

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain uneven numbered pages as the other language is printed on even numbered pages.

EXTRAORDINARY



BUITENGEWONE

REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

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CAPE TOWN, 24TH APRIL, 1968.

[No. 2054.

KAAPSTAD, 24 APRIL 1968.

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DEPARTMENT OF THE PRIME MINISTER.

No. 661.]

[24th April, 1968.

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

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No. 47, 1968.]

# ACT

To amend the Livestock and Produce Sales Act, 1956, in order to exclude from the provisions of the said Act the business transacted by an auctioneer, agent or factor in certain cases; and to provide for the designation of officers to determine the volume of the business of an auctioneer, agent or factor for purposes of giving security and for matters incidental thereto.

*(Afrikaans text signed by the State President.)*  
*(Assented to 16th April, 1968.)*

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

1. The following section is hereby inserted in the Livestock and Produce Sales Act, 1956 (hereinafter referred to as the principal Act), after section 5:

*“Act not applicable to certain business transactions:”* 5A. (1) This Act shall not apply with reference to the business carried on by any person of selling on behalf of another, or receiving for such sale, slaughter animals, meat or by-products if the giving of security in respect of such business is in terms of the Livestock and Meat Control Scheme, published by Proclamation No. R.200 of 1964, required by the Livestock and Meat Industries Control Board, established by section 3 of the Livestock and Meat Industries Act, 1934 (Act No. 48 of 1934), and such security, in the opinion of the Secretary or an officer of his department designated by him, is sufficient.

(2) For the purposes of this section ‘slaughter animals’, ‘meat’ and ‘by-products’ shall have the meanings assigned thereto in the said scheme.”.

2. Section 6 of the principal Act is hereby amended by the addition of the following subsections:

“(3) The Secretary may designate any officer to determine the volume of the business transacted by any auctioneer, agent or factor as such during any year in order to establish the correctness of the amount for which such security has been or is to be given.

(4) The person designated under subsection (3) may at any reasonable time—

- (a) enter the place of business of an auctioneer, agent or factor;
- (b) examine any book or other document which relates to the business of an auctioneer, agent or factor and require from the auctioneer, agent or factor concerned, or the custodian of such book or document, an explanation of any entry therein;
- (c) question any person whom he reasonably believes to be in possession of information relating to any contravention or alleged contravention of any provision of this Act which relates to such security;

Insertion of section 5A in Act 37 of 1956.

Amendment of section 6 of Act 37 of 1956, as amended by section 2 of Act 4 of 1967

- (d) require the production of any account, invoice or other document issued by an auctioneer, agent or factor in the course of his business as such, and an explanation of any entry therein, from the owner or custodian thereof; and
- (e) make extracts from and copies of any book or document referred to in paragraph (b) or (d) and, for the purposes of any legal proceedings against any person, seize any such book or document.”.

3. The following section is hereby substituted for section 9 of the principal Act:

“Penalties.

9. (1) Any person who—

- (a) contravenes or fails to comply with any provision of this Act or any provision of this Act read with any provision of any notice published in the *Gazette* under this Act;
- (b) falsely holds himself out to be an officer designated under section 6 (3);
- (c) refuses or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief any lawful question put to him by an officer designated under section 6 (3) in the exercise of his powers, or gives an answer to any such question or makes any relevant statement to such officer which is false in any material particular, knowing such answer or such statement to be false;
- (d) refuses or fails without sufficient cause to comply with any lawful requirement of an officer designated under section 6 (3) in the exercise of his powers; or
- (e) hinders or obstructs any officer in the discharge of his powers or duties under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) If such person is a licensed auctioneer, agent or factor, his licence may on such conviction be cancelled by the court.”.

Substitution of section 9 of Act 37 of 1956, as amended by section 3 of Act 4 of 1967.

4. This Act shall be called the Livestock and Produce Sales Short title. Amendment Act, 1968.