

BOARD NOTICE 78 OF 2005

AGRICULTURAL PRODUCE AGENTS COUNCIL

CODE OF CONDUCT AND REGISTRATION
PROCEDURE IN RESPECT OF LIVESTOCK AGENTS

It is hereby made known –

- (a) that the code of conduct and registration procedure in respect of livestock agents set out in the Schedule were made by the Agricultural Produce Agents Council in terms of the Agricultural Produce Agents Act, **1992** (Act No. **12** of **1992**); and
- (b) that the said code and procedure shall come into operation on the date of publication hereof.

W. E. JOHNSON

Registrar of Agricultural Produce Agents Council

SCHEDULE

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Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act, unless the context otherwise indicates, shall have that meaning and –

"livestock agent" means a livestock agent as defined in section 1 of the Act, who acts as such with regard to cured hides and cured skins;

"the Act" means the Agricultural Produce Agents Act, **1992** (Act No. **12** of **1992**); and

"the Council" means the Agricultural Produce Agents Council established by section 2 of the Act.

PART I: CODE OF CONDUCT

2. Integrity, objectivity and independence

2.1 A livestock agent shall at all times –

- (a) act honestly and conscientiously in the practising of his occupation;
- (b) act in the best interest of his principals;
- (c) avoid entering into relationships or obtaining interests that either directly or indirectly impair or threaten his capacity to act in accordance with paragraphs (a) and (b);.

2.2 A livestock agent shall maintain an impartial approach in practising his occupation, and for this purpose be free of any influence or relationship that, either directly or indirectly, could impair his judgement or independence.

2.3 A livestock agent shall maintain such integrity and objectivity in practising of his occupation as are necessary to enable him to apply unbiased

RAADSKENNISGEWING 78 VAN 2005

RAAD VIR LANDBOUPRODUKTE-AGENTE

GEDRAGSKODE EN REGISTRASIEPROSEDURE
TEN OPSIGTE VAN LEWENDEHAWE-AGENTE

Dit word hierby bekend gemaak –

- (a) dat die gedragskode en registrasieprosedure ten opsigte van lewendehawe-agente in die Bylae uiteengesit, deur die Raad vir Landbouprodukte-agente kragtens die Wet op Landbouprodukte-agente, **1992** (Wet No. **12** van **1992**) uitgevaardig is; en
- (b) dat die genoemde gedragskode en prosedure op die datum van publikasie hiervan in werking tree.

W. E. JOHNSON

Registrateurvir Landbouprodukte-agente

BYLAE

INDELING VAN REÛLS

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Woordoms krywing

1. Tensy uit die samehang anders blyk, sal woorde en uitdrukkings wat in die Wet gebruik is, dieselfde betekenis in hierdie Bylae dra, en –

"die Raad" beteken die Raad vir Landbouprodukte-agente by Artikel 2 van die Wet ingestel,

"die Wet" beteken die Wet op Landbouprodukte-agente, **1992** (Wet **12** van **1992**), en

"lewendehawe-agent" beteken 'n lewendehawe-agent soos in Artikel 1 van die Wet omskryf, wat as sodanig met betrekking tot bereide huide en bereide velle optree.

DEEL I: GEDRAGSKODE

2. Integriteit, objektiwiteit en onafhanklikheid

2.1 'n Lewendehawe-agent moet te alle tye –

- (a) eerlik en pligsgetrou in die beoefening van sy beroep optree;
- (b) in die beste belang van sy prinsipale optree; en
- (c) dit vermy om verwantskappe aan te gaan of belange te verkry wat, hetsy direk of indirek, sy vermoë om in ooreenstemming met paragrawe (a) en (b) op te tree, kan belemmer of bedreig.

2.2 'n lewendehawe-agent moet 'n onpartydige benadering in die uitoefening van sy beroep handhaaf, en vir die doel vry van enige invloed of verwantskap wees wat, hetsy direk of indirek, sy oordeel of onafhanklikheid kan belemmer.

2.3 'n lewendehawe-agent moet sodanige integriteit en objektiwiteit in die uitoefening van sy beroep handhaaf as wat nodig is om hom in staat te stel om onpartydige oordeel en objektiewe oorwegings

- judgement and objective considerations in forming an opinion or arriving at a decision.
- 3. Knowledge and skills**
- 3.1** A livestock agent shall maintain his knowledge and skills at such a level that he is able to conduct his business in accordance with the applicable laws, regulations and rules as well as the technical and professional standards common to his occupation.
- 3.2** A livestock agent shall –
- (a) ensure that his employees comply with the laws, regulations and rules applicable to his occupation, and for that purpose–
- (i) he shall provide the necessary training;
- (ii) he shall adequately supervise his employees;
- (b) bring to the attention of the Council and other responsible authorities any non-compliance or suspected non-compliance of applicable laws, regulations or rules;
- 4. Incompatible practices**
- 4.1** A livestock agent shall not hold decision making positions, controlling interests or offices of whatever nature, or engage in any venture, business or occupation, which results or could result in a conflict of interest or an impairment of his independent judgement in the practising of his occupation.
- 5. Undue discrimination**
- 5.1** A livestock agent shall not unduly discriminate between principals.
- 6. Remuneration**
- 6.1** No livestock agent may claim remuneration in an amount or at a higher rate or scale or in an amount at higher rate than usually claimed by him, unless the prior written approval of his principal has been obtained.
- 6.2** A livestock agent shall not –
- (a) overreach his principal in any manner whatsoever;
- (b) charge remuneration or recover costs or expenses at an amount, rate or scale which in the view of the Council is unreasonably high, having regard to all relevant circumstances;
- (c) present any remuneration as a cost or an expense which is not normally regarded as a cost or expense.
- 7. Acceptance of gifts**
- 7.1** No livestock agent or a member of his family shall otherwise than in accordance with generally accepted business practices accept goods, services or hospitality that results or could result in a conflict of interest or an impairment of his independent judgement in the practicing of his occupation.
- 8. Financial obligations**
- 8.1** A livestock agent shall at all times ensure that financial obligations incurred by him will not impair or cause to impair his independence.
- toe te pas om 'n mening te vorm of tot 'n beslissing te kom.
- 3. Kennis en vaardighede**
- 3.1** 'n lewendehawe-agent moet sy kennis en vaardighede op sodanige vlak handhaaf ten einde hom in staat te stel om sy besigheid ooreenkomstig die tersaaklike wette, regulasies en reëls asook die tegniese en professionele standaarde eie aan sy ~~beroep, te bedryf.~~
- 3.2** 'n Lewendehawe-agent moet –
- (a) toesien dat sy werknemers die reëls en die wette en regulasies **wat** op sy beroep van toepassing is nakom en vir daardie doel–
- (i) moet hy die nodige opleiding verskaf;
- (ii) moet hy behoorlik toesig hou **oor** sy werknemers; en
- (b) moet hy enige nie-nakoming of vermoedelike ~~nie-~~nakoming van die tersaaklike wette, regulasies en reëls, onder die aandag van die Raad en ander verantwoordelike owerhede bring.
- 4. Onversoerbare bedrywighede**
- 4.** 'n lewendehawe-agent mag nie besluitnemingsposisies, behorende belange of ampte van enige aard hou of in enige omdememing, besigheid of beroep betrokke raak nie indien dit 'n botsing van belange of 'n belemmering van sy onafhanklike oordeel in die beoefening van sy beroep tot gevolg het of kan ~~hê~~ nie.
- 5. Onbehoorlike diskriminasie**
- 5.1** 'n Lewendehawe-agent mag nie op 'n onbehoorlike wyse tussen sy prinsipale diskrimineer nie.
- 6. Vergoeding**
- 6.1** 'n Lewendehawe-agent mag nie vergoeding in 'n bedrag of teen 'n koers of skaal vorder wat ~~hoër~~ is as dit wat normaalweg deur hom gevorder word nie, tensy hy vooraf met sy prinsipaal skriftelik so ooreenkom.
- 6.2** Lewendehawe-agent mag nie –
- (a) sy prinsipaal op enige wyse uitbuit nie;
- (b) vergoeding van 'n prinsipaal vorder of uitgawes verhaal teen 'n bedrag, koers of skaal wat na die oordeel van die Raad in die omstandighede onredelikerwys hoog is nie.
- (c) enige vergoeding as 'n koste of uitgawe inkleë wat nie normaalweg as 'n koste of uitgawe beskou word nie.
- 7. Aanvaarding van geskenke**
- 7.1** Geen lewendehawe-agent of lid van sy familie mag anders as ooreenkomstig algemeen-aanvaarde sakepraktyke, enige goedere, dienste of oormatige gasvryheid aanvaar wat kan lei tot 'n konflik van belange of 'n belemmering van sy onafhanklike oordeel in die beoefening van sy beroep nie.
- 8. Finansiële verpligtinge**
- 8.1** 'n Lewendehawe-agent moet te alle tye verseker dat **finansiële** verpligtinge deur **hom** aangegaan, nie sy onafhanklikheidsaantas of kan aantass nie.

9. Publicity and advertisements

9.1 A livestock agent may by means of publicity and advertisements bring his business and the nature of the services rendered by him to the notice of the public, provided –

- (a) a due sense of responsibility towards the livestock industry and the public is displayed therein; and
- (b) the contents and presentation thereof in the opinion of the Council, bear testimony of good taste; and
- (c) the livestock agent concerned does not draw comparisons with or disparage the services of other livestock agents.

10. Canvassing and touting

10.1 A livestock agent may canvass for business on condition that he does not –

- (a) propagate any false or misleading or questionable information of any nature whatsoever;
- (b) interfere directly or indirectly with the sale, handling or inspection of livestock entrusted for sale to another livestock agent; or
- (c) directly or indirectly influence purchasers not to buy certain livestock, meat, by-products or cured hides or cured skins, or not to buy livestock, meat, by-products or cured hides or cured skins from a certain livestock agent, or from a certain principal, unless he can show good cause therefore.

11. Relations with other livestock agents, principals and the Council

11.1 Subject to the provisions of rule 3.2 (b), a livestock agent shall not express any malicious or unfounded criticism on the activities of another livestock agent.

11.2 No livestock agent shall receive, accept or handle any livestock, meat, by-products or cured hides and cured skins dispatched to or intended for delivery to or sale by another livestock agent unless such livestock agent does not have a representative to accept the delivery, and then only after all reasonable attempts have been made to notify the livestock agent concerned of that delivery.

11.3 The behaviour of a livestock agent towards other livestock agents, his principals and the Council shall be of such nature that it will foster co-operation and good relations.

PART II: REGISTRATION**12. Applications for registration certificates**

12.1 An application for a registration certificate shall be made on a form available from the Council for this purpose.

12.2 Such form shall –

- (a) be completed in full in accordance with the directions indicated thereon;
- (b) be accompanied by the applicable application fee determined by the Council for this purpose, as well as the other applicable particulars and documents indicated thereon: and

9. Publisiteit en advertensies

9.1 'n Lewendehawe-agent mag sy besigheid en die aard van die dienste deur hom gelewer, deur middel van publisiteit en advertensies onder die aandag van die publiek bring mits –

- (a) 'n behoorlike verantwoordelike teenoor die lewendehawebedryf en die publiek daarin geopenbaar word; en
- (b) die inhoud en aanbieding daarvan na die oordeel van die Raad van goeie smaak getuig; en
- (c) die betrokke lewendehawe-agent nie vergelykings tref met of die dienste van ander lewendehawe-agente of -markte afkam nie.

10. Werwing en lokking

10.1 'n Lewendehawe-agent mag besigheid werf op voorwaarde dat hy nie –

- (a) enige vals of misleidende of twyfelagtige inligting van welke aard ookal verskaf nie;
- (b) direk of indirek inmeng by die verkoping, hantering of inspeksie van lewendehawe, vleis, bereide huide en bereide velle wat vir verkoop aan 'n ander lewendehawe-agent toevertrou is nie; of
- (c) kopers direk of indirek beïnvloed om nie sekere lewendehawe, vleis, bereide huide en bereide velle te koop nie, of om nie by 'n sekere lewendehawe-agent of prinsipaal te koop nie. tensy hy 'n goeie rede daarvoor kan aandui.

11. Verhoudings met ander lewendehawe-agente, prinsipale en die Raad

11.1 Behoudens die bepalinge van reel 3.2 (b), mag 'n lewendehawe-agent nie enige kwaadwillige of ongegronde kritiek oor die werksaamhede van 'n ander lewendehawe-agent uitspreek nie.

11.2 Geen Lewendehawe-agent mag enige lewendehawe, vleis, neweprodukte of bereide huide en bereide velle wat gestuur is aan of bedoel is vir aflewering aan of verkoop deur 'n ander lewendehawe-agent, ontvang, aanneem of hanteer nie tensy sodanige ander lewendehawe-agent nie 'n verteenwoordiger het om die aflewering te aanvaar nie, en dan slegs nadat alle redelike pogings aangewend is om die betrokke lewendehawe-agent van daardie aflewering in kennis te stel.

11.3 'n Lewendehawe-agent se optrede teenoor ander lewendehawe-agente, sy prinsipale en die Raad moet sodanig wees dat dit samewerking en goeie verhoudings bevorder.

DEEL II: REGISTRASIE**12. Aansoeke om registrasiesertifikate**

12.1 'n Aansoek om 'n registrasiesertifikaat moet op 'n vorm gedoen word wat vir die doel van die Raad verkrygbaar is.

12.2 So 'n vorm moet –

- (a) ooreenkomstig die voorskrifte daarop aangedui, ingevul word;
- (b) vergesel gaan van die toepaslike aansoekgeld wat die Raad vir die doel bepaal, asook die ander

(c) be forwarded by post to the Council to, or be delivered to the Council at, the address indicated thereon.

12.3 In the case of a partnership, separate forms shall be submitted by each of the partners.

13. Payments of application fee

13.1 An application for registration referred to in rule 12 shall be accompanied by the application fee determined by the Council.

14. Maintenance of registration certificates

14.1 The Council shall annually not later than 30 April in writing notify each livestock agent who is the holder of a registration certificate, of the amount determined in terms of section 16 (9) (a) of the Act, that is payable for the maintenance of such certificate.

14.2 Such payment shall reach the Council on or before 30 June first following the date of the relevant notice referred to in rule 14.1.

PART III : MISCELLANEOUS PROVISIONS

15. Payment of moneys

15.1 Any amount payable to the Council in terms of the Act or this Schedule shall be paid by cheque, postal order or money order made out in favour of the Agricultural Produce Agents Council.

16. Address of Council

16.1 The address of the Council shall –

- (a) for the purposes of documents forwarded by post, be Private Bag X17, Brooklyn Square, 0075; and
- (b) for the purposes of documents delivered by hand, be Ground floor, Momentum Park 105, Nicolson Street, Brooklyn, Pretoria.

17. Title

17.1 This Schedule shall be called the Code of Conduct and Registration Procedure in respect of Livestock Agents, 2005.

toepaslike besonderhede en stukke daarop aangedui; en

(c) per pos aan die Raad gestuur word na, of per hand by die Raad afgelewer word by, die adres daarop aangedui.

12.3 In die geval van 'n vennootskap moet **afsonderlike** vorms deur elkeen van die vennote ingedien word.

13. Betalings vir registrasiesertifikate

13.1 'n Aansoek om registrasie waarna in Re81 12 verwys word, sal vergesel gaan van die aansoekgeld wat die Raad vir daardie doel bepaal.

14. Instandhouding van registrasiesertifikate

14.1 Die Raad moet elke lewendehawe-agent wat die houer van 'n registrasiesertifikaat is, **jaarliks** laatstens op 30 April skriftelik in kennis stel van die bedrag ingevolge artikel 16 (9) (a) van die Wet bepaal, wat ten opsigte van die instandhouding van so 'n sertifikaat betaalbaar is.

14.2 So 'n betaling moet die Raad voor of op 30 Junie eersvolgende op die datum van die betrokke kennisgewing in reël 14.1 bedoel, bereik.

DEEL III : DIVERSE BEPALINGS

15. Betaling van **gelde**

15.1 Enige bedrag wat ingevolge die Wet of hierdie Bylae betaalbaar is, moet per tjek, posorder of poswissel wat ten gunste van die Raad vir Landbouprodukte-agente uitgemaak is, betaal word.

16. Adres van Raad

16.1 Die adres van die Raad is –

- (a) vir die doeleindes van stukke wat per pos gestuur word, Privaatsak X17, Brooklyn Square, 0075; en
- (b) vir die doeleindes van stukke wat per hand afgelewer word, Grondvloer, Momentumpark, Nicolsonstraat 105, Brooklyn, Pretoria

17. Titel

17.1 Hierdie Bylae heet die Gedragskode en Registrasieprosedure ten opsigte van Lewendehawe-agente, 2005.