease, oil, saplings, plants, cuttings, seeds, fertilizers, bags, fumigants, **[or]** insecticides or parts supplied, and the produce, whether gathered or not, in the production of which the fuel, grease, oil, seeds, fertilizers, fumigants, **[or]** insecticides or parts were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations or repairs were performed, or on which the money was advanced, as the case may be, and all produce, whether gathered or not, obtained from the saplings, plants or cuttings supplied, shall not be seized in execution of the judgment of any court of law at the

- ring van 'n vonnis van 'n geregshof in beslag geneem nie; en
- (v) die verskafte dipstowwe of veemiddels en die lewende hawe vir die behandeling waarvan die dipstowwe of veemiddels gebruik is en die produkte van daardie lewende hawe of die verskafte voedingstowwe en die lewende hawe vir die voer waarvan die voedingstowwe gebruik is en die produkte van daardie lewende hawe, of die lewende hawe waarop die geld voorgeskiet is en die produkte van daardie lewende hawe, of lewendehawe-produkte waarop die geld voorgeskiet is, en die lewende hawe waarvan daardie produkte verkry is, of die verskafte lewende hawe en die produkte van die lewende hawe na gelang van die geval, word nie op aansoek van 'n skuldeiser, behalwe die **[vereniging of maatskappy]** koöperasie, ter uitvoering van 'n vonnis van 'n geregshof in beslag geneem nie:

Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op produkte wat wettiglik van die hand gesit is ooreenkomstig subartikel (2) of op sakke wat sodanige produkte bevat en tesame met sodanige produkte van die hand gesit is of op lewende hawe of lewendehawe-produkte wat wettiglik van die hand gesit is ooreenkomstig daardie subartikel: Met dien verstande voorts dat indien—

- (aa) die bedrag, of enige gedeelte daarvan, wat aldus deur daardie lid verskuldig is, verskuldig of betaalbaar geword het terwyl 'n Staatsgewaarborgde kredietskema ten opsigte van daardie **[vereniging of maatskappy]** koöperasie en daardie lid van toepassing was; en
- (bb) die opbrengs van alle produkte bedoel in paragraaf (ii) en van alle lewende hawe en lewendehawe-produkte bedoel in paragraaf (iii) onvoldoende is om die bedrag te betaal wat aldus deur daardie lid verskuldig is,

word alle latere produkte, hetsy ingesamel of nie, en alle latere lewende hawe en lewendehawe-produkte van daardie lid, geag verpand te wees aan daardie **[vereniging of maatskappy]** koöperasie op die wyse bedoel in en ooreenkomstig die bepalings van paragraaf (ii) of (iii), na gelang van die geval, vir sover bedoelde opbrengs onvoldoende is om die bedrag te betaal wat aldus verskuldig is en vir so lank as wat daardie bedrag, of enige gedeelte daarvan, aldus verskuldig is.

(2) So lank as 'n bedrag deur die lid aan die **[vereniging of maatskappy]** koöperasie verskuldig is ten opsigte van die verskaffing aan daardie lid van daardie brandstof, smeergoed, olie, jong boompies, plante, steggies, saad, voedingstowwe, misstowwe, sakke, berokingsmiddels, **[of]** insekdodende middels, onderdele, lewende hawe, dipstowwe of veemiddels of ten opsigte van die verrigting ten behoeve van daardie lid van daardie berokings-, bespuitings- of skoonmaakwerkzaamhede, herstelwerk of ten opsigte van so 'n geldelike voorskot aan daardie lid—

- (a) mag hy geen produkte by die voortbrenging waarvan die brandstof, smeergoed, olie, saad, misstowwe, berokingsmiddels, insekdodende middels of onderdele gebruik is, of waarvoor die sakke verskaf is, of ten opsigte waarvan die berokings-, bespuitings- of skoonmaakwerkzaamhede of herstelwerk verrig is, of waarop die geld voorgeskiet is, na gelang van die geval, of produkte wat verkry is van die verskafte jong boompies, plante of steggies, van die hand sit nie;
- (b) mag hy geen lewende hawe vir die behandeling waarvan die dipstowwe of veemiddels verskaf is of vir die voer waarvan die voedingstowwe verskaf is of produkte van daardie lewende hawe, of lewendehawe waarop die geld voorgeskiet is of die produkte van daardie lewende hawe, of lewendehawe-produkte waarop die geld voorgeskiet is of die lewende hawe waarvan daardie produkte verkry is, of die verskafte lewende hawe en die

instance of any creditor other than the **[society or company]** co-operative; and

- (v) the dips or stock remedies and the livestock for which the dips or stock remedies were used and the products of that livestock or the feeding stuffs supplied and the livestock for the feeding of which the feeding stuffs were used and the products of that livestock, or the livestock on which the money was advanced and the products of that livestock, or livestock products on which the money was advanced and the livestock from which those products were obtained or the livestock supplied and the products of that livestock, as the case may be, shall not be seized in execution of the judgment of any court of law at the instance of any creditor other than the **[society or company]** co-operative:

Provided that the provisions of this subsection shall not apply to any produce lawfully disposed of in accordance with subsection (2) or to any bags containing that produce and disposed of with that produce or to any livestock or livestock products lawfully disposed of in accordance with that subsection: Provided further that if—

- (aa) the amount or any portion thereof, so owing by such member, became owing or payable while a state guaranteed credit scheme applied in respect of such **[society or company]** co-operative and such member; and
- (bb) the proceeds of all products referred to in paragraph (ii) and of all livestock and livestock products referred to in paragraph (iii) are insufficient to pay the amount so owing by such member,

all subsequent products, whether gathered or not, and all subsequent livestock and livestock products of that member shall be deemed to be pledged in favour of such **[society or company]** co-operative in the manner referred to in and in accordance with the provisions of paragraph (ii) or (iii), as the case may be, in so far as the said proceeds are insufficient to pay the amount so owing and for as long as such amount or any portion thereof is so owing.

(2) So long as any amount is owing by the member to the **[society or company]** co-operative in respect of the supply to him of such fuel, grease, oil, saplings, plants, cuttings, seeds, feeding stuffs, fertilizers, bags, fumigants, **[or]** insecticides, parts, livestock, dips or stock remedies, or in respect of the performance on his behalf of such fumigating, spraying or cleansing operations, repairs or in respect of any such advance to him of money—

- (a) he shall not dispose of any produce in the production of which the fuel, grease, oil, seeds, fertilizers, fumigants, **[or]** insecticides or parts were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations or repairs were performed, or on which the money was advanced, as the case may be, or any produce obtained from the saplings, plants or cuttings which were supplied;
- (b) he shall not dispose of any livestock for the treatment of which the dips or stock remedies for the feeding of which the feeding stuffs were supplied or the products of that livestock, or of any livestock on which the money was advanced or the products of that livestock, or of any livestock products on which the money was advanced or the livestock from which those products

produkte van daardie lewende hawe na gelang van die geval, van die hand sit nie; en

- (c) mag niemand daardie produkte, lewende hawe of lewendehaweprodukte verkry nie op ander wyse as deur bemiddelling van die **[vereniging of maatskappy]** koöperasie, behalwe op gesag van 'n permit onderteken deur 'n beamppte van die **[vereniging of maatskappy]** koöperasie: Met dien verstande dat die bepalings van hierdie subartikel die verbruik deur die lid, sy huisgesin en sy bediendes van soveel van daardie produkte, lewende hawe of lewendehaweprodukte as wat redelikerwyse nodig is vir hul onderhoud, nie belet nie.

(3) So lank as 'n bedrag deur die lid aan die **[vereniging of maatskappy]** koöperasie verskuldig is ten opsigte van die verskaffing aan daardie lid van daardie brandstof, smeergoed, olie, jong boompies, plante, steggies, saad, voedingstowwe, misstowwe, sakke, berokingsmiddels, **[of]** insekdodende middels, onderdele, lewende hawe, dipstowwe of veemiddels of ten opsigte van die verrigting ten behoeve van daardie lid van daardie berokings-, bespuitings- of skoonmaakwerkzaamhede, of herstelwerk of ten opsigte van so 'n geldelike voorskot aan daardie lid, het die **[vereniging of maatskappy]** koöperasie die reg om te eniger tyd—

(a) te eis dat daardie lid—

- (i) die grond aandui wat hy voornemens is om met die saad te saai of met die misstowwe te bemes, of met die saad gesaai of met die misstowwe bemes het, of waarop hy voornemens is om die berokingsmiddels of insekdodende middels te gebruik of die berokingsmiddels of insekdodende middels gebruik het, of waarop hy voornemens is om die produkte ten opsigte waarvan die geld voorgeskiet is, voort te bring, of dit voortbring, of waar hy voornemens is om die verskafte jong boompies, plante of steggies te plant of ent, of waar hy die jong boompies, plante of steggies geplant of geënt het, na gelang van die geval;
  - (ii) die produkte, hetsy ingesamel al dan nie, aandui by die voortbrenging waarvan die brandstof, smeergoed, olie, saad, misstowwe, berokingsmiddels, insekdodende middels of onderdele gebruik is, of waarvoor die sakke verskaf was, of ten opsigte waarvan die berokings- of bespuitings- of skoonmaakwerkzaamhede of herstelwerk verrig is, of waarop die geld voorgeskiet is, of wat verkry is van die verskafte jong boompies, plante of steggies;
  - (iii) die lewende hawe aandui wat hy voornemens is om met die dipstowwe of veemiddels te behandel of met die voedingstowwe te voer of daarmee behandel of voer of daarmee gevoer het, na gelang van die geval en die produkte van daardie lewende hawe of die lewende hawe waarop die geld voorgeskiet is en die produkte van daardie lewende hawe, of die lewende hawe wat aldus verskaf is en die produkte van daardie lewende hawe, of die lewendehaweprodukte waarop die geld voorgeskiet is en die lewende hawe waarvan daardie produkte verkry is;
- (b) daardie grond, produkte, lewende hawe, of lewendehaweprodukte te laat inspekteer deur 'n beamppte of ander behoorlik aangestelde verteenwoordiger van die **[vereniging of maatskappy]** koöperasie;
- (c) te eis dat die lid bewys lewer van die wyse waarop daardie produkte, lewende hawe of lewendehaweprodukte deur hom van die hand gesit is.

(4) Iemand wat—

- (a) 'n bepaling van subartikel (2) oortree; of



were obtained, or the livestock supplied and the products of that livestock, as the case may be; and

- (c) no person shall acquire any such produce, livestock or livestock products otherwise than through the agency of the **[society or company] co-operative**, except under the authority of a permit signed by an officer of the **[society or company] co-operative**:

Provided that the provisions of this subsection shall not prohibit the consumption by the member, his household and his servants, of so much of such produce, livestock or livestock products as is reasonably necessary for their sustenance.

(3) So long as any amount is owing by the member to the **[society or company] co-operative** in respect of the supply to him of such fuel, grease, oil, saplings, plants, cuttings, seeds, feeding stuffs, fertilizers, bags, fumigants **[or]** insecticides, parts, livestock, dips or stock remedies or in respect of the performance on his behalf of such fumigating, spraying or cleansing operations or repairs or in respect of any such advance to him of money, the **[society or company] co-operative** shall have the right at any time—

- (a) to require him to indicate—
- (i) the lands which he intends sowing or has sown with the seeds, or intends fertilizing or has fertilized with the fertilizers, or on which he intends using or has used the fumigants or insecticides, or on which he intends to produce or is producing the produce in respect of which the money was advanced, or where he intends planting or grafting or has planted or grafted, as the case may be, the saplings, plants or cuttings which were supplied;
  - (ii) the produce, whether gathered or not, in the production of which the fuel, grease, oil, seeds, fertilizers, fumigants, **[or]** insecticides or parts were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations or repairs were performed, or on which the money was advanced or which was obtained from the saplings, plants or cuttings which were supplied;
  - (iii) the livestock which he intends or is treating with dips or stock remedies which he intends or is feeding or treating and feeding or has fed with the feeding stuffs, or treated as the case may be, and the products of such livestock, or the livestock on which the money was advanced and the products of that livestock, or the livestock thus provided and the products of that livestock, or the livestock products on which the money was advanced and the livestock from which those products were obtained;
- (b) to cause such lands, produce, livestock or livestock products to be inspected by any of its officers or other duly appointed representatives;
- (c) to require that the member produce proof of the manner in which such produce, livestock or livestock products have been disposed of by him.

(4) Any person who—

- (a) contravenes any of the provisions of subsection (2); or

- (b) versuim om te voldoen aan 'n eis of bevel wat 'n **【vereniging of maatskappy】** koöperasie wettiglik kragtens subartikel (3) aan hom gerig het; of
- (c) na aanleiding van so 'n eis of bevel, aan die **【vereniging of maatskappy】** koöperasie of aan 'n beamppte of ander verteenwoordiger van die **【vereniging of maatskappy】** koöperasie onjuiste gegewens verskaf; of
- (d) 'n beamppte of ander verteenwoordiger van die **【vereniging of maatskappy】** koöperasie by die uitvoering van 'n inspeksie kragtens paragraaf (b) van subartikel (3) belemmer.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **【honderd pond】** twee honderd rand: Met dien verstande dat—

- (i) indien iemand kragtens paragraaf (a) van hierdie subartikel weens oortreding van die bepaling van paragraaf (c) van subartikel (2) aangekla word, dit 'n afdoende verweer op die aanklag is indien hy bewys dat toe hy die produkte, lewende hawe of lewendehawe-produkte wat die onderwerp van die aanklag is, verkry het, hy nie geweet het, en geen rede gehad het om te vermoed, dat dit produkte was by die voortbrenging waarvan aldus verskafte brandstof, smeergoed, olie, saad, misstowwe, berokingsmiddels, insekdodende middels of onderdele gebruik is, of waarvoor sakke aldus verskaf was, of ten opsigte waarvan berokings-, bespuitings- of skoonmaakwerksaamhede of herstelwerk aldus verrig was, of waarop geld aldus voorgeskiet is nie, of wat verkry is van aldus verskafte jong boompies, plante, of steggies nie, of na gelang van die geval, dat die lewende hawe was vir die behandeling waarvan die aldus verskafte dipstowwe of veemiddels gebruik was of vir die voer waarvan die aldus verskafte voedingstowwe gebruik was of produkte van sodanige lewende hawe, of lewende hawe waarop geld aldus voorgeskiet was of die produkte van daardie lewende hawe, of lewendehawe-produkte waarop geld aldus voorgeskiet is of die lewende hawe waarvan daardie produkte verkry is of lewende hawe wat aldus verskaf is of die produkte van daardie lewende hawe nie; en
  - (ii) indien iemand kragtens paragraaf (c) van hierdie subartikel weens die verskaffing van onjuiste gegewens aangekla word, dit 'n afdoende verweer op die aanklag is indien hy bewys dat toe hy die gegewens wat die onderwerp van die aanklag is, verskaf het, hy nie geweet het, en geen rede gehad het om te vermoed, dat dit onjuis was nie.
- (5) In 'n siviele of strafgeding ingevolge hierdie artikel—
- (a) word produkte wat voortgebring is deur 'n lid van so 'n **【vereniging of maatskappy】** koöperasie aan wie brandstof of smeergoed of olie of jong boompies of plante of steggies of saad of misstowwe of sakke of berokingsmiddels, insekdodende middels of onderdele aldus verskaf is, of ten behoeve van wie berokings- of bespuitings- of skoonmaakwerksaamhede of herstelwerk aldus verrig is, of aan wie geld aldus voorgeskiet is, geag produkte te wees by die voortbrenging waarvan die brandstof, smeergoed, olie, saad, misstowwe, berokingsmiddels, insekdodende middels of onderdele gebruik is, of waarvoor die sakke verskaf is, of ten opsigte waarvan die berokings-, bespuitings- of skoonmaakwerksaamhede of herstelwerk verrig is, of waarop die geld voorgeskiet is, of wat verkry is van die aldus verskafte jong boompies, plante of steggies, na gelang van die geval;
  - (b) word lewende hawe of lewendehawe-produkte wat behoort aan 'n lid van so 'n **【vereniging of maatskappy】**

- (b) fails to comply with any requirement or order of a **[society or company]** co-operative lawfully made upon him under subsection (3); or
- (c) in response to any such requirement or order furnishes to the **[society or company]** co-operative or any of its officers or other representatives any incorrect information; or
- (d) obstructs any officer or other representative of the **[society or company]** co-operative in carrying out any inspection under paragraph (b) of subsection (3),

shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand: Provided that—

- (i) if any person is charged under paragraph (a) of this subsection with having contravened the provisions of paragraph (c) of subsection (2), it shall be a sufficient defence to the charge if he proves that when he acquired the produce, livestock or livestock products which are the subject of the charge he did not know, and had no reason to suspect, that it was produce in the production of which fuel, grease, oil, seeds, fertilizers, fumigants, **[or]** insecticides or parts so supplied had been used, or in respect of which fumigating, spraying or cleansing operations or repairs had been so performed, or on which money had been so advanced or which had been obtained from saplings, plants or cuttings so supplied, or, as the case may be, that it was livestock for the treatment of which the dips or stock remedies thus supplied were used or for the feeding of which the feeding stuffs so supplied had been used or products of such livestock, or livestock on which money had been so advanced or the products of that livestock, or livestock products on which money had been so advanced or the livestock from which those products had been obtained or livestock thus supplied or the products of that livestock; and
- (ii) if any person is charged under paragraph (c) of this subsection with having furnished any incorrect information, it shall be a sufficient defence to the charge if he proves that when he furnished the information which is the subject of the charge he did not know, and had no reason to suspect, that it was incorrect.

(5) In any civil or criminal proceedings under this section—

- (a) any produce produced by a member of any such **[society or company]** co-operative to whom fuel or grease or oil or saplings or plants or cuttings or seeds or fertilizers or bags or fumigants, **[or]** insecticides or parts have been so supplied or on whose behalf fumigating or spraying or cleansing operations or repairs have been so performed, or to whom any money has been so advanced, shall be deemed to be produce in the production of which the fuel, grease, oil, seeds, fertilizers, fumigants, **[or]** insecticides or parts were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations or repairs were performed, or on which the money was advanced, or obtained from the saplings, plants or cuttings so supplied, as the case may be;
- (b) any livestock or livestock products belonging to a member of any such **[society or company]** co-

**py】** koöperasie aan wie dipstowwe of veemiddels of voedingstowwe aldus verskaf is, geag onderskeidelik lewende hawe te wees vir die behandeling waarvan die dipstowwe of veemiddels gebruik is of vir die voer waarvan die voedingstowwe gebruik is of die produkte van sodanige lewende hawe;

- (c) word lewende hawe wat behoort aan 'n lid van so 'n **【vereniging of maatskappy】** koöperasie aan wie geld aldus voorgeskiet of lewende hawe aldus verskaf is, geag lewende hawe waarop die geld voorgeskiet is of lewende hawe wat verskaf is of lewende hawe waarvan verkry is die lewendehaweprodukte waarop die geld voorgeskiet is, na gelang van die geval, te wees;
- (d) word lewendehaweprodukte wat behoort aan 'n lid van so 'n **【vereniging of maatskappy】** koöperasie aan wie geld aldus voorgeskiet of lewende hawe aldus verskaf is, geag lewendehaweprodukte waarop die geld voorgeskiet is of lewendehaweprodukte wat verkry is van die lewende hawe waarop die geld voorgeskiet is of wat verskaf is, na gelang van die geval, te wees.

(6) By die toepassing van hierdie artikel word 'n bedrag geag verskuldig te wees ten opsigte van 'n geldelike voorskot deur 'n **【vereniging of maatskappy】** koöperasie aan 'n lid gegee op produkte of op lewende hawe of op lewendehaweprodukte slegs vir sover daardie voorskot aangewend is of word of staan te word ter betaling van—

- (a) lone in verband met die produksie, insameling of verpakking van daardie produkte of die versorging van daardie lewende hawe of die verkryging of afskeiding van daardie lewendehaweprodukte van die betrokke lewende hawe of die verpakking van daardie lewendehaweprodukte;
- (b) die koste verbonde aan die vervoer van daardie produkte, lewende hawe of lewendehaweprodukte; of
- (c) premies in verband met versekering teen verlies van of skade aan daardie produkte of die oeste, plante of bome waarvan die produkte afkomstig is, of daardie lewende hawe of daardie lewendehaweprodukte; of
- (d) die koopsom ten opsigte van lewende hawe wat die lid gekoop het en, in die geval van 'n voorskot gegee ten opsigte van uitgawes in paragraaf (a), (b), of (c) genoem wat aangegaan is voordat die voorskot gegee is, slegs vir sover daardie uitgawes aangegaan is binne 'n tydperk van ses maande voor die aansoek om die voorskot gedoen is.

(7) In hierdie artikel omvat die uitdrukking „sakke” alle houters en alle pakmateriaal.

(8) Die bepalings van hierdie artikel doen nie afbreuk aan 'n reg van die Regering ten opsigte van produkte, lewende hawe, of lewendehaweprodukte wat ingevolge artikel vyf-en-veertig van die Nedersettingswet, 1956 (Wet No. 21 van 1956), geag word ten gunste van die Regering verpand te wees nie.

Geslote koöperasie.

**【97.】 109. 【(1) Ondanks andersluidende bepalings van een of ander wet (hetsy van krag deur die hele Unie of in 'n provinsie daarvan) of van 'n verordening of regulasie van krag binne die gebied van 'n plaaslike owerheid—**

- (a) is 'n geslote koöperatiewe vereniging of maatskappy nie verplig om 'n lisensie om handel of besigheid te drywe, vir die uitreiking waarvan voorsiening gemaak word deur of kragtens 'n ordonnansie van 'n provinsiale raad of deur of kragtens 'n verordening of regulasie van 'n plaaslike bestuur, of 'n lisensie genoem in die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925”, uit te neem nie;
- (b) moet elke aansoek deur 'n koöperatiewe handelsvereniging of 'n spesiale koöperatiewe boeremaat-



operative to whom dips or stock remedies or feeding stuffs have been so supplied shall be deemed to be livestock for the treatment of which the dips or stock remedies were used or for the feeding of which the feeding stuffs were used or the products of such livestock, respectively;

- (c) any livestock belonging to a member of any such [society or company] co-operative to whom any money has been so advanced or livestock so supplied shall be deemed to be livestock on which the money was advanced or livestock from which were obtained the livestock products on which the money was advanced or livestock which have been supplied, as the case may be;
- (d) any livestock products belonging to a member of any such [society or company] co-operative to whom any money has been so advanced or livestock so provided shall be deemed to be livestock products on which the money was advanced or the products of livestock on which the money was advanced or which were provided, as the case may be.

(6) For the purposes of this section an amount shall be deemed to be owing in respect of any advance of money made by a **[society or company] co-operative** to a member on any produce or on livestock or on livestock products only to the extent that such advance has been or is being or is to be utilized for the payment of—

- (a) wages in connection with the production, gathering or packing of such produce or the tending of such livestock or the obtaining or separating of such livestock products from the livestock in question or the packing of such livestock products;
- (b) the costs in connection with the conveyance of such products, livestock or livestock products; or
- (c) premiums in connection with insurance against loss of or damage to such produce or the crops, plants or trees from which such produce is gathered, or such livestock or livestock products; or
- (d) the purchase price of livestock bought by the member, and, in the case of an advance made in respect of expenditure referred to in paragraph (a), (b) or (c) and incurred before the advance was made, only to the extent that such expenditure has been incurred within a period of six months before the application for the advance was made.

(7) In this section the expression “bags” includes any container and any packing material.

(8) Nothing in this section contained shall derogate from any right of the Government in respect of produce, livestock or livestock products deemed in terms of section *forty-five* of the Land Settlement Act, 1956 (Act No. 21 of 1956), to be pledged in favour of the Government.

**[93.] 109. [(1) Notwithstanding anything to the contrary** Closed co-operatives.  
**contained in any law (whether in force throughout the Union or in any province thereof) or in any by-law or regulation in force within the area of jurisdiction of a local authority—**

- (a) **a closed co-operative society or company shall not be obliged to take out any licence to trade or carry on business, for the issue of which provision is made by or under any ordinance made by a provincial council or by or under any by-law or regulation made by a local authority or any licence specified in the Second Schedule to the Licences Consolidation Act, 1925;**
- (b) **every application by a co-operative trading society or a farmers' special co-operative company to a licens-**

skappy aan 'n owerheid wat belas is met die beheer oor die uitreiking van lisensies, om 'n sertifikaat wat die uitreiking of vernuwing van so 'n lisensie magtig, deur daardie owerheid verwys word na die registrateur, wat in oorleg met daardie owerheid moet bepaal of die aansoek geweier of toegestaan moet word, en, indien dit toegestaan moet word, watter voorwaardes (as daar is) ten opsigte daarvan opgelê moet word, en mag so 'n sertifikaat nie deur so 'n owerheid toegestaan of geweier word nie dan alleen ooreenkomstig die voorskrifte van die registrateur.】

【(2)】 (1) 【By toepassing van subartikel (1)】 Vir watter doeleindes ook al, word onder die uitdrukking „geslote **【koöperatiewe vereniging of maatskappy】** koöperasie”, verstaan—

- (a) 'n **【koöperatiewe landbouvereniging】** landboukoöperasie of koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid; of
- (b) 'n **【koöperatiewe landboumaatskappy】** landboukoöperasie of koöperatiewe deelgenootskap met beperkte aanspreeklikheid; of
- (c) 'n spesiale **【koöperatiewe boeremaatskappy】** boerekoöperasie met beperkte aanspreeklikheid, of 'n **【koöperatiewe handelsvereniging】** handelskoöperasie met beperkte aanspreeklikheid, ten opsigte waarvan die registrateur oortuig is dat dit nie in groter mate sake doen met persone wat nie lede is nie, as wat na die registrateur se oordeel onder die besondere omstandighede van die geval noodsaaklik is vir die behoorlike uitvoering van die doeleindes waarvoor dit opgerig is.

【(3)】 (2) Die registrateur moet aan elke **【koöperatiewe vereniging of maatskappy】** koöperasie ten opsigte waarvan hy aangaande die in paragraaf (c) van subartikel 【(2)】 (1) genoemde aangeleenthede oortuig is, 'n sertifikaat uitreik ten effekte dat hy aldus oortuig is, en so 'n sertifikaat dien, tensy bedrog bewys word, bloot by oorlegging as afdoende bewys van die feit dat die betrokke **【vereniging of maatskappy】** koöperasie 'n geslote **【vereniging of maatskappy】** koöperasie is.

【(4)】 (3) Indien die registrateur te eniger tyd met betrekking tot 'n **【koöperatiewe vereniging of maatskappy】** koöperasie nie meer ten opsigte van die in paragraaf (c) van subartikel 【(2)】 (1) gemelde aangeleenthede oortuig is nie, moet hy die kragtens subartikel 【(3)】 (2) aan daardie **【vereniging of maatskappy】** koöperasie uitgereikte sertifikaat intrek, en by intrekking van daardie sertifikaat deur die registrateur en kennisgewing van die intrekking aan die betrokke **【vereniging of maatskappy】** koöperasie, hou die **【vereniging of maatskappy】** koöperasie op om 'n geslote **【vereniging of maatskappy】** koöperasie te wees, maar die registrateur kan te eniger tyd daarna, indien hy ten opsigte van die in bedoelde paragraaf (c) genoemde aangeleenthede oortuig is, weer 'n sertifikaat te dien effekte ingevolge subartikel 【(3)】 (2) uitreik.

【(5)】 (4) By die vasstelling van die mate waarin 'n **【koöperatiewe vereniging of maatskappy】** koöperasie sake doen met persone wat nie lede daarvan is nie, word ontvangste wat deur daardie **【vereniging of maatskappy】** koöperasie verkry is uit die hantering ten behoeve van kopers van produkte wat ten behoeve van sy lede verkoop is, geag ontvangste verkry uit transaksies met sy lede te wees, en word transaksies wat met persone, wat nie lede is nie, gedoen is en wat ontstaan uit die toepassing van die bepalings van artikel honderden-**【twee】dertien** of van die „Wet op de Kontrole over Wijn en Spiritualiën, 1924”, of van die Wysigingswet op die Kontrole oor Wyn en Spirituële, 1940, of van regulasies gemaak

ing control authority, for the grant of a certificate authorizing the issue or renewal of any such licence, shall be referred by that authority to the registrar, who shall, in consultation with that authority, direct whether the application shall be granted or refused, and, if it is to be granted, what conditions, if any, shall be imposed in respect thereof, and no such certificate shall be granted or refused by such authority otherwise than in accordance with the directions of the registrar.]

**[(2) (1) For the purpose of subsection (1)]** For what purpose whatsoever the expression "closed **[co-operative society or company] co-operative**" shall mean—

- (a) any **[co-operative agricultural society]** agricultural co-operative or co-operative partnership with limited liability; or
- (b) any **[co-operative agricultural company]** agricultural co-operative or co-operative partnership with a limited liability; or
- (c) any **[farmers] special [co-operative company] farmers' co-operative** with limited liability or any **[co-operative trading society]** trading co-operative with limited liability, in respect of which the registrar is satisfied that it does not deal with persons who are not members to a greater extent than, in his opinion, is in the particular circumstances of the case essential to the proper carrying out of the objects for which it has been established.

**[(3) (2)]** The registrar shall issue to every co-operative **[society or company]** in relation to which he is satisfied in respect of the matters mentioned in paragraph (c) of subsection **[(2) (1)]** a certificate to the effect that he is so satisfied, and any such certificate shall upon its mere production, in the absence of proof of fraud, be conclusive evidence of the fact that the **[society or company] co-operative** concerned is a closed **[society or company] co-operative**.

**[(4) (3)]** If at any time the registrar is no longer satisfied in respect of the matters mentioned in paragraph (c) of subsection **[(2) (1)]** in relation to any co-operative **[society or company]**, he shall revoke the certificate issued to that **[society or company] co-operative** under subsection **[(3) (2)]** and upon revocation by the registrar of such certificate and notification of the revocation to the **[society or company] co-operative** concerned, it shall cease to be a closed **[society or company] co-operative** but the registrar may at any time thereafter, upon being satisfied in respect of the matters mentioned in the said paragraph (c), again issue a certificate to that effect under subsection **[(3) (2)]**.

**[(5) (4)]** In determining the extent to which a co-operative (society or company) deals with persons who are not members thereof, receipts which have been derived by that society or company from the handling on behalf of purchasers of any produce sold on behalf of its members, shall be deemed to be receipts derived from transactions with its members, and any transactions with persons who are not members, which arise out of the application of the provisions of section *one hundred and [two] thirteen* or of the Wine and Spirits Control Act, 1924, or the Wine and Spirits Control Amendment Act, 1940, or of any regulations made under the War Measures Act, 1940, or which are undertaken for or on behalf or on the instructions of any

kragtens die Wet op Oorlogsmaatreëls, 1940, of wat onderneem word vir of ten behoeve of onder opdrag van 'n beherende raad wat 'n skema ingevolge die Bemarkingswet, [1937] 1968, uitvoer, geag transaksies te wees wat met sy lede gedoen is.

Toepassing van Wet 27 van 1943.

**[98.] 110.** Die bepalings van die Versekeringswet, 1943, is op 'n **[vereniging of maatskappy]** koöperasie nie van toepassing nie ten opsigte van sy werksaamhede vir sover hulle betrekking het op 'n skema of reëling ingevolge die **[regulasies]** statuut van die **[vereniging of maatskappy]** koöperasie, waarkragtens die bedrag van die voordele waarvoor die skema of reëling voorsiening maak, nie gewaarborg word nie en die aanspreeklikheid van die **[vereniging of maatskappy]** koöperasie ten opsigte van eise beperk is tot die bedrag wat aan 'n fonds wat spesiaal ten opsigte van sodanige eise in stand gehou word, gekrediteer is.

**[Vrystelling van sekere koöperatiewe verenigings en maatskappye van sekere belastings en regte.]**

**[99. (1)** Ondanks andersluidende bepalings van een of ander wet, hetsy van krag deur die hele Unie of in 'n provinsie daarvan, of in 'n verordening of regulasie van krag binne die gebied van 'n plaaslike owerheid, is elke geslote vereniging of maatskappy (soos in artikel *sewen-en-negentig* omskryf) vrygestel van—

- (a) lisensiegelde wat ten opsigte van omset betaalbaar is;
- (b) lisensiegelde wat ten opsigte van die invoer van goedere betaalbaar is;
- (c) lisensiegelde wat ten opsigte van kapitaal betaalbaar is en lisensiegelde wat volgens die waarde van voorradige voorrade betaalbaar is; en
- (d) enige ander belasting of reg van dergelike aard as 'n in paragraaf (a), (b), of (c) gemelde belasting of reg.

(2) By die bepaling, by die toepassing van die Inkomstebelastingwette, van die belasbare inkomste—

- (a) van 'n koöperatiewe landbouvereniging of -maatskappy, of 'n spesiale koöperatiewe boere-maatskappy, word die inkomste en toevallings van daardie vereniging of maatskappy, met uitsondering van inkomste en toevallings verkry uit transaksies met persone wat nie lede van daardie vereniging of maatskappy is nie, vrygestel;
- (b) van 'n koöperatiewe handelsvereniging, wat deur daardie vereniging verkry is uit sy transaksies, hetsy met persone wat lede van die vereniging is of met persone wat nie lede daarvan is nie, word die bedrag van enige bonus gedurende 'n aanslagjaar aan sy lede uitbetaal deur so 'n vereniging wat 'n geslote vereniging is, soos in artikel *sewe-en-negentig* omskryf, toegelaat as 'n korting op die inkomste van daardie vereniging vir sover daardie bonus nie meer as 'n bedrag gelyk aan een-tiende van die totale waarde van sy besigheid met sy lede gedurende daardie aanslagjaar bedra nie, maar so 'n korting word nie toegelaat in die geval van so 'n vereniging wat nie so 'n geslote vereniging is nie.

(3) Die bepalings van subartikel (5) van artikel *sewen-en-negentig* geld *mutatis mutandis* by die toepassing van paragraaf (a) van subartikel (2) van hierdie artikel.]

Aandeel seëlreg daarop.

**[100.] 111.** Ondanks andersluidende regsbepalings **[is geen aandeel of ander stuk of dokument uitgereik in verband met sy kapitaal deur 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy met beperkte aanspreeklikheid aan seëlreg onderhewig nie]** maak 'n koöperasie, indien hy seëlregte op aandele uitgereik moet betaal, slegs 'n eenmalige jaarlikse betaling van seëlreg en wel net op die jaarlikse netto uitgereikte aandeelkapitaal; dit is nuwe aandele gedurende die jaar uitgereik min aandele ingetrek of verbeurd verklaar en gedurende die jaar weer heruitgereik.



regulatory board which administers a scheme under the Marketing Act, **[1937]** 1968 shall be deemed to be transactions with its members.

**[98.] 110.** The provisions of the Insurance Act, 1943, shall not apply to any **[society or company]** co-operative in respect of its activities in so far as they relate to a scheme or arrangement in terms of the regulations of the **[society or company]** co-operative under which the amount of the benefits afforded by such scheme or arrangement is not guaranteed and the liability of the **[society or company]** co-operative in respect of claims is limited to the amount standing to the credit of a fund specially maintained in respect of such claims.

Application of Act 27 of 1943.

**[99. (1)]** Notwithstanding anything to the contrary contained in any law, whether in force throughout the Union or in any province thereof, or in any by-law or regulation in force within the area of jurisdiction of a local authority, every closed co-operative society or company (as defined in section *ninety-seven*) shall be exempt from—

**[Exemption of certain co-operative societies and companies from certain taxation and duties.]**

- (a) any licence duties chargeable in respect of turnover;
- (b) any licence duties chargeable in respect of the importation of goods;
- (c) any licence duties chargeable in respect of capital and any licence duties chargeable according to the value of stock in hand; and
- (d) any other tax or duty of a like nature to a tax or duty mentioned in paragraph (a), (b) or (c).

(2) In the determination for purposes of the Income Tax Acts of the taxable income—

- (a) of a co-operative agricultural society or company, or a farmers' special co-operative company the receipts and accruals of that society or company, other than receipts or accruals derived from transactions with persons who are not members of that society or company, shall be exempt;
- (b) of any co-operative trading society derived by that society from its transactions, whether with persons who are members or with persons who are not members of the society, the amount of any bonus distributed in any year of assessment to its members by any such society which is a closed society, as defined in section *ninety-seven*, shall be allowed as a deduction from the income of that society in so far as that bonus does not exceed an amount equivalent to one-tenth of the aggregate value of its business with its members during that year of assessment, but no such deductions shall be allowed in the case of such a society which is not such a closed society.

(3) The provisions of subsection (5) of section *ninety-seven* shall *mutatis mutandis* apply for the purposes of paragraph (a) of subsection (2) of this section.]

**[100.] 111.** Notwithstanding anything to the contrary contained in any law, **[no share or any other instrument or document issued in connection with its capital by a society or company, with limited liability registered under this Act, shall be liable to stamp duty]** a co-operative, if it is liable for stamp duty on shares issued, makes a single annual payment of stamp duty and then only on the net annual issued share capital; this means new shares issued during the year less shares cancelled, or forfeited and re-issued during the year.

Stamp duty on shares.

Alleen geregistreerde  
koöperasies kan  
koöperatiewe  
besigheid drywe.

**[101.] 112.** (1) Geen persoon en geen vereniging van persone, behalwe 'n kragtens hierdie Wet geregistreerde **[vereniging of maatskappy]** koöperasie, of 'n **[vereniging of maatskappy]** koöperasie wat volgens hierdie Wet geag word aldus geregistreer te wees, mag—

(a) na 'n datum vermeld in 'n deur die registrateur ondertekende kennisgewing (en daardie datum mag nie eerder as een maand na die ontvangs van bedoelde kennisgewing deur bedoelde persoon of vereniging van persone wees nie) waarin hy gewaarsku word dat die Minister van oordeel is dat, met die oog op die oogmerke van hierdie Wet, die stelsel of grondreëls waaronder hy besigheid drywe 'n stelsel of grondreëls is waaronder alleen 'n kragtens hierdie Wet geregistreerde **[vereniging of maatskappy]** koöperasie toegelaat behoort te word om besigheid te drywe, voortgaan om onder daardie stelsel of grondreëls besigheid te drywe nie; of

(b) as 'n deel van die naam waaronder hy besigheid drywe, of andersins by wyse van beskrywing van homself of sy besigheid, die woorde „koöperatief of koöperasie of koöperatiewe” of 'n ander woord wat 'n dergelike betekenis weergee, gebruik nie in verband met die woord „landbou” of „boere” of „handel” of 'n ander woord wat 'n dergelike betekenis weergee.

(c) Vir die doeleindes van paragraaf (a) van subartikel (1) word die volgende handeling as deurslaggewende kenmerke van die stelsel of grondreëls waaronder 'n kragtens hierdie Wet geregistreerde koöperasie besigheid drywe, geag te wees—

(i) as 'n persoon of vereniging van persone by berekende of beraamde wins of netto inkomste of 'n gedeelte daarvan onder sy lede of kliënte verdeel op grondslag van die waarde van die besigheid wat hulle met hom of deur bemiddeling van hom gedoen het of op grondslag van die hoeveelheid van landbouprodukte of lewende hawe of lewende hawe produkte wat hulle aan hom of deur bemiddeling van hom verkoop het of op grondslag van die waarde of hoeveelheid van dienste wat hy aan hulle gelewer het of deur bemiddeling van hom aan hulle gelewer is;

(ii) as 'n persoon of vereniging van persone, tensy hy regstreeks of onregstreeks by wetgewing van die Parlement daartoe gemagtig is, die netto bedrae wat hy vir die hoeveelhede van onderskeidelik elke soort, klas, graad, grootte of kwaliteit van landbouprodukte, lewende hawe of lewende hawe produkte wat sy lede of kliënte aan hom of deur bemiddeling van hom verkoop het, by verkoop daarvan en na aftrekking van enige vervoer- of verkoopskoste, of dergelike regstreekse koste realiseer, verpoel (tesame voeg) en, hetsy na aftrekking van enige verdere koste, gelde of kommissie, aldan nie, onder daardie lede of kliënte verdeel op grondslag van die waarde of hoeveelheid van die betrokke soort, klas, graad, grootte of kwaliteit van die landbouprodukte, lewende hawe of lewende hawe produkte wat elkeen aldus aan of deur bemiddeling van hom verkoop het, of aan elkeen 'n prys daarvoor betaal wat verband hou met die gemiddelde bedrag per eenheid van die produkte of lewende hawe wat by sodanige verdeling bepaal word.

(2) Niemand mag voorgee dat 'n vereniging van persone, wat nie 'n kragtens hierdie Wet geregistreerde **[vereniging of maatskappy]** koöperasie is nie, wel 'n **[vereniging of maatskappy]** koöperasie is wat kragtens hierdie Wet geregistreer is.

(3) 'n Persoon of vereniging van persone wat 'n bepaling van subartikel (1) of (2) oortree, is aan 'n misdryf skuldig en by

**[101.] 112.** (1) No person and no association of persons, other than a **[society or company]** co-operative which is registered under this Act, or which in terms of this Act is deemed to be so registered, shall—

Only registered co-operatives may carry on co-operative business.

(a) after a date set forth in a notice signed by the Registrar (such date not being less than one month after the receipt of such notice by such person or association of persons) warning him or it that the Minister is of opinion that, having regard to the objects of this Act, the system or the constitution under which he or it carries on business is a system or constitution under which only a **[society or company]** co-operative registered under this Act ought to be allowed to carry on business, continue to carry on business under that system or constitution; or

(b) use, as a part of the name which he or it carries on business or otherwise in describing himself or itself or his or its business, the word "co-operative" or any other word importing a similar meaning, in conjunction with the word "agricultural" or "farmers" or "trading", or any other word importing a similar meaning;

(c) for the purposes of paragraph (a) of subsection (1) the following acts are considered decisive characteristics or basic rules of the carrying on of business by a co-operative registered under this Act—

(i) if a person or association of persons distributes to its members or clients a part of calculated or projected profit or net income either on the basis of the value of business done with him or through his agency by them or on the basis of the amount of agricultural products or livestock or livestock products sold to him by them or through his agency on their behalf or on the basis of the value or amount of services rendered to them by him or through his agency;

(ii) if a person or association of persons, unless directly or indirectly thereto empowered by Act of Parliament, pools (adds together) the net amounts realized for the quantities of each sort, class, grade or quality respectively, of agricultural products, livestock or livestock products respectively, sold by his members or clients to him or through his agency, on the sale thereof and after deduction of any transport or marketing or similar direct costs and, whether after deduction of any further costs, moneys or commission or not, divides the aforementioned proceeds amongst those members or clients on the basis of the value or quantity of the sort, class, grade, size or quality respectively, of agricultural products, livestock or livestock products so sold to him or through his agency by each member or client or pays to each member or client a price therefor related to the average price per unit of product or livestock calculated on the basis of such division.

(2) No person shall pretend that any association of persons which is not a **[society or company]** co-operative registered under this Act is a **[society or company]** co-operative registered under this Act.

(3) Any person or association of persons contravening any of the provisions of subsection (1) or (2) shall be guilty of an offence

veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand.

Verpligte verkoping van produkte deur tussenkoms van 'n koöperasie deur persone wat nie lede is nie.

**[102.] 113.** (1) Wanneer die Minister daarvan oortuig is—

- (a) dat minstens vyf-en-sewentig persent van die blankes wat in 'n gebied een of ander soort landbouprodukt produseer, lede is van 'n **[koöperatiewe landbouvereniging of maatskappy]** landboukoöperasie wat kragtens hierdie Wet geregistreer is, en waarvan een van die doeleindes is om daardie soort landbouprodukt van die hand te sit; en
- (b) dat die lede van daardie **[vereniging of maatskappy]** koöperasie minstens vyf-en-sewentig persent van die totale hoeveelheid van daardie soort landbouprodukt wat in daardie gebied deur blankes geproduseer word, produseer,

dan kan hy op versoek van daardie **[vereniging of maatskappy]** koöperasie by kennisgewing in die *Staatskoerant* verklaar dat, vanaf 'n datum in die kennisgewing vermeld te word, elke produsent van daardie soort landbouprodukt in daardie gebied, wat in die kennisgewing omskrywe moet word, bedoelde deur hom in daardie gebied geproduseerde produk nie anders mag verkoop of anders van die hand sit nie dan behalwe deur tussenkoms van bedoelde **[vereniging of maatskappy]** koöperasie hetsy hy al dan nie 'n lid daarvan is; en so 'n produsent wat na die aldus vasgestelde datum daardie produk anders verkoop of anders van die hand sit as deur tussenkoms van bedoelde **[vereniging of maatskappy]** koöperasie en iemand wat na bedoelde datum daardie produk van so 'n produsent koop of anders verkry, behalwe deur tussenkoms van bedoelde **[vereniging of maatskappy]** koöperasie, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand.

(2) Elke sodanige produsent wat nie 'n lid van die **[vereniging of maatskappy]** koöperasie is nie, is ten opsigte van die aflewering van bedoelde produk aan, en die verkoping daarvan deur die **[vereniging of maatskappy]** koöperasie, onderhewig aan al die voorwaardes en verpligtings waaraan hy onderhewig sou gewees het as hy 'n lid van genoemde **[vereniging of maatskappy]** koöperasie was: Met dien verstande dat, ingeval die Minister dit nodig ag, die ontvangs, inspeksie en gradering van daardie produk afgelewer deur 'n produsent wat geen lid van die **[vereniging of maatskappy]** koöperasie is nie, moet geskied onder toesig van 'n daartoe spesiaal deur die Minister aangestelde beampte, en dat onkoste gemaak in verband met sodanige toesig deur die **[vereniging of maatskappy]** koöperasie betaal moet word.

(3) Indien te eniger tyd 'n versoekskrif by die Minister ingedien word, waarin verlang word dat 'n kragtens subartikel (1) uitgevaardigde kennisgewing ingetrek word, en die Minister daarvan oortuig is dat die blankes wat die versoekskrif onderteken het,—

- (a) minstens vyf-en-sestig persent uitmaak van die blankes wat in die gebied waarop die kennisgewing betrekking het, die soort landbouprodukt waarop die kennisgewing betrekking het, produseer; en
- (b) minstens vyf-en-sestig persent van die totale hoeveelheid van daardie soort landbouprodukt wat in daardie gebied deur **[Europeane]** Blankes geproduseer word, produseer,

dan kan hy by kennisgewing in die *Staatskoerant* bedoelde kennisgewing intrek.

(4) Geen bepaling van hierdie artikel doen op enigerlei wyse afbreuk aan die bepalinge van die „Wet op die Kontrole over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), nie.

(5) By die toepassing van hierdie artikel word onder die uitdrukking „landbouprodukt” verstaan, tabak, katoen, lusern en



and liable on conviction to a fine not exceeding **one hundred pounds** two hundred rand.

**[102.] 113.** (1) Whenever the Minister is satisfied—

- (a) that at least seventy-five per cent of the number of the **Europeans** persons who in any area produce any kind of agricultural produce are members of **a co-operative agricultural society or company** an agricultural co-operative which is registered under this Act and has as one of its objects the disposal of that kind of agricultural produce; and
- (b) that the members of the **society or company** co-operative produce at least seventy-five per cent of the total quantity of that kind of agricultural produce produced by **Europeans** persons in that area,

Compulsory sale of produce through a co-operative by non-members thereof.

he may, at the request of that **society or company** co-operative by notice in the *Gazette* declare that, from a date to be stated in the notice, no producer of that kind of agricultural produce in that area, which shall be defined in the notice, shall sell or otherwise dispose of such produce produced by him in that area otherwise than through the said **society or company** co-operative, whether he is a member thereof or not; and any producer who, after the date so fixed, sells or otherwise disposes of any such produce otherwise than through the said **society or company** co-operative and any person who, after such date buys or otherwise acquires such produce from any such producer otherwise than through the said **society or company** co-operative shall be guilty of an offence and liable on conviction to a fine not exceeding **one hundred pounds** two hundred rand.

(2) Every such producer who is not a member of the **society or company** co-operative shall, in respect of the delivery of such produce to, and the sale thereof by the **society or company** co-operative, be subject to all such conditions and obligations as he would have been subject to had he been a member of the said **society or company** co-operative: Provided that in case the Minister considers it necessary, the receipt, inspection and grading of any such produce delivered by a producer who is not a member of the **society or company** co-operative shall be supervised by an officer specially appointed thereto by the Minister, and any expenditure incurred in connection with such supervision shall be paid by the **society or company** co-operative.

(3) If at any time there is lodged with the Minister a petition praying for the withdrawal of any notice issued under subsection (1), and the Minister is satisfied that the **Europeans** persons who have signed the petition—

- (a) number at least sixty-five per cent of the **Europeans** persons who, in the area to which the notice relates, produce the kind of agricultural produce to which the notice relates; and
- (b) produce at least sixty-five per cent of the total quantity of that kind of agricultural produce produced by **Europeans** persons in that area,

he may by notice in the *Gazette* withdraw such notice.

(4) Nothing in this section contained shall in any way affect the provisions of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924).

(5) For the purposes of this section the term “agricultural produce” means tobacco, cotton, lucerne and shall also include

ook enige ander produk verkry uit boerdery, hetsy daardie produk al dan nie 'n verandering van vorm ondergaan het as gevolg van een of ander proses wat daarop toegepas is, indien die **Goewerneur-generaal** Staatspresident uit kragte van 'n besluit van albei Huise van die Parlement by proklamasie in die *Staatskoerant* verklaar het dat daardie produk 'n landbouprodukt is.

(6) 'n Kennisgewing kragtens subartikel (1) het nie die uitwerking nie dat dit iemand belet om enigiets te doen uit hoofde van 'n kontrak ten opsigte van die verkoop van 'n ander produk, bestaande op die datum waarop vir die eerste maal in een van die twee Huise van die Parlement kennis gegee was van die besluit uit kragte waarvan daardie produk by proklamasie uitgevaardig kragtens subartikel (5) tot 'n landbouprodukt verklaar is: Met dien verstande dat geen sodanige kontrak van krag bly nie na verstryking van twee jaar na die datum waarop sodanige kennisgewing kragtens subartikel (1) in die *Staatskoerant* gepubliseer was.

(7) Elke kennisgewing en elke proklamasie wat voor die inwerkingtreding van hierdie Wet kragtens artikel *sewentien* van Wet No. 38 van 1925 gepubliseer is, en wat by bedoelde inwerkingtreding van krag was, bly van krag en word geag kragtens hierdie artikel uitgevaardig te gewees het.

Oplegging van boetes  
aan lede weens  
oortreding van  
[regulasies] statuut.

**[103.] 114.** (1) 'n **[Vereniging of maatskappy]** Koöperasie is bevoeg om aan sy lede boetes op te lê vir oortreding van sy **[regulasies] statuut**.

(2) Die omstandighede waaronder sulke boetes opgelê kan word en die bedrae daarvan word, met inagneming van die bepalinge van hierdie artikel, deur die **[regulasies] statuut** van die **[vereniging of maatskappy]** koöperasie voorgeskrywe.

(3) So 'n boete mag nie aan 'n lid opgelê word nie totdat skriftelik van die voorneme om die boete op te lê en van die rede daarvoor aan hom kennis gegee is en hy in die geleentheid gestel is om voor die direkteure te verskyn in persoon met of sonder getuies, of aan hulle 'n deur hom en ander persone ondertekende verklaring te stuur, ten einde redes teen die oplegging van die boete aan te voer.

(4) So 'n boete kan deur aksie in 'n bevoegde hof verhaal word.

(5) Indien aan 'n lid van 'n **[koöperatiewe landbouvereniging of -maatskappy]** landboukoöperasie of van 'n spesiale **[koöperatiewe boeremaatskappy]** boerekoöperasie 'n boete opgelê word weens versuim om sy produkte deur tussenkoms van die **[vereniging of maatskappy]** koöperasie te verkoop, en 'n regsgeding ingestel word om betaling van die boete te vorder, rus die las op die lid om te bewys dat die bewering van die **[vereniging of maatskappy]** koöperasie, ten opsigte waarvan die boete opgelê is, onjuis is.

(6) 'n Kragtens hierdie artikel opgelegde boete kan geheel of gedeeltelik verreken word teen enige gelde aan so 'n lid verskuldig ten opsigte van produkte deur hom aan die **[vereniging of maatskappy]** koöperasie gelewer.

(7) Die lid word nie geag die **[regulasies] statuut** van 'n **[vereniging of maatskappy]** koöperasie oortree te hê weens versuim om produkte daaraan te lewer nie, indien die versuim te wyte was aan die feit dat, voordat hy lid van eersgenoemde **[vereniging of maatskappy]** koöperasie geword het, hy volgens die **[regulasies] statuut** van 'n ander **[vereniging of maatskappy]** koöperasie verplig was om bedoelde produkte aan daardie ander **[vereniging of maatskappy]** koöperasie te lewer, en hy bedoelde produkte ook werklik aan daardie **[vereniging of maatskappy]** koöperasie gelewer het.

Bekendmaking van  
naam en van  
registrasie van  
geregistreerde  
koöperasie.

**[104.] 115.** (1) Elke **[vereniging of maatskappy]** koöperasie wat kragtens hierdie Wet geregistreer is, moet sy naam en 'n vermelding van sy registrasie laat skilder of laat bevestig, en geskilder of bevestig hou op 'n in die oogvallende plek en in letters wat duidelik leesbaar is, aan die buitekant van sy

any other product derived from farming operations, whether or not such product has undergone a change of form as the result of some process applied to it, if the **【Governor-General】** **State President** under the authority of a resolution of both Houses of **Parliament** has, by proclamation in the *Gazette* declared such product to be agricultural produce.

(6) A notice under subsection (1) shall not have the effect of prohibiting any person from doing anything in pursuance of a contract in respect of the sale of any other product existing on the date on which the notice of the resolution under the authority of which that product was by proclamation issued under subsection (5) declared to be agricultural produce, was first given in either House of **Parliament**: Provided that no such contract shall remain in force after the expiry of two years after the date on which such notice under subsection (1) was published in the *Gazette*.

(7) Every notice and every proclamation which prior to the commencement of this Act was published under section *seventeen* of Act No. 38 of 1925, and which was in force at such commencement, shall continue in force, and shall be deemed to have been issued under this section.

**【103.】 114.** (1) A **【society or company】** co-operative shall have the power to impose fines on its members for any infringement of its regulations. Imposition of fines upon members for infringement of regulations.

(2) The circumstances in which such fines may be imposed and the amounts thereof shall, subject to the provisions of this section, be prescribed by the regulations of the **【society or company】** co-operative.

(3) No such fine shall be imposed upon any member until written notice of intention to impose the fine and the reason therefor have been transmitted to him and he has had the opportunity of appearing before the directors in person, with or without witnesses, or of sending to them a written statement signed by himself and by others, for the purpose of showing cause against the imposition of the fine.

(4) Any such fine may be recovered by action in any competent court.

(5) If a fine is imposed on a member of **【a co-operative agricultural society or company】** an agricultural co-operative or a **【farmers】** special **【co-operative company】** farmers co-operative because of failure to sell his produce through the **【society or company】** co-operative and legal proceedings are instituted for payment of the fine, the burden shall lie upon the member of disproving the allegation of the **【society or company】** co-operative in respect of which the fine was imposed.

(6) The whole or any part of a fine imposed under this section may be set off against any moneys due to such member in respect of produce delivered by him to the **【society or company】** co-operative.

(7) The member shall not be deemed to have infringed the regulations of a **【society or company】** co-operative on account of a failure to deliver produce to it, if the failure was due to the fact that under the regulations of another **【society or company】** co-operative he was bound before he became a member of the first-mentioned **【society or company】** co-operative to deliver such produce to that other **【society or company】** co-operative and had actually delivered such produce to it.

**【104.】 115.** (1) Every **【society or company】** co-operative registered under this Act shall cause to be painted or affixed and shall cause to be painted or affixed and shall keep painted or affixed its name and a statement that it is so registered on the outside **【door】** of its registered office and every office or place in which the business of the **【society or company】** co-operative is carried on, in a conspicuous place and in characters easily legible; Publication of name of co-operative and of fact of registration.

geregistreerde kantoor en **[op die buitedeur van]** elke kantoor of plek waar die besigheid van die **[vereniging of maatskappy]** koöperasie gedrywe word; en moet sy naam en 'n vermelding van sy registrasie in leesbare letters op sy seël laat graveer as hy 'n seël het; en moet sy naam en 'n vermelding van sy registrasie in leesbare letters aangee op alle kennisgewings, advertensies en ander offisiële mededelings van die **[vereniging of maatskappy]** koöperasie en op alle wissels, promesses, endossemente, tjeks en orderbriefies vir geld of goedere, wat voorgee onderteken te wees deur of namens die **[vereniging of maatskappy]** koöperasie en op alle afleveringsbriewe, fakture, kwitansies, briewe en ander stukke van die **[vereniging of maatskappy]** koöperasie.

(2) Indien 'n vertaling van die naam van 'n koöperasie in die ander amptelike taal geregistreer is word die gebruik van die vertaalde naam voldoende vir die nakoming van subartikel (1) geag.

Geregistreerde  
kantoor, takke en  
depots.

**[105.] 116.** (1) Elke **[vereniging of maatskappy]** koöperasie moet 'n geregistreerde kantoor in die **[Unie]** Republiek hê waarheen alle mededelings en kennisgewings gerig kan word.

(2) Die **[vereniging]** koöperasie moet aan die registrateur kennis gee, in die vorm wat die Minister van tyd tot tyd mag voorskrywe, van die adres van sy geregistreerde kantoor, en van enige verandering daarvan, en die registrateur moet dit opteken.

(3) 'n Fooi van **[vyf sjielings]** vyftig sent voldaan deur middel van inkomsteseëls moet aan die registrateur betaal word by die optekening van elke sodanige kennisgewing, en die registrateur moet die seëls op die kennisgewing plak en kanselleer.

(4) 'n **[Vereniging of maatskappy]** koöperasie mag nie—

(a) takke of depots stig nie;

(b) 'n tak of depot hê wat voor die datum van inwerking-treding van hierdie Wet bestaan het en wat gestig is anders as ingevolge 'n magtiging wat in sy statuut vervat is;

behalwe waar hy deur sy statuut gemagtig word om **[dit te doen]** die betrokke tak of depot te stig of te laat voortbestaan, na gelang van die geval.

(5) Ondanks die bepalings van artikel **[negentien]** twintig kan die registrateur die **[regulasies]** statuut van 'n **[vereniging of maatskappy]** koöperasie te eniger tyd wysig—

(a) deur 'n bepaling daarin wat betrekking het op die stigting van 'n tak of depot te skrap, indien die tak of depot nie gestig word nie binne een jaar of binne die verdere tydperk wat die registrateur toestaan, nadat voorsiening daarvoor in die **[regulasies]** statuut gemaak is; of

(b) deur 'n bepaling daarin wat betrekking het op die stigting van 'n tak of depot of voortbestaan van 'n in paragraaf (b) van subartikel (4) bedoelde tak of depot te skrap of deur bepalings daarin te voeg wat die doeleindes of werksaamhede wat daardie **[vereniging of maatskappy]** koöperasie by enige plek kan uitvoer, beperk, of wat daardie **[vereniging of maatskappy]** koöperasie verbied om persone wat in enige gebied woon of boer as lede aan te neem of om landbouprodukte of lewende hawe of lewende hawe produkte aan sy lede wat in enige gebied woon of boer by 'n in die bepaling genoemde tak of depot te ontvang of om boerderybenodigdhede of dienste vanaf so 'n tak of depot aan sodanige lede te verskaf, in gevalle waar na die oordeel van die Minister enige van die doeleindes of werksaamhede wat by daardie plek of deur 'n koöperasie op wie 'n verbod van toepassing is ingevolge



and shall have its name and a statement that it is so registered engraved in legible characters on its seal (if any); and shall have its name and a statement that it is so registered set forth in legible characters in all notices, advertisements and other official publications of the **[society or company]** co-operative and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of the **[society or company]** co-operative and in all delivery notes, invoices, receipts, letters and other documents of the **[society or company]** co-operative.

(2) If a translation of the name of a co-operative into the other official language has been registered, the use of the translated name is deemed sufficient to comply with subsection (1).

**[105.] 116.** (1) Every **[society or company]** co-operative shall have a registered office in the **[Union]** Republic to which all communications and notices may be addressed. Registered office, branches and depots of co-operatives.

(2) The **[society or company]** co-operative shall give notice to the registrar, in the form from time to time prescribed by the Minister, of the situation of its registered office and of any change thereof, and the registrar shall record the same.

(3) A fee of **[five shillings]** fifty cents for the recording of every such notice shall be paid by the **[society or company]** co-operative to the registrar by means of revenue stamps, and such stamps shall be affixed to the notice and defaced by the registrar.

(4) A **[society or company]** co-operative shall not—

- (a) establish branches or depots,
- (b) have any branch or depot, which it had prior to the coming into force of this Act, which was established other than in accordance with an authorization contained in its regulations;

unless it is authorized by its regulations to **[do so]** establish or allow to continue to exist, as the case may be, the branch or depot concerned.

(5) Notwithstanding the provisions of section **[nineteen]** twenty the registrar may at any time amend the regulations of a **[society or company]** co-operative—

- (a) by the deletion of any provision therein relating to the establishment of any branch or depot, if such branch or depot is not established within one year or within such further period as the registrar may allow, after provision therefor has been made in its regulations,
- (b) by the deletion of any provision therein relating to the establishment of any branch or depot or the continuation of existence of any branch or depot referred to in paragraph (b) of subsection (4), or by inserting therein provisions restricting the objects or operations which that **[society or company]** co-operative may carry out at any place, or which forbid that **[society or company]** co-operative to accept as members any persons who reside or carry on farming operations in any area or to receive from its members who reside or carry on farming operations in any area agricultural products or livestock or livestock products at a branch or depot named in the provision or to supply to such members farming requisites or services from such branch or depot, in cases where in opinion of the Minister any of the objects or operations which are or may be carried out at such place which are or may be carried out by a co-operative on which a prohibition has been placed in

'n bepaling wat kragtens hierdie paragraaf in sy statuut gevoeg is, na gelang van die geval, uitgevoer word of kan word, tot groter voordeel van belanghebbendes deur 'n ander **【vereniging of maatskappy】** koöperasie wat alreeds bestaan of wat gestig staan te word, uitgevoer kan word, hetsy by 'n tak of depot wat alreeds bestaan of gestig staan te word al dan nie, na gelang van die geval.

(6) Die registrateur moet aan die **【vereniging of maatskappy】** koöperasie kennis gee van elke wysiging aldus aangebring, en daarop is die bepalings van subartikel (1) van artikel **【sewentien】** agtien van toepassing op so 'n wysiging.

(7) Artikel *honderd-drie-en-twintig* is *mutatis mutandis* van toepassing op 'n koöperasie wat 'n bepaling van subartikel (4) oortree of wat versuim om hom te onderwerp aan 'n beperking of verbod wat op hom van toepassing is ingevolge paragraaf (b) van subartikel (5) of ingevolge 'n bepaling in sy statuut.

Geregte like stappe  
deur of teen  
koöperasies.

**【106.】 117.** (1) Alle geregte like stappe deur of teen 'n **【vereniging of maatskappy】** koöperasie word ingestel of gedoen in die naam van die **【vereniging of maatskappy】** koöperasie.

(2) Indien 'n vonnis teen 'n **【koöperatiewe landbouvereniging】** landboukoöperasie en koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid verkry is, en aan so 'n vonnis nie binne drie maande daarna voldoen word nie, kan die eiser aksies instel teen alle lede of 'n aksie instel teen enige lid van daardie **【vereniging】** koöperasie ten opsigte van daardie aanspreeklikheid.

(3) Behalwe soas voormeld of soas bepaal in die Landbank Wet, 1912 (Wet No. 18 van 1912), of 'n wysiging daarvan, kan geen lid van so 'n **【vereniging】** koöperasie persoonlik ten opsigte van 'n verpligting van die **【vereniging】** koöperasie in regte aangespreek word nie.

Registrasie van goed  
van koöperasies.

**【107.】 118.** Enige onroerende goed deur 'n **【vereniging of maatskappy】** koöperasie verwerf ingevolge hierdie Wet of sy **【regulasies】** statuut kan in die naam van die **【vereniging of maatskappy】** koöperasie geregistreer word sonder vermelding van die name van sy lede.

Insae van dokumente  
gehou deur  
registrateur.

**【108.】 119.** (1) Behalwe **【soas】** wanneer anders bepaal word in **【subartikel (5) van artikel vyf-en-veertig】** hierdie Wet, kan iedereen die dokumente deur die registrateur gehou, insien by betaling van 'n bedrag wat die Minister mag voorskrywe en iedereen kan 'n sertifikaat van die registrasie van 'n **【vereniging of maatskappy】** koöperasie vorder, of verlang dat 'n afskrif of uittreksel van so 'n dokument of 'n deel van so 'n dokument deur die registrateur gesertifiseer word, by betaling van 'n bedrag wat die Minister mag voorskrywe.

(2) Indien die registrateur oortuig is—

- (a) dat die insae, sertifikaat, afskrif of uittreksel aangevra word ten behoeve van 'n regering buite of binne die grense van die Republiek en wat by die Regering van die Republiek geakkrediteer is; en
- (b) dat geen gelde in die betrokke land betaalbaar is ten opsigte van sodanige insae, sertifikaat, afskrif of uittreksel wat ten behoeve van die regering aangevra word nie, is geen gelde in subartikel (1) bedoel betaalbaar nie.

(3) Indien die registrateur oortuig is dat insae aangevra word vir doeleindes van navorsing deur of onder beheer van 'n inrigting vir hoër onderwys kan hy sodanige insae sonder betaling van bedoelde gelde toelaat.

accordance with a provision added to its regulations by virtue of this paragraph, as the case may be, can be carried out with greater benefit to all interested persons by any other **[society or company] co-operative** already existing or to be established, whether or not at a branch or depot already existing or to be established, as the case may be.

(6) The registrar shall notify the **[society or company] co-operative** of every amendment so made, and thereupon the provisions of subsection **[seventeen] eighteen** shall apply in respect of any such amendment.

(7) Section *one-hundred and twenty-three* is *mutatis mutandis* applicable to a co-operative which contravenes the provisions of subsection (4) or which fails to submit to a restriction or prohibition which is applicable to it in terms of paragraph (b) of subsection (5) or in terms of the provisions of its regulations.

**[106.] 117.** (1) All legal proceedings by or against any **[society or company] co-operative** shall be instituted or taken in the name of the **[society or company] co-operative**. Legal proceedings by or against co-operatives.

(2) If judgment has been obtained against **[a co-operative agricultural society]** an agricultural co-operative or co-operative partnership with unlimited liability, and such judgment is not within three months thereafter satisfied, the plaintiff may proceed by action against all members or any member of such **[society] co-operative** in respect of such liability.

(3) Save as aforesaid, or as in the Land Bank Act, 1912 (Act No. 18 of 1912), or in any amendments thereof provided, no legal proceedings shall lie against a member of such **[society] co-operative** individually in respect of an obligation of the **[society] co-operative**.

**[107.] 118.** Any immovable property acquired by a **[society or company] co-operative** under this Act or its regulations may be registered in the name of the **[society or company] co-operative** without reference to the names of the members thereof. Registration of property of co-operatives.

**[108.] 119.** (1) Save as is provided for in **[subsection (5) of section forty-five]** this Act any person may inspect the documents kept by the registrar on payment of such fee as the Minister may prescribe; and any person may require a certificate of the registration of any **[society or company] co-operative** or request that a copy or extract of any such document or part of any such document be certified by the registrar, on payment of such fee as the Minister may prescribe. Inspection of documents kept by registrar.

(2) If the registrar is satisfied—

- (a) that the inspection, certificate, copy or extract is requested on behalf of a government within or outside the borders of the Republic and which is accredited to the Government of the Republic; and
- (b) that no moneys are payable in the country concerned in respect of such inspection, certificate, copy or extract requested on behalf of the government, no moneys referred to in subsection (1) are payable.

(3) If the registrar is satisfied that inspection is requested for purposes of research by or under the control of an institution for advanced education he may permit such inspection without payment.

Betaling van bedrae deur Minister voorgeskrywe.

**[109.] 120.** Alle fooie deur die Minister ingevolge hierdie Wet voorgeskrywe, behalwe die besoldiging van 'n likwidateur soas voorgeskrywe in artikel **[sewentig] agt-en-sewentig**, word betaal deur middel van inkomsteseëls wat deur die registrateur gekanselleer word.

Regsmiddels van Landbank nie deur Wet geraak nie.

**[110.] 121.** Die bepalings van hierdie Wet raak hoegenaamd nie die regte, regsmiddels en bevoegdhede wat aan die Land- en Landboubank van Suid-Afrika verleen is, en ook nie die verpligtings wat teenoor daardie bank aan 'n **[koöperatiewe vereniging of maatskappy]** koöperasie of aan die lede daarvan opgelê word nie, deur of ingevolge enige wet betreffende bedoelde bank.

Plig van registrateur wanneer besonderhede van lidmaatskap deur Landbank verlang word.

**[111.] 122.** (1) Wanneer genoemde bank bewys verlang van die lidmaatskap van 'n **[koöperatiewe landbouvereniging]** landboukoöperasie of koöperatiewe deelgenootskap met onbeperkte aanspreeklikheid **[of koöperatiewe landboumaatskappy met beperkte aanspreeklikheid]** of enige besonderhede oor die lidmaatskap van 'n landboukoöperasie-, koöperatiewe deelgenootskap- of spesiale boerekoöperasie met beperkte aanspreeklikheid, moet die registrateur op versoek van genoemde bank aan hom **[ 'n deur sy handtekening gesertifiseerde volledige lys stuur van persone wat volgens die rekords van sy kantoor dan lede van die vereniging of maatskappy is ]** die nodige bewys van lidmaatskap en ander besonderhede aangevra en waaroor die registrateur volgens die rekords van sy kantoor beskik, verskaf.

(2) Wanneer genoemde bank bewys van die lidmaatskap van 'n landboukoöperasie, koöperatiewe deelgenootskap of spesiale boerekoöperasie verlang moet die landboukoöperasie, koöperatiewe deelgenootskap of spesiale boerekoöperasie op versoek van die Landbank aan hom die nodige bewys stuur van persone wat volgens die rekords van die betrokke koöperasie dan lede van die koöperasie is.

Straf indien koöperasie beperkings op regte om handel te drywe verontagsaam.

**[112.] 123.** (1) As 'n **[koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging]** koöperasie versuim om die deur hierdie Wet op sy bevoegdheid om handel te drywe opgelegde beperkings in ag te neem, is hy strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand.

(2) Indien 'n **[vereniging of maatskappy]** koöperasie tweemaal weens 'n oortreding ingevolge hierdie artikel veroordeel word, kan die Minister gelas dat die **[vereniging of maatskappy]** koöperasie gelikwideer word.

Straf indien 'n koöperasie sy werksaamhede voortsit nadat ledetal verminder is tot benede aantal waarmee 'n koöperasie opgerig kan word.

**[113.] 124.** Behoudens die bepalings van subartikel (2) van artikel **[drie] nege-en-sestig**, as 'n **[vereniging of maatskappy]** koöperasie sy werksaamhede voortsit wanneer die aantal van sy bevoegde lede gedaal het, in die geval van 'n koöperatiewe deelgenootskap of 'n sentrale of federale **[maatskappy]** koöperasie tot minder as twee, of, in die geval van 'n **[koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy]** landboukoöperasie of spesiale boerekoöperasie, tot minder as sewe of, in die geval van 'n **[koöperatiewe handelsvereniging]** handelskoöperasie opgerig met die doel om enige handelsartikel te vervaardig en van die hand te sit, tot minder as sewe, of, in die geval van 'n ander **[koöperatiewe handelsvereniging]** handelskoöperasie tot minder as vyf-en-twintig vir 'n tydperk van meer as dertig dae nadat die aantal lede aldus gedaal het, dan is elke persoon wat 'n direkteur van die **[vereniging of maatskappy]** koöperasie is gedurende die tyd wat hy na sodanige tydperk sy werksaamhede voortsit, tensy hy bewys dat hy nie daarvan bewus was dat die **[vereniging of maatskappy]** koöperasie sy werksaamhede



**[109.] 120.** All fees prescribed by the Minister under this Act, other than the liquidator's fees prescribed under section **[seventy]** *seventy-eight* shall be paid by means of revenue stamps which shall be defaced by the registrar.

Payment of fees prescribed by Minister.

**[110.] 121.** Nothing in this Act contained shall in any way affect the rights, remedies and powers conferred on the Land and Agricultural Bank of South Africa or any obligation to such bank imposed on any **[co-operative agricultural society or company]** *co-operative*, or on the members thereof by or under any law relating to that bank.

Remedies of Land Bank not affected by Act.

**[111.] 122.** (1) Whenever the said bank requires evidence of the membership of any **[co-operative agricultural society]** *agricultural co-operative* or *co-operative partnership* with unlimited liability or **[co-operative agricultural company]** *any particulars of the membership of an agricultural co-operative, co-operative partnership or special farmers' co-operative* with limited liability, the registrar, at the request of the said bank, shall transmit to it **[a complete list of members for the time being of the society or company, according to the records of this office duly certified by his signature]** the required evidence of membership and other particulars requested which the registrar, according to the records in his office, has available.

Duty of registrar when evidence of membership required by Land Bank.

(2) When the said bank requires evidence of membership of an agricultural co-operative, co-operative partnership or special farmers' co-operative the agricultural co-operative, co-operative partnership or special farmers' co-operative shall, on the request of the Landbank send thereto the required evidence of persons who, according to the records of the co-operative concerned, are members thereof.

**[112.] 123.** (1) If a co-operative **[agricultural society or company, farmers' special co-operative company or co-operative trading society]** fails to observe the restrictions placed by this Act upon its power to trade, it shall be liable to a fine not exceeding **[one hundred pounds]** *two hundred rand*.

Penalty if co-operative fails to observe restrictions upon powers to trade.

(2) If any **[society or company]** *co-operative* is twice convicted of an offence under this section the Minister may direct that the **[society or company]** *co-operative* be wound up.

**[113.] 124.** Subject to the provisions of subsection (2) of section *sixty-three* **[nine]** if a **[society or company]** *co-operative* continues to carry on its operations when the number of its qualified members is reduced, in the case of a *co-operative partnership* or a central or federal **[company]** *co-operative* below two, or, in the case of **[a co-operative agricultural society or company]** *an agricultural co-operative* or a **[farmers]** *special co-operative company* *farmers' co-operative* below seven, or, in the case of a **[co-operative trading society]** *trading co-operative* formed for the purpose of manufacturing and disposing of any commodity, below seven, or, in the case of any other **[co-operative trading society]** *trading co-operative*, below twenty-five, for a period of more than thirty days after the number is so reduced, every person who is a director of the **[society or company]** *co-operative* during the time that it continues to carry

Penalty if co-operative continues operations after number of members is reduced below the number with which a co-operative may be formed.

aldus voortgesit het met minder as twee of sewe of vyf-en-twintig bevoegde lede (na gelang van die geval) nie, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand en is hy bowendien gesamentlik met en afsonderlik van ander sulke persone aanspreeklik om te voldoen aan alle verpligtings van die **[vereniging of maatskappy]** koöperasie gedurende daardie tyd aangegaan, en kan hy daarvoor in regte aangespreek word sonder dat 'n ander direkteur of lid in die aksie gevoeg word.

Strawwe vir opsetlike valse verklarings in dokumente vereis ingevolge hierdie Wet.

**[114.] 125.** Iemand wat in 'n opgawe, verslag, finansiële verslag of balansstaat of ander dokument vereis vir die doeleindes van hierdie Wet 'n verklaring maak wat in enige besonderheid ter sake vals is, met wete dat dit vals is, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand.

Straf op direkteur of beampte wat kommissie, ens. aanneem.

**[115.] 126.** 'n Direkteur of beampte van 'n **[vereniging of maatskappy]** koöperasie wat enige kommissie, besoldiging of beloning, hetsy geldelik of andersins, van een of ander persoon aanneem vir of in verband met 'n transaksie tussen een of ander persoon en die **[vereniging of maatskappy]** koöperasie, behalwe as dit in die verloop van sy gewone besigheids- of professionele sake is en hy sy belange verklaar het, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens **[honderd pond]** twee honderd rand en kan verder gelas word om 'n bedrag van tweemaal die waarde of bedrag van bedoelde kommissie, besoldiging, of beloning aan die **[vereniging of maatskappy]** koöperasie te betaal.

Straf vir oortreding waarvoor geen uitdruklike straf voorgeskryf is nie.

**[116.] 127.** Iemand wat 'n bepaling van hierdie Wet oortree of versuim om aan enige vereistes van hierdie Wet te voldoen binne die tyd of op die wyse daarby voorgeskrywe, is aan 'n misdryf skuldig en ingeval daar in hierdie Wet vir so 'n oortreding of versuim geen spesiale straf voorgeskrywe is nie, is hy by veroordeling strafbaar met 'n boete van hoogstens **[vyf-en-twintig pond]** vyftig rand.

Oordrag van bevoegdheid deur Minister.

**[117.] 128.** Die Minister kan, na goeë dunnke, van tyd tot tyd by kennisgewing in die *Staatskoerant* een of meer van die bevoegdhede en pligte wat deur hierdie Wet aan hom verleen of opgelê word (behalwe die bevoegdhede en pligte bedoel in artikels *veertien*, *[sewen-en-veertig, sewentig, honderd-en-een, honderd-en-twee, honderd-en-agt, en honderd-en-twaalf]* *twee-en-vyftig, agt-en-sewentig, honderd-en-twaalf, honderd-en-dertien, honderd-en-negentien, honderd-drie-en-twintig* aan die Sekretaris oordra en so 'n oordrag intrek. Die Sekretaris kan, met inagneming van die wetsbepalings op die Staatsdiens, een of meer van die bevoegdhede en pligte wat deur die Minister ingevolge hierdie artikel aan hom oorgedra is aan die registrateur of assistent-registrateur oordra en so 'n oordrag na goeë dunnke intrek.

**[Wysiging van artikel 206 van Wet 46 van 1926.]**

**[118.]** Artikel *tweehonderd-en-ses* van die Maatskappywet, 1926 (Wet No. 46 van 1926) word hierby gewysig deur die invoeging na die woord „maatskappye” van die woorde „spesiale koöperatiewe boeremaatskappye”.]

Wetsherroeping.

**[119.] 129.**

Kort titel.

**[120.] 130.** Hierdie Wet heet die Koöperatiewe Wet.

on its operations after such period, shall, unless he proves that he was ignorant of the fact that it was so carrying on its operations with less than two or seven or twenty-five (as the case may be) qualified members, be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand and shall further be liable, jointly and severally with other such persons, to satisfy all the obligations of the **[society or company]** co-operative incurred during such time, and may be sued for the same without any other director or member being joined in the action.

**[114.] 125.** If any person makes in any return, report, financial statement or balance sheet, or other document required for the purposes of this Act, a statement false in any material particular, knowing it to be false, he shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand.

Penalties for wilful false statements in documents required by this Act.

**[115.] 126.** Any director or officer of a **[society or company]** co-operative who accepts any commission, fee or award, whether pecuniary or otherwise, from any person for or in connection with a transaction of any person with the **[society or company]** co-operative unless in the course of his usual business or professional affairs and he has declared his interests shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds]** two hundred rand and shall further be liable to pay to the **[society or company]** co-operative double the value or amount of such commission, fee or reward.

Penalty on director or officer accepting commission, etc.

**[116.] 127.** Any person who contravenes any provision of this Act or who fails to comply with any requirement of this Act within the time or in the manner thereby prescribed shall be guilty of an offence and, if no penalty is specially prescribed in this Act for such contravention or default, shall be liable on conviction to a fine not exceeding **[twenty-five pounds]** fifty rand.

Penalty for contravention for which no penalty expressly provided.

**[117.] 128.** The Minister may, in his discretion, from time to time by notice in the *Gazette* delegate all or any of the powers and duties conferred or imposed upon him by this Act (other than the powers and duties referred to in sections *fourteen* **[forty-seven, seventy, one hundred and one, one hundred and two, one hundred and eight and one hundred and twelve]** fifty-two, seventy-eight, one hundred and twelve, one hundred and thirteen, one hundred and nineteen and one hundred and twenty-three to the Secretary and withdraw any such delegation. The Secretary may, subject to the provisions of the laws governing the public service, delegate to the registrar or assistant registrar all or any of the powers and duties conferred or imposed on him by the Minister in terms of this section and may withdraw any such delegation.

Delegation of powers by Minister.

**[118.]** Section *two hundred and six* of the Companies Act, 1926 (Act No. 46 of 1926) is hereby amended by the insertion after the word "companies" of the words "farmers" special co-operative companies."

Amendment of section 206 of Act 46 of 1926.

**[119.] 129.**

Repeal of laws.

**[120.] 130.** This Act shall be called the Co-operative Act.

Short title.

## Bylae „A”

## VEREISTES VIR FINANSIËLE STATE

## Inleidend

1. Finansiële state moet die toestand van die sake en die bedrywighede van die koöperasie en die resultate daarvan redelik weergee tesame met wesenlike aangeleenthede wat nie uitdruklik deur die Wet of hierdie Bylae beskryf word nie, wat die besigheid van die koöperasie geaffekteer het of dit waarskynlik sal affekteer, sowel by wyse van syfers as deur verhalende verslag wat syfers in die finansiële state aanvul en verduidelik, waar nodig.

2. Benewens die besonderhede wat kragtens die bepalings van die Wet en die statuut van 'n koöperasie getoon moet word, is die bepalings van hierdie Bylae op die finansiële state van 'n koöperasie van toepassing vir sover daardie bepalings van toepassing is.

## A. BALANSSTAAT

## Algemeen

3. Die bates en laste moet saamgevat word met sulke besonderhede as wat nodig is om hulle algemene aard aan te toon en moet geklassifiseer en gerangskik word onder opskrifte en subopskrifte wat by die koöperasie se besigheid pas.

## Aandelekapitaal

4. Ten opsigte van die aandele van die koöperasie moet getoon word:

- (1) Uitgereikte Aandelekapitaal—  
as aantekening onder die bogenoemde subopskrif, die aantal, nominale waarde per aandeel en die totale nominale waarde van die uitgerekte aandele, met inbegrip van aandele wat aan die koöperasie verbeur is, maar uitgesluit aandele wat ingetrek is.
- (2) Opbetaalde Aandelekapitaal—  
  - (a) die totale bedrag wat ten opsigte van die in subparagraaf (1) bedoelde aandele opgeroep of betaalbaar is,
  - (b) die totaal van die bedrae wat nie ten opsigte van die opgeroepte of betaalbare bedrag op hierdie aandele betaal is nie (agterstallige oproepe),
  - (c) die totaal van die bedrae wat meer as die opgeroepte of betaalbare bedrag op hierdie aandele betaal is (voortuitbetaalde oproepe), en
  - (d) die totale bedrag wat op hierdie aandele betaal is, naamlik die bedrag onder (a), minus die bedrag onder (b) plus die bedrag onder (c).
- (3) Indien aandele met 'n voorwaardelike aanspreeklikheid daaraan verbonde deur die koöperasie uitgereik is, moet daar by wyse van 'n aantekening die aantal aandele en die totale bedrag van sodanige voorwaardelike aanspreeklikheid aangetoon word.

## Reserwes en Voorsienings

5. Die onderskeie totale bedrae van reserwes en voorsienings (behalwe voorsienings vir waardevermindering van bate wat by die betrokke bate getoon word), moet onder afsonderlike opskrifte of subopskrifte vermeld word, met aanduiding van die tipes van reserwes en voorsienings.

6. Die reserwes moet onder die subopskrifte Algemene- en/of Gebeurlikheidsreserwe ingedeel word.

(1) Algemene Reserwe sluit die volgende in:

- (a) 'n Reserwe wat by inwerkingtreding van hierdie Bylae as 'n algemene reserwe, of 'n reserwe met 'n soortgelyke naam of betekenis, in die boeke van die koöperasie verskyn.
- (b) Enige ander reserwe wat by die inwerkingtreding van hierdie Bylae in die boeke van die koöperasie verskyn en wat geskep is vir die doel om 'n vaste bate aan te skaf of bedryfskapitaal te voorsien of in die algemeen die finansiële posisie van die koöperasie te verstewig. Meer as een reserwe van dié aard, kan saamgegroepeer en hul bedrae as 'n totaal getoon word.

(2) Gebeurlikheidsreserwe sluit die volgende in:

- (a) 'n Reserwe wat by die inwerkingtreding van hierdie Bylae as 'n gebeurlikheidsreserwe, 'n reserwe vir onvoorsiene uitgawes of verliese of 'n reserwe met 'n soortgelyke naam of betekenis, in die boeke van die koöperasie verskyn.
- (b) Enige ander reserwe wat op daardie tydstip in die boeke van die koöperasie verskyn en wat geskep is vir die doel om enige verlies van 'n buitengewone aard te dek of om in verband met die werksaamhede van die koöperasie ooreenkomstig spesifieke bepalings van sy statuut aangewend te word.

7. 'n Reserwe wat by die inwerkingtreding van hierdie Bylae in die boeke van die koöperasie verskyn en wat nie ooreenkomstig die bepalings van paragraaf 6 ingedeel kan word nie, word deur die raad as 'n algemene reserwe of 'n gebeurlikheidsreserwe ingedeel.

8. Na die inwerkingtreding van hierdie Bylae moet enige bedrag wat aan 'n reserwe toegedeel word of as 'n algemene reserwe of 'n gebeurlikheidsreserwe ingedeel word en as die algemene vergadering wat die bedrag toedeel versuim om so 'n indeling te maak dan moet die raad die indeling maak.

9. (1) Tensy dit in die wins-en-verliesrekening of by wyse van 'n aantekening aangetoon word, of indien die bedrag daarby betrokke nie van wesenlike belang is nie, moet daar vermeld word—

- (a) die bron en die bedrag van oorplasings na reserwes of voorsienings (behalwe voorsienings vir waardevermindering van bate wat saam met die betrokke bate getoon word), en
- (b) die bedrag en die aanwending van oorplasings van reserwes en voorsienings (behalwe voorsienings vir waardevermindering van bate wat saam met die betrokke bate getoon word).

(2) Indien die opskrif waaronder enige van genoemde reserwes of voorsienings getoon word, in subopskrifte verdeel is, is hierdie paragraaf van toepassing op elkeen van die afsonderlike bedrae wat onder die subopskrifte getoon word in plaas daarvan dat dit net op die totale bedrag daarvan van toepassing is.



## Schedule "A"

## PREREQUISITES FOR FINANCIAL STATEMENTS

*Preliminary*

1. The financial statements shall fairly present the state of affairs and operations and results thereof of the co-operative, together with any material matters not specifically described by the Act or this Schedule which have affected or are likely to affect the business of the co-operative, both by way of figures and by narrative report complementing and explaining where necessary figures in financial statements.

2. In addition to the particulars which a co-operative must show in terms of the provisions of the Act and its regulations, the provisions of this Schedule are applicable in respect of the financial statements of co-operatives in so far as they are applicable.

## A. BALANCE SHEET

*General*

3. The assets and liabilities shall be summarized with such particulars as are necessary to disclose their general nature and shall be arranged and classified under headings and subheadings appropriate to the co-operative's business.

*Share Capital*

4. In respect of the shares of a co-operative there must be reflected:

(1) Issued Share Capital—

as a note under the above-mentioned subheading, the number and nominal value of each share and the total nominal value of the shares issued, including shares forfeited to the co-operative but excluding shares cancelled.

(2) Paid up Share Capital—

(a) the total amount called up or payable in respect of the shares mentioned in subparagraph (1);

(b) the total amount owing of the called up or payable amount on these shares (calls in arrear);

(c) the total amount paid in excess of the called-up or payable amount on these shares (calls paid in advance);

(d) the total amount paid up on such shares namely the amount under (a) minus the amount under (b), plus the amount under (c).

(3) If shares with a contingent liability have been issued by the co-operative the total number of shares and the total amount of such contingent liability must be shown in the notes to the amounts.

*Reserves and Provisions*

5. The respective aggregate amounts of reserves and provisions (other than provisions for depreciation in value of assets which must be shown in conjunction with the relative asset,) shall be stated under separate headings and subheadings indicating the types of reserves and provisions.

6. The reserves shall be classified under the heading General Reserves or Contingency Reserves.

(1) General Reserves shall include the following:

(a) A reserve which at the time of coming into force of this Schedule appears in the books of the co-operative as a general reserve or a reserve with a similar name or meaning.

(b) Any other reserve which at the time of coming into force of this Schedule appears in the books of the co-operative and which was created for the purpose of acquiring any fixed asset or providing working capital or generally to improve the financial stability of the co-operative. More than one reserve of this nature may be grouped together and shown as an aggregate.

(2) Contingency reserves shall include the following:

(a) A reserve which at the time of coming into force of this Schedule appears in the books of the co-operative as a contingency reserve, a reserve for unforeseen expenses or losses or a reserve with a similar name or meaning.

(b) Any other reserve which appears in the books of the co-operative at that time and which was created for the purpose of meeting any loss of an unusual nature or for the purpose of being applied in connection with the operations of the co-operative according to specific provisions of its regulations.

7. A reserve appearing in the books of the co-operative at the time of coming into force of this Schedule and which cannot be classified according to the provisions of paragraph (6) shall be classified by the board as a general reserve or a contingency reserve.

8. After the coming into force of this Schedule any amount appropriated to a reserve shall be classified either as a general reserve or a contingency reserve and if the general meeting making the appropriation fails to make such a classification, the board of directors shall make the classification.

9. (1) Unless it is shown in the profit and loss account or by means of a note thereto, or the amount involved is not material, there shall be shown—

(a) the amount and source from which transfers to reserves or provisions (other than provisions for depreciation of assets shown in conjunction with the relative assets), has been derived; and

(b) the amount and application of transfers from reserves and provisions (other than provisions for depreciation of assets shown in conjunction with the relative assets).

(2) Where the heading showing any of the reserves or provisions aforesaid is divided into subheadings, this clause shall apply to each of the separate amounts shown in the subheadings instead of applying to the aggregate amount thereof.

10. Voorsienings vir 'n bekende aanspreeklikheid moet afsonderlik van mekaar getoon word: Met dien verstande dat die Minister kan gelas dat 'n afsonderlike verklaring van die bedrag van 'n bepaalde voorsiening nie vereis word nie as hy daarvan oortuig is dat dit nie in die openbare belang nodig is nie en die koöperasie sou benadeel; maar op voorwaarde dat enige opskrif waaronder 'n bedrag getoon word wat verkry is nadat rekening gehou is met 'n voorsiening, só gestel of aangetoon moet word dat dit daardie feit aandui.

11. Indien 'n bedrag van 'n voorsiening meer is as dié wat na die mening van die direkteure en die ouditeur redelikerwys noodsaaklik is vir die doel, word die verskil by die toepassing van hierdie Bylae behandel as 'n reserwe en nie as 'n voorsiening nie: Met dien verstande dat indien die ouditeur, teenstrydig met die mening van die direkteure, van oordeel is dat 'n bedrag as 'n reserwe behandel behoort te word, die ouditeur uitdruklik daarvoor aan die lede verslag moet doen.

#### *Ledefondse*

12. (1) Ledefondse wat ingevolge die statuut van 'n koöperasie gestig is, moet onder afsonderlike opskrifte of subopskrifte vermeld word, met aanduiding van die tipes van fondse.
- (2) Enige hydraes en toewysigings tot die fondse in subparagraaf (1) hierbo genoem, en/of enige verminderings ten opsigte daarvan, moet by wyse van 'n aantekening of andersins openbaar word.

#### *LASTE*

##### *Obligasies*

13. Daar moet vermeld word—

- (1) die bedrag en klasse obligasies uitgereik;
- (2) wanneer enige van die koöperasie se obligasies gehou word deur 'n genomineerde van of 'n trustee vir die koöperasie, die nominale bedrag van die obligasies en die bedrag waarteen hulle in die boeke van die koöperasie vermeld word;
- (3) besonderhede van alle afgeloste obligasies wat die koöperasie bevoeg is om weer uit te reik.

##### *Langtermyn- en bedryfslaste*

14. (1) Die laste moet onder die opskrif langtermynlaste of bedryfslaste ingedeel word.
- (2) Lenings terugbetaalbaar in paaiemente of andersins en ander laste wat nie binne die boekjaar wat op die datum van die balansstaat volg betaalbaar is nie, moet onder die opskrif langtermynlaste getoon word. Hulle mag saamgegroepeer word onder gepaste subopskrifte wat geskik is vir die besigheid van die koöperasie maar lenings van die Land- en Landboubank van Suid-Afrika, lenings van lede en van enige ander finansiële instelling moet afsonderlik getoon word.
- (3) Lenings terugbetaalbaar gedurende die boekjaar wat op die datum van die balansstaat volg en ander laste betaalbaar op die datum van die balansstaat of gedurende die loop van daardie jaar, moet onder die opskrif bedryfslaste getoon word. Hulle mag saamgegroepeer word onder gepaste subopskrifte geskik vir die besigheid van die koöperasie maar lenings of voorskotte van die Land- en Landboubank van Suid-Afrika of van enige ander finansiële instelling of instansie en oortrokke bankrekenings wat onder hierdie opskrif moet verskyn moet afsonderlik getoon word.
- (4) Ondanks die bepalinge van subparagraaf (2) hiervan moet lenings of voorskotte, wat aangegaan of verkry is om betalings te maak vir produkte, lewende hawe of lewendehawe produkte of om boerderybenodighede te finansier of om uitgawes aan die hantering, opberging, bewerking of verwerking van produkte, lewende hawe of lewendehawe produkte te dek, en wat terugbetaalbaar is soos wat die produkte, lewende hawe of lewendehawe produkte van die hand gesit word of die boerderybenodighede betaal word, afsonderlik onder die opskrif bedryfslaste ingedeel word.

##### *Gewaarborgde verpligtinge*

15. Wanneer 'n verpligting van die koöperasie deur 'n bate van die koöperasie gewaarborg word, anders as deur regswerking, moet daardie feit vermeld word met vermelding van die verpligting en die bate waardeur dit gewaarborg word.

#### *Ander*

16. Daar moet onder afsonderlike opskrifte aangetoon word—

- (1) die totale bedrag van 'n koöperasie se skuld, hetsy ingevolge 'n lening of andersins, aan regspersone waarin hy aandeel opgeneem het; en
- (2) die voorsienings vir enige voorgestelde bonus of rente op aandeelkapitaal.

#### *BATE*

##### *Algemeen*

17. Vaste bate, bedryfsbate en bate wat nóg vaste nóg bedryfsbate is, moet afsonderlik geïdentifiseer word.

##### *Vaste bate*

18. Die metode of metodes wat gebruik word om die bedrag van die vaste bate en die bate wat nóg vaste nóg bedryfsbate is te bepaal, moet onder elke opskrif vermeld word.

19. (1) Die metode om die bedrag van vaste bate (en bate wat nóg vaste nóg bedryfsbate is) te bepaal, is behoudens subparagraaf (2), om die verskil te neem tussen—
  - (a) die kosprys daarvan, of as dit teen 'n waardering in die koöperasie se boeke aangegee word, die bedrag van die waardering; en
  - (b) die totale bedrag wat sedert die datum van die aanskaffing of waardering, na gelang van die geval, vir waardevermindering voorsien of afgeskryf is.

10. Provisions for known liabilities shall be reflected separately: Provided that the Minister may direct that there shall not be required a separate statement of the amount of any particular provision where he is satisfied that that is not required in the public interest and would prejudice the co-operative: but subject to the condition that any heading stating an amount arrived at after taking into account a provision shall be so framed or marked as to indicate that fact.

11. If the amount of a provision is in excess of that which in the opinion of the directors and the auditors is reasonably necessary for the purpose, the excess shall be treated for the purpose of this Schedule as a reserve and not as a provision: Provided that if, contrary to the opinion of the directors, the auditors consider that an amount should be treated as a reserve, the auditors shall report specifically on the subject to the members.

#### *Members' Funds*

12. (1) Members' funds established in terms of the regulations of the co-operative, must be shown separately under headings and subheadings indicating the types of funds.
- (2) Any contributions or allotments to the funds mentioned in subparagraph (1) above and/or any decrease in the funds must be disclosed by way of a note to the accounts or in some other way.

#### LIABILITIES

##### *Obligations*

13. There shall be stated—
  - (1) the amount and classes of debentures issued;
  - (2) where any of the company's debentures are held by a nominee of, or trustee for the co-operative, the nominal amount of the debentures and the amount at which they are stated in the books of the co-operative;
  - (3) particulars of any redeemed debentures which the company has power to re-issue.
14. (1) Liabilities shall be classified under the headings of long term liabilities or current liabilities.
- (2) Loans repayable in annual instalments or otherwise and other liabilities which do not fall due for payment within the financial year following on the date of the balance sheet must be reflected under the heading of long term liabilities. They may be grouped together under appropriate subheadings which are suited to the business of the co-operative but loans from the Land and Agricultural Bank of South Africa or from any other financial institution or from members must be shown separately.
- (3) Loans repayable during the financial year following on the date of the balance sheet and other liabilities payable at the date of the balance sheet or during the course of that year, shall be reflected under the heading of current liabilities. They may be grouped together under appropriate subheadings suited to the business of the co-operative but loans or advances from the Land and Agricultural Bank of South Africa or from any other financial institution and bank overdrafts which fall to be classified under this heading must be shown separately.
- (4) Notwithstanding the provisions of subclause (2) hereof loans and advances taken for the purpose of making payments for products, livestock or livestock products or of financing farming requisites or of meeting expenditure in connection with the handling, storing, treating or manufacture of products, livestock or livestock products and which are repayable as the products, livestock or livestock products are disposed of or the farming requisites paid for shall be classified separately under the heading current liabilities.

##### *Secured Liabilities*

15. Where any liability of the co-operative is secured by any assets of the co-operative, otherwise than by operation of law, that fact shall be stated, specifying the liability and the assets by which it is secured.

##### *Other*

16. There shall be shown under separate heading—
  - (1) the aggregate amount of indebtedness (whether on account of a loan or otherwise) to any juristic person in which it took up shares; and
  - (2) the provisions for any proposed bonus or interest on capital.

#### ASSETS

##### *General*

17. Fixed assets, current assets and assets that are neither fixed nor current shall be separately identified.

##### *Fixed Assets*

18. The method or methods used to arrive at the amount of the fixed assets and the assets which are neither fixed nor current, under each heading, shall be stated.

19. (1) The method of arriving at the amount of any fixed asset (and asset neither fixed nor current) shall, subject to subparagraph (2), be to take the difference between—
  - (a) its cost, or if it stands in the company's books at a valuation, the amount of the valuation; and
  - (b) the aggregate amount provided or written off since the date of acquisition or valuation, as the case may be, for depreciation.

- (2) Subparagraaf (1) is nie van toepassing nie—
- op bate vir die vervanging waarvoor ten dele of ten volle voorsiening gemaak is—
    - deur voorsiening te maak vir hernuwings, en die koste van vervanging teen die aldus gemaakte voorsiening te debiteer; of
    - deur die vervangingskoste regstreeks teen inkomste te debiteer;
  - op enige beleggings;
  - op klandisiewaarde, patente of handelsmerke.
- (3) Ten opsigte van die bate onder elke opschrift waarvan die bedrag bepaal is ooreenkomstig subparagraaf (1) van hierdie paragraaf, moet daar aangetoon word—
- die totaal van die bedrae bedoel in paragraaf (a) van daardie subparagraaf; en
  - die totaal van bedrae bedoel in paragraaf (b) daarvan.
- (4) Indien by die inwerkingtreding van hierdie Bylae die gegewens vir 'n bestaande bate deur subparagraaf (3) vereis nie beskikbaar is nie of nie sonder onredelike koste of verdragings verkry kan word nie, word die netto bedrag waarteen 'n bate in die koöperasie se boeke op datum van die inwerkingtreding van hierdie Bylae staan (na aftrekking van die bedrae wat tevore daarop voorsien of afgeskryf is), beskou asof dit die waarde van 'n op daardie datum uitgevoerde waardering van daardie bate is.
- (5) Ten opsigte van die bate onder elke opschrift waarvan die bedrag nie ooreenkomstig genoemde subparagraaf (1) bepaal is nie, omdat daar vir die vervanging daarvan voorsiening gemaak is soos in subparagraaf 2 (a) van hierdie paragraaf gemeld, moet daar getoon word—
- die wyse waarop daar vir die vervanging daarvan voorsiening gemaak is; en
  - die totale bedrag van die voorsiening (as dit bestaan) wat vir hernuwings gemaak en nie gebruik is nie.
- (6) Met betrekking tot grond en geboue wat vaste bate is, moet daar ook vermeld word—
- 'n beskrywing van sodanige grond en geboue en die ligging daarvan;
  - die datum van die verkryging daarvan deur die koöperasie;
  - die koopprys daarvan; en
  - die koste van byvoegings of verbeterings sedert die datum van verkryging of waardasie, welke koste ontleed moet word om die jare aan te dui waarin die byvoegings en verbeterings aan die geboue uitgevoer is:

Met dien verstande dat wanneer daar meer as vyf afsonderlike items van grond en geboue is, 'n koöperasie, as hy van mening is dat nakoming van hierdie subparagraaf ongerieflik of omslagtig sal wees, die inligting in 'n bylae of register kan insluit en hy in daardie geval in die balansstaat moet vermeld dat die gemelde bylae of register vir insae van lede beskikbaar is by die geregistreerde kantoor van die koöperasie. Die bepaling van die Wet met betrekking tot insae van die boeke en rekeninge van die koöperasie, is *mutatis mutandis* van toepassing op insae van die gemelde bylae of register.

- (7) Met betrekking tot vaste bate, in subparagraaf (6) bedoel, waarvan die bedrag met verwysing na 'n waardering bepaal word, is die bepaling van subparagraaf (b) en (c) daarvan nie van toepassing nie, maar moet daar vermeld word die jare waarin die bate afsonderlik waardeur is en die afsonderlike waardes, en in die geval van bate wat gedurende die betrokke boekjaar waardeur is, die name en kwalifikasies van die persone wat hulle waardeur het en die basis wat hulle vir die waardering gebruik het: Met dien verstande dat wanneer daar meer as vyf afsonderlike items van grond en geboue is, wat oor die jare afsonderlik waardeur is, 'n koöperasie, as hy van mening is dat nakoming van hierdie subparagraaf ongerieflik of omslagtig sal wees, die inligting in 'n bylae of register kan insluit en hy in daardie geval in die balansstaat moet vermeld dat die gemelde bylae of register vir insae van lede beskikbaar is by die geregistreerde kantoor van die koöperasie. Die bepaling van die Wet met betrekking tot insae van die boeke en rekeninge van die koöperasie, is *mutatis mutandis* van toepassing op insae van die gemelde bylae of register.

#### Klandisiewaarde, patente en handelsmerke

20. Die bedrag van die klandisiewaarde, patente en/of handelsmerke moet, vir sover dit nie afgeskryf is nie, onder afsonderlike opskrifte getoon word.

#### Beleggings

21. Daar moet onder afsonderlike subopskrifte aangetoon word—

- die totale bedrae van die koöperasie se belegging in die aandele van ander koöperasies en by wyse van 'n aantekening ten opsigte van elke sodanige belegging die naam van die koöperasie, die aantal aandele, die nominale waarde van die aandele en die bedrag daarop opbetaal.
- die totale bedrae van die koöperasie se belegging in aandele, anders as dié van koöperasies soos in subparagraaf (1) hierbo vermeld; en by wyse van 'n aantekening ten opsigte van elke sodanige belegging die naam, die aantal aandele en die kosprys daarvan: Met dien verstande dat beheerde maatskappye onder 'n aparte subopskrif aangetoon moet word met aanduiding van die persentasie aandeelhouding daarin: Met dien verstande verder dat indien die markwaarde of direkteurswaardasie, welke van toepassing mag wees, verskil van die kosprys van elk van hierdie beleggings, daardie feit en die bedrag daarvan vermeld moet word.

#### Lenings

22. Daar moet onder afsonderlike subopskrifte aangetoon word—

- die totale bedrag aan die koöperasie verskuldig deur ander koöperasies waarin hy aandele hou; en in 'n aantekening ten opsigte van elke sodanige skuld die naam van daardie koöperasie, die bedrag verskuldig, die aard van die skuld en of dit verseker is aldan nie;
- die totale bedrag aan die koöperasie verskuldig deur maatskappye geregistreer ingevolge enige ander Wet waarin hy aandele hou; en in 'n aantekening ten opsigte van elke sodanige skuld die naam van die maatskappy, die bedrag verskuldig, die aard van die skuld en of dit verseker is aldan nie: Met dien verstande dat skulde aan beheerde maatskappye onder 'n aparte subopskrif aangetoon moet word;



- (2) Subparagraph (1) shall not apply—
- (a) to assets the replacement of which is provided for wholly or partly—
    - (i) by making provision for renewals and charging the cost of replacement against the provisions so made; or
    - (ii) by charging the cost of replacement direct to revenue;
  - (b) to any investments;
  - (c) to goodwill, patents or trade marks.
- (3) In respect of the assets under each heading whose amount is arrived at in accordance with subparagraph (1) of this paragraph, there shall be shown—
- (a) the aggregate of the amounts referred to in paragraph (a) of that subparagraph; and
  - (b) the aggregate of the amounts referred to in paragraph (b) thereof.
- (4) If, with the coming in force of this Schedule, the particulars of an existing asset as required in terms of subparagraph 3 are not available or cannot be obtained without unreasonable expense or delay, the net amount at which an asset is shown in the books of the co-operative at the date of the coming in force of this Schedule (after deduction of the amounts in respect thereof previously provided or written off) may be treated as if it were the amount of a valuation of that asset at that date.
- (5) As regards the assets under each heading whose amount is not arrived at in accordance with the said subparagraph (1) because their replacement is provided for as mentioned in subparagraph (2) of this paragraph, there shall be stated—
- (a) the means by which their replacement is provided for; and
  - (b) the aggregate amount of the provision, if any, made for renewals and not used.
- (6) As regards any land and buildings which are fixed assets, there shall also be stated—
- (a) a description of such land and buildings and the situation thereof;
  - (b) the date of their acquisition by the company;
  - (c) their purchase price; and
  - (d) the costs of additions or improvements since the date of acquisition or valuation, which costs shall be analysed to indicate the years in which the additions and improvements to buildings were carried out.
- Provided that where there are more than five different items of land and buildings a company may, if it considers that compliance with this subparagraph would be inconvenient or cumbersome, include the information in a schedule or register and shall in that event state in the balance sheet that the said schedule or register shall be open for inspection by members or their duly authorized agents at the registered office of the co-operative. The provisions of this Act in regard to the inspection of books and accounts of the co-operative shall *mutatis mutandis* apply to the inspection of the said schedule or register.
- (7) As regards any fixed assets, referred to in subparagraph (6), the amount of which is arrived at by reference to a valuation, the provisions of subparagraphs (b) and (c) shall not apply, but there shall be stated the years in which the assets were severally valued and the several values, and in the case of assets that have been valued during the financial year concerned, the names and qualifications of the persons who valued them and the basis of valuation used by them: Provided that where there are more than five different items of land and buildings which have over the years been severally valued, a co-operative may, if it considers that compliance with this subparagraph would be inconvenient or cumbersome, include the information in a schedule or register and shall in that event state in the balance sheet that the said schedule or register shall be open for inspection by members at the registered office of the co-operative. The provisions of the Act in regard to the inspection of the books and accounts shall *mutatis mutandis* apply to the inspection of the said schedule or register.

#### *Goodwill, Patents and Trade Marks*

20. The amount of goodwill, patents and trade marks, in so far as it is not written off, shall be shown under separate headings.

#### *Investments*

21. There shall be shown under separate subheadings—
- (1) the aggregate amount of the co-operative's investment in shares of other co-operatives and by means of a note to the balance sheet in regard to each of such investments the name of the co-operative, the number of shares, the nominal value of the shares and the amount paid up.
  - (2) the aggregate amount of the co-operative's investment in shares other than those of co-operatives shown under subparagraph (1) above; and by means of a note to the balance sheet in regard to each of such investments the name, the number of shares and the cost price thereof: Provided that controlled companies must be shown under a separate subheading with an indication of the percentage share of the share capital: Provided further that if the market value or directors' valuation, whichever is applicable, of each of those investments, differs from the cost price thereof, that fact and the amount thereof shall be stated.

#### *Loans*

22. There shall be shown under separate subheadings—
- (1) the aggregate amount owed to the co-operative by other co-operatives in which shares are held; and by means of a note to the balance sheet in regard to each such debt the name of the co-operative, the amount due; the nature of the debt and whether it is insured or not;
  - (2) the aggregate amount owed to the co-operative by companies registered in terms of another Act and wherein it holds shares; and by means of a note in regard to each such debt the name of the company, the amount owed, the nature of the debt and whether it is insured or not;

- (3) die totale bedrag aan die koöperasie verskuldig deur werknemers ten opsigte van lenings aan hulle toegestaan;
- (4) die totale bedrag aan die koöperasie verskuldig deur persone en instansies anders as dié in subparagrafe (1), (2) en (3) hierbo vermeld; en in 'n aantekening ten opsigte van elke sodanige skuld die naam van die persoon of instansie, die bedrag verskuldig, die aard van die skuld en of dit verseker is aldan nie.

#### *Bedryfsbate*

- 23. (1) (a) Die bedrag van die voorraad moet aangetoon word as 'n afsonderlike item en moet geklassifiseer word onder gepaste subopskrifte wat minstens moet insluit—
  - (i) die voorraad handelsware en/of boerderybenodighede; en
  - (ii) die voorraad landbouprodukte, lewende hawe en lewende hawe produkte.
- (b) Met betrekking tot die wyse van vasstelling van die waarde van voorraad moet daar vermeld word—
  - (i) of dit ooreenkom met die wyse van die vorige jaar;
  - (ii) of dit die laagste is van kosprys of netto realiseerbare of vervangingswaarde of ander uitdruklik verklaarde waarde; en
  - (iii) die rekeningkundige grondslag wat gebruik is by die vasstelling van die waarde van voorraad voorhande. Wanneer verskeie verskillende grondslae vir die vasstelling van die waarde van voorraad gebruik is, na die mening van die direkteure, 'n verklaring van al die gebruikte grondslae van geringe waarde sou wees vir die lede, moet 'n verstaanbare opsomming van die gebruikte grondslae vermeld word.
- (c) Bykomende inligting wat nodig is om die waarde van die voorraad redelike weer te gee, moet vermeld word.
- (2) Die bedrag van debiteure moet aangetoon word as 'n afsonderlike item en moet geklassifiseer word onder gepaste subopskrifte wat minstens moet insluit—
  - (a) die totale bedrag deur lede, anders as direkteure, verskuldig;
  - (b) die totale bedrag deur direkteure verskuldig; en
  - (c) die totale bedrag verskuldig deur ander koöperasies en maatskappye waarin hy aandeel hou: Met dien verstande dat die skulde van beheerde maatskappye onder 'n aparte subopskrif geopenbaar moet word.
- (3) Die bedrag voorsien vir oninvorderbare skulde moet, tensy dit reeds afsonderlik onder laste by wyse van 'n voorsiening aangetoon is, as 'n vermindering teen debiteure gekrediteer word.
- (4) Daar moet afsonderlik aangetoon word—
  - (a) die saldo op 'n poelrekening gehou ten opsigte van produkte of lewende hawe wat die koöperasie namens sy lede hanteer;
  - (b) die saldo op 'n rekening gehou ten opsigte van produkte of lewende hawe wat die koöperasie ten behoeve van 'n beheerraad, opgerig kragtens die Bemarkingswet, No. 39 van 1968, hanteer;
  - (c) indien 'n aantal rekenings ingevolge subparagrafe 4 (a) of (b) gehou word, hoef slegs die totale bedrae van die soorte rekenings in onderskeidelik sodanige subparagrafe vermeld te word: Met dien verstande dat die totale ten opsigte van rekenings wat kredietsaldo's toon afsonderlik vermeld moet word van die totale van rekenings wat debietsaldo's toon. Waar 'n debietsaldo op 'n poelrekening die beraamde netto verkoopswaarde van enige onverkoopte voorrade wat op daardie rekening betrekking het, oorskry of daar geen meer sulke voorrade bestaan nie, moet sodanige debietsaldo afsonderlik getoon word met 'n verwysing in die vorm van 'n aantekening na sodanige verkoopswaarde of na die feit dat geen meer sulke voorrade bestaan nie;
  - (d) in 'n aantekening, die waarde van produktevoorraad deur koöperasies as agent van 'n beheerraad gehou en die waarde van produktevoorraad wat namens lede op 'n poelgrondslag hanteer word, indien nie reeds onder subparagraaf (1) (a) (ii) getoon nie.

#### *Obligasieuitgifte-uitgawes*

- 24. Vir sover as wat hulle nie afgeskryf is nie, moet onder afsonderlike subopskrifte vermeld word—
  - (a) die koste aangegaan in verband met die uitgifte van obligasies;
  - (b) die bedrae betaal by wyse van kommissie ten opsigte van obligasies; en
  - (c) die bedrae toegestaan by wyse van korting ten opsigte van obligasies.

#### *Diverse aangeleenthede*

- 25. Die aangeleenthede in die subparagrafe wat volg, moet by wyse van 'n aantekening vermeld word—
  - (1) (a) besonderhede van waarborge gegee en/of van 'n beswaring van die bate van die koöperasie as waarborg van die verpligtinge van 'n ander persoon, insluitende, waar doenlik, die bedrag gewaarborg; en
  - (b) die algemene aard van enige ander voorwaardelike verpligtinge waarvoor nie voorsiening gemaak is nie en, waar doenlik, die totale bedrag of geraamde bedrag van daardie verpligtinge, as dit wesenlik is.
  - (2) Waar doenlik, die totale bedrag of geraamde bedrag, as dit wesenlik is, van kontrakte vir kapitale uitgawe waarvoor nie anders voorsiening gemaak is nie en die totale bedrag of geraamde bedrag, as dit wesenlik is, van kapitale uitgawe deur die direkteure gemagtig waarvoor nie gekontrakteer is nie. Daar moet ook vermeld word die bron waaruit fondse ter dekking van sodanige uitgawe voorsien sal word.
  - (3) Die basis waarop buitelandse geld in Suid-Afrikaanse geld omreken is, waar die bedrag van die bate of laste wat geraak word wesenlik is.
  - (4) Behalwe in die geval van die eerste balansstaat, die ooreenstemmende bedrae aan die einde van die onmiddellik voorafgaande boekjaar ten opsigte van alle items in die balansstaat aangetoon.

- (3) the aggregate amount due to the co-operative by employees for loans granted to them;
- (4) the aggregate amount owed to the co-operative by persons and organizations other than those mentioned in subparagraphs (1), (2) and (3) above; and by means of a note, the name of the person or organization, the amount owed, the nature of the debt and whether it is insured or not.

#### *Current Assets*

- 23. (1) (a) The amount of stock must be shown as a separate item and shall be classified under appropriate subheadings which shall at least include—
  - (i) the stocks of merchandise and/or farming requisites; and
  - (ii) the stocks of agricultural products, livestock and livestock products.
- (b) In regard to the method of determining the value of stock, there shall be stated—
  - (i) whether it is consistent with the method of the previous year;
  - (ii) whether it is the lower of cost or net realizable or replacement value or other expressly specified value;
  - (iii) the accounting basis which has been used in determining the value of stock on hand. Where several different bases of determining the value of stock have been used and, in the opinion of the directors, a statement of all the bases used would be of little value to the members, an intelligible summary of the bases used must be stated;
- (c) Additional information which is necessary to reflect a fair value of stocks shall be stated.
- (2) The amount of debtors must be shown as a separate item and must be classified under appropriate subheadings which shall at least include—
  - (a) the aggregate amount owing by members, other than directors;
  - (b) the aggregate amount owing by directors; and
  - (c) the aggregate amount owing by other co-operatives and companies in which it holds shares: Provided that the debts of controlled companies shall be shown under a separate subheading.
- (3) The amount provided for doubtful debts, except if it has already been shown separately under liabilities as a provision, shall be credited to debtors as a reduction thereof and must be shown separately.
- (4) There shall be shown separately—
  - (a) the balance on a pool account held by the co-operative in regard to products and livestock handled on behalf of members;
  - (b) the balance on an account held in regard to products and livestock handled on behalf of a Control Board, established in terms of the Marketing Act, No. 39 of 1968;
  - (c) if a number of accounts are held in terms of subparagraphs (a) and (b) only the total amounts of the kinds of accounts mentioned in the respective subparagraphs need be shown: Provided that the total of accounts with credit balances must be shown separately to those with debit balances. Where a debit balance on a pool account is in excess of the estimated sales value of any unsold stocks having a bearing on that account or if no stocks exist, such debit balances shall be shown separately with a reference in the form of a note to such sales value or to the fact that such stocks no longer exist;
  - (d) by way of a note, if it is not shown under subparagraph (1) (a) (ii), the value of stocks of products held by the co-operative as an agent of a Control Board and also the value of stocks of products handled by the co-operative on a pool basis, on behalf of members.

#### *Expenses in respect of issue of debentures*

- 24. There shall be shown under separate subheadings in so far as they are not written off—
  - (a) the expenses incurred with any issue of debentures;
  - (b) sums paid by way of commission in respect of debentures; and
  - (c) sums allowed by way of discount in respect of debentures.

#### *Sundry Matters*

- 25. The matters referred to in the following subclauses shall be stated by way of a note—
  - (1) (a) Particulars of any charge on the assets of the co-operative to secure the liabilities of any other person including, where practicable, the amount secured.
  - (b) The general nature of any other contingent liabilities not provided for and, where practicable, the aggregate amount or estimated amount of those liabilities, if it is material.
  - (2) Where practicable the aggregate amount or estimated amount, if it is material, of contracts for capital expenditure, not otherwise provided for and the aggregate amount or estimated amount, if it is material, of capital expenditure authorized by the directors which has not been contracted for, shall be stated. There shall also be stated the sources from which funds to meet such expenditure will be provided.
  - (3) The basis on which foreign currencies have been converted into South African currency, where the amount of the assets or liabilities affected are material.
  - (4) Except in the case of the first balance sheet laid before the co-operative after the coming into force of this Schedule, the corresponding amounts at the end of the immediately preceding financial year for all items shown in the balance sheet.



## B. WINS-EN-VERLIESREKENING

26. (1) Daar moet afsonderlik in die wins-en-verliesrekening aangetoon word—
- (a) die totale bedrag van inkomste uit beleggings;
  - (b) die totale bedrag van inkomste uit toegestane lenings;
  - (c) die totale bedrag van winste en verliese op die tegeldemaking, skrapping of ander vervreemding van nie-handels-, vaste en ander nie-bedryfsbate;
  - (d) die totale bedrag van rente op langtermynlenings en obligasies betaal;
  - (e) die totale bedrag van rente op ledefondse betaal;
  - (f) die totale bedrag van rente op ander geleende fondse betaal;
  - (g) die totale bedrag afgeskryf by wyse van oninvorderbare skulde;
  - (h) die bedrag teen inkomste gedebiteer by wyse van voorsiening vir waardevermindering van vaste bate;
  - (i) behoudens die bepalinge van subparagraaf (3), die afsonderlike bedrae teen inkomste gedebiteer by wyse van voorsienings (behalwe voorsienings vir waardevermindering van vaste bate) met vermelding van die aard van elke voorsiening of die bedrag onttrek aan sodanige voorsienings en nie vir die doeleindes daarvan aangewend nie;
  - (j) die totale bedrag aan vergoeding en/of besoldiging van direkteure van die koöperasie betaal;
  - (k) die totale bedrag van toelaes aan direkteure betaal ter betaling van hulle onkoste terwyl hulle met sake van die koöperasie besig was;
  - (l) die bedrag van die vergoeding van die ouditeur, met onderskeiding tussen die geld vir audit, die geld vir ander dienste en sy uitgawes;
  - (m) die bedrag betaal by wyse van huurkontrakgelde vir die gebruik van 'n bate, behalwe onroerende eiendom, wat, indien dit aan die koöperasie behoort het, aan 'n waardeverminderingssdebiet onderhewig sou gewees het;
  - (n) die bedrag vir belasting (met vermelding waar wesenlik, van die oorsprong en verskillende klasse van die belasting) voorsien ten opsigte van die betrokke boekjaar en die bedrag, as daar is, aldus voorsien ten opsigte van 'n ander boekjaar; en
  - (o) die bedrag onttrek aan 'n gebeurlikheidsreserwe.
- (2) Daar moet, indien dit nie reeds in die vorige boekjaar se state aangetoon is nie, aangetoon word hoe die surplus van die boekjaar wat die boekjaar voorafgegaan het aangewend is.
- (3) Die Minister kan gelas dat 'n koöperasie nie verplig is om 'n bedrag te vermeld wat opsy gesit is vir voorsienings ooreenkomstig subparagraaf (1) (i) nie, indien hy daarvan oortuig is dat dit nie in die openbare belang nodig is nie en dat dit die koöperasie sou benadeel, maar op voorwaarde dat 'n opskrif waaronder 'n bedrag vermeld word wat verkry is nadat rekening gehou is met die bedrag wat soos voormeld afgesonderd is, so gestel of aangeteken moet word dat dit daardie feit aandui.

*Aantekeninge by die Wins-en-Verliesrekening*

27. Die aangeleenthede waarna in hierdie paragraaf verwys word, moet by wyse van 'n aantekening vermeld word, indien nie anders aangetoon nie—

- (1) Indien geen voorsiening vir belasting gemaak is nie, vermelding van daardie feit, die rede daarvoor en die boekjaar ten opsigte waarvan geen voorsiening gemaak is nie.
- (2) Behalwe in die geval van die eerste wins-en-verliesrekening, die ooreenstemmende bedrae vir die onmiddellik voorafgaande boekjaar vir alle items in die wins-en-verliesrekening aangetoon.
- (3) Alle wesenlike opsigte waarin items wat in die wins-en-verliesrekening ingesluit is (met vermelding van die bedrag in elke geval betrokke) geraak word deur—
  - (a) transaksies van 'n aard wat gewoonlik nie deur die koöperasie onderneem word nie of andersins deur omstandighede van 'n buitengewone of nie-herhalende aard;
  - (b) 'n verandering in die basis van verantwoording; of
  - (c) 'n verandering in die metodes vir die vasstelling van die bedrae van 'n bate.
- (4) Die totale bedrag van die winste en verliese ten opsigte van elke beheerde maatskappy—
  - (a) vir die onderskeie boekjare wat gelyktydig met of gedurende die boekjaar van die koöperasie eindig; en
  - (b) vir die tydperk vanaf die datum waarop hulle beheerde maatskappye geword het tot die voorafgaande boekjaar.

*Finansiële state van koöperasies wat as versekeraars of banke optree*

28. 'n Koöperasie wat 'n versekeringsbedryf binne die betekenis van die Versekeringswet, No. 27 van 1943, beoefen, moet aan die voorskrifte wat deur daardie Wet aangaande die opstelling van finansiële state gestel word, voldoen. Indien enige voorskrifte deur hierdie Bylae gestel in stryd of ontoepaslik is met betrekking tot die voorskrifte van die genoemde Versekeringswet, word die voorskrifte van hierdie Bylae geag nie van toepassing te wees nie.

29. 'n Koöperasie wat 'n bankbedryf binne die betekenis van die Bankwet, No. 23 van 1965, beoefen, moet aan die voorskrifte wat deur daardie Wet aangaande die opstelling van finansiële state gestel word, voldoen. Indien enige voorskrifte deur hierdie Bylae gestel in stryd of ontoepaslik is met betrekking tot die voorskrifte van die genoemde Bankwet, word die voorskrifte van hierdie Bylae geag nie van toepassing te wees nie.

## C. STAAT VAN BRON EN AANWENDING VAN FONDSE

30. Daar moet by die balansstaat aangeheg word of afsonderlik daarin vervat word 'n staat wat die bronne en die aanwending aantoon van fondse ontvang en aangewend gedurende die boekjaar wat minstens vermeld—

- (1) fondse verkry van—
  - (a) netto inkomste, voor aftrekking van belasting;
  - (b) die vervreemding van besondere vaste en ander nie-bedryfsbate;



## B. PROFIT AND LOSS ACCOUNT

26. (1) There shall be shown separately in the Profit and Loss Account—
- (a) the amount of income from investments;
  - (b) the amount of income from loans granted;
  - (c) the aggregate amount of profits and losses on the realization, scrapping or other disposal of non-trading, fixed and other non-current assets;
  - (d) the amount of interest paid on long term loans and debentures;
  - (e) the total amount of interest paid on members' funds;
  - (f) the total amount paid for interest on other borrowed funds;
  - (g) the total amount written off by way of bad debts;
  - (h) the amount debited against income for the provision of depreciation of fixed assets;
  - (i) subject to the provisions of subparagraph (3) the amount charged to revenue by way of provision (except provisions for appreciation in value of fixed assets) specifying the nature of each provision or the amount withdrawn from such provisions and not applied for the purposes thereof;
  - (j) the total amount of honorariums and/or remuneration paid to the directors of the co-operative;
  - (k) the total amount for reimbursement of expenses whilst busy with the affairs of the co-operative paid to directors;
  - (l) the total amount of remuneration paid to the auditor, distinguishing between the fee for the audit, the fee for other services and his expenses;
  - (m) the amount paid by way of leasing charges for the use of any asset other than immovable property, which, if owned by the company, would have been subject to a charge for depreciation;
  - (n) the amount provided for taxation (specifying the origin and different classes of taxes) in respect of the financial year concerned and the amount, if any, so provided in respect of any other financial year;
  - (o) the amount withdrawn from the reserve for contingencies.
- (2) There shall be shown, if not already shown in the previous financial year's statements, the manner in which the profit for the financial year preceding this financial year was distributed.
- (3) The Minister may direct that a co-operative shall not be obliged to show an amount set aside to provisions in accordance with paragraph (i) of subclause (1), if he is satisfied that that is not required in the public interest and would prejudice the co-operative, but subject to the condition that any heading stating an amount arrived at after taking into account the amount set aside as aforesaid shall be so framed or marked as to indicate that fact.

*Notes to the Profit and Loss Account*

27. The matters referred to in the following subclauses shall be stated by way of note if not otherwise shown.

- (1) If no provision for taxation has been made, a statement of that fact, the reason therefor, and the period in respect of which no provision has been made.
- (2) Except in the case of the first profit and loss account, the corresponding amounts for the immediately preceding financial year for all items shown in the profit and loss account.
- (3) Any material respects in which any items in the profit and loss account stating in each case the amount involved are affected by—
  - (a) transactions of a sort not usually undertaken by the co-operative or otherwise by circumstances of an exceptional or non-recurrent nature;
  - (b) any change in the basis of accounting; or
  - (c) any change in the methods for the determination of the amount of an asset.
- (4) The total amount of profits and losses of each controlled company—
  - (a) for their respective financial years which ends simultaneously with or during the financial year of the co-operative; and
  - (b) for the period from the date that they became controlled companies up to the preceding financial year.

*Financial statements of co-operatives operating as insurers or banks*

28. A co-operative which carries on insurance business within the meaning of Act No. 27 of 1943 must comply with the regulations of that Act with regard to the drawing up of financial statements. Where any of the regulations of this Annexure are contrary or inapplicable to the regulations of the Insurance Act, the regulations of this Annexure shall not apply.

29. A Co-operative carrying on the business of a bank within the meaning of the Bank Act, No. 23 of 1965, must comply with the regulations of that Act with regard to the drawing up of financial statements. Where any of the regulations of this Annexure are contrary to or inapplicable to the regulations of the Bank Act, the regulations of this Annexure shall not apply.

## C. STATEMENT OF SOURCE AND APPLICATION OF FUNDS

30. There shall be annexed to the balance sheet or separately contained therein a statement showing the sources and the application of any funds received and applied during the financial year specifying at least—

- (1) funds derived from—
  - (a) net income before deduction of taxes;
  - (b) the disposal of specified fixed and other non-current assets;

- (c) die opbrengs van lenings aangegaan en obligasies uitgereik;
  - (d) die opbrengs van aandele uitgereik;
  - (e) terugbetalings ontvang op lenings toegestaan;
  - (f) 'n vermeerdering in ledefondse; en
  - (g) 'n vermindering in netto bedryfskapitaal (synde bedryfsbate min bedryfslaste);
- (2) fondse aangewend vir—
- (a) dekking van 'n verlies;
  - (b) die verkryging van besondere vaste en ander nie-bedryfsbate;
  - (c) die aflossing van lenings en obligasies;
  - (d) lenings toegestaan en die doeleindes waarvoor dit toegestaan is;
  - (e) aanspreeklikheid vir belastings;
  - (f) 'n vermindering in ledefondse; en
  - (g) 'n vermeerdering in netto bedryfskapitaal (synde bedryfsbate min bedryfslaste).

- (c) the proceeds of loans raised and debentures issued;
  - (d) the proceeds of shares issued;
  - (e) repayments received on loans and advances made;
  - (f) an increase in members' funds; and
  - (g) any reduction in net working capital (being current assets less current liabilities);
- (2) funds applied to—
- (a) meeting any loss;
  - (b) the acquisition of specified fixed and other non-current assets;
  - (c) the redemption of any loans and debentures;
  - (d) loans and advances made and the purposes for which made;
  - (e) liability for taxes;
  - (f) a reduction in members' funds; and
  - (g) any increase in net working capital (being current assets less current liabilities).

INHOUD

Departement van Landbou-ekonomie en -bemarking

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