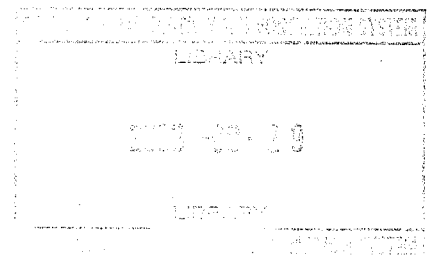


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
AGRICULTURAL PRODUCE
AGENTS AMENDMENT BILL**

[B 53—2003]

*(As agreed to by the Portfolio Committee on Agriculture and Land Affairs
(National Assembly))*



[B 53A—2003]

ISBN 0 621 33922 9

No. of copies printed 800

AMENDMENTS AGREED TO

AGRICULTURAL PRODUCE AGENTS AMENDMENT BILL [B 53—2003]

CLAUSE 1

1. On page 3, after line 11, to insert:

'deputy registrar' means the deputy registrar of the Agricultural Produce Agents Council appointed in terms of section 8;

2. On page 3, after line 46, to insert:

(k) by the substitution for the definition of "registrar" of the following definition:

" 'registrar' means the registrar of the Agricultural Produce Agents Council appointed in terms of section 8, and for purposes of the application of the provisions of this Act, includes the deputy registrar;";

CLAUSE 2

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Substitution of section 3 of Act 12 of 1992

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

"Constitution of council

3. (1) The Minister shall appoint as members of the council for a maximum period of three years—

- (a) two persons who in his or her opinion represent producers of the agricultural products set out in Part A of Schedule 1;
- (b) two persons who in his or her opinion represent producers of the agricultural products set out in Part B of Schedule 1;
- (c) three persons who in his or her opinion represent fresh produce agents;
- (d) three persons who in his or her opinion represent livestock agents;
- (e) three persons who in his or her opinion represent export agents;
- (f) two persons designated by him or her;
- (g) two persons who in his or her opinion represent consumers; and
- (h) one person representing the Department.

(2) The registrar and deputy registrar shall *ex officio* be members of the council.

(3) A member may not serve more than two consecutive terms unless the Minister is of the opinion that the appointment for a further term will be beneficial to the council.

(4) Whenever members or a member of the council has to be appointed in terms of subsection (1), the Minister shall call for nominations of suitable persons in the national media.

(5) (a) If a member of a council ceases to hold office for any reason and vacates office, the Minister may appoint a person in his or her place for the unexpired part of the term of office of the vacating member.

(b) If, upon the expiration of the term of office of the members of the council, the Minister has not yet appointed new members to take their place, the existing members shall continue in office until new members have been appointed to replace them.

(6) A member of the council other than the registrar, deputy registrar and a member referred to in subsection (1)(h) shall be paid such remuneration or allowances from the funds of the council, as the council may determine.

(7) No person may be appointed as a member of the council, who—

- (a) is not a South African citizen resident in South Africa;
- (b) is an unrehabilitated insolvent in respect of whom the trustee of the insolvent estate has not certified that the insolvent is a fit and proper person to serve as a member of the council;
- (c) has failed or is unable to comply in full with a judgment or order, including an order as to costs, given against him or her by a court of law in civil proceedings;
- (d) has been convicted of an offence involving an element of dishonesty or has been sentenced for another offence to a period of imprisonment;
- (e) is of unsound mind; or
- (f) has contravened section 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 6 of 2000), and it has been so determined by an equality court.”.

CLAUSE 7

1. On page 5, in line 42, after “Registrar” to insert “and deputy registrar”.
2. On page 5, in line 44, after “registrar” to insert “and deputy registrar”.
3. On page 5, in line 45, to omit “after” and to substitute “in”.

CLAUSE 10

1. On page 6, in line 54, to omit “December” and to substitute “March”.
2. On page 6, in line 55, after “year” to insert:

and shall report annually on its activities to the Minister

CLAUSE 31

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Short title

31. This Act is called the Agricultural Produce Agents Amendment Act, 2003.