

THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENT'S COUNCIL ("COUNCIL") / EVERLAND TRADING CC T/A FARM FRESH (REG NO: 2011/069372/23) ("FIRST ACCUSED") / IRFAAN YACOOB (I.D NO: 940911 5625 083) ("SECOND ACCUSED") and NKOSIKHONA MTHEMBU (I.D NO: 700220 5773 087) ("THIRD ACCUSED")

On 9 September 2020 and at Faerie Glen, Pretoria, the First and Second Accused were, in terms of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act"), found guilty of unprofessional and/or improper conduct in terms of Section 23 of the Act in that they contravened the provisions of sections 16 (1) and 16 (2) of the Act and Rules 26 and 32 (1) promulgated thereunder. The Third Accused was, in terms of the Act, also found guilty of unprofessional and/or improper conduct in terms of section 23 of the Act in that he contravened the provisions of section 16 (1) of the Act and Rule 32 (1) of the rules promulgated in terms of the Act.

The Disciplinary Tribunal of the Council held that in terms of the provisions of section 29 (1)(a) & (b) of the Act, the First, Second and Third Accused shall be guilty of an offence. The following sanction was imposed by the Disciplinary Tribunal of the Council against the First, Second and Third Accused jointly and severally :

SANCTION

1. In terms of the provisions of section 26 (1)(bB) of the Act, the First, Second and Third Accused are forthwith suspended from conducting business and from acting as an agent as defined in section 1 of the Act, until such time as they obtain Fidelity Fund Certificates from the Registrar of the Council in accordance with the provisions of the Act.
2. In terms of the provisions of section 26 (1)(bA) of the Act, the First, Second and Third Accused shall, jointly and severally, the one paying the other to be absolved for payment of a fine in the amount of R100 000.00. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind.
3. In terms of the provisions of section 26 (6) & (7) of the Act, the First, Second and Third Accused shall, jointly and severally, make a contribution towards the legal costs of the Council in the bringing of the disciplinary proceedings, the one paying the other to be absolved for payment of an amount of R100 000.00. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind.