



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1585.

5 Junie 1992

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

No. 71 van 1992: Suikerwysigingswet, 1992.

STATE PRESIDENT'S OFFICE

No. 1585.

5 June 1992

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

No. 71 of 1992: Sugar Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Suikerwet, 1978, ten einde die bevoegdheid aan die Suid-Afrikaanse Suikervereniging te verleen om sekere boetes op te lê; die Vereniging te magtig om die maksimum nywerheidsprys van suikernywerheidsprodukte te bepaal; en die maksimum nywerheidspryse waarteen sekere suikernywerheidsprodukte gedurende sekere tydperke verkoop kon word, vas te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 3 Junie 1992.)*

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

Wysiging van artikel 4 van Wet 9 van 1978, soos gewysig deur artikel 1 van Wet 9 van 1984 en artikel 1 van Wet 69 van 1987

1. Artikel 4 van die Suikerwet, 1978 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in subartikel (2) na paragraaf (f) die volgende paragraaf in te voeg:
 “(fA) die verlening van bevoegdheid, in bepaalde gevalle of in die algemeen, aan die raad ingestel kragtens paragraaf (f) om enige boete wat in die Ooreenkoms voorgeskryf word vir die oortreding van, of versuim om te voldoen aan, enige bepaling van die Ooreenkoms, of 'n bepaling van 'n kennisgewing ingevolge artikel 6 uitgereik, op te lê;” en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) Die Minister kan na oorleg met die Vereniging, in die Ooreenkoms of in 'n latere kennisgewing in die *Staatskoerant*, 'n oortreding van, of versuim om te voldoen aan, 'n bepaling van die Ooreenkoms, of 'n kennisgewing deur die Vereniging ingevolge artikel 6 uitgereik, 'n misdryf verklaar, en kan op soortgelyke wyse strawwe voorskryf vir so 'n oortreding of versuim.”.

Vervanging van artikel 6 van Wet 9 van 1978

2. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bevoegdhede van Vereniging ten opsigte van pryse en bybetaling

6. (1) (a) Die Vereniging kan by kennisgewing in die *Staatskoerant* die maksimum nywerheidsprys voorskryf waarteen 'n suikernywerheidsproduk behalwe spesialiteitsuiker verkoop mag word.

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Sugar Act, 1978, so as to grant the power to the South African Sugar Association to impose certain penalties; to authorize the Association to set the maximum industrial price of sugar industry products; and to set the maximum industrial prices at which certain sugar industry products could have been sold during certain periods; and to provide for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 3 June 1992.)*

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 and section 1 of Act 69 of 1987

- 5 **1.** Section 4 of the Sugar Act, 1978 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion in subsection (2) after paragraph (f) of the following paragraph:
- 10 “(fA) the granting of power, in specified cases or in general, to the board established under paragraph (f) to impose any penalty prescribed in the Agreement for the contravention of, or failure to comply with, any term of the Agreement, or any provision of a notice issued under section 6;”; and
- 15 (b) by the substitution for subsection (3) of the following subsection:
- “(3) The Minister may, after consultation with the Association, in the Agreement or in any subsequent notice in the *Gazette*, declare any contravention of, or failure to comply with, any term of the Agreement, or a notice issued by the Association under section 6, an offence, and may in like manner prescribe penalties for any such contravention or failure.”
- 20

Substitution of section 6 of Act 9 of 1978

2. The following section is hereby substituted for section 6 of the principal Act:

“Powers of Association with regard to prices and surcharge

- 25 **6. (1) (a)** The Association may by notice in the *Gazette* prescribe the maximum industrial price at which any sugar industry product, other than speciality sugar, may be sold.

(b) So 'n prys kan verskil ten opsigte van verskillende grade, soorte, hoeveelhede en kwaliteite van die betrokke produk, en ten opsigte van verskillende plekke of gebiede.

(2) Die Vereniging kan by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan die betrokke persoon—

(a) 'n bybetaling hef op enige suiker of melasse gekoop of andersins verkry—

(i) deur enigiemand of enige klas of kategorie persone in die kennisgewing beskryf;

(ii) vir enige doel in die kennisgewing beskryf; en

(b) die wyse waarop bedoelde bybetaling gevorder moet word, die persone deur wie dit betaal moet word, die persone of fonds aan wie dit betaal moet word en die doel waarvoor dit aangewend moet word, voorskryf.

(3) Die Vereniging kan in die geval van 'n kennisgewing in subartikel (1) of (2) bedoel, die kennisgewing by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan die betrokke persoon herroep of wysig.”.

Vervanging van artikel 7 van Wet 9 van 1978

3. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

“Strawwe

7. 'n Straf wat voorgeskryf kan word vir 'n oortreding van, of 'n versuim om te voldoen aan, 'n bepaling van die Ooreenkoms, of 'n bepaling van 'n kennisgewing ingevolge artikel 6 uitgereik, of 'n regulasie ingevolge artikel 10 uitgevaardig, gaan nie **[tweeënduisend rand]** R100 000, in die geval van 'n boete, of 'n tydperk van 12 maande, in die geval van gevangenisstraf, of daardie boete sowel as daardie gevangenisstraf, te bowe nie.”.

Maksimum nywerheidspryse waarteen sekere suikernywerheidsprodukte gedurende sekere tydperke verkoop kon word

4. Ondanks die bepalings van artikel 6 van die Hoofwet is die maksimum nywerheidspryse per metrieke ton, te Durban, waarteen die suikernywerheidsprodukte in kolom 1 van die Bylae genoem, in die plaaslike mark verkoop kon word gedurende die tydperke in kolom 2 van die Bylae genoem, die pryse in kolom 3 van die Bylae genoem.

Kort titel en inwerkingtreding

5. Hierdie Wet heet die Suikerwysigingswet, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

SUGAR AMENDMENT ACT, 1992

Act No. 71, 1992

(b) Such price may vary in respect of different grades, kinds, quantities and qualities of the product concerned, and in respect of different places or areas.

(2) The Association may by notice in the *Gazette* or by written notice to the person concerned—

(a) impose a surcharge upon any sugar or molasses purchased or otherwise acquired—

(i) by any person or class or category of persons described in the notice;

(ii) for any purpose described in the notice; and

(b) prescribe the manner in which such surcharge shall be collected, the persons by whom it shall be paid, the persons to whom or the fund to which it shall be paid and the purpose for which it shall be utilized.

(3) The Association may in the case of a notice referred to in subsection (1) or (2) revoke or amend the notice by notice in the *Gazette* or by written notice to the person concerned.”.

Substitution of section 7 of Act 9 of 1978

3. The following section is hereby substituted for section 7 of the principal Act:

“Penalties

7. Any penalty which may be prescribed for any contravention of, or failure to comply with, any term of the Agreement, or of any provision of a notice issued under section 6, or of any regulation made under section 10, shall not exceed **[two thousand rand]** R100 000, in the case of a fine, or a period of twelve months, in the case of imprisonment, or both such fine and such imprisonment.”.

Maximum industrial prices at which certain sugar industry products could have been sold during certain periods

4. Notwithstanding the provisions of section 6 of the principal Act, the maximum industrial prices, at Durban, per metric ton at which the sugar industry products referred to in column 1 of the Schedule could have been sold on the local market during the periods referred to in column 2 of the Schedule, are the prices referred to in column 3 of the Schedule.

Short title and commencement

5. This Act shall be called the Sugar Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Wet No. 71, 1992

SUIKERWYSIGINGSWET, 1992

Bylae

Produk	Tydperk	Prys
Geraffineerde suiker verpak in pakke van 25kg elk	1 Februarie 1988 tot 31 Januarie 1989	R983,00
	1 Februarie 1989 tot 31 Julie 1989	R1 052,00
	1 Augustus 1989 tot 31 Julie 1990	R1 094,00
	1 Augustus 1990 tot 30 Junie 1991	R1 236,00
	1 Julie 1991 tot 29 September 1991	R1 396,00
	30 September 1991 tot datum van inwerkingtreding van hierdie Wet	R1 388,00
Bruinsuiker verpak in pakke van 25kg elk	1 Februarie 1988 tot 31 Januarie 1989	R 892,00
	1 Februarie 1989 tot 31 Julie 1989	R 955,00
	1 Augustus 1989 tot 31 Julie 1990	R 993,00
	1 Augustus 1990 tot 30 Junie 1991	R1 122,00
	1 Julie 1991 tot 29 September 1991	R1 268,00
	30 September 1991 tot datum van inwerkingtreding van hierdie Wet	R1 260,00

SUGAR AMENDMENT ACT, 1992

Act No. 71, 1992

Schedule

Product	Period	Price
Refined sugar packed in 25kg pockets	1 February 1988 to 31 January 1989	R 983,00
	1 February 1989 to 31 July 1989	R1 052,00
	1 August 1989 to 31 July 1990	R1 094,00
	1 August 1990 to 30 June 1991	R1 236,00
	1 July 1991 to 29 September 1991	R1 396,00
	30 September 1991 to date of commencement of this Act	R1 388,00
Brown sugar packed in 25kg pockets	1 February 1988 to 31 January 1989	R 892,00
	1 February 1989 to 31 July 1989	R 955,00
	1 August 1989 to 31 July 1990	R 993,00
	1 August 1990 to 30 June 1991	R1 122,00
	1 July 1991 to 29 September 1991	R1 268,00
	30 September 1991 to date of commencement of this Act	R1 260,00

