



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2138. 25 September 1987

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

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

No. 69 of 1987: Sugar Amendment Act, 1987.

No. 69 van 1987: Suikerwysigingswet, 1987.

Act No. 69, 1987

SUGAR AMENDMENT ACT, 1987

## GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Sugar Act, 1978, so as to further regulate the powers of the Minister to determine the terms of the Sugar Industry Agreement, and effect amendments thereto with retrospective effect; and to validate temporarily the Cane Transport Rules; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 11 September 1987.)*

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

Amendment of section 4 of Act 9 of 1978, as amended by section 1 of Act 9 of 1984.

- 1.** (1) Section 4 of the Sugar Act, 1978 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for subparagraph (ii) of subsection (1) (b) of the following subparagraph: 5
- “(ii) An amendment may be made with retrospective effect to any date determined by the Minister after consultation with the Association.”; and
- (b) by the addition to subsection (2) of the following paragraph: 10
- “(i) the granting of power—
- (aa) in specified cases, to any person or body (including the Association) to provide for and deal with, with the approval of the Minister, any matter referred to in subsection (1) (a), read with paragraphs (a) to (h), inclusive, of this subsection, and, where necessary or desirable, with retrospective effect to any date determined by the said person or body with the approval of the Minister, by means of rules, regulations, notices, directions, orders or similar general measures; and 20
- (bb) in specified cases or in general, to any such person or body to publish any such rules, regulations, notices, directions, orders or measures, after consultation, where applicable, with the Association, by notice in the *Gazette* or, with the prior approval of the Minister, where it is deemed expedient due to the restricted operation thereof or for any other reason, in such other manner as may in the opinion of the Minister be suitable in the circumstances to make them known to the persons affected thereby. 25 30 35

## ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

## WET

Tot wysiging van die Suikerwet, 1978, ten einde die bevoegdhede van die Minister om die bepalings van die Suikernywerheid-ooreenkoms te bepaal, en wysigings daaraan aan te bring met terugwerkende krag, verder te reël; en om die Rietvervoerreëls tydelik geldig te verklaar; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 11 September 1987.)

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

1. (1) Artikel 4 van die Suikerwet, 1978 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur subparagraaf (ii) van subartikel (1) (b) deur die volgende subparagraaf te vervang:
- “(ii) 'n Wysiging kan met terugwerkende krag aangebring word tot enige datum deur die Minister na oorleg met die Vereniging bepaal.”; en
- 10 (b) deur die volgende paragraaf by subartikel (2) te voeg:
- “(i) die verlening van bevoegdheid—
- (aa) in bepaalde gevalle, aan enige persoon of liggaam (met inbegrip van die Vereniging) om, met die goedkeuring van die Minister, voorsiening te maak vir en te handel in verband met enige aangeleentheid bedoel in subartikel (1) (a), saamgelees met paragrafe (a) tot en met (h) van hierdie subartikel, en, waar nodig of wenslik, met terugwerkende krag tot enige datum deur bedoelde persoon of liggaam met die goedkeuring van die Minister bepaal, deur middel van reëls, regulasies, kennisgewings, lasgewings, bevele of soortgelyke algemene maatreëls; en
- 15 (bb) in bepaalde gevalle of in die algemeen, aan enige sodanige persoon of liggaam om enige sodanige reëls, regulasies, kennisgewings, lasgewings, bevele of maatreëls, na oorleg, waar toepaslik, met die Vereniging, te publiseer by kennisgewing in die *Staatskoerant* of, met die vooraf verkreeë goedkeuring van die Minister, waar dit dienstig geag word weens die beperkte gelding daarvan of om enige ander rede, op die ander wyse wat na die oordeel van die Minister onder die omstandighede geskik is om dit bekend te maak aan die persone wat daardeur geraak word,
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Wysiging van artikel 4 van Wet 9 van 1978, soos gewysig deur artikel 1 van Wet 9 van 1984.

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## SUGAR AMENDMENT ACT, 1987

and which rules, regulations, notices, directions, orders or measures shall on any such publication become binding in accordance with the provisions thereof on any grower, miller, refiner or other person affected thereby.” 5

(2) Subject to the provisions of subsection (3), any rule, regulation, notice, direction, order or measure contemplated in paragraph (i) of section 4 (2) of the principal Act, as added by subsection (1) of this section, and purporting to apply under any term of the Agreement on the date of the coming into operation of this Act, shall be deemed to have been made and published under and in accordance with the said paragraph (i) of section 4 (2) of the principal Act. 10

(3) (a) The Cane Transport Rules shall, notwithstanding any defect in the making or publication thereof, be deemed to be of full legal force for a period of 12 months as from the coming into operation of this Act, and so to have been of full legal force as from 1 April 1984. 15

(b) The Cane Transport Rules shall lapse after the expiry of the period of 12 months referred to in paragraph (a). 20

(c) If, before the lapsing thereof in terms of paragraph (b), the Cane Transport Rules are substituted by new rules, anything done under any provision of the Cane Transport Rules shall, if the new rules contain a corresponding provision, be deemed to have been done under that corresponding provision. 25

(4) In this section—

“Agreement” means the Sugar Industry Agreement published by Government Notice R858 on 27 April 1979, as amended up to the date of the coming into operation of this Act; 30

“Cane Transport Rules” means the Transport Rules purporting to have been made under clause 37 (3) of the Agreement, by the Association as defined in section 1 of the principal Act, on 29 March 1984, as amended on 1 October 1984, 15 January 1985 and 24 March 1986. 35

Short title and commencement.

2. This Act shall be called the Sugar Amendment Act, 1987, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

## SUIKERWYSIGINGSWET, 1987

Wet No. 69, 1987

en welke reëls, regulasies, kennisgewings, lasgewings, bevele of maatreëls by enige sodanige publikasie ooreenkomstig die bepalinge daarvan bindend word vir enige kweker, meulenaar, raffineerder of ander persoon wat daardeur geraak word.”.

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 (2) Behoudens die bepalinge van subartikel (3) word enige reël, regulasie, kennisgewing, lasgewing, bevel of maatreël beoog in paragraaf (i) van artikel 4 (2) van die Hoofwet, soos bygevoeg deur subartikel (1) van hierdie artikel, en wat heet van  
 10 toepassing te wees kragtens enige bepaling van die Ooreenkoms op die datum van inwerkingtreding van hierdie Wet, geag uitgevaardig en gepubliseer te wees kragtens en ooreenkomstig genoemde paragraaf (i) van artikel 4 (2) van die Hoofwet.

15 (3) (a) Die Rietvervoerreëls word, ondanks enige gebrek in die uitvaardiging of publikasie daarvan, vir 'n tydperk van 12 maande vanaf die inwerkingtreding van hierdie Wet geag volle regsrag te hê, en aldus volle regsrag te gehad het met ingang van 1 April 1984.

(b) Na verloop van die tydperk van 12 maande bedoel in paragraaf (a) verval die Rietvervoerreëls.

20 (c) Indien, voor die verval daarvan ingevolge paragraaf (b), die Rietvervoerreëls vervang word deur nuwe reëls, word enigiets kragtens 'n bepaling van die Rietvervoerreëls gedoen, indien die nuwe reëls 'n ooreenstemmende bepaling bevat, geag kragtens daardie ooreenstemmende bepaling gedoen te gewees het.

25 (4) In hierdie artikel beteken—  
 “Ooreenkoms” die Suikernywerheidooreenkoms gepubliseer by Goewermenskennisgewing R.858 op 27 April 1979, soos gewysig tot op die datum van inwerkingtreding van hierdie Wet;  
 “Rietvervoerreëls” die Vervoerreëls wat heet kragtens klousule 37 (3) van die Ooreenkoms gemaak te wees, deur die Vereniging soos omskryf in artikel 1 van die Hoofwet,  
 30 op 29 Maart 1984, soos gewysig op 1 Oktober 1984, 15 Januarie 1985 en 24 Maart 1986.

2. Hierdie Wet heet die Suikerwysigingswet, 1987, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

