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OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1491.

8 July 1987

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8 Julie 1987

It is hereby notified that the State President has assented to the following Act which is hereby published with 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. 33 of 1987: Abolition of the Fisheries Development Corporation of South Africa Limited, Act, 1987.

No. 33 van 1987: Wet op die Afskaffing van die Visserye-ontwikkelingskorporasie van Suid-Afrika Beperk, 1987.

Act No. 33, 1987

ABOLITION OF THE FISHERIES DEVELOPMENT CORPORATION
OF SOUTH AFRICA LIMITED, ACT, 1987

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for the abolition of the Fisheries Development Corporation of South Africa, Limited; to assign the financing powers of the Fisheries Development Corporation to the Small Business Development Corporation, Limited, and certain other powers to the Minister of Environment Affairs; to transfer certain assets of the Fisheries Development Corporation to the Small Business Development Corporation, Limited, and to the State; to provide for the continued existence of the board of directors of the Fisheries Development Corporation for a certain period; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 30 June 1987.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "board" means the board of directors appointed in terms of section 11 of the Fishing Industry Development Act, 1978 (Act No. 86 of 1978); (v) 5
- (ii) "Corporation" means the Fisheries Development Corporation of South Africa, Limited, established under section 2 of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944); (ii) 10
- (iii) "fixed date" means the date referred to in section 3 (1); (vi)
- (iv) "loan debt" means any amount owing to the Fisheries Development Corporation by reason of a loan granted by the Corporation, including a loan approved by the Corporation but not paid out; (iii) 15
- (v) "Minister" means the Minister of Environment Affairs; (iv)
- (vi) "Small Business Development Corporation" means the Small Business Development Corporation, Limited, a 20 company incorporated in terms of the Companies Act, 1973 (Act No. 61 of 1973). (i)

Abolition of Fisheries Development Corporation of South Africa, Limited.

2. Subject to the provisions of this Act, the Fisheries Development Corporation of South Africa, Limited, shall be abolished on the fixed date. 25

Vesting of assets and liabilities of Corporation.

3. (1) Such assets, liabilities, rights and obligations of the Corporation, as may be agreed upon between the Minister and the Small Business Development Corporation, shall, as from a date fixed by the Minister by notice in the *Gazette*, vest in the Small

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Business Development Corporation: Provided that such assets as the Minister may determine, shall vest in the State.

(2) The investment portfolio containing the investments of the Corporation acquired in terms of section 6 of the Fishing Industry Development Act, 1978 (Act No. 86 of 1978), which shall not be transferred under subsection (1) of this section, and such ready money of the Corporation not transferred in terms of the said subsection (1) on the fixed date, shall vest in the board as from the fixed date and the board shall administer such investment portfolio and ready money.

(3) As soon as may be practicable after the fixed date, the board shall pay over to the Small Business Development Corporation from the ready money referred to in subsection (2) of this section, an amount of R7 million in cash.

(4) The investments in the investment portfolio and ready money of the Corporation shall, subject to subsection (3) of this section, be distributed in the manner determined from time to time by the Minister, with the concurrence of the Minister of Finance, by notice in the *Gazette*, and the board shall cease to exist on the date of the distribution of the last of such investment or such money.

(5) The loan debt, including all rights and obligations attached thereto, owing to the Corporation shall, as from the fixed date, be deemed to be loan debt owing to the Small Business Development Corporation: Provided that the loan debt of Sea-fare Properties (Pty) Ltd. shall be written off by the Corporation and the investment of the Corporation therein abandoned.

(6) The relevant registrar of deeds or the proper officer, as defined in the Merchant Shipping Act, 1951 (Act No. 57 of 1951), shall endorse the document of title concerned upon production thereof, to the effect that such asset or right has so vested, and shall make the necessary entries in his records.

(7) No transfer duty, stamp duty or other fees shall be payable in respect of such endorsement or such entries.

Financing powers
of Small Business
Development
Corporation.

4. The Small Business Development Corporation may, in order to promote and to develop the fishing industry, finance any person out of the fund referred to in section 6, as may be agreed upon from time to time between the Minister and the Small Business Development Corporation.

Audit.

5. The accounting records and financial statements of the financial transactions of the board under section 3 (2) from the fixed date to the date of the notice of the last distribution in terms of section 3 (4), shall be audited by a person registered as an accountant and auditor under the provisions of the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951), and appointed by the Minister.

Deposit of money
in fund.

6. The Small Business Development Corporation shall deposit all money received in terms of section 3 (3), any investment or ready money it may receive in terms of section 3 (4), and any payment received in respect of a loan debt, in a fund.

Corporation not
liable for tax.

7. Notwithstanding anything to the contrary in any law contained, no tax shall be payable by the Corporation from 1 October 1985 to the fixed date, nor by the board from the fixed date to the date of the notice of the last distribution in terms of section 3 (4).

Transfer of officers
and employees.

8. For the purposes of section 14 (1) of the Public Service Act, 1984 (Act No. 111 of 1984), any officer or employee employed by the Corporation immediately prior to the commencement of this Act, shall be deemed to be a person holding a pensionable appointment in an institution referred to in that section.

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Savings and amend-
ment of laws.

9. (1) Notwithstanding the provisions of section 2 and subsection (4) of this section, the provisions of the Fishing Industry Development Act, 1978 (Act No. 86 of 1978), relating to the powers, duties and functions of the board, shall remain in operation for the purpose of section 3 until the board ceases to exist in terms of that section. 5

(2) The powers of the Corporation under section 4 (g) and (j) of the Fishing Industry Development Act, 1978 (Act No. 86 of 1978), shall be transferred to the Minister on the fixed date, and the Minister shall exercise those powers with the concurrence of 10 the Minister of Finance.

(3) Any reference in any law or document or elsewhere to the Corporation in connection with the execution of any powers under section 4 (g) and (j) of the said Act shall be construed as a reference to the Minister, and any act performed by the Corporation in terms of the said section 4 (g) and (j), shall be deemed to have been performed by the Minister. 15

(4) The laws mentioned in the Schedule are hereby amended to the extent indicated in the third column thereof.

Short title.

10. This Act shall be called the Abolition of the Fisheries Development Corporation of South Africa, Limited, Act, 1987. 20

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Schedule

LAWS REPEALED OR AMENDED

No. and year of law	Short title	Extent of repeal or amendment
Act No. 58 of 1973	Sea Fisheries Act, 1973	The amendment of section 2 by the deletion of subparagraph (i) of paragraph (b) of subsection (2).
Act No. 86 of 1978	Fishing Industry Development Act, 1978	<p>1. Amendment of section 1—</p> <p>(a) by the substitution for the definition of "aquatic plant" of the following definition: "aquatic plant" means any kind of plant, algae or other plant organism found in the sea or on the sea-shore [and, for the purposes of section 5, in such other water as is contemplated in that section];";</p> <p>(b) by the deletion of the definitions of "board", "corporation" and "Secretary";</p> <p>(c) by the insertion after the definition of "corporation" of the following definition: "Director-General" means the <u>Director-General: Environment Affairs;</u>";</p> <p>(d) by the substitution for the definition of "fish" of the following definition: "fish" means any sea animal, whether vertebrate or invertebrate, [and, for the purposes of section 5, any aquatic animal, whether vertebrate or invertebrate, found in such other water as is contemplated in that section,] and includes the spawn or larvae or any part of any such sea animal [or aquatic animal], but does not include any seal or sea-bird;";</p> <p>(e) by the substitution for the definition of "Minister" of the following definition: "Minister" means the <u>Minister of Environment Affairs;</u>"; and</p> <p>(f) by the substitution for the definition of "officer" of the following definition: "officer" means a person employed in the <u>Department of Environment Affairs;</u>".</p> <p>2. (a) Repeal of sections 2, 3, 4 (a), (b), (c), (d), (e), (f), (h), (i), (k), (l), (m) and (n) and 5 to 22. (b) Amendment of section 4 by the deletion in subparagraph (i) of paragraph (g) of the words "after consultation with the Secretary,".</p> <p>3. Amendment of section 24—</p> <p>(a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph: "(iii) prohibit any person so approved or belonging to a class of persons so approved or any other person or any factory from disposing of any fish or of any fish of the species in question acquired by him or it, or any fish product thereof, otherwise than to or through the [corporation or a company established by the corporation for the purpose or] <u>department or some other person approved by the Minister for the purpose or otherwise than under a permit issued in accordance with the provisions of subparagraph (i);</u>";</p> <p>(b) by the substitution for subparagraph (iv) of paragraph (a) of subsection (1) of the following subparagraph: "(iv) prohibit any person or persons belonging to a specified class of persons from acquiring any specified kind of fish or fish products for his or their own use or sale from any person other than [the corporation or a company referred to in subparagraph (iii) or] a person approved as contemplated [therein] in <u>subparagraph (iii);</u>";</p> <p>(c) by the substitution for subparagraph (v) of paragraph (a) of subsection (1) of the following subparagraph:</p>

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No. and year of law	Short title	Extent of repeal or amendment
		<p>“(v) prohibit [the corporation, a company referred to in subparagraph (iii) or] any person approved as contemplated [therein] in subparagraph (iii) from disposing, during a specified period, of a larger quantity of a specified kind of fish or fish product than the quantity specified in respect thereof;”;</p> <p>(d) by the substitution for subparagraph (vi) of paragraph (a) of subsection (1) of the following subparagraph: “(vi) prohibit [the corporation, a company referred to in subparagraph (iii) or] any other person from acquiring from or delivering to any other person any specified kind of fish or fish product unless such fish or fish product is packed in a manner specified and a specified invoice has in connection with the acquisition or delivery been issued to the person by whom the fish or fish product is acquired or to whom it is delivered, and direct that such person shall keep any such invoice for a specified period;”;</p> <p>(e) by the substitution for subsection (3) of the following subsection: “(3) The Minister may in a notice under subsection (1) (a) (iii) prescribe the charges payable to the [corporation or a company] department or other person concerned by a person on whose behalf the fish or fish product was disposed of [, and shall in any such notice affecting the corporation prescribe the purposes for which the moneys so payable to the corporation shall be used by it].”.</p> <p>4. Amendment of section 25— (a) by the substitution for paragraph (d) of subsection (2) of the following paragraph: “(d) prescribe the persons by whom the levy shall be collected, the times at which and the manner in which it shall be paid to those persons, and the times at which the proceeds thereof shall be paid to the [corporation] department by those persons [for purposes of safekeeping and administration thereof];”;</p> <p>(b) by the deletion of subsection (4).</p> <p>5. Amendment of section 30 by the deletion of paragraphs (a) to (g).</p> <p>6. Repeal of sections 31 to 34.</p> <p>7. Amendment of section 36 by the deletion of subsection (3).</p> <p>8. Substitution for the word “Secretary”, wherever it occurs in the Act, of the word “Director-General”.</p> <p>9. Substitution for the long title of the following long title: “To promote the [development] interests within the Republic of the fishing industry; [for that purpose to provide for the continued existence of the Fisheries Development Corporation of South Africa, Limited;] to exercise control over the processing, marketing and export of fish; and to provide for incidental matters.”.</p>