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Government Notice

OFFICE OF THE PRIME MINISTER

No. 108

1992

**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.

EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

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 Amend-

ment 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, 1992, 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
of Act 12 of 1981.

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 [~~Administrator-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 producers of livestock;
- (b) one shall be a person selected by the [~~Administrator-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 [~~Administrator-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;

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- (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 (i) 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 therefrom;” 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 subsection (1) 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 “Administrator-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*.