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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:—

—o. 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:
“(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:
“(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
- (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.

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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*.