

MEAT INDUSTRY ACT, 1981

Act No 12, 1981

(Afrikaans text signed by the Administrator-General on 21 July 1981)

ACT

To establish a South West African Meat Board and to define its objects, powers, duties and functions, and to provide for control over the grading, sale, importation and export of and the imposition of levies in respect of livestock, meat or meat products, and to provide for other incidental matters.

BE IT ENACTED by the National Assembly of South West Africa, as follows:-

Definitions

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1. In this Act, unless the context otherwise indicates
 - (i) “board” means the South West African Meat Board established by section 2; (viii)
 - (ii) “controlled product” means livestock, meat or meat products; (i)
 - (iii) “inspector” means an inspector appointed under sections 12(1); (iv)
 - (iv) “livestock” means cattle, sheep, goats, pigs or meat derived therefrom; (v)
 - (v) “meat” means those portions of slaughter animals ordinarily sold for human consumption, including such other portions thereof as at the time of sale form part of such first-mentioned portions, while forming part thereof; (xii)

- (vi) “meat product” means any commodity derived from the processing of meat or containing a substantial portion of meat or of any article derived from the manufacture or processing of meat; (xiii)
- (vii) “premises” includes any vehicle, aircraft or vessel:
 - (a) in connection with industrial hides or skins, the partial or entire removal of the natural wool or hair covering on the hide or skin or subjecting a hide or skin to tanning process or to any process in which the natural wool or hair covering and the pelt are not separated from one another or are partially or entirely separated from one another, or the use of any hide or skin for the manufacture of any product, and in any such connection “process” shall have a corresponding meaning;
 - (b) in connection with slaughter animals, the slaughtering thereof and their separation into meat and by-products, and in any such connection “process” shall have a corresponding meaning: (xi)
- (x) “producer” in connection with any controlled product,
except for the purposes of section 4, includes –
 - (a) any person concerned in the production, manufacture or processing of such product;
 - (b) as regards any quantity of such product imported into or exported from the territory, the person importing or exporting it;
 - (c) in the case of slaughter animals or any by-product thereof, the owner of such slaughter animals; (vii)

(xi) "sell" includes, except in section 10(1)(b) and (d)
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(a) attempt or agree to sell;

(b) mark with selling price;

(c) export, offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale;

(d) exchange;

(e) dispose for any consideration whatsoever;
or

(f) export, transmit, convey or deliver in pursuance of a sale, exchange or any disposal as aforesaid,

and "sale" shall also have a corresponding meaning; (x)

(xii) "slaughter animals" means cattle, sheep, goats or pigs slaughtered or intended to be slaughtered: (ix)

(xiii) "territory" means the territory of South West Africa, (ii)

(xiv) "this Act" includes any regulation made under section 25 and any notice promulgated in the Official Gazette under section 10(2), 17(1), 18, 19 or 20. (iii)

Establishment of board

2. There is hereby established a board to be known as the South West African Meat Board which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and

the performance of its functions and duties in terms of this Act.

Objectives of the board

3. The objects of the board are to promote the interests of the meat industry of the territory in the territory and elsewhere.

Constitution and advisers of board

4. (1) The board shall consist of ten members appointed by the Administrator-General, of whom
 - (a) six shall be persons selected by the Administrator-General from amongst persons nominated at his request by any body or organization which in his opinion is representative of producers of livestock;
 - (b) one shall be a person selected by the Administrator-General from amongst persons nominated at his request by any body or organization which in his opinion is representative of manufacturers of meat products;
 - (c) one shall be a person selected by the Administrator-General from amongst persons nominated at his request by any body or organization which in his opinion is representative of persons trading in meat;
 - (d) one shall be a marketing agent of any controlled product; and
 - (e) one shall be an officer employed in any department referred to in the schedule to the Government Service Act, 1980 (Act 2 of 1980).
- (2) If any body or organization referred to in subsection (1) does not exist or if any such body or organization fails to nominate in terms of that subsection as many persons as may be required

for appointment, the Administrator-General may appoint such persons as he may deem fit to be members of the board in terms of the said subsection.

(3) The Administrator-General may appoint any person he deems fit, to act as a member during the Administrator-General's pleasure in the absence of any member of the board or whenever there is a vacancy in the board.

(4) The board may from time to time appoint not more than three persons to advise the board in the exercise of its powers or the performance of its functions and duties, for such period as it may determine.

Tenure of office of Members of board and remuneration and allowances of such members and of advisors

5. (1) Any member of the board other than a member referred to in section 4(1)(e) or any acting member shall hold office for such period not exceeding three years as the Administrator-General may determine at the time of appointment.

(2) Any member referred to in section 4(1)(e) shall hold office during the Administrator-General's pleasure.

(3) Any person whose period of office as a member of the board has expired by the effluxion of time shall be eligible for reappointment.

(4) Any member of the board other than a member referred to in section 4(1)(e) and advisors of the board shall receive out of the funds of the board such allowances as the board may from time to time determine with the approval of the Administrator-General.

Vacation of office by member of board

6. Any member of the board shall vacate office if –

- (a) he signifies in writing his wish to resign;
- (b) his estate is sequestrated or he compromises with his creditors;
- (c) he is detained as a mentally ill person under the provisions of any law;
- (d) he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (e) he has been absent from three consecutive meetings of the board without its leave;
- (f) the Administrator-General removes him from office for such reasons as in the opinion of the Administrator-General may be good and sufficient reasons;
- (g) in the case of a member referred to in section 4(1)(a), he is or becomes involved in the management of any branch of the meat trade.

Chairman and deputy-
chairman of board

7. (1) The members of the board shall from time to time elect any member referred to in section 4(1)(a) to be chairman and from amongst the remaining members a deputy-chairman who shall as long as they remain members of the board, hold office for such period of not less than twelve months as the board may determine at the time of their election.
- (2) If the chairman is for any reason unable to act as chairman, the deputy-chairman shall act in his stead.
- (3) If the chairman and the deputy-chairman are absent from a meeting of the board or are unable to preside, the members present shall

elect one of themselves to preside at such meeting and the person so elected to preside, shall perform all the duties of the chairman during such meeting and until the chairman or deputy-chairman resumes his official duties.

Meetings of the Board

8. (1) The first meeting of the board shall be held at such time and place as the Administrator-General may determine and all subsequent meetings shall, subject to the provisions of subsection (2), be held at such times and places as the board may from time to time determine.

(2) The chairman of the board may at any time and shall at the request of not less than four members of the board convene a special meeting of the board to be held at such time and place as the chairman may determine, which time in the case of any such request shall be within fourteen days from the date on which the request has been made.

(3) The quorum for any meeting of the board shall be six members thereof.

(4) All resolutions at any meeting of the board shall be by majority vote of the members present and in the case of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(5) No resolution passed by the board or act performed on the authority of the board shall be invalid merely by reason of a vacancy in the board or the fact that any person who is not entitled to sit as a member of the board, sat as such a member when the resolution was passed or the act was authorized, if the resolution was passed or the act was authorized by the required majority of the members of the board then present and entitled to sit as members.

Committees of board

9. (1) The board may –

- (a) from time to time establish any committee, hereinafter in this Act referred to as an advisory committee, to advise the board in the exercise of any of its powers or the performance of any of its functions or duties and may, for such period as it may determine, appoint such members of the board or other persons thereon as it may deem fit to be members of such committee,
- (b) designate any member of any such committee to be chairman thereof;
- (c) during the absence of the chairman designate any such member to be acting chairman;
- (2) The chairman of the board shall be *ex officio* a member of any advisory committee.
- (3) The board may assign to any advisory committee such of its powers as it may deem fit, but shall not be divested of any powers which it may have assigned to an advisory committee, and may amend or withdraw any decision of any such committee.
- (4) Any advisory committee shall exercise its powers and perform its functions and duties in accordance with the directions of the board.
- (5) Any member of an advisory committee other than a member of the board, shall receive such allowances as the board may with the approval of the Administrator-General from time to time determine.
- (6) Any reference in this Act to the board or the chairman thereof in relation to the

exercise of any power of the board assigned to any advisory committee, shall be construed as including a reference to that committee or to the chairman thereof, as the case may be.

- (7) The provisions of section 8(5) shall *mutatis mutandis* apply in respect of any advisory committee.

Power of board

10. (1) The board shall have power –
- (a) to employ, subject to the directions of the Administrator-General, officers for the performance of its functions and the achievement of its objects, and to determine the rights, privileges, duties and responsibilities of such officers;
 - (b) to hire or to acquire otherwise than by way of donation or in like manner, any movable property and to let, hypothecate, sell or otherwise dispose of any movable property so acquired;
 - (c) with the approval of the Administrator-General to acquire movable property by way of donation or in like manner;
 - (d) with the approval of the Administrator-General, to hire or acquire immovable property and to let, hypothecate, sell or otherwise dispose of immovable property other than immovable property acquired by way of donation or in like manner;
 - (e) to use in such manner as the Administrator-General may approve, any property acquired by the board by way of donation or in like manner;
 - (f) with the approval of the Administrator-General, to pay to an insurer out of the

funds of the board insurance premiums for insurance cover –

- (i) in respect of bodily injury, incapacity or death being solely and directly the result of any accident occurring in the course of the performance of his official duties by any member or advisor of the board or any member of any advisory committee; or
 - (ii) in respect of any loss, damage, risk or liability arising out of the performance of the functions or duties of the board;
- (g) to appoint any of its officers as inspector to exercise or perform, in any particular case or in general, the powers, functions or duties conferred upon or assigned to an inspector by or under this Act;
- (h) subject to such conditions as the Administrator-General may approve, to appoint in the territory or elsewhere persons as agents of the board to assist the board in the performance of its functions and, subject to a right of appeal to the Administrator-General, to refuse the application of any person to be appointed as agent or to terminate the appointment of any person as agent.
- (i) with the approval of the Administrator-General, to take steps with a view to increasing the demand for controlled products in the territory or elsewhere;
 - (ii) with such approval, to render assistance by way of donation or loan or in any other manner, to the South West African Agricultural Union or any body or organization which in the opinion of the Cabinet is

representative of producers of controlled products or so to render assistance to any person, body or organization in connection with or in respect of (research in regard to) the improvement, production, preservation, slaughter, preparation, processing, storing, consumption or marketing of controlled products or anything derived therefrom;

- (iii) to establish any information service in connection with any industry in respect of any controlled product or to give advice and guidance in connection with any such industry to producers and other interested parties.

- (j) with the approval of the Administrator-General, to borrow money necessarily required for the performance of its functions and the achievement of its objects;

- (k) with the approval of the Administrator-General to require any particular person or persons belonging to any category or class of persons concerned with the production, marketing, slaughter, processing, preservation, preparation or storing of any controlled product, in respect of such controlled product –
 - (i) to keep specified records;
 - (ii) to furnish the board with specified information or returns in a specified manner and at specified times;

- (l) to register any person on application in the prescribed form, as producer of or speculator in any controlled product on such conditions as the board may from

time to time determine or subject, to a right of appeal to the Administrator-General, to refuse any such application;

- (m) if it is satisfied that any person registered under paragraph (l) has contravened or failed to comply with this Act or any condition of registration, to cancel the registration of such person, subject to a right of appeal to the Administrator General;
- (n) with the approval of the Administrator-General to prohibit any producer of or speculator in any specified controlled product or any such producer or speculator of a specified category or class, from selling in or exporting from the territory such controlled product or any specified category or class thereof unless he has been registered by the board as such a producer or speculator and complies with his conditions of registration;
- (o) with the approval of the Administrator-General to prohibit any producer of or speculator in any controlled product or any such producer or speculator of a specified category or class, from selling such controlled product or quantity thereof or any specified category or class or quantity thereof except through the agency of the board or to or through the agency of specified persons or persons of any specified category or class or except to the extent to which and in accordance with the conditions on which the board may have granted such producer or speculator exception from the prohibition concerned;
- (p) with the approval of the Administrator-General to prohibit any producer of any specified controlled product or any such

producer of a specified category or class from selling any category, class or quantity of such controlled product other than such category, class or quantity as the board may specify, or to sell the said controlled product for any purpose other than a purpose so specified;

- (q) with the approval of the Administrator-General to prohibit any person or any person of any category or class to sell, buy, supply, deliver or convey any controlled product or any category or class thereof on or at specified days or times or during specified periods or more often or less often than as he did so immediately prior to the imposition of the prohibition;
- (r) with the approval of the Administrator-General to prohibit any person or any person of any category or class to sell or export from the territory any controlled product or any category or class thereof, except on the authority of an in accordance to the conditions contained in any permit issued by the board;
- (s) if it is satisfied that the holder of a permit referred to in paragraph (r) has contravened or failed to comply with this Act or any condition of such permit, to cancel such permit, subject to a right of appeal to the Administrator-General;
- (t) with the approval of and subject to a right of appeal to the Administrator-General, to prohibit any person of any category or class to erect any abattoir, factory or refrigeration plant for use in connection with any controlled product;
- (u) to buy any controlled product at such price or on such basis as the Administrator-General may approve, or to treat, classify,

pact, store, process, prepare for use, insure, advertise or convey, or in unprocessed or fully or partially processed form to sell any controlled product so bought at or on such a price or basis, or to withhold it from the market;

- (v) with the approval of the Administrator-general to undertake the marketing or distribution for sale of any controlled product or to act as agent for the receipt, conveyance, preparation for sale, classification, processing or sale of any such product;
 - (w) in performing its functions in the territory or elsewhere, with the approval of the Administrator-General to co-operate as partner or otherwise with any body concerned with the marketing or distribution for sale of any controlled product;
 - (x) to take such other steps and to perform such other acts as may be required for the achievement of its objects and the proper performance of its functions and duties in terms of this Act.
- (2) Any requirement under subsection (1)(k) or any prohibition under this section and the date of commence thereof shall be made known by the board –
- (a) by notice in the *Official Gazette*; or
 - (b) by notice to persons affected thereby, in such other manner as the Administrator-General may from time to time or in any particular case determine.

Appeal to Administrator-General from decision of board

Inspectors

11. Whenever any decision of the board is in terms of this Act subject to an appeal to the Administrator-General, any person aggrieved by such decision may, within ninety days after the board has notified him of the decision, appeal against it to the Administrator-General, and the Administrator-General may confirm, set aside or amend such decision or issue in connection therewith such order as he may deem fit.

12. (1) The board shall furnish any inspector with a certificate stating that he has been appointed as an inspector under this Act and which he shall in exercising his powers under this Act, produce on demand.

(2) In order to ascertain whether or to ensure that the provisions of this Act or any directions issued thereunder are being complied with, or in order to obtain evidence in connection with the non-compliance with the said provisions or directions, any inspector may –

(a) at all reasonable times enter upon any premises –

(i) occupied by any person being or suspected of being a producer of or speculator in any controlled product or any person trading or suspected of trading in any controlled product;

(ii) in or on which controlled products are being or are suspected of being kept, sold, manufactured, produced, processed, treated, prepared, graded, classified, packed or marked by any person.

(b) in or on any premises referred to in paragraph (a) -

(i) put to any person therein or thereon such questions as he may deem

necessary and inspect the activities in connection with the keeping, selling, manufacture, production, processing, treatment, preparation, grading, classification, packing or marking of controlled products;

- (ii) examine or inspect any controlled product or any book, document or record relating to any such product found by him therein or thereon and make copies of or extracts from any such book, document or record;
- (c) request any person referred to in paragraph (a), at such time and place as the inspector may determine
- (i) to point out all controlled products in his possession or under his control;
 - (ii) to produce to the inspector for the purpose of examination or of making copies or extracts, all books, documents or records in his possession or under his control, relating to such products; or
 - (iii) to reply to questions in connection with the last mentioned controlled products, books, documents or records and those referred to in paragraph (b) or entries in such books, documents or records;
- (d) seize and remove any controlled product or book, document or record or any portion thereof, referred to in paragraph (c)(iii) which in his opinion may furnish proof of a contravention of any provision of this Act or any direction issued thereunder, or leave it on the premises concerned after an identification mark has been put thereon or on the container thereof;

- (e) take a sample of any controlled product referred to in paragraph (c)(iii) and examine, analyze, classify or grade it or cause it to be examined, analyzed, classified or graded;
- (g) grade, classify, pack or mark or re-grade, re-classify, re-pack or re-mark in accordance with the requirements of this Act any controlled product in or on any premises referred to in paragraph (a), or request the person in charge of any such premises or any employee or agent of such person to cause the said controlled product to be so graded, classified, packed or marked or re-graded, re-classified, re-packed or re-marked;
- (g) whenever acting under this section, be accompanied by and avail himself of the services of an assistance or interpreter or any member of any police force.

Banking accounts

- 13. (1) The board shall open with a banking institution approved of by the Administrator-General –
 - (a) a general account in which there shall be deposited all moneys received by the board other than moneys referred to in paragraph (b) or (c) and also all interest derived from the investment of moneys standing to the credit of any account referred to in this section;
 - (b) in respect of every special levy a special account in which there shall be deposited –
 - (i) all the special levy moneys concerned;
 - (ii) moneys accruing to that account from any other source;

- (c) a reserve account in which there shall be deposited
 - (i) all such moneys as the Administrator-General may from time to time determine;
 - (ii) moneys accruing to that account from any other source.

(2) Moneys standing to the credit of the accounts referred to in subsection (1) and not required for immediate use or as a reasonable working balance, shall be invested in such manner as the Administrator-General may from time to time determine.

(3) The moneys in the said accounts shall be under the control of the board, which shall, subject to the directions of the Auditor-General, cause proper account to be kept of all moneys received or expended in respect of every account.

(4) The moneys in the general account shall, subject to the directions of the Administrator-General, be utilized for achieving the objects of the board, exercising its powers or performing its functions or duties.

(5) The moneys in any special account shall, subject to the directions of the Administrator-General, be utilized for the purposes for which the special levy concerned has been imposed.

(6) The moneys in the reserve account shall be utilized for such purposes as the Administrator-General may on the recommendation of the board from time to time determine.

(7) The Administrator-General may authorize the board to transfer moneys in any particular

banking account of the board to any other such banking account.

14. The financial year of the board shall be the period from 1 April of any year up to and including 31 March of the next succeeding year.

Estimates of income and expenditure

15. (1) The board shall at such times as the Administrator-General may direct submit to him for approval estimates or additional estimates of income and expenditure during any financial year in respect of every account referred to in section 13.

(2) No expenditure shall be incurred during any financial year except in accordance with the estimates approved by the Administrator-General under subsection (1) in respect of that financial year.

Financial statements, auditing and submission of reports to Administrator-General and National Assembly

16. (1) The board shall in respect of every account referred to in section 13, cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year.

(2) All accounts of the board and the statement and balance sheet referred to in subsection (1) shall be audited by the Auditor-General.

(3) The board shall in each year within six months after the close of its financial year submit to the Administrator-General, a report in regard to its activities during the last preceding calendar year, together with a copy of the audited statement and balance sheet referred to in subsection (1) in respect of the said financial year.

(4) The said report shall within fourteen days of its release, be laid upon the Tables of the National Assembly, or if the National Assembly is not then in session, on the first day upon which it again assembles.

17. (1)
- (a) The Administrator-General may from time to time on the recommendation of the board, by notice in the *Official Gazette* and with effect from such date as may be mentioned in such notice, impose on a basis so mentioned a general levy or, for any purpose so mentioned, a special levy in respect of any category, class or kind of controlled products, or abolish any such levy or amend the amount or basis thereof.
 - (b) The levies referred to in paragraph (a) may, in respect of any category, class or kind of any controlled product –
 - (i) be imposed in any particular part of the territory, or may differ from any such levy in respect of any category, class or kind of that product, which is so imposed in any other particular part of the territory;
 - (ii) which is exported from the territory or is exported from the territory to any particular country or other territory, differ from any such levy in respect of any category, class or kind of that product which is not so exported.
- (2) Any such levy shall be payable to the board in the prescribed manner and at the prescribed times by such category or class of persons as may be mentioned in the said notice or on their behalf by any other category or class of persons so mentioned.
- (3) Whenever any levy is paid in terms of this section by any person on behalf of any

other person, there shall be paid by the board to such first-mentioned person the prescribed commission in respect of the payment concerned and the amount of the levy may be recovered in the prescribed manner from the said other person by

Grading, composition, packing or marking of controlled products

18. The Administrator-General may by notice in the *Official Gazette* prohibit any person or any person of a specified category or class from selling any specified controlled product or any such product of a specified category or class in any specified area or at any specified place or for any specified –
 - (a) unless it is sold according to specified prescribed grades or classes;
 - (b) unless it complies with the prescribed standards for the composition thereof and contains the required prescribed ingredients or other substances;
 - (c) unless it has been packed in a prescribed container and in the prescribed manner;
 - (d) unless it has been marked in the prescribed particulars;
 - (e) if it contains any prohibited prescribed substance;
 - (f) if it has been packed in any prohibited prescribed container or manner;
 - (g) if it has been packed in any prohibited prescribed container or manner;
 - (h) unless it is sold in accordance and compliance with the conditions of an exemption in writing issued by the

Administrator-General or any person authorized by him.

Fixing of prices

19. The Administrator-General may from time to time, after consultation with the board, by notice in the *Official Gazette* –
- (a) prohibit any person or any person of any category or class from selling or disposing in the territory or elsewhere any specified controlled product or any specified category or class thereof at any price other or lower or higher than a specified price or than a price calculated on a specified basis or from demanding any such price for any such product in the territory or elsewhere;
 - (b) require any person disposing of the said controlled product or any specified quantity thereof on credit or for a specified amount, to furnish to the board at specified times an invoice containing specified particulars;
 - (c) require specified persons or persons of a specified category or class to display the prices referred to in paragraph (a) in such manner and form and on such premises as may be specified in the notice.

Importation and export of controlled products

20. The Administrator-General may, after consultation with the board, by notice in the *Official Gazette* –
- (a) prohibit the importation or the export from the territory of any controlled product other than stud stock or any category or class thereof;
 - (b) subject to such conditions as may be mentioned in the notice –

- (i) prohibit the said importation or export by any person other than the board;
- (ii) prohibit such importation or export except by the holder of a permit issued at the discretion of the board, but subject to the right of appeal to the Administrator-General and in accordance with such conditions as may be stated by the board in such permit.

Offences and penalties

21. (1) Any person who –
- (a) falsely represents himself to be an inspector;
 - (b) hinders or delays any inspector or any person lawfully accompanying him in the exercise of his powers as inspector;
 - (c) refuses or fails to reply to the best of his ability to any question lawfully put to him by any inspector in the exercise of his powers, or in reply to any such question makes any statement or presentation knowing it to be false or not knowing or believing it to be true;
 - (d) without the consent in writing of an inspector removes from the place where it has been left by him or tampers with or destroys or makes alterations in or to anything seized by such inspector in the exercise of his powers;
 - (e) refuses to comply or fails to comply to the best of his ability with any requirement under section 10(1)(k) or 19(b) or (c) or any request under section 12(2)(c) or (f);

- (f) performs any act in contravention of any prohibition under section 10(1), 18, 19(a) or 20;
- (g) buys or acquires any controlled product from any person selling or supplying it to him in contravention of a prohibition under section 10(1)(o), (p) or (q);
- (h) fails to pay any levy referred to in section 17 in the prescribed manner and at the prescribed times; or
- (i) contravenes or fails to comply with any provision of this Act,

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

(2) If any person is found guilty of any offence for failing to pay any levy, the court convicting him shall at the same time, in addition to any penalty imposed for such offence, order him to pay to be board an amount equal to the amount of the levy still owing by him to be board according to evidence adduced at the trial, whereupon such order shall be executed as if it were an order in civil proceedings.

Evidence

22. (1) Whenever at this trial of any person charged with any contravention of this Act, the question arises whether or not any person with a particular name –
- (a) has furnished to the board any particular information or any particular return or other document within a particular period; or
 - (b) has paid to the board any particular levy or any portion thereof within any particular period; or

- (c) is registered with the board; or
- (d) is the holder of any particular permit issued under this Act,

any document in writing purporting to be an affidavit of any person alleging in such affidavit that he is an employee of the board and that no person with the said name has furnished the said information or return or other document to the board within the said period, or has paid the said levy or any portion thereof to the board within the said period, or it registered with the board or is the holder of a particular permit issued under this Act as the case may be, shall on its mere production at such trial by any person, be *prima facie* evidence of the facts mentioned therein.

(2) At any trial referred to in subsection (1) a certificate stating the result of any examination, analysis, grading or other classification made by virtue of the provisions of this Act and purporting to have been signed by the person who made the examination, analysis, grading or classification, shall be *prima facie* evidence of the facts mentioned therein.

Jurisdiction of magistrates court

23. Any magistrate's court shall, notwithstanding anything to the contrary in any law contained, have jurisdiction to make any order or impose any penalty provided for by this Act.

Regulations

24. (1) The Administrator-General may make regulations not inconsistent with this Act relating to –
- (a) the manner of treating, preparation or processing of controlled products for grading or classification;
 - (b) the persons or officers who are qualified to grade controlled products for the purposes

of this Act and the manner in which grading shall take place;

- (c) the form and manner of appealing to the Administrator-General against any resolution of the board;
- (d) an appeal to the board against the grading or classification of any controlled product and the period and manner in which any such appeal shall be noted;
- (e) the manner of taking samples by an inspector for the purposes of this Act;
- (f) the method to be adopted and the procedure to be followed by any inspector when inspecting any particular quantity of any controlled product and the percentage thereof deemed to be representative of such quantity for the purposes of inspection;
- (g) all matters which shall or may under this Act be prescribed or which the Administrator-General deems it necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) Different regulations may be made in respect of different categories or classes of persons or controlled products or different areas.

Transfer of assets and liabilities of Meat Trade Control Board to board

25. All assets, liabilities, rights and duties of the Meat Trade Control Board (hereinafter in this Act referred to as the old board) established by the Meat Trade Control Ordinance, 1962 (Ordinance 20 of 1962), shall be come the assets, liabilities, rights and duties of the board, and the several banking accounts of the board shall, on such basis as the Administrator-General may determine, be credited with the moneys in the

several funds under the control of the old board or accruing to those funds or which would so have accrued if this Act had not been enacted.

Repeal of laws and savings

26. (1) The Meat Trade Control Ordinance, 1962 (Ordinance 20 of 1962), the Meat Trade Control Amendment Ordinance, 1963 (Ordinance 3 of 1963), the Meat Trade Control Amendment Ordinance, 1964 (Ordinance 2 of 1964), the Marketing Act, 1968 (Act 59 of 1968), in so far as it related to controlled products, Proclamation R.123 of 1970. Proclamation R.126 of 1971 and the Control of the Meat Trade in South West Africa amendment Act, 1972 (Act 69 of 1972), are hereby repealed.

(2) Any regulation made or any levy or prohibition imposed or any permit, exemption or certificate issued or any registration or appointment made under any provision of any law repealed by this Act or any regulation made thereunder, which could be made, imposed or issued under a corresponding provision of this Act, shall be deemed to have been made, imposed or issued under the said corresponding provision, and any reference in or in respect of any such regulation, levy, prohibition, permit, exemption, certificate, registration or appointment –

(a) to the old board shall be construed as a reference to the board;

(b) to any law repealed by this Act shall be construed as a reference to this Act;

(c) to the holder of any office shall be construed as a reference to the holder of a similar office under this Act.

Short title and commencement

27. This Act shall be called the Meat Industry Act, 1981, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

PROMULGATION OF ACT OF
THE NATIONAL ASSEMBLY

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No 21 of 1992: Meat Industry Amendment Act, 1992.

ACT

To amend the Meat Industry Act, 1981, so as to extend the composition of the board and its powers; to extend the powers of inspectors in certain circumstances; to adjust certain provisions in view of the independence of Namibia; and to provide for matters incidental thereto.

(Signed by the President on 15 August 1992)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 1
of Act 12 of 1981

1. Section 1 of the Meat Industry Act, 1981 (hereinafter referred to as the principal Act), is hereby amended –
 - (a) by the substitution for the definition of “board” of the following definition:

“‘board’” means the [South West African] Meat Board of Namibia referred to in section 2;”,
 - (b) by the insertion of the following definition after the definition of “meat product”,

“‘Minister’ means the Minister of Agriculture, Water and Rural Development”; and

(c) by the deletion of the definition of “territory”.

Amendment of section 2
of Act 12 of 1981

2. (1) The following section is hereby substituted for section 2 of the principal Act:

“Change of name
of board

2. (1) The South West African Meat Board established by this section before the amendment thereof by section 2 of the Meat Industry Amendment Act, 1992, shall, as from the commencement of the said Meat Industry Amendment Act, 1992, continue to exist under the name of the Meat Board of Namibia, and to be a body corporate.

(2) The Registrar of Deeds shall, after the date of commencement of the Meat Industry Amendment Act, 1962, make such entries or endorsements which he or she deems necessary so as to comply with the provisions of subsection (1), in or on any relevant register, title deed or other document in his or her office, on request and submitted to him or her, and no levy or moneys shall be payable in respect of any such entry or endorsement.”.

(2) Any reference in or in respect of any regulation, levy, prohibition, permit, exemption, certificate, registration or appointment to the South West African Meat Board shall be construed as a reference to the Meat Board of Namibia.

Amendment of section 4

3. (1) Section 4 is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The board shall consist of [ten] thirteen members appointed by the [Administrator-General] Minister, of whom –

- (a) [six] nine shall be persons selected by the Minister from amongst persons nominated at his or her request by any body or organization which in his or her opinion is representative of producers of livestock;
- (b) one shall be a person selected by the [Admini- strator-General] Minister from amongst persons nominated at his or her request by any body or organization which in his or her opinion is representative of manufacturers of meat products;
- (c) one shall be a person selected by the [Admini- strator-General] Minister from amongst persons nominated at his or her request by any body or organization which in his or her opinion is representative of persons trading in meat;
- (d) one shall be a marketing agent of any controlled product; and
- (e) one shall be an officer employed in [any department referred to in the schedule to the Government Service Act, 1980 (Act 2 of 1980)] the Ministry of Agriculture, Water and Rural Development.”.

(2) Any person who, at the commencement of this Act, holds office as a member of the board referred to in section 2 of the principal Act by virtue of his or her appointment under any provision of section 4 of the principal Act before the amendment of that provision by this Act,

shall, with effect from the commencement of this Act, and for the unexpired portion of his or her term of office or until he or she vacates office, as the case may be, be deemed to have been appointed under that provision as amended by this Act.

Amendment of section 8
of Act 12 of 1981

4. Section 8 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The quorum for any meeting of the board shall be [~~six~~] seven members thereof.”

Amendment of section 10
of Act 12 of 1981, as
amended by section 1 of
Act 3 of 1987

5. Section 10 of the principal Act is hereby amended –

- (a) by the substitution for subparagraph (ii) of paragraph (l) of subsection (1) of the following subparagraph:

“(ii) with such approval, to render assistance by way of donation or loan or in any other manner, to [the South West African Agricultural Union or] any body or organization which in the opinion of the [Cabinet] Minister is representative of producers of controlled products or so to render assistance to any person, body or organization in connection with or in respect of the improvement, production, preservation, slaughter, preparation, processing, storing, consumption or marketing of controlled products, or anything derived there from;” and

- (b) by the substitution for the words preceding subparagraph (i) of paragraph (k) of subsection (1) of the following words:

“with the approval of the [Administrator General] Minister to require any particular person or persons belonging to any category or class of persons concerned with the production, marketing, conveyance, importation, export, slaughter, processing, preservation, preparation or storing of any controlled product, in respect of such controlled product-“.

Insertion of section 10A
in Act 12 of 1981

6. The following section is hereby inserted in the principal Act after section 10:

“Persons conveying
controlled products
for export purposes
to be in possession
of permit

10A. If the Board prohibits in accordance with the provisions of paragraph (r) of section 10 any export of any controlled product from Namibia, no person shall convey for such purpose any controlled product without being in possession of a permit referred to in that paragraph.”

Amendment of section 12 of Act 12 of 1981

7. Section 12 of the principal Act is hereby amended by the addition of the following subsection:

“(3) For the purposes of this section, any power conferred upon any inspector in relation to any vehicle referred to in the definition of “premises” in section 1 of this Act, shall be deemed to include the power to order the driver of such vehicle on a public road or railway to bring that vehicle to a stop by means of an appropriate indication or direction or in any other reasonable manner, and, notwithstanding anything to the contrary in any law contained, to display, set up or erect on or next to the road or railway such sign, barrier or object as is reasonably necessary to bring such order to the attention of the driver

and to ensure that the vehicle will come to a stop.”.

Amendment of section
21 of Act 12 of 1981

8. Section 21 of the principal Act is hereby amended –
- (a) by the insertion in subsection (1) after paragraph (d) of the following paragraph:
- “(dA) refuses or neglects to stop a vehicle in accordance with an order under this Act:”; and

- (b) by the substitution for the words following on paragraph (i) of subsection (1) of the following words:

“shall be guilty of an offence and liable on conviction to a fine not exceeding [three thousand rand] R10 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Substitution of certain
expressions in Act 12
of 1981

9. The principal Act is hereby amended –
- (a) by the substitution for the expression “Admini-strator-General”, wherever it occurs, of the word “Minister”;
- (b) by the substitution for the expression “the territory” wherever it occurs, of the word “Namibia”; and
- (c) by the deletion in the expression “*Official Gazette*”, wherever it occurs, of the word “*Official*”.

Substitution of long title

10. The following long title is hereby substituted for the long title of the principal Act:

“To establish a [South West African] Namibian meat board and to define its objects, powers, duties and functions, and to provide for control

over the grading, sale, importation and export of and the imposition of levies in respect of livestock, meat or meat products, and to provide for other incidental matters.”.

Short title

11. This Act shall be called the Meat Industry Amendment Act, 1992, and shall come into operation on a date to be determined by the Minister by notice in the *Gazette*.