

WINE AND SPIRIT CONTROL ACT
NO. 47 OF 1970

[ASSENTED TO 10 SEPTEMBER, 1970]

[DATE OF COMMENCEMENT: 18 SEPTEMBER, 1970]

(Unless otherwise indicated)

(Afrikaans text signed by the State President)

as amended by

- Wine and Spirit Control Amendment Act, No. 70 of 1972
Wine and Spirit Control Amendment Act, No. 74 of 1974
Wine and Spirit Control Amendment Act, No. 26 of 1975
Second Wine and Spirit Control Amendment Act, No. 62 of 1975
Wine and Spirit Control Amendment Act, No. 69 of 1976
Wine and Spirit Control Amendment Act, No. 47 of 1978
Wine and Spirits Amendment Act, No. 87 of 1980
Wine and Spirit Control Amendment Act, No. 44 of 1983
Wine and Spirits Amendment Act, No. 63 of 1984
Transfer of Powers and Duties of the State President Act, No. 97 of 1986
[with effect from 3 October, 1986—see title CONSTITUTIONAL LAW]
Wine and Spirit Amendment Act, No. 36 of 1988
Liquor Products Act, No. 60 of 1989
Wine and Spirit Control Amendment Act, No. 87 of 1990
General Law Amendment Act, No. 49 of 1996
[with effect from 4 October 1996—see title GENERAL LAW AMENDMENT ACTS]
Abolition of Restrictions on the Jurisdiction of Courts Act, No. 88 of 1996
[with effect from 22 November 1996—see title COURTS]

ACT

To consolidate the laws relating to the control and management of the wine and spirit industry; and to provide for matters incidental thereto.

CONTENTS

CHAPTER I

Wine intended for distillation purposes Sections 1 to 13

CHAPTER II

Wine not intended for distillation purposes Sections 14 to 30

CHAPTER III

Acquisition of grapes for conversion into wine or spirit and the disposal thereof by the Deciduous Fruit Board..... Sections 31 to 42

CHAPTER IV

Insufficient production of wine Sections 43 to 45

**WET OP BEHEER OOR WYN EN SPIRITUS
NO. 47 VAN 1970**

[GOEDGEKEUR OP 10 SEPTEMBER 1970]

[DATUM VAN INVOERING: 18 SEPTEMBER 1970]

(Tensy anders vermeld)

(Afrikaanse teks deur die Staatspresident geteken)

soos gewysig deur

Wysigingswet op Beheer oor Wyn en Spiritus, No. 70 van 1972

Wysigingswet op Beheer oor Wyn en Spiritus, No. 74 van 1974

Wysigingswet op Beheer oor Wyn en Spiritus, No. 26 van 1975

Tweede Wysigingswet op Beheer oor Wyn en Spiritus, No. 62 van 1975

Wysigingswet op Beheer oor Wyn en Spiritus, No. 69 van 1976

Wysigingswet op Beheer oor Wyn en Spiritus, No. 47 van 1978

Wysigingswet op Wyn en Spirituallieë, No. 87 van 1980

Wysigingswet op Beheer oor Wyn en Spiritus, No. 44 van 1983

Wysigingswet op Wyn en Spirituallieë, No. 63 van 1984

Wet op die Oordrag van Bevoegdthede en Pligte van die Staatspresident,
No. 97 van 1986

[met ingang van 3 Oktober 1986—sien titel STAATSREG]

Wysigingswet op Wyn en Spiritus, No. 36 van 1988

Wet op Drankprodukte, No. 60 van 1989

Wysigingswet op Beheer oor Wyn en Spiritus, No. 87 van 1990

Algemene Regswysigingswet, No. 49 van 1996

[met ingang van 4 Oktober 1996—sien titel ALGEMENE REGSWYSIGINGSWETTE]

Wet op Afskaffing van Beperkings op Howe se Jurisdiksie, No. 88 van 1996

[met ingang van 22 November 1996—sien titel GEREGSHOWE]

WET

Tot samevatting van die wette op die kontrole en beheer oor die wyn- en spiritusbedryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

INHOUD

HOOFSTUK I

Wyn vir distilleringsdoeleindes bestem Artikels 1 tot 13

HOOFSTUK II

Wyn nie vir distilleringsdoeleindes bestem nie Artikels 14 tot 30

HOOFSTUK III

Verkryging van druiwe vir omsetting in wyn of spiritus en die vandie-
handsetting daarvan deur die Sagtevrugteraad Artikels 31 tot 42

HOOFSTUK IV

Onvoldoende produksie van wyn Artikels 43 tot 45

CHAPTER V

Over-production of wine Section 46

CHAPTER VI

Levy on wine, spirit and brandy Sections 47 to 52

CHAPTER VII

General provisions Sections 53 to 57

CHAPTER VIII

Supplementary provisions Sections 58 and 59

CHAPTER I

WINE INTENDED FOR DISTILLATION PURPOSES

1. **Definitions.**—In this Chapter, unless the context otherwise indicates—

“absolute alcohol” means 100 per cent alcohol by volume;
 [Definition of “absolute alcohol” inserted by s. 1 (a) of Act No. 70 of 1972.]

“alcohol by volume”, in relation to wine or spirit, means the percentage of alcohol by volume contained in such wine or spirit;
 [Definition of “alcohol by volume” inserted by s. 1 (a) of Act No. 70 of 1972 and substituted by s. 1 of Act No. 87 of 1980.]

“blender” means a person approved and registered by the Commissioner for Customs and Excise as a blender of brandy and wine spirit;
 [Definition of “blender” substituted by s. 1 (a) of Act No. 87 of 1990.]

“co-operative society” means a co-operative society or co-operative company (other than the vereniging or a co-operative trading society or a central or federal co-operative trading company) which deals with products of winegrowers and has been registered under the law relating to co-operative societies and companies;

“distiller” means any person who conducts, works or carries on any distilling, or distils or manufactures any spirit from the produce of the vine;
 [Definition of “distiller” substituted by s. 1 of Act No. 74 of 1974 and by s. 1 (a) of Act No. 44 of 1983.]

“liquor product” means a liquor product as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989);
 [Definition of “liquor product” inserted by s. 1 (c) of Act No. 87 of 1990.]

“gin”
 [Definition of “gin” deleted by s. 1 (b) of Act No. 87 of 1990.]

“Government Brandy Board”
 [Definition of “Government Brandy Board” deleted by s. 32 of Act No. 60 of 1989.]

“grape spirit”
 [Definition of “grape spirit” inserted by s. 1 (b) of Act No. 44 of 1983 and deleted by s. 1 (b) of Act No. 87 of 1990.]

“leaguer”
 [Definition of “leaguer” deleted by s. 1 (b) of Act No. 70 of 1972.]

HOOFSTUK V

Oorproduksie van wyn Artikel 46

HOOFSTUK VI

Heffing op wyn, spiritus en brandewyn Artikels 47 tot 52

HOOFSTUK VII

Algemene bepalings Artikels 53 tot 57

HOOFSTUK VIII

Aanvullende bepalings Artikels 58 en 59

HOOFSTUK I

WYN VIR DISTILLERINGSDOELEINDES BESTEM

1. Woordoms krywing.—Tensy uit die samehang anders blyk, beteken in hierdie Hoofstuk—

„absolute alkohol” 100 persent alkohol volgens volume;

[Omskrywing van „absolute alkohol” ingevoeg by a. 1 (a) van Wet No. 70 van 1972.]

„alkohol volgens volume”, met betrekking tot wyn of spiritus, die persentasie alkohol volgens volume wat in sodanige wyn of spiritus bevat is;

[Omskrywing van „alkohol volgens volume” ingevoeg by a. 1 (a) van Wet No. 70 van 1972 en vervang by a. 1 van Wet No. 87 van 1980.]

„distilleerder” iemand wat distillering uitvoer, bewerkstellig of bedryf, of spiritus uit die produk van die wingerdstok distilleer of vervaardig;

[Omskrywing van „distilleerder” vervang by a. 1 van Wet No. 74 van 1974 en by a. 1 (a) van Wet No. 44 van 1983.]

„drankprodukt” ’n drankprodukt soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989 (Wet No. 60 van 1989);

[Omskrywing van „drankprodukt” ingevoeg by a. 1 (b) van Wet No. 87 van 1990.]

„druifspiritus”

[Omskrywing van „druifspiritus” ingevoeg by a. 1 (b) van Wet No. 44 van 1983 en geskrap by a. 1 (a) van Wet No. 87 van 1990.]

„groothandelaar” iemand wat gedurende één jaar ’n groothandelshoeveelheid wyn, ingevalge die omskrywing, *mutatis mutandis*, van „groothandelshoeveelheid” in artikel 14, soos bepaal met verwysing na die datum in genoemde omskrywing vermeld, of die ekwivalent van so ’n hoeveelheid wyn, in spiritus, koop;

[Omskrywing van „groothandelaar” vervang by a. 1 van Wet No. 36 van 1988.]

„jaar” ’n jaar wat op een-en-dertig Desember eindig;

„jenewer”

[Omskrywing van „jenewer” geskrap by a. 1 (a) van Wet No. 87 van 1990.]

„koöperatiewe vereniging” ’n koöperatiewe vereniging of koöperatiewe maatskappy (behalwe die vereniging of ’n koöperatiewe handelsvereniging of ’n sentrale of federale koöperatiewe handelsmaatskappy) wat met die produkte van wynboere handel en kragtens die reg op koöperatiewe verenigings en maatskappye geregistreer is;

“liqueur”

[Definition of “liqueur” deleted by s. 1 (b) of Act No. 87 of 1990.]

“Minister” means the Minister of Agriculture;

“proof”

[Definition of “proof” deleted by s. 1 (b) of Act No. 70 of 1972.]

“proof spirit”

[Definition of “proof spirit” deleted by s. 1 (b) of Act No. 70 of 1972.]

“proof strength”

[Definition of “proof strength” deleted by s. 1 (b) of Act No. 70 of 1972.]

“vereniging” means the “Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt”;

“vodka”

[Definition of “vodka” inserted by s. 1 (c) of Act No. 44 of 1983 and deleted by s. 1 (b) of Act No. 87 of 1990.]

“warehouse” means a customs and excise warehouse licensed under section 19 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);

“wholesale trader” means any person who buys during any one year a wholesale quantity, in terms *mutatis mutandis* of the definition of “wholesale quantity” in section 14, of wine, as determined with reference to the date mentioned in the said definition, or the equivalent of such a quantity of wine in spirit;

[Definition of “wholesale trader” substituted by s. 1 of Act No. 36 of 1988.]

“wine” means wine or must of any description, and includes grapes, grape juice, moskonfyt, raisins, sultanas and lees of wine;

“Wine and Spirit Board” means the board referred to in section 2 of the Liquor Products Act, 1989.

[Definition of “Wine and Spirit Board” inserted by s. 32 of Act No. 60 of 1989.]

“winegrower” means any person who grows grapes and manufactures the same into wine or brandy for the purpose of sale or sells grapes for manufacture into wine or brandy for sale, or manufactures moskonfyt intended to be added to wine for sale;

“year” means a year ending on thirty-first December.

2. Production of wine for distillation purposes, and disposal of such wine or spirit or brandy.—(1) No person shall—

- (a) produce wine for distillation purposes, except under the authority of a permit issued by the vereniging;
- (b) sell or otherwise dispose of, or purchase or otherwise acquire, wine for the purposes of distillation or the conversion thereof into spirit, except through or with the consent of the vereniging; or
- (c) distil wine or utilize wine for the purpose of converting it into spirit, except with the consent of the vereniging.

(2) (a) No winegrower shall sell or otherwise dispose of any spirit or brandy obtained by him from the vereniging or distilled from wine which has been produced by him or has been derived from grapes purchased or otherwise acquired by him, except through or with the consent of the vereniging.

(b) No co-operative society shall sell or otherwise dispose of any spirit or brandy distilled from wine delivered to it, except through or with the consent of the vereniging.

[Para. (b) substituted by s. 2 (a) of Act No. 44 of 1983.]

„lêer”

[Omskrywing van „lêer” geskrap by a. 1 (b) van Wet No. 70 van 1972.]

„likeur”

[Omskrywing van „likeur” geskrap by a. 1 (a) van Wet No. 87 van 1990.]

„menger” iemand wat deur die Kommissaris van Doeane en Aksyns as 'n menger van brandewyn en wynspiritus goedgekeur en geregistreer is;

[Omskrywing van „menger” vervang by a. 1 (c) van Wet No. 87 van 1990.]

„Minister” die Minister van Landbou;

„pakhuis” 'n doeane- en aksynspakhuis gelisensieer kragtens artikel 19 van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964);

„proef”

[Omskrywing van „proef” geskrap by a. 1 (b) van Wet No. 70 van 1972.]

„proefspiritus”

[Omskrywing van „proefspiritus” geskrap by a. 1 (b) van Wet No. 70 van 1972.]

„proefsterkte”

[Omskrywing van „proefsterkte” geskrap by a. 1 (b) van Wet No. 70 van 1972.]

„Regeringsbrandewynraad”

[Omskrywing van „Regeringsbrandewynraad” geskrap by a. 32 van Wet No. 60 van 1989.]

„vereniging” die „Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperk”;

„wodka”

[Omskrywing van „wodka” ingevoeg by a. 1 (c) van Wet No. 44 van 1983 en geskrap by a. 1 (a) van Wet No. 87 van 1990.]

„wyn” enige soort wyn of mos, en ook druiwe, druiwesap, moskonfyt, rosyne, sultanas en wynmoer;

„wynboer” iemand wat druiwe kweek en daarvan wyn of brandewyn vir verkoop vervaardig, of druiwe verkoop vir die vervaardiging van wyn of brandewyn vir verkoop, of moskonfyt, bedoel vir byvoeging by wyn vir verkoop, vervaardig;

„Wyn- en Spiritusraad” die raad bedoel in artikel 2 van die Wet op Drankprodukte, 1989.

[Omskrywing van „Wyn- en Spiritusraad” bygevoeg by a. 32 van Wet No. 60 van 1989.]

2. **Produksie van wyn vir destilleringsdoeleindes, en vandiehandsetting van sodanige wyn of spiritus of brandewyn.**—(1) Niemand mag—

- (a) wyn vir destilleringsdoeleindes produseer nie, behalwe op gesag van 'n permit deur die vereniging uitgereik;
- (b) wyn vir doeleindes van destillering of die omsetting daarvan in spiritus verkoop of op 'n ander wyse van die hand sit, of koop of op 'n ander wyse verkry nie, behalwe deur of met toestemming van die vereniging; of
- (c) wyn distilleer of wyn aanwend vir die omsetting daarvan in spiritus nie, behalwe met toestemming van die vereniging.

(2) (a) Geen wynboer mag spiritus of brandewyn wat deur hom van die vereniging verkry is of wat gedistilleer is van wyn wat deur hom geproduseer is of afkomstig is van druiwe wat deur hom gekoop of op 'n ander wyse verkry is, verkoop of op 'n ander wyse van die hand sit nie, behalwe deur of met toestemming van die vereniging.

(b) Geen koöperatiewe vereniging mag spiritus of brandewyn wat gedistilleer is van wyn wat aan hom gelewer is, verkoop of op 'n ander wyse van die hand sit nie, behalwe deur of met toestemming van die vereniging.

[Par. (b) vervang by a. 2 (a) van Wet No. 44 van 1983.]

(3) Every winegrower who sells or otherwise disposes of any spirit or brandy referred to in subsection (2) (a) or any wine to which such spirit or brandy has been added for the purpose of fortification, and every co-operative society which sells or otherwise disposes of any spirit or brandy referred to in subsection (2) (b) or any wine to which such spirit or brandy has been added for the purpose of fortification, shall pay to the vereniging, in respect of the quantity of wine for distillation purposes required to produce such spirit or brandy, levies calculated in the same manner as the levies imposed by the vereniging in terms of its regulations on wine for distillation purposes during the year in which such spirit or brandy or wine is so sold or disposed of: Provided that no levies shall be so payable in respect of such spirit or brandy contained in fortified wine exported from the Republic by such winegrower or co-operative society.

(4) (a) No co-operative society (including the vereniging) and no winegrower shall sell any spirit (including brandy), the produce of the vine, for use in the Republic for drinking purposes or the fortification of wine, at a price less than an amount equivalent to the value of such spirit, calculated at the rate of the fixed minimum price charged by the vereniging to wholesale traders, in the year in which such spirit is sold, for the quantity of wine of a strength of ten per cent of alcohol by volume for distillation purposes which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit: Provided that in any case where a co-operative society or winegrower desires to sell spirit to a wholesale trader and such co-operative society or winegrower satisfies the vereniging that the Wine and Spirit Board has not approved and certified such spirit as provided for in section 9 and that such trader will be obliged to redistil such spirit in order to obtain such approval and certification, the vereniging may permit the sale of such spirit to such trader on such conditions as the vereniging may determine and at a price which may exclude the cost of distilling such spirit.

[Para. (a) amended by s. 1 of Act No. 47 of 1978 and by s. 32 of Act No. 60 of 1989.]

(b) For the purposes of paragraph (a) the cost of distilling spirit shall include the value of any losses sustained in the ordinary course of the process of distillation and, if such spirit is brandy, in addition to such value, the costs incurred and the value of any losses sustained in the ordinary course of the process of maturation of such brandy, and the expression "strength" shall bear the meaning assigned to it in section 14.

(c) Any dispute as to such price may, with the consent of the Minister, be referred to a board of appeal constituted as provided in section 7.

(5) Every winegrower who sells or otherwise disposes of any wine for distillation purposes which has been derived from grapes, purchased or otherwise acquired by him, and every co-operative society which sells or otherwise disposes of any wine for distillation purposes which has been derived from wine delivered to it, shall pay to the vereniging in respect thereof levies calculated in the same manner as the levies imposed by the vereniging in terms of its regulations on wine for distillation purposes during the year in which such wine is so sold or disposed of.

[Sub-s. (5) substituted by s. 2 (b) of Act No. 44 of 1983.]

(6) The vereniging shall withhold any consent required under subsection (1) (b) or (c) or subsection (2) in the case of a winegrower who or a co-operative society which is not a member of the vereniging, unless that winegrower or co-operative society agrees to be subject, in respect of the act or transaction in relation to which such consent is required, to all the conditions and obligations to which he or such co-operative society, as the case may be, would have been subject if he or such co-operative society were such a member.

(7) Any permit issued under subsection (1) (a) shall expire on the thirty-first day of October next succeeding the date of issue thereof.

(8)

[Sub-s. 8 deleted by s. 2 of Act No. 87 of 1990.]

(3) Elke wynboer wat spiritus of brandewyn bedoel in subartikel (2) (a) of wyn waarby sodanige spiritus of brandewyn gevoeg is vir die doel van versterking, verkoop of op 'n ander wyse van die hand sit, en elke koöperatiewe vereniging wat spiritus of brandewyn bedoel in subartikel (2) (b) of wyn waarby sodanige spiritus of brandewyn gevoeg is vir die doel van versterking, verkoop of op 'n ander wyse van die hand sit, moet, ten opsigte van die hoeveelheid wyn vir distilleringsdoeleindes wat nodig is om daardie spiritus of brandewyn te produseer, aan die vereniging heffings betaal, bereken op dieselfde wyse as die heffings deur die vereniging ingevolge sy regulasies op wyn vir distilleringsdoeleindes gelê gedurende die jaar waarin sodanige spiritus of brandewyn of wyn aldus verkoop of van die hand gesit word: Met dien verstande dat geen heffings aldus betaalbaar is nie ten opsigte van sodanige spiritus of brandewyn wat bevat is in versterkte wyn wat deur sodanige wynboer of koöperatiewe vereniging uit die Republiek uitgevoer word.

(4) (a) Geen koöperatiewe vereniging (met inbegrip van die vereniging) en geen wynboer mag spiritus (met inbegrip van brandewyn), wat die produk van die wingerdstok is, vir gebruik in die Republiek vir drinkdoeleindes of die versterking van wyn, teen 'n laer prys verkoop nie as 'n bedrag gelykstaande met die waarde van sodanige spiritus, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie spiritus verkoop word, groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van tien persent alkohol volgens volume vir distilleringsdoeleindes wat nodig sou wees om daardie spiritus te distilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te distilleer: Met dien verstande dat in 'n geval waar 'n koöperatiewe vereniging of wynboer spiritus aan 'n groothandelaar wil verkoop en daardie koöperatiewe vereniging of wynboer die vereniging oortuig dat die Wyn- en Spiritusraad nie daardie spiritus goedgekeur en gesertifiseer het nie, soos in artikel 9 voorgeskryf, en dat daardie handelaar verplig sal wees om daardie spiritus te herdistilleer ten einde sodanige goedkeuring en sertifisering te verkry, die vereniging die verkoop van daardie spiritus aan daardie handelaar kan toelaat op die voorwaardes deur die vereniging bepaal en teen 'n prys wat die koste van distillering van sodanige spiritus kan uitsluit.

[Par. (a) gewysig by a. 1 van Wet No. 47 van 1978 en by a. 32 van Wet No. 60 van 1989.]

(b) By die toepassing van paragraaf (a) beteken die koste om spiritus te distilleer, ook die waarde van verliese in die gewone loop van die distilleringsproses gely, en, indien sodanige spiritus brandewyn is, benewens sodanige waarde, ook die koste aangegaan en die waarde van verliese gely in die gewone loop van die proses van veroudering van sodanige brandewyn, en het die uitdrukking „sterkte” die betekenis daaraan toegeskryf in artikel 14.

(c) 'n Geskil omtrent sodanige prys kan, met die toestemming van die Minister, verwys word na 'n appèlraad saamgestel soos in artikel 7 bepaal.

(5) Elke wynboer wat wyn vir distilleringsdoeleindes verkoop of op 'n ander wyse van die hand sit wat afkomstig is van druiwe deur hom gekoop of op 'n ander wyse verkry, en elke koöperatiewe vereniging wat wyn vir distilleringsdoeleindes verkoop of op 'n ander wyse van die hand sit wat afkomstig is van wyn aan hom gelewer, moet ten opsigte daarvan aan die vereniging heffings betaal, bereken op dieselfde wyse as die heffings deur die vereniging ingevolge sy regulasies op wyn vir distilleringsdoeleindes gelê gedurende die jaar waarin sodanige wyn aldus verkoop of van die hand gesit word.

[Sub-a. (5) vervang by a. 2 (b) van Wet No. 44 van 1983.]

(6) Die vereniging moet enige kragtens subartikel (1) (b) of (c) of subartikel (2) vereiste toestemming weier in die geval van 'n wynboer of koöperatiewe vereniging wat nie 'n lid van die vereniging is nie, tensy daardie wynboer of koöperatiewe vereniging instem om ten opsigte van die handeling of transaksie met betrekking waartoe bedoelde toestemming vereis word, onderworpe te wees aan al die voorwaardes en verpligtings waaraan hy of sodanige koöperatiewe vereniging, na gelang van die geval, onderworpe sou gewees het as hy of sodanige koöperatiewe vereniging so 'n lid was.

(7) 'n Permit uitgereik kragtens subartikel (1) (a) verval op die een-en-dertigste dag van Oktober na en naaste aan die datum van uitreiking daarvan.

(8)

[Sub-a. (8) geskrap by a. 2 van Wet No. 87 van 1990.]

2A. Registration of premises for the receipt, manufacture or storage of wine.—

(1) No wholesale trader or distiller who receives wine from a winegrower or co-operative society, and no winegrower or co-operative society shall use any premises for the receipt, manufacture or storage of wine for purposes of distillation or conversion into spirit, unless those premises are registered with the vereniging.

[Sub-s. (1) substituted by s. 3 of Act No. 87 of 1990.]

(2) The vereniging shall issue a registration certificate in respect of each registration granted by it under subsection (1).

[S. 2A inserted by s. 3 of Act No. 74 of 1974.]

3. Vereniging to supply wine for distillation in ordinary course of trade.—(1) The vereniging shall, subject to the provisions of subsection (2), on demand supply any wine or any wine of a particular type or grown in a particular locality, which it has in stock or under its control, for the purpose of distillation or conversion into spirit, to any *bona fide* distiller or wholesale trader, association of distillers or wholesale traders or co-operative society in a position to make satisfactory arrangements as regards payment for such wine and willing to take the quantities usually supplied to distillers or wholesale traders.

(2) The vereniging may within fourteen days after receipt of any demand for such wine, refer the matter to the Minister who may, after consideration of any representations made by the vereniging and by the person making such demand, authorize the vereniging to refuse to fulfil that demand or to supply such lesser quantity of wine in fulfilment thereof as the Minister may direct, if he is satisfied that the demand is excessive, having regard to the available supplies, the estimated needs of the trade, the previous purchases of the person making the demand and the estimated requirements of the vereniging.

(3) Save as provided in subsection (4), the vereniging shall not supply or sell spirit or wine intended for distillation purposes—

(a) for use in the Republic, Lesotho, Botswana or Swaziland—

(i) to any person who is not a distiller or wholesale trader or an association of distillers or wholesale traders or a co-operative society; or

(ii) in any quantity which is not a wholesale quantity, in terms *mutatis mutandis* of the definition of “wholesale quantity” in section 14, as determined with reference to the date mentioned in the said definition, except to a co-operative society or to a person who has in the year in which such spirit or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Republic a quantity of spirit or wine, being wine intended for distillation purposes or wine as defined in the said section, which is a wholesale quantity as so defined; or

[Para. (a) amended by s. 1 of Act No. 49 of 1996.]

(b) for use elsewhere in Africa south of the equator (hereinafter referred to as the “territory”), except to a co-operative society or to a person who has in the year in which such spirit or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Republic a quantity of spirit or wine, being wine intended for distillation purposes or wine as defined in section 14, which is a wholesale quantity as so defined: Provided that the Minister may, at any time and subject to such conditions as he may deem fair and equitable in the circumstances, authorize the vereniging to supply or sell spirit or wine intended for distillation purposes for use anywhere in the territory other than in Zimbabwe, Zambia and Malawi to any other person or persons, and he may at any time withdraw such authorization or amend or alter any such conditions as he may deem fit.

[Para. (b) amended by s. 4 (a) of Act No. 87 of 1990.]

2A. Registrasie van persele vir die ontvangs, vervaardiging of opberging van wyn.—(1) Geen groothandelaar of distilleerder wat wyn van 'n wynboer of koöperatiewe vereniging ontvang, en geen wynboer of koöperatiewe vereniging mag enige perseel gebruik vir die ontvangs, vervaardiging of opberging van wyn vir die doeleindes van distillering of omsetting in spiritus nie, tensy daardie perseel by die vereniging geregistreer is.

[Sub-a. (1) vervang deur a. 3 van Wet No. 87 van 1990.]

(2) Die vereniging moet 'n registrasiesertifikaat ten opsigte van elke registrasie deur hom kragtens subartikel (1) toegestaan, uitreik.

[A. 2A ingevoeg deur a. 3 van Wet No. 74 van 1974.]

3. Vereniging moet wyn vir distillering volgens gewone handelsgebruik verskaf.—

(1) Die vereniging moet, behoudens die bepalings van subartikel (2), op aanvraag wyn, of wyn van 'n besondere tipe of verbou in 'n besondere buurt, wat hy in voorraad of onder sy beheer het, vir distillering of omsetting in spiritus verskaf aan 'n *bona fide* distilleerder of groothandelaar, assosiasie van distilleerders of groothandelaars of koöperatiewe vereniging wat in staat is om bevredigende reëlings ten opsigte van betaling vir die wyn te tref en gewillig is om die hoeveelhede wat gewoonlik aan distilleerders of groothandelaars verskaf word, te neem.

(2) Die vereniging kan binne veertien dae na ontvangs van 'n aanvraag om sodanige wyn, die saak verwys na die Minister, wat na oorweging van vertoë gelewer deur die vereniging en deur die persoon wat die aanvraag doen, die vereniging kan magtig om voldoening aan die aanvraag te weier of om so 'n mindere hoeveelheid wyn ter voldoening daaraan te verskaf as wat die Minister gelas, indien hy oortuig is dat, met die oog op die beskikbare voorrade, die geraamde benodighede van die handel, die vorige aankope van die persoon wat die aanvraag doen, en die geraamde benodighede van die vereniging, die aanvraag buitensporig is.

(3) Behalwe vir sover in subartikel (4) bepaal, mag die vereniging geen spiritus of wyn bestem vir distilleringsdoeleindes—

(a) vir gebruik in die Republiek, Lesotho, Botswana of Swaziland verskaf of verkoop nie—

(i) aan iemand wat nie 'n distilleerder of groothandelaar of 'n vereniging van distilleerders of groothandelaars of 'n koöperatiewe vereniging is nie; of

(ii) in 'n hoeveelheid wat nie 'n groothandelshoeveelheid is nie ingevolge die omskrywing *mutatis mutandis* van „groothandelshoeveelheid” in artikel 14, soos bepaal met verwysing na die datum in daardie omskrywing vermeld, behalwe aan 'n koöperatiewe vereniging of aan iemand wat in die jaar waarin bedoelde spiritus of wyn aldus verskaf of verkoop word, 'n hoeveelheid spiritus of wyn wat wyn bestem vir distilleringsdoeleindes is of wyn is soos in genoemde artikel omskryf, wat 'n groothandelshoeveelheid, soos aldus omskryf, is, vir verbruik in die Republiek aangekoop of verkry het of onderneem het om dit aan te koop of te verkry; of

[Par. (a) gewysig deur a. 1 van Wet No. 49 van 1996.]

(b) vir gebruik elders in Afrika suid van die ewenaar (hieronder die „gebied” genoem) verskaf of verkoop nie, behalwe aan 'n koöperatiewe vereniging of aan iemand wat in die jaar waarin bedoelde spiritus of wyn aldus verskaf of verkoop word, 'n hoeveelheid spiritus of wyn wat wyn bestem vir distilleringsdoeleindes is of wyn is soos in artikel 14 omskryf, wat 'n groothandelshoeveelheid, soos aldus omskryf, is, vir verbruik in die Republiek aangekoop of verkry het of onderneem het om dit aan te koop of te verkry: Met dien verstande dat die Minister, te eniger tyd en onderworpe aan die voorwaardes wat hy in die omstandighede redelik en billik ag, die vereniging kan magtig om spiritus of wyn bestem vir distilleringsdoeleindes te verskaf of te verkoop aan enige ander persoon of persone vir gebruik op enige plek in die gebied, behalwe in Zimbabwe, Zambië en Malawi, en hy kan te eniger tyd sodanige magtiging intrek of enige sodanige voorwaarde wysig of verander soos hy goed ag.

[Par. (b) gewysig deur a. 4 (x) van Wet No. 87 van 1990.]

(4) Notwithstanding anything to the contrary contained in any law, the vereniging may during any year—

- (a) supply to any of its members for his private use, in exchange for wine intended for distillation purposes, or wine as defined in section 14, produced by that member on land in respect of which a permit has been issued to the member in terms of section 2 (1) (a), and delivered to the vereniging, such quantity of liquor products, other than wine, as in the aggregate, together with any quantity of wine supplied to that member during that year under section 17 (2) (a), is equivalent to not more than 40 litres of absolute alcohol;

[Para. (a) substituted by s. 3 (a) of Act No. 44 of 1983 and by s. 4 (b) of Act No. 87 of 1990.]

- (b) supply to any of its members for the fortification of his own product, in exchange for wine intended for distillation purposes produced by that member on land in respect of which a permit has been issued to the member in terms of section 2 (1) (a), and delivered to the vereniging, such a quantity of spirit, not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, and on such conditions as may be determined by the vereniging: Provided that if the vereniging is satisfied that a member is in need of spirit for the fortification of his own product and that such member—

- (i) reasonably requires an extension of time to deliver wine in exchange for such spirit, it may supply him with such quantity of spirit as it may deem proper under the circumstances and may allow him a period not exceeding four months to deliver such wine; or
- (ii) is not and shall within the said period of four months not be in a position to deliver a sufficient quantity of wine in exchange for such spirit, it may sell to him such quantity of spirit as it may deem proper in the circumstances; and

[Para. (b) amended by s. 3 (b) of Act No. 44 of 1983 and by s. 2 of Act No. 36 of 1988.]

- (c) sell to any of its employees or directors for his private use liquor products, other than wine.

[Sub-s. (4) amended by s. 2 of Act No. 70 of 1972 and substituted by s. 1 of Act No. 26 of 1975. Para. (c) substituted by s. 3 (c) of Act No. 44 of 1983 and by s. 4 (c) of Act No. 87 of 1990.]

(5) The vereniging shall supply any wine as aforesaid in accordance with the custom of the trade to any such distiller, wholesale trader, association of distillers or wholesaler traders or co-operative society, without differentiation as to price between different purchasers, except that the price for wine purchased for the manufacture of spirit for maturation or denaturation purposes or for the manufacture of vinegar or for use in the preparation or manufacture of medicines or for any non-potable purpose or for export, may differ from the price for wine purchased for the manufacture of spirit for other potable purposes.

(6)

[Sub-s. (6) deleted by s. 4 (d) of Act No. 87 of 1990.]

(7) The Minister shall make known in such manner as he may deem fit the terms of any authorization granted by him under the proviso to subsection (3) (b), the conditions, if any, subject to which such authorization has been granted, any amendment and alteration of such conditions and any withdrawal of such authorization.

4.

[S. 4 repealed by s. 1 of Act No. 63 of 1984.]

continued on page 551

5. Minimum price for wine intended for distillation purposes.—(1) (a) Subject to the approval of the Minister and to the provisions of paragraphs (b) and (c), the vereniging shall in respect of each year determine the fixed minimum price to be charged by it during such year to wholesale traders for wine intended for distillation purposes, and may, in respect of any year, also determine the period within which the purchase price or any portion thereof shall be paid, and the interest or other charges which shall be added to such price in the circumstances so determined.

(b) The vereniging shall—

- (i) on or before the twentieth January of each year submit to the Minister a statement in writing setting forth the minimum price and any period, interest, charges or circumstances it desires to determine in terms of paragraph (a) in respect of that year; and
- (ii) as soon as possible thereafter by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with the Minister in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the minimum price, period, interest, charges or circumstances specified in the notice.

[Para. (b) substituted by s. 5 (a) of Act No. 87 of 1990.]

(c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the minimum price, period, interest, charges or circumstances in question or call upon the vereniging to submit to him another minimum price, period or interest, or other charges or circumstances, as the case may be, and the Minister may thereupon approve of such other price, period, interest, charges or circumstances.

(d) Any approval by the Minister in terms of this subsection shall forthwith be made known by the Minister by notice in the *Gazette*.

[Para. (d) substituted by s. 5 (b) of Act No. 87 of 1990.]

(e) Different minimum prices may be determined in terms of paragraph (a) in respect of different areas or different classes, types or grades of wine or different grape cultivars, or according as the wine is intended for different purposes.

[Para. (e) added by s. 5 (c) of Act No. 87 of 1990.]

(2) Any minimum price approved by the Minister in terms of subsection (1) in respect of any year shall be deemed to be the minimum price for all the produce of the vine fixed by the vereniging for such year in terms of its regulations and shall be effective for all purposes as if it had been so fixed.

(3) (a) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine intended for distillation purposes from any person, and no winegrower or co-operative society shall during any such year dispose of any such wine to any person so licensed or any such distiller, except at a price which is not less than such minimum price.

[Para. (a) substituted by s. 4 (a) of Act No. 74 of 1974.]

(b) Paragraph (a) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members.

(4)

[Sub-s. (4) deleted by s. 4 (b) of Act No. 74 of 1974.]

(5) (a) Every person licensed to deal in liquor and every distiller referred to in subsection (3) (a), who purchases wine intended for distillation purposes from a winegrower or co-operative society shall pay the purchase price to the vereniging which shall deal therewith as provided in its regulations in force from time to time.

5. Minimum prys vir wyn vir destilleringsdoeleindes bestem.—(1) (a) Onderworpe aan die goedkeuring van die Minister en behoudens die bepalings van paragrawe (b) en (c), bepaal die vereniging ten opsigte van elke jaar die vasgestelde minimum prys wat groot-handelaars deur hom in daardie jaar gevra gaan word vir wyn wat vir destilleringsdoeleindes bestem is, en kan die vereniging, ten opsigte van die een of ander jaar, ook die tydperk bepaal waarin die koopprys of 'n gedeelte daarvan betaal moet word, en die rente of ander gelde wat by so 'n prys gevoeg moet word in die omstandighede aldus bepaal.

(b) Die vereniging moet—

- (i) voor of op die twintigste Januarie van elke jaar 'n skriftelike staat aan die Minister voorlê waarin die minimum prys en enige tydperk, rente, gelde of omstandighede wat die vereniging ingevolge paragraaf (a) ten opsigte van daardie jaar wil bepaal, aangegee word; en
- (ii) so spoedig moontlik daarna by kennisgewing in die *Staatskoerant* besonderhede daarvan bekend maak en alle belanghebbendes aansê om besware wat hulle teen die in die kennisgewing vermelde minimum prys, tydperk, rente, gelde of omstandighede het, binne 'n tydperk van veertien dae vanaf die datum van sodanige kennisgewing, skriftelik by die Minister in te lewer.

[Par. (b) vervang by a. 5 (a) van Wet No. 87 van 1990.]

(c) Na oorweging van die besware (indien daar is) ingevolge 'n kennisgewing kragtens paragraaf (b) by hom ingelewer, kan die Minister die betrokke minimum prys, tydperk, rente, gelde of omstandighede goedkeur, of die vereniging aansê om 'n ander minimum prys of tydperk, of ander rente, gelde of omstandighede, na gelang van die geval, aan hom voor te lê, en daarop kan die Minister bedoelde ander prys, tydperk, rente, gelde of omstandighede goedkeur.

(d) Enige goedkeuring ingevolge hierdie subartikel deur die Minister, word on-
verwyld deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.

[Par. (d) vervang by a. 5 (b) van Wet No. 87 van 1990.]

(e) Verskillende minimum pryse kan ingevolge paragraaf (a) vasgestel word ten opsigte van verskillende gebiede of verskillende klasse, tipes of grade wyn of verskillende druifcultivars of na gelang die wyn vir verskillende doeleindes bestem is.

[Par. (e) bygevoeg by a. 5 (c) van Wet No. 87 van 1990.]

(2) 'n Minimum prys deur die Minister ingevolge subartikel (1) ten opsigte van die een of ander jaar goedgekeur, word geag die minimum prys vir al die produkte van die wingerdstok te wees wat deur die vereniging vir sodanige jaar ingevolge sy regulasies bepaal is, en is vir alle doeleindes van krag asof dit aldus vasgestel is.

(3) (a) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder (behalwe die vereniging) mag gedurende 'n jaar ten opsigte waarvan kragtens subartikel (1) 'n minimum prys bepaal is, wyn vir destilleringsdoeleindes bestem van iemand verkry nie, en geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar sodanige wyn aan iemand wat aldus gelisensieer is of so 'n distilleerder van die hand sit nie, behalwe teen 'n prys wat nie laer as daardie minimum prys is nie.

[Par. (a) vervang by a. 4 (a) van Wet No. 74 van 1974.]

(b) Paragraaf (a) is nie van toepassing nie op die verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede.

(4)

[Sub-a. (4) geskrap by a. 4 (b) van Wet No. 74 van 1974.]

(5) (a) Iedereen wat gelisensieer is om in drank handel te dryf en elke distilleerder bedoel in subartikel (3) (a), wat wyn vir destilleringsdoeleindes bestem van 'n wynboer of koöperatiewe vereniging koop, moet die koopprys aan die vereniging betaal, wat daarmee handel soos bepaal word in sy regulasies wat van tyd tot tyd van krag is.

(b) Paragraph (a) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members.

(6) For the purposes of subsection (3) (a) the expression "minimum price" shall include any such price as increased by the addition of any interest or other charges determined in terms of subsection (1).

[Sub-s. (6) amended by s. 4 (c) of Act No. 74 of 1974.]

(7)

[Sub-s. (7) deleted by s. 5 (d) of Act No. 87 of 1990.]

5A. Prohibition of the purchase and sale of wine and spirit, except in pursuance of a written contract of purchase and sale.—(1) No person licensed to deal in liquor and no distiller shall purchase or otherwise acquire wine for distillation purposes, or spirit (including brandy) manufactured from the produce of the vine, from a winegrower or co-operative society, and no winegrower or co-operative society shall sell or otherwise dispose of such wine or spirit to any person so licensed or any distiller, except in pursuance of a written contract of purchase and sale.

(2) The provisions of subsection (1) shall not apply to the purchase, acquisition, sale or disposal of such wine or spirit—

(a) by or to the vereniging; or

(b) in the ordinary course of dealing between a co-operative society and its members.

(3)

[S. 5A inserted by s. 5 of Act No. 74 of 1974. Sub-s. (3) deleted by s. 6 of Act No. 87 of 1990.]

6. Prohibition of acquisition of wine by winegrower from another winegrower.—(1) (a) No winegrower or co-operative society shall acquire any wine intended for distillation purposes from any winegrower or co-operative society.

(b) No person licensed to deal in liquor and no distiller shall acquire any grapes, grape juice, moskonfy, raisins or sultanas intended for distillation purposes, from any winegrower or co-operative society.

[Para. (b) added by s. 6 of Act No. 74 of 1974.]

(2) Subsection (1) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members or to any acquisition of wine by the vereniging.

(3)

[Sub-s. (3) deleted by s. 7 of Act No. 87 of 1990.]

7. Appeals.—(1) Any person whose interests are affected by any decision of the vereniging under this Chapter, other than a decision under section 5, may, with the consent of the Minister, appeal against that decision to a board of appeal consisting of three members to be appointed by the Minister, and of whom—

(a) one shall be nominated by the appellant;

(b) one shall be nominated by the vereniging, and

(c) one, who shall be chairman of the board, shall be nominated by the Minister.

(2) Whenever the Minister has consented to an appeal under subsection (1), he shall—

(a) by notice in writing advise the appellant accordingly and call upon him to nominate, within a period specified in the notice, not being less than seven days after the date thereof, the member referred to in paragraph (a) of that subsection; and

(b) by like notice simultaneously call upon the vereniging to nominate within the aforesaid period, the member referred to in paragraph (b) of that subsection.

(b) Paragraaf (a) is nie van toepassing nie op die verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede.

(6) By die toepassing van subartikel (3) (a) beteken die uitdrukking „minimum prys” ook so 'n prys soos verhoog deur die byvoeging van ingevolge subartikel (1) bepaalde rente of ander gelde.

[Sub-a. (6) gewysig by a. 4 (c) van Wet No. 74 van 1974.]

(7)

[Sub-a. (7) geskrap by a. 5 (d) van Wet No. 87 van 1990.]

5A. Verbod op die koop en verkoop van wyn en spiritus, behalwe ingevolge 'n skriftelike koopkontrak.—(1) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder mag wyn vir distilleringsdoeleindes, of spiritus (met inbegrip van brandewyn) wat uit die produk van die wingerdstok vervaardig is, van 'n wynboer of koöperatiewe vereniging koop of andersins verkry nie, en geen wynboer of koöperatiewe vereniging mag sodanige wyn of spiritus aan iemand wat aldus gelisensieer is of 'n distilleerder verkoop of andersins van die hand sit nie, behalwe ingevolge 'n skriftelike koopkontrak.

(2) Die bepaling van subartikel (1) is nie van toepassing nie op die koop, verkryging, verkoop of vandiehandsetting van sodanige wyn of spiritus—

(a) deur of aan die vereniging; of

(b) in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede.

(3)

[A. 5A ingevoeg by a. 5 van Wet No. 74 van 1974. Sub-a. (3) geskrap by a. 6 van Wet No. 87 van 1990.]

6. Verbod op verkryging van wyn deur wynboer van ander wynboer.—(1) (a) Geen wynboer of koöperatiewe vereniging mag wyn vir distilleringsdoeleindes bestem van 'n wynboer of koöperatiewe vereniging verkry nie.

(b) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder mag druiwe, druiwesap, moskonfyt, rosyne of sultanas vir distilleringsdoeleindes bestem, van 'n wynboer of koöperatiewe vereniging verkry nie.

[Par. (b) bygevoeg by a. 6 van Wet No. 74 van 1974.]

(2) Subartikel (1) is nie van toepassing nie op die verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede of op verkryging van wyn deur die vereniging.

(3)

[Sub-a. (3) geskrap by a. 7 van Wet No. 87 van 1990.]

7. Appèl.—(1) Iemand wie se belange geraak word deur 'n beslissing van die vereniging kragtens hierdie Hoofstuk, behalwe 'n beslissing kragtens artikel 5, kan, met die toestemming van die Minister, teen so 'n beslissing appelleer na 'n appèlraad wat bestaan uit drie lede, deur die Minister aangestel, van wie—

(a) een deur die appellant genomineer word;

(b) een deur die vereniging genomineer word; en

(c) een, wat die voorsitter van die raad is, deur die Minister genomineer word.

(2) Wanneer die Minister tot 'n appèl kragtens subartikel (1) toegestem het, moet hy—

(a) die appellant by skriftelike kennisgewing dienooreenkomstig verwittig en hom aansê om binne 'n in die kennisgewing vermelde tydperk, maar minstens sewe dae na die datum daarvan, die in paragraaf (a) van daardie subartikel bedoelde lid te nomineer; en

(b) gelyktydig by dergelike kennisgewing die vereniging aansê om binne voorvermelde tydperk die in paragraaf (b) van daardie subartikel bedoelde lid te nomineer.

(3) If the appellant fails within the period specified in any notice to him under subsection (2) to advise the Minister of the name and address of the person nominated by him in pursuance of that notice, the appeal shall lapse.

(4) If the vereniging fails within the period specified in any notice to it under subsection (2) to advise the Minister of the name and address of the person nominated by it in pursuance of that notice, the Minister shall himself nominate a person, being either a director or an official of the vereniging, to be a member of the board in the stead of the person whom the vereniging should have nominated.

(5) The Minister may at any time appoint any person as an alternate to any member of the board, or cancel the appointment of any such alternate and appoint another person in his stead, and any alternate so appointed may attend any meeting of the board and shall, in the absence of the member as whose alternate he has been appointed, act in the place of that member.

(6) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings of the board shall be held at such times and places as the chairman may determine.

(7) The quorum for any meeting of the board shall be all the members thereof, and the decision of a majority of the members of the board shall be the decision of the board.

(8) The decision of the board, including any decision as to the costs of any appeal, together with the grounds for such decision, shall be reduced to writing, and copies thereof shall be lodged with the Minister, the appellant and the vereniging, and such decision shall be binding on the appellant and the vereniging.

[Sub-s. (8) substituted by s. 43 of Act No. 88 of 1996.]

(9) For the purposes of subsection (7) "member" includes an alternate of any member attending a meeting of the board in the absence of that member.

8. Appeal on question of alleged unfair dealing or unjust treatment.—Whenever, in respect of any agreement between the vereniging and any distiller, wholesale trader or association of distillers or wholesale traders, it is alleged by either party that any transaction or arrangement entered into by either party with a third party constitutes unfair dealing or unjust treatment, such aggrieved party may, with the consent of the Minister, appeal to a board of appeal constituted as provided in section 7.

9. Disposal of spirit for potable purposes in Republic.—(1) No person shall for potable purposes in the Republic sell or otherwise dispose of any spirit manufactured in the Republic from the produce of the vine (except for redistillation or rectification), unless such spirit—

(a) is pot still brandy which—

(i) has been distilled in a pot still under excise supervision, at not higher than 75 per cent of alcohol by volume, wholly from pure wine, the produce of fresh grapes, and which wine complies with the standards laid down by the Wine and Spirit Board with the approval of the Minister and published in the *Gazette*; and

[Sub-para. (i) amended by s. 32 of Act No. 60 of 1989.]

(ii) has been approved by the Wine and Spirit Board and certified by it to be brandy manufactured solely from wine; and

[Sub-para. (ii) amended by s. 32 of Act No. 60 of 1989.]

(iii) has been matured by storage for a period of not less than three years, in a warehouse in wood approved by the Commissioner for Customs and Excise or any person authorized thereto in writing by him; or

(b) is brandy which is a blend of not less than 30 per cent (calculated on the basis of absolute alcohol) of pot still brandy described in paragraph (a) and not more than 70 per cent (calculated on the basis of absolute alcohol)—

(3) Indien die appellant versuim om, binne die tydperk vermeld in 'n kennisgewing aan hom kragtens subartikel (2), die Minister in kennis te stel van die naam en adres van die persoon ingevolge daardie kennisgewing deur hom genomineer, verval die appèl.

(4) Indien die vereniging versuim om, binne die tydperk vermeld in 'n kennisgewing aan hom kragtens subartikel (2), die Minister in kennis te stel van die naam en adres van die persoon ingevolge daardie kennisgewing deur hom genomineer, moet die Minister self iemand wat óf 'n direkteur óf 'n beampte van die vereniging is, nomineer om lid van die raad te wees in die plek van die persoon wat die vereniging moes genomineer het.

(5) Die Minister kan te eniger tyd iemand as 'n plaasvervanger van 'n lid van die raad aanstel, of die aanstelling van so 'n plaasvervanger intrek en iemand anders in sy plek aanstel, en 'n aldus aangestelde plaasvervanger kan enige vergadering van die raad bywoon en, by afwesigheid van die lid vir wie hy as plaasvervanger aangestel is, optree in die plek van daardie lid.

(6) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings van die raad word gehou op die tye en plekke wat die voorsitter bepaal.

(7) Die kworum vir 'n raadsvergadering is al die lede van die raad, en die beslissing van 'n meerderheid van die raadslede maak 'n besluit van die raad uit.

(8) Die beslissing van die raad, met inbegrip van 'n beslissing aangaande die koste van 'n appèl, tesame met die gronde vir so 'n beslissing, moet op skrif gestel word, en afskrifte daarvan moet aan die Minister, die appellant en die vereniging besorg word, en so 'n beslissing is bindend vir die appellant en die vereniging.

[Sub-a. (8) vervang deur a. 43 van Wet No. 88 van 1996.]

(9) By die toepassing van subartikel (7) beteken „lid” ook 'n plaasvervanger van 'n lid wat in die afwesigheid van daardie lid 'n vergadering van die raad bywoon.

8. Appèl op grond van beweerde onbillike handelwyse of onregverdige behandeling.—Wanneer ten opsigte van 'n ooreenkoms tussen die vereniging en 'n distilleerder, groothandelaar of vereniging van distilleerders of groothandelaars, deur die een of die ander party beweer word dat 'n transaksie of reëling deur die een of die ander party met 'n derde party aangegaan, 'n onbillike handelwyse of onregverdige behandeling uitmaak, kan so 'n beswaarde party, met toestemming van die Minister, appelleer na 'n appèlraad saamgestel soos in artikel 7 bepaal.

9. Vandiehandsetting van spiritus vir drinkdoeleindes in Republiek.—(1) Niemand mag spiritus wat in die Republiek uit die produk van die wingerdstok vervaardig is, verkoop of andersins van die hand sit vir drinkdoeleindes in die Republiek nie (behalwe om herdistilleer of gerektifiseer te word), tensy daardie spiritus—

(a) potketelbrandewyn is wat—

(i) in 'n potketel onder aksynstoesig by hoogstens 75 persent alkohol volgens volume gedistilleer is, geheel en al van suiwer wyn, die produk van vars druiwe, en welke wyn voldoen aan die standaard wat deur die Wyn- en Spiritusraad met die goedkeuring van die Minister bepaal en in die *Staatskoerant* gepubliseer is; en

[Subpar. (i) gewysig deur a. 32 van Wet No. 60 van 1989.]

(ii) deur die Wyn- en Spiritusraad goedgekeur is en deur hom as brandewyn uitsluitlik van wyn vervaardig, gesertifiseer is; en

[Subpar. (ii) gewysig deur a. 32 van Wet No. 60 van 1989.]

(iii) vir 'n tydperk van minstens drie jaar deur opberging verouder is in 'n pakhuis in hout wat deur die Kommissaris van Doeane en Aksyns of 'n skriftelik deur hom daartoe gemagtigde persoon goedgekeur is; of

(b) brandewyn is wat bestaan uit 'n mengsel van minstens 30 persent (bereken op die grondslag van absolute alkohol) potketelbrandewyn in paragraaf (a) beskryf en hoogstens 70 persent (bereken op die grondslag van absolute alkohol)—

- (i) of wine spirit which has been distilled from pure wine, the produce of fresh grapes, at not lower than 95 per cent of alcohol by volume and which has been approved by the Wine and Spirit Board and certified by it to be spirit manufactured solely from wine; or
[Sub-para. (i) amended by s. 32 of Act No. 60 of 1989.]
 - (ii) of grape spirit described in paragraph (e); or
 - (iii) wine spirit described in paragraph (d); or
 - (c) is wine spirit described in paragraph (b) (i) and is a gin, vodka or a liqueur or is intended for use—
 - (i) by a blender for purposes of blending in accordance with paragraph (b); or
 - (ii) in the fortification of wine or in the manufacture of gin, vodka, or liqueur; or
 - (d) has been distilled at not lower than 60 and not higher than 92 per cent of alcohol by volume from pure wine, the produce of fresh grapes, and has been approved by the Wine and Spirit Board and certified by it to be spirit manufactured solely from wine, and is a liqueur or intended for use—
 - (i) by a blender for purposes of blending in accordance with paragraph (b); or
 - (ii) in the fortification of wine; or
 - (iii) in the manufacture of liqueur; or[Para. (d) amended by s. 32 of Act No. 60 of 1989.]
 - (e) is grape spirit—
 - (i) which has been distilled under excise supervision at not lower than 75 and not higher than 92 per cent of alcohol by volume in a continuous still prescribed by regulation, wholly from pure wine, the produce of fresh grapes, and which complies with the standards laid down by the Wine and Spirit Board with the approval of the Minister and published in the *Gazette*; and
[Sub-para. (i) amended by s. 32 of Act No. 60 of 1989.]
 - (ii) which has been approved by the Wine and Spirit Board and certified by it to be spirit manufactured solely from wine; or
[Sub-para. (ii) amended by s. 32 of Act No. 60 of 1989 and by s. 8 (a) of Act No. 87 of 1990.]
 - (iii)
[Sub-para. (iii) deleted by s. 8 (a) of Act No. 87 of 1990.]
 - (f) has been approved by the Wine and Spirit Board and is intended for the purposes authorized from time to time by the Minister with the concurrence of the *vereniging*.
[Para. (f) amended by s. 32 of Act No. 60 of 1989.]
- (2) (a) The Wine and Spirit Board may with the approval of the Minister from time to time prescribe and publish in the *Gazette* certain requirements with which any spirit referred to in subsection (1) shall comply.
[Para. (a) amended by s. 32 of Act No. 60 of 1989.]
- (b) Such requirements may vary according to the method of distillation or alcohol content of such spirit or the purposes for which it may be intended.
- (3)
[S. 9 substituted by s. 3 of Act No. 70 of 1972, amended by s. 7 of Act No. 74 of 1974, substituted by s. 2 of Act No. 87 of 1980. Sub-s. (3) deleted by s. 8 (b) of Act No. 87 of 1990.]

10.
[S. 10 repealed by s. 8 of Act No. 74 of 1974.]

- (i) wynspiritus wat gedistilleer is uit suiwer wyn, die produk van vars druiwe, by minstens 95 persent alkohol volgens volume en wat deur die Wyn- en Spiritusraad goedgekeur is en deur hom as spiritus uitsluitlik van wyn vervaardig, gesertifiseer is; of
[Subpar. (i) gewysig by a. 32 van Wet No. 60 van 1989.]
 - (ii) druifspiritus in paragraaf (e) beskryf; of
 - (iii) wynspiritus in paragraaf (d) beskryf; of
 - (c) wynspiritus is in paragraaf (b) (i) beskryf en 'n jenewer, wodka of 'n likeur is of bestem is vir gebruik—
 - (i) deur 'n menger vir doeleindes van vermenging ooreenkomstig paragraaf (b); of
 - (ii) vir die versterking van wyn of vir die vervaardiging van jenewer, wodka of likeur; of
 - (d) by minstens 60 en hoogstens 92 persent alkohol volgens volume uit suiwer wyn, die produk van vars druiwe, gedistilleer en deur die Wyn- en Spiritusraad goedgekeur is en deur hom as spiritus uitsluitlik van wyn vervaardig, gesertifiseer is en 'n likeur is of bestem is vir gebruik—
 - (i) deur 'n menger vir doeleindes van vermenging ooreenkomstig paragraaf (b); of
 - (ii) vir die versterking van wyn; of
 - (iii) vir die vervaardiging van likeur; of
[Par. (d) gewysig by a. 32 van Wet No. 60 van 1989.]
 - (e) druifspiritus is—
 - (i) wat in 'n kontinuestookketel soos by regulasie voorgeskryf onder aksynstoesig by minstens 75 en hoogstens 92 persent alkohol volgens volume gedistilleer is, geheel en al van suiwer wyn, die produk van vars druiwe, en wat voldoen aan die standaard wat deur die Wyn- en Spiritusraad met die goedkeuring van die Minister bepaal en in die *Staatskoerant* gepubliseer is; en
[Subpar. (i) gewysig by a. 32 van Wet No. 60 van 1989.]
 - (ii) wat deur die Wyn- en Spiritusraad goedgekeur is en deur hom as spiritus uitsluitlik van wyn vervaardig, gesertifiseer is; of
[Subpar. (ii) gewysig by a. 32 van Wet No. 60 van 1989 en by a. 8 (a) van Wet No. 87 van 1990.]
 - (iii)
[Subpar. (iii) geskrap by a. 8 (a) van wet No. 87 van 1990.]
 - (f) deur die Wyn- en Spiritusraad goedgekeur is en bestem is vir die doeleindes wat die Minister van tyd tot tyd met die instemming van die vereniging magtig.
[Par. (f) gewysig by a. 32 van Wet No. 60 van 1989.]
- (2) (a) Die Wyn- en Spiritusraad kan met die goedkeuring van die Minister van tyd tot tyd vereistes voorskryf waaraan enige spiritus in subartikel (1) bedoel, moet voldoen, en genoemde vereistes in die *Staatskoerant* publiseer.
[Par. (a) gewysig by a. 32 van Wet No. 60 van 1989.]
- (b) Sodanige vereistes kan verskil ooreenkomstig die wyse van distillering of alkohol-inhoud van sodanige spiritus of die doeleindes waarvoor dit bestem is.
- (3)
[A. 9 vervang by a. 3 van Wet No. 70 van 1972, gewysig by a. 7 van Wet No. 74 van 1974 en vervang by a. 2 van Wet No. 87 van 1980. Sub-a. (3) geskrap by a. 8 (b) van Wet No. 87 van 1990.]

10.

[A. 10 herroep by a. 8 van Wet No. 74 van 1974.]

11. Regulations.—(1) The Minister may make regulations prescribing—
- (a) the records to be kept for the effective carrying out of the provisions of this Chapter, the persons or classes of persons by whom, and the form in which, any record so prescribed shall be kept, and the period for which any such record shall be retained;
 - (b) the returns and other information to be rendered to the vereniging or any other person specified in such regulations, and the person or classes of persons by whom, the form on which, the times at which, and the manner in which, any return or other information so prescribed shall be rendered as aforesaid;
 - (c) the form on which, the times at which, and the manner in which any application for a permit under any provision of this Chapter is to be made, the requirements to be complied with before any such permit is issued, the form of any such permit, and the conditions subject to which any such permit may be issued;
 - (d) the form on which, the times at which, and the manner in which any application for the consent of the vereniging under any provision of this Chapter is to be made, the requirements to be complied with before any such consent is granted, and the manner in which, and conditions subject to which, any such consent may be granted;
 - (e) the form on which, the times at which, and the manner in which any application for the registration of premises referred to in section 2A is to be made, the requirements to be complied with before any such registration is granted, the form of the registration certificate referred to in that section, and the conditions subject to which any such certificate may be issued, including conditions relating to the fustage, tanks and other apparatus that may be used on any such premises for the manufacture or storage of wine;
 - (f) the form on which and the manner in which any application for the amendment or withdrawal of a condition imposed by the vereniging is to be made;
 - (g) the form of a written contract of purchase and sale referred to in section 5A, the conditions to be incorporated in such a contract, the date on which the validity of such a contract shall expire, the number of copies of any such contract to be submitted to the vereniging, and the period within which and persons by whom the said copies shall be so submitted;
 - (h) the conditions subject to which and the circumstances under which any winegrower or co-operative society may produce or manufacture wine and spirit derived from wine, or remove wine or such spirit from the premises where it was produced, manufactured or stored, or receive wine or such spirit back on the premises where it was produced, manufactured or previously stored, or sell or otherwise dispose of or destroy wine or such spirit;
 - (i) the conditions subject to which and circumstances under which any distiller or any person licensed to deal in liquor may receive, store, manufacture, remove or sell or otherwise dispose of wine, spirit or brandy;
 - (j) the procedure for obtaining the consent of the Minister under section 7 and for the noting and prosecution of any appeal under that section, and the remuneration and allowances of the members of any board of appeal appointed under that section;
 - (k) the circumstances under which the vereniging, on such conditions as the vereniging may determine, may exempt any person from compliance with any prohibition or requirement contained in any regulation made under this section;
 - (l) generally all matters which he deems necessary or expedient to prescribe for the better carrying out of the provisions of this Chapter.

11. **Regulasies.**—(1) Die Minister kan regulasies uitvaardig waarby voorgeskryf word—
- (a) die aantekeninge wat vir die doeltreffende uitvoering van die bepalings van hierdie Hoofstuk gehou moet word, die persone of klasse van persone deur wie, en die vorm waarin, 'n aldus voorgeskrewe aantekening gehou moet word, en die tydperk waarvoor so 'n aantekening behou moet word;
 - (b) die opgawes en ander inligting wat aan die vereniging of 'n ander persoon in die regulasies vermeld, verstrekk moet word, en die persone of klasse van persone deur wie, die vorm waarop, die tye wanneer, en die wyse waarop, 'n opgawe of ander inligting aldus voorgeskryf, soos voormeld verstrekk moet word;
 - (c) die vorm waarop, die tye wanneer, en die wyse waarop 'n aansoek om 'n permit kragtens 'n bepaling van hierdie Hoofstuk gedoen moet word, die vereistes waaraan voldoen moet word alvorens so 'n permit uitgereik word, die vorm van so 'n permit, en die voorwaardes onderworpe waaraan so 'n permit uitgereik kan word;
 - (d) die vorm waarop, die tye wanneer, en die wyse waarop 'n aansoek om die vereniging se toestemming kragtens 'n bepaling van hierdie Hoofstuk gedoen moet word, die vereistes waaraan voldoen moet word alvorens sodanige toestemming verleen word, en die wyse waarop en voorwaardes onderworpe waaraan sodanige toestemming verleen kan word;
 - (e) die vorm waarop, die tye wanneer, en die wyse waarop 'n aansoek om die registrasie van 'n in artikel 2A bedoelde perseel gedoen moet word, die vereistes waaraan voldoen moet word alvorens so 'n registrasie toegestaan word, die vorm van die in daardie artikel bedoelde registrasiesertifikaat, en die voorwaardes onderworpe waaraan so 'n registrasiesertifikaat uitgereik kan word, met inbegrip van voorwaardes betreffende die vatwerk, tenks en ander apparaat wat op so 'n perseel vir die vervaardiging of opberging van wyn gebruik mag word;
 - (f) die vorm en wyse waarop 'n aansoek om die wysiging of intrekking van 'n voorwaarde deur die vereniging opgelê, gedoen moet word;
 - (g) die vorm van 'n in artikel 5A bedoelde skriftelik koopkontrak, die voorwaardes wat in so 'n kontrak opgeneem moet word, die datum waarop die geldigheid van so 'n kontrak verstryk, die aantal kopieë van so 'n kontrak wat aan die vereniging voorgelê moet word, en die tydperk waarbinne en persone deur die bedoelde kopieë aldus voorgelê moet word;
 - (h) die voorwaardes waarop en omstandighede waaronder 'n wynboer of koöperatiewe vereniging wyn en spiritus van wyn afkomstig, mag produseer of vervaardig, of wyn of sodanige spiritus mag verwyder van die perseel waar dit geproduseer, vervaardig of opgeberg is, of wyn of sodanige spiritus mag terugontvang op die perseel waar dit geproduseer, vervaardig of voorheen opgeberg was, of wyn of sodanige spiritus mag verkoop of andersins van die hand mag sit of mag vernietig;
 - (i) die voorwaardes waarop en omstandighede waaronder 'n distilleerder of 'n persoon wat gelisensieer is om in drank handel te dryf wyn, spiritus of brandewyn mag ontvang, opberg, vervaardig, verwyder of verkoop of andersins van die hand mag sit;
 - (j) die prosedure ter verkryging van die toestemming van die Minister kragtens artikel 7 en vir die aantekening en voortsetting van 'n appèl kragtens daardie artikel, en die besoldiging en toelaes van die lede van 'n kragtens daardie aangestelde appèlraad;
 - (k) die omstandighede waaronder die vereniging, op die voorwaardes wat die vereniging bepaal, iemand kan vrystel van nakoming van 'n verbod of voorskryf vervat in 'n regulasie kragtens hierdie artikel uitgevaardig;
 - (l) in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf vir die doeltreffender uitvoering van die bepalings van hierdie Hoofstuk.

- (2) Different regulations may be made under subsection (1)—
- (a) in respect of different classes of persons;
 - (b) in respect of different kinds of wine or wine intended for different purposes;
 - (c) in respect of different areas.

- (3) Regulations made under subsection (1) may relate to—
- (a) a defined class of persons only;
 - (b) a defined kind of wine or wine intended for defined purposes only;
 - (c) a defined area only.

(4) Regulations made under subsection (1) may prescribe a fine not exceeding two thousand rand or imprisonment for a period not exceeding six months or both such fine and such imprisonment, as penalties for any contravention thereof or failure to comply therewith.

[S. 11 substituted by s. 9 (1) of Act No. 74 of 1974. Sub-s. (4) substituted by s. 9 of Act No. 87 of 1990.]

12.

S. 12 amended by s. 10 of Act No. 74 of 1974 and repealed by s. 10 of Act No. 87 of 1990.]

13. **Limitation of application of Chapter in respect of certain districts.**—The Minister may by notice in the *Gazette* declare that the provisions of this Chapter shall not apply in any district named in such notice, if he is satisfied, having regard to the geographical position of such district, that the exemption will not substantially affect the objects and purposes of this Chapter, and may by like notice repeal or amend any such notice.

[S. 13 amended by ss. 46 and 47 of Act No. 97 of 1986.]

CHAPTER II

WINE NOT INTENDED FOR DISTILLATION PURPOSES

14. **Definitions.**—(1) In this Chapter, unless the context otherwise indicates—

“bottler” means any person who conducts, effects or carries on the filtration, stabilization or bottling of wine or any similar service, but excluding—

- (i) a person licensed to deal in liquor;
- (ii) a distiller;
- (iii) a winegrower; or
- (iv) a co-operative society;

[Definition of “bottler” inserted by s. 11 (a) of Act No. 87 of 1990.]

“in bulk”, in relation to wine, means wine which is not in a container or containers with a capacity of five litres or less;

[Definition of “in bulk” inserted by s. 3 of Act No. 36 of 1988.]

“levy” in relation to wine (as defined in section 1) intended for distillation purposes, includes any levy by the vereniging towards the fund known as the “surplus contribution” referred to in section 4;

continued on page 561

- (2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word—
- (a) met betrekking tot verskillende klasse van persone;
 - (b) met betrekking tot verskillende soorte wyn of wyn bestem vir verskillende doeleindes;
 - (c) met betrekking tot verskillende gebiede.
- (3) Regulasies kragtens subartikel (1) uitgevaardig, kan betrekking hê—
- (a) slegs op 'n omskrewe klas van persone;
 - (b) slegs op 'n omskrewe soort wyn of op wyn bestem vir omskrewe doeleindes;
 - (c) slegs op 'n omskrewe gebied.
- (4) Regulasies kragtens subartikel (1) uitgevaardig, kan 'n boete van hoogstens tweeduusend rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of sowel sodanige boete as sodanige gevangenisstraf voorskryf as strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen.
- [A. 11 vervang by a. 9 (1) van Wet No. 74 van 1974. Sub-a. (4) vervang by a. 9 van Wet No. 87 van 1990.]

12.

[A. 12 gewysig by a. 10 van Wet No. 74 van 1974 en herroep by a. 10 van Wet No. 87 van 1990.]

13. **Beperking van toepassing van Hoofstuk ten opsigte van sekere distrikte.**—Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat die bepalings van hierdie Hoofstuk nie in 'n distrik in daardie kennisgewing genoem, van toepassing is nie, indien hy met die oog op die geografiese ligging van daardie distrik oortuig is dat die vrystelling die oogmerke en doelstellings van hierdie Hoofstuk nie weselik sal beïnvloed nie, en kan so 'n kennisgewing by dergelike kennisgewing herroep of wysig.

[A. 13 gewysig by aa. 46 en 47 van Wet No. 97 van 1986.]

HOOFSTUK II

WYN NIE VIR DISTILLERINGSDOELEINDES BESTEM NIE

14. **Woordomskrywing.**—(1) Tensy uit die samehang anders blyk, beteken in hierdie Hoofstuk—

„botteleerder” iemand wat die filtrasie, stabilisasie of bottelering van wyn of enige soortgelyke diens uitvoer, bewerkstellig of bedryf, maar nie ook nie—

- (i) iemand wat gelisensieer is om in drank handel te dryf;
- (ii) 'n distilleerder;
- (iii) 'n wynboer; of
- (iv) 'n koöperatiewe vereniging;

[Omskrywing van „botteleerder” ingevoeg by a. 11 (a) van Wet No. 87 van 1990.]

„groothandelshoeveelheid”, met betrekking tot iemand wat op 1 November 1940 geregig was om in wyn handel te dryf, en behoudens die bepalings van subartikel (2), minstens 'n hoeveelheid wyn gelykstaande met 1 600 hektoliter van 'n sterkte van tien persent alkohol volgens volume, en met betrekking tot iemand wat nie aldus geregig was nie, minstens dubbel daardie hoeveelheid;

[Omskrywing van „groothandelshoeveelheid” vervang by a. 4 (a) van Wet No. 70 van 1972 en by a. 3 (a) van Wet No. 87 van 1980.]

„heffing”, met betrekking tot wyn (soos in artikel 1 omskryf) bestem vir distilleringdoeleindes, ook 'n heffing deur die vereniging ten bate van die fonds wat die „surplus bydrae” heet en in artikel 4 bedoel word;

vervolg op bladsy 562

“minimum price” includes, in the case of a minimum price fixed under section 18, any such price as increased by the addition of any amount, surcharge, storage charges, interest or other charges under the said section;

[Definition of “minimum price” substituted by s. 11 (a) of Act No. 74 of 1974.]

“quality price”

[Definition of “quality price” substituted by s. 11 (b) of Act No. 74 of 1974 and deleted by s. 11 of Act No. 87 of 1990.]

“strength”, in relation to wine, means the percentage of alcohol by volume therein, plus the potential alcohol in such wine represented by the sugar contained therein, expressed as a percentage of alcohol by volume;

[Definition of “strength” substituted by s. 4 (a) of Act No. 70 of 1972 and by s. 3 (a) of Act No. 87 of 1980.]

“wholesale quantity” means, in relation to any person entitled to deal in wine on 1 November 1940, and subject to the provisions of subsection (2), a quantity of wine not less than the equivalent of 1 600 hectolitres of a strength of ten per cent of alcohol by volume, and in relation to any person not so entitled, not less than double that quantity;

[Definition of “wholesale quantity” substituted by s. 4 (b) of Act No. 70 of 1972 and by s. 3 (b) of Act No. 87 of 1980.]

“wine”—

- (a) means wine of any description, the produce of vines in the Republic, not intended for distillation purposes; and
- (b) includes must, grapes, grape juice, moskonfyt, raisins, sultanas and lees of wine, intended for use for or in the making of such wine;

“year” means any period commencing on first February in any year and ending on thirty-first January in the following year;

and any expression not defined in this Chapter, to which in Chapter I a meaning has been assigned, bears *mutatis mutandis* the same meaning.

(2) In the definition of “wholesale quantity” in subsection (1), “wine” includes, in addition to wine as defined in the said subsection, wine (as defined in section 1) intended for distillation purposes and spirit: Provided that in the case of spirit, the quantity thereof shall for the purposes of the said definition be deemed to be the quantity of wine of a strength of twenty per cent required to produce such spirit.

15. **Production, sale and disposal of wine.**—(1) No person shall produce any wine except under the authority of a permit issued by the vereniging, and no winegrower or co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging and on such conditions as may be determined by the vereniging.

[Sub-s. (1) substituted by s. 5 of Act No. 70 of 1972.]

(2) No such permit to produce wine (in terms of paragraph (a) of the definition of “wine”) shall be issued to any winegrower unless the vereniging is satisfied that he has available suitable apparatus, cellar accommodation and fustage or tanks for the making of wine.

(3) Any such permit shall expire upon the thirty-first October next succeeding the date of issue thereof.

(4) The vereniging shall be bound to give the consent required under subsection (1) for the sale or disposal of wine to a person licensed to deal in liquor or to a distiller, if the vereniging has given or is bound to give its consent under section 16 (2), to the purchase or acquisition of such wine by such person or distiller.

(5) A winegrower who or a co-operative society which sells or disposes of any wine shall, if not a member of the vereniging, be subject in respect of such sale or disposal to all the conditions and obligations to which he or such co-operative society, as the case may be, would have been subject if he or such co-operative society were such a member.

„in stortmaat”, met betrekking tot wyn, wyn wat nie in 'n houer of houers met 'n inhoudsmaat van vyf liter of minder is nie;

[Omskrywing van „in stortmaat” ingevoeg by a. 3 van Wet No. 36 van 1988.]

„jaar” 'n tydperk van die eerste Februarie in 'n jaar tot die een-en-dertigste Januarie in die daaropvolgende jaar;

„kwaliteitsprys”

[Omskrywing van „kwaliteitsprys” vervang by a. 11 (b) van Wet No. 74 van 1974 en geskrap by a. 11 (b) van Wet No. 87 van 1990.]

„minimum prys” ook, in die geval van 'n kragtens artikel 18 vasgestelde minimum prys, so 'n prys soos verhoog deur die byvoeging, kragtens genoemde artikel, van 'n bedrag, toeslag, opbergingsgelde, rente of ander gelde;

[Omskrywing van „minimum prys” vervang by a. 11 (a) van Wet No. 74 van 1974.]

„sterkte”, met betrekking tot wyn, die persentasie alkohol volgens volume daarin, plus die potensiële alkohol in sodanige wyn, verteenwoordig deur die suiker daarin bevat, uitgedruk as 'n persentasie alkohol volgens volume;

[Omskrywing van „sterkte” vervang by a. 4 (b) van Wet No. 70 van 1972 en by a. 3 (b) van Wet No. 87 van 1980.]

„wyn”—

- (a) enige soort wyn, die opbrengs van wingerdstokke in die Republiek, wat nie vir distilleringsdoeleindes bestem is nie; en
- (b) ook mos, druiwe, druiwesap, moskonfyt, rosyne, sultanas en wynmoer, bestem vir gebruik vir of by die maak van sodanige wyn;

en het 'n uitdrukking wat nie in hierdie Hoofstuk omskryf word nie en waaraan in Hoofstuk I 'n betekenis toegeskryf is, *mutatis mutandis*, dieselfde betekenis.

(2) In die omskrywing van „groothandelshoeveelheid” in subartikel (1) omvat „wyn”, benewens wyn soos in genoemde subartikel omskryf, wyn (soos in artikel 1 omskryf) vir distilleringsdoeleindes bestem en spiritus: Met dien verstande dat, in die geval van spiritus, die hoeveelheid daarvan vir die doeleindes van bedoelde omskrywing geag word die hoeveelheid wyn van 'n sterkte van twintig persent te wees wat nodig is om daardie spiritus te produseer.

15. **Produksie, verkoop en vandiehandsetting van wyn.**—(1) Niemand mag wyn produseer nie behalwe kragtens 'n permit deur die vereniging uitgereik en geen wynboer of koöperatiewe vereniging mag wyn verkoop of van die hand sit nie, behalwe deur of met toestemming van die vereniging en op die voorwaardes deur die vereniging bepaal.

[Sub-a. (1) vervang by a. 5 van Wet No. 70 van 1972.]

(2) So 'n permit om wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) te produseer, word nie aan 'n wynboer uitgereik nie tensy die vereniging oortuig is dat daardie wynboer geskikte apparaat, kelderruimte en vatwerk of tenke om wyn te maak, tot sy beskikking het.

(3) So 'n permit verval op die een-en-dertigste Oktober na en naaste aan die datum van uitreiking daarvan.

(4) Die vereniging is verplig om die kragtens subartikel (1) vereiste toestemming te verleen vir die verkoop of vandiehandsetting van wyn aan 'n persoon wat gelisensieer is om in drank handel te dryf of aan 'n distilleerder, indien die vereniging kragtens artikel 16 (2) sy toestemming vir die aankoop of verkryging van daardie wyn deur bedoelde persoon of distilleerder verleen het of verplig is om dit te verleen.

(5) 'n Wynboer of koöperatiewe vereniging wat wyn verkoop of van die hand sit, is, indien nie 'n lid van die vereniging nie, ten opsigte van sodanige verkoping of vandiehandsetting onderworpe aan al die voorwaardes en verpligtings waaraan hy of sodanige koöperatiewe vereniging, na gelang van die geval, onderworpe sou gewees het as hy of sodanige koöperatiewe vereniging so 'n lid was.

15A. Export of wine by winegrowers and co-operative societies.—No winegrower or co-operative society may export wine from the Republic, except through or with the consent of the vereniging.

[S. 15A inserted by s. 12 of Act No. 74 of 1974.]

16. Purchase and acquisition of wine by licensees and distillers.—(1) No person licensed to deal in liquor and no distiller shall purchase or acquire any wine from any winegrower or co-operative society except through or with the consent of the vereniging, or utilize any produce of vines in the Republic for or in the making of wine, except with the consent of the vereniging and on such conditions as it may determine, unless such produce has been purchased or acquired by that person or distiller through or with the consent of the vereniging for use for or in the making of wine.

(2) The vereniging shall, subject to the provisions of subsection (2A), be bound to give the consent required under subsection (1) for the purchase or acquisition by such person or distiller of wine from any one or more winegrowers or co-operative societies, if such person or distiller satisfies the vereniging that during the year in which such wine is to be purchased or acquired he has purchased or acquired or undertaken to purchase or acquire from the vereniging or one or more winegrowers or co-operative societies a quantity of wine which is a wholesale quantity, and has made or is in a position to make satisfactory arrangements as regards payment for the wine so purchased or acquired or to be purchased or acquired, including the wine in respect of which such consent is required.

[Sub-s. (2) substituted by s. 1 of Act No. 69 of 1976.]

(2A) (a) The vereniging—

- (i) may on or before the twentieth September in any particular year in writing recommend to the Minister that he fix a maximum quantity of grapes which persons licensed to deal in liquor and distillers may in the aggregate, but excluding any excess referred to in paragraph (cA), purchase or acquire from the winegrowers and co-operative societies during the year following on the recommendation, and shall in such recommendation propose a maximum quantity for this purpose; and
- (ii) shall as soon as possible thereafter by notice in the *Gazette* publish particulars of the recommendation and call upon interested persons to lodge with him the Minister in writing, within a period of fourteen days from the date of the notice, any objection to the adoption of the recommendation.

[Para. (a) substituted by s. 4 (a) of Act No. 44 of 1983 and by s. 12 (a) of Act No. 87 of 1990.]

(b) The Minister shall consider the recommendation of the vereniging as well as any objection lodged under paragraph (a) and may, in his discretion, fix a maximum quantity of grapes which persons licensed to deal in liquor and distillers may in the aggregate, but excluding any excess referred to in paragraph (cA), purchase or acquire from winegrowers and co-operative societies during the year in question, or he may decline to fix any such maximum quantity.

[Para. (b) substituted by s. 4 (b) of Act No. 44 of 1983.]

(c) If the Minister fixes a maximum quantity as contemplated in paragraph (b), he shall, on or before the thirtieth November of the year immediately preceding the year to which the fixing relates, by notice in the *Gazette* make such maximum quantity known, whereupon the vereniging shall allot a share in such maximum quantity, on the basis prescribed by regulation, to every person licensed to deal in liquor and every distiller who belongs to a class or category of persons so licensed and distillers, as is prescribed by regulation.

15A. Uitvoer van wyn deur wynboere en koöperatiewe verenigings.—Geen wynboer of koöperatiewe vereniging mag wyn uit die Republiek uitvoer nie, behalwe deur of met toestemming van die vereniging.

[A. 15A ingevoeg by a. 12 van Wet No. 74 van 1974.]

16. Koop en verkryging van wyn deur lisensiehouers en distilleerders.—(1) Geen persoon wat gelisensieer is om in drank handel te dryf en geen distilleerder mag wyn van 'n wynboer of koöperatiewe vereniging koop of verkry nie, behalwe deur of met toestemming van die vereniging, of die opbrengs van wingerdstokke in die Republiek vir of by die maak van wyn gebruik nie, behalwe met toestemming van die vereniging en op die voorwaardes wat die vereniging bepaal, tensy daardie opbrengs deur bedoelde persoon of distilleerder deur of met toestemming van die vereniging gekoop of verkry is vir gebruik vir of by die maak van wyn.

(2) Die vereniging is, behoudens die bepalings van subartikel (2A), verplig om die kragtens subartikel (1) vereiste toestemming te verleen vir die koop of verkryging deur so 'n persoon of distilleerder van wyn van een of meer wynboere of koöperatiewe verenigings, indien daardie persoon of distilleerder die vereniging oortuig dat hy gedurende die jaar waarin daardie wyn gekoop of verkry gaan word, van die vereniging of een of meer wynboere of koöperatiewe verenigings 'n hoeveelheid wyn wat 'n groothandelshoeveelheid is, gekoop of verkry het of onderneem het om so 'n hoeveelheid wyn aldus te koop of te verkry, en bevredigende reëlings getref het of in staat is om bevredigende reëlings te tref ten opsigte van betaling vir die wyn wat aldus gekoop of verkry is of gekoop of verkry gaan word, met inbegrip van die wyn ten opsigte waarvan bedoelde toestemming vereis word.

[Sub-a. (2) vervang by a. 1 van Wet No. 69 van 1976.]

(2A) (a) Die vereniging—

- (i) kan op of voor die twintigste September in 'n bepaalde jaar skriftelik by die Minister aanbeveel dat hy 'n maksimum hoeveelheid druive vasstel wat persone wat gelisensieer is om in drank handel te dryf en distilleerders in totaal, maar uitgesonderd enige oorskryding bedoel in paragraaf (cA), van wynboere en koöperatiewe verenigings mag koop of verkry gedurende die jaar wat op die aanbeveling volg, en moet in sodanige aanbeveling 'n maksimum hoeveelheid vir dié doel voorstel; en
- (ii) moet so spoedig moontlik daarna by kennisgewing in die *Staatskoerant* besonderhede van die aanbeveling publiseer en belanghebbendes aansê om binne 'n tydperk van veertien dae vanaf die datum van die kennisgewing enige beswaar teen die aanvaarding van die aanbeveling skriftelik by hom in te dien.

[Par. (a) vervang by a. 4 (a) van Wet No. 44 van 1983 en by a. 12 (a) van Wet No. 87 van 1990.]

(b) Die Minister moet die aanbeveling van die vereniging, asook elke beswaar ingevolge paragraaf (a) ingedien, oorweeg en kan, volgens goeddunke, 'n maksimum hoeveelheid druive vasstel wat persone wat gelisensieer is om in drank handel te dryf en distilleerders in totaal, maar uitgesonderd enige oorskryding bedoel in paragraaf (cA), gedurende die betrokke jaar van wynboere en koöperatiewe verenigings mag koop of verkry, of hy kan weier om so 'n maksimum hoeveelheid vas te stel.

[Par. (b) vervang by a. 4 (b) van Wet No. 44 van 1983.]

(c) Indien die Minister 'n maksimum hoeveelheid vasstel soos in paragraaf (b) beoog, moet hy sodanige maksimum hoeveelheid op of voor dertig November van die jaar wat die jaar waarop die vasstelling betrekking het onmiddellik voorafgaan, by kennisgewing in die *Staatskoerant* bekend maak, waarop die vereniging 'n deel van sodanige maksimum hoeveelheid, ooreenkomstig die grondslag by regulasie voorgeskryf, toewys aan elke persoon wat gelisensieer is om in drank handel te dryf en elke distilleerder wat behoort tot 'n by regulasie voorgeskrewe klas of kategorie persone wat aldus gelisensieer is en distilleerders.

(cA) If a person who is licensed to deal in liquor or a distiller purchases or acquires more grapes from winegrowers or co-operative societies during a particular year than the share allotted to him for that year under the provisions of paragraph (c), the vereniging may in such manner and on such conditions as may be prescribed by regulation, set that excess or a portion thereof off against the unused quantity, if any, of the share—

- (i) which has so been allocated to him during the preceding year; and
- (ii) which may be so allocated to him during the two subsequent years.

[Para. (cA) inserted by s. 4 (c) of Act No. 44 of 1983.]

(cB) A person who is licensed to deal in liquor or a distiller shall in respect of any portion of an excess referred to in paragraph (cA) by him, which cannot be set off within the period referred to in that paragraph in terms of the provisions of that paragraph, pay to the vereniging, subject to such conditions as the vereniging may in each case determine, an amount which is calculated on the basis of the minimum price and the amount referred to in section 18 (1).

[Para. (cB) inserted by s. 4 (c) of Act No. 44 of 1983 and substituted by s. 12 (b) of Act No. 87 of 1990.]

(d) Subject to the provisions of paragraph (cA), the vereniging shall not in respect of a year in relation to which the Minister has fixed a maximum quantity of grapes under paragraph (b), give its consent under subsection (1)—

- (i) for the purchase or acquisition of a quantity of grapes which is larger than the share allotted to the person concerned under the provisions of paragraph (c); or
- (ii) to any person to whom a share has not been allotted under the provisions of paragraph (c) in respect of that year.

[Sub-s. (2A) added by s. 1 of Act No. 69 of 1976. Para. (d) amended by s. 4 (d) of Act No. 44 of 1983.]

(3) No person licensed to deal in liquor and no distiller shall bring, or cause to be brought, on any premises used by him as contemplated in section 16A (1) of this Act and registered or required to be registered in terms of the latter section, any wine acquired by him in bulk from a winegrower or co-operative society, except with the consent of the vereniging.

[Sub-s. (3) added by s. 13 of Act No. 74 of 1974 (date of commencement not proclaimed) and substituted by s. 4 (e) of Act No. 44 of 1983 (date of commencement not proclaimed) and by s. 4 (a) of Act No. 36 of 1988.]

(4)

[Sub-s. (4) added by s. 13 of Act No. 74 of 1974 (date of commencement not proclaimed) and deleted by s. 4 (b) of Act No. 36 of 1988.]

16A. Registration of premises for certain activities in connection with wine.—

(1) No person licensed to deal in liquor and no distiller who receives wine in bulk from a winegrower or co-operative society, and no winegrower, co-operative society or bottler, shall use any premises for the receipt, manufacture, processing, packing or storage of wine (in terms of paragraph (a) of the definition of “wine”), unless those premises are registered with the vereniging.

(2) The vereniging shall issue a registration certificate in respect of each registration granted by it under subsection (1).

[S. 16A inserted by s. 14 of Act No. 74 of 1974, amended by s. 5 of Act No. 44 of 1983 and by s. 5 of Act No. 36 of 1988 and substituted by s. 13 of Act No. 87 of 1990.]

17. Restriction upon sale of wine by vereniging.—(1) Save as provided in subsection (2) or (2A), the vereniging shall not supply or sell wine—

- (a) for consumption in the Republic, Lesotho, Botswana or Swaziland—

(cA) Indien 'n persoon wat gelisensieer is om in drank handel te dryf of 'n distilleerder gedurende 'n bepaalde jaar meer druiwe van wynboere of koöperatiewe verenigings koop of verkry as die deel wat ingevolge paragraaf (c) vir daardie jaar aan hom toegewys is, kan die vereniging daardie oorskryding of 'n deel daarvan op die wyse en voorwaardes by regulasie voorgeskryf, verreken teen die onbenutte hoeveelheid, indien enige, van die deel—

- (i) wat gedurende die voorafgaande jaar aldus aan hom toegewys is; en
- (ii) wat gedurende die daaropvolgende twee jaar aldus aan hom toegewys kan word.

[Par. (cA) ingevoeg deur a. 4 (c) van Wet No. 44 van 1983.]

(cB) Iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder moet ten opsigte van enige gedeelte van 'n oorskryding bedoel in paragraaf (cA) deur hom, wat nie binne die tydperk bedoel in daardie paragraaf ooreenkomstig die bepalings van daardie paragraaf verreken kan word nie, 'n bedrag wat bereken is op die grondslag van die minimum prys en die bedrag in artikel 18 (1) bedoel, aan die vereniging betaal op die voorwaardes wat die vereniging in elke geval bepaal.

[Par. (cB) ingevoeg deur a. 4 (c) van Wet No. 44 van 1983 en vervang deur a. 12 (b) van Wet No. 87 van 1990.]

(d) Behoudens die bepalings van paragraaf (cA) gee die vereniging nie ten opsigte van 'n jaar met betrekking waartoe die Minister 'n maksimum hoeveelheid druiwe ingevolge paragraaf (b) vasgestel het, sy toestemming kragtens subartikel (1) nie—

- (i) vir die koop of verkryging van 'n hoeveelheid druiwe wat groter is as die deel van die betrokke persoon ooreenkomstig die bepalings van paragraaf (c) toegewys; of
- (ii) aan iemand aan wie 'n deel nie ten opsigte van daardie jaar ooreenkomstig die bepalings van paragraaf (c) toegewys is nie.

[Sub-a. (2A) bygevoeg deur a. 1 van Wet No. 69 van 1976. Par. (d) gewysig deur a. 4 (d) van Wet No. 44 van 1983.]

(3) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder mag wyn wat hy in stortmaat van 'n wynboer of koöperatiewe vereniging verkry het, op 'n perseel wat hy gebruik soos in artikel 16A (1) van hierdie Wet bedoel en wat ingevolge laasgenoemde artikel geregistreer is of geregistreer moet wees, bring of laat bring nie, behalwe met die toestemming van die vereniging.

[Sub-a. (3) bygevoeg deur a. 13 van Wet No. 74 van 1974 (datum van inwerkingtreding nie geproklameer nie) en vervang deur a. 4 (e) van Wet No. 44 van 1983 (datum van inwerkingtreding nie geproklameer nie) en deur a. 4 (a) van Wet No. 36 van 1988.]

(4)

[Sub-a. (4) bygevoeg deur a. 13 Wet No. 74 van 1974 (datum van inwerkingtreding nie geproklameer nie) en geskrap deur a. 4 (b) van Wet No. 36 van 1988.]

16A. Registrasie van persele vir sekere bedrywighede in verband met wyn.—(1) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder wat wyn in stortmaat van 'n wynboer of koöperatiewe vereniging ontvang, en geen wynboer, koöperatiewe vereniging of botteleerder, mag enige perseel vir die ontvangs, vervaardiging, verwerking, verpakking of opberging van wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) gebruik nie, tensy daardie perseel by die vereniging geregistreer is.

(2) Die vereniging moet 'n registrasiesertifikaat ten opsigte van elke registrasie deur hom kragtens subartikel (1) toegestaan, uitreik.

[A. 16A ingevoeg deur a. 14 van Wet No. 74 van 1974, gewysig deur a. 5 van Wet No. 44 van 1983 en deur a. 5 van Wet No. 36 van 1988 en vervang deur a. 13 van Wet No. 87 van 1990.]

17. Bepierking op verkoop van wyn deur vereniging.—(1) Behalwe soos in subartikel (2) of (2A) bepaal, verskaf of verkoop die vereniging nie wyn—

- (a) vir verbruik in die Republiek, Lesotho, Botswana of Swaziland—

- (i) to any person who is not a wholesale trader, association of wholesale traders or a co-operative society; or
- (ii) in any quantity which is not a wholesale quantity except to a co-operative society or to a person who has in the year in which that wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire from the vereniging or one or more winegrowers or co-operative societies a quantity of wine which is a wholesale quantity; or
- (iii) at a price which is less than the price payable by that person in terms of section 18 for the quantity of wine so supplied or sold; or

[Para. (a) amended by s. 1 of Act No. 49 of 1996.]

- (b) for consumption elsewhere in Africa south of the equator (hereinafter referred to as the "territory"), except to a co-operative society or to a person who has during the year in which such wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Republic a quantity of wine which is a wholesale quantity: Provided that the Minister may, at any time and subject to such conditions as he may deem fair and equitable in the circumstances, authorize the vereniging to supply or sell wine for consumption anywhere in the territory other than in Zimbabwe, Zambia and Malawi to any other person or persons, and may at any time withdraw such authorization or amend or alter such conditions as he may deem fit.

[Sub-s. (1) amended by s. 2 (a) of Act No. 26 of 1975. Para. (b) amended by s. 14 (a) of Act No. 87 of 1990.]

(2) Notwithstanding anything to the contrary contained in any law, the vereniging may during any year—

- (a) supply to any of its members for his private use in exchange for wine as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, produced by that member on land in respect of which a permit has been issued to the member in terms of section 15 (1) and delivered to the vereniging, such a quantity of wine as, together with the aggregate quantity of liquor products (as defined in section 1) supplied to that member during that year under section 3 (4) (a), is equivalent to not more than 40 litres of absolute alcohol;

[Para. (a) substituted by s. 6 (a) of Act No. 44 of 1983 and by s. 14 (b) of Act No. 87 of 1990.]

- (b) supply to any of its members wine, in exchange for wine as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, delivered to it by such member during such year, on such conditions and in such quantities, not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, as may be approved by the Minister;

[Para. (b) substituted by s. 6 (b) of Act No. 44 of 1983.]

- (c) supply to any of its members moskonfyt or grape juice for the purpose of sweetening his own wine, in exchange for wine as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, delivered to it by such member during such year, on such conditions and in such quantities not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, as may be determined by the vereniging;

- (d) sell to any of its employees or directors wine for his private use.

[Sub-s. (2) amended by s. 6 of Act No. 70 of 1972 and by s. 15 of Act No. 74 of 1974 and substituted by s. 2 (b) of Act No. 26 of 1975.]

- (i) aan iemand wat nie 'n groothandelaar, vereniging van groothandelaars of 'n koöperatiewe vereniging is nie; of
- (ii) in 'n hoeveelheid wat nie 'n groothandelshoeveelheid is nie, behalwe aan 'n koöperatiewe vereniging of aan iemand wat in die jaar waarin daardie wyn aldus verskaf of verkoop word, van die vereniging of een of meer wynboere of koöperatiewe verenigings 'n hoeveelheid wyn wat 'n groothandelshoeveelheid is, gekoop of verkry het of onderneem het om so 'n hoeveelheid wyn aldus te koop of te verkry; of
- (iii) teen 'n prys wat laer is as die prys wat ingevolge artikel 18 deur so iemand betaalbaar is vir die hoeveelheid wyn aldus verskaf of verkoop; of

[Par. (a) gewysig deur a. 1 van Wet No. 49 van 1996.]

- (b) vir verbruik elders in Afrika suid van die ewenaar (hieronder die „gebied” genoem), behalwe aan 'n koöperatiewe vereniging of aan iemand wat gedurende die jaar waarin daardie wyn aldus verskaf of verkoop word, 'n hoeveelheid wyn wat 'n groothandelshoeveelheid is, vir verbruik in die Republiek gekoop of verkry het of onderneem het om so 'n hoeveelheid wyn te koop of te verkry: Met dien verstande dat die Minister, te eniger tyd en onderworpe aan die voorwaardes wat hy in die omstandighede redelik en billik ag, die vereniging kan magtig om wyn te verskaf of te verkoop aan enige ander persoon of persone vir verbruik op enige plek in die gebied, behalwe in Zimbabwe, Zambië en Malawi, en te eniger tyd sodanige magtiging kan terugtrek of sodanige voorwaardes kan wysig of verander soos hy goed ag.

[Sub-a. (1) gewysig deur a. 2 (a) van Wet No. 26 van 1975. Par. (b) gewysig deur a. 14 (a) van Wet No. 87 van 1990.]

(2) Die vereniging kan ondanks andersluidende wetsbepalings, gedurende enige jaar aan—

- (a) enigeen van sy lede vir sy private gebruik, in ruil vir wyn soos omskryf in artikel 14, of wyn (soos omskryf in artikel 1) bestem vir distilleringsdoeleindes, deur daardie lid op grond ten opsigte waarvan 'n permit ingevolge artikel 15 (1) aan die lid uitgereik is, geproduseer en aan die vereniging gelever, 'n hoeveelheid wyn verskaf wat, tesame met die gesamentlike hoeveelheid drankprodukte (soos in artikel 1 omskryf) gedurende daardie jaar aan daardie lid kragtens artikel 3 (4) (a) verskaf, gelyk staan met hoogstens 40 liter absolute alkohol;

[Par. (a) vervang deur a. 6 (a) van Wet No. 44 van 1983 en deur a. 14 (b) van Wet No. 87 van 1990.]

- (b) enigeen van sy lede in ruil vir wyn soos omskryf in artikel 14, of wyn (soos omskryf in artikel 1) bestem vir distilleringsdoeleindes, gedurende daardie jaar deur daardie lid aan die vereniging gelever, wyn verskaf op die voorwaardes en in die hoeveelhede, maar tesame nie meer nie as 'n hoeveelheid gelykstaande met die hoeveelheid wyn aldus gelever, wat die Minister goedkeur;

[Par. (b) vervang deur a. 6 (b) van Wet No. 44 van 1983.]

- (c) enigeen van sy lede in ruil vir wyn soos omskryf in artikel 14, of wyn (soos omskryf in artikel 1) bestem vir distilleringsdoeleindes, gedurende daardie jaar deur daardie lid aan die vereniging gelever, moskonfyt of druiwesap vir die versoeting van sy eie wyn, verskaf op die voorwaardes en in die hoeveelhede, maar tesame nie meer nie as 'n hoeveelheid gelykstaande met die hoeveelheid wyn aldus gelever, wat die vereniging bepaal;

- (d) enigeen van sy werknemers of direkteure wyn vir sy private gebruik verkoop.

[Sub-a. (2) gewysig deur a. 6 van Wet No. 70 van 1972 en deur a. 15 van Wet No. 74 van 1974 en vervang deur a. 2 (b) van Wet No. 26 van 1975.]

(2A) The vereniging may sell wine under a wine house licence referred to in section 20 of the Liquor Act, 1989 (Act No. 27 of 1989), that may be issued to the vereniging under the provisions of that Act.

[Sub-s. (2A) inserted by s. 2 (b) of Act No. 26 of 1975 and substituted by s. 6 (c) of Act No. 44 of 1983 and by s. 14 (c) of Act No. 87 of 1990.]

(3) The Minister shall make known in such manner as he may deem fit the terms of any authorization granted by him under the proviso to subsection (1) (b), the conditions, if any, subject to which such authorization has been granted, any amendment and alteration of such conditions and any withdrawal of such authorization.

18. Price and payment arrangements with regard to wine.—(1) The vereniging may, with the approval of the Minister, in respect of any year determine—

- (a) a minimum price for wine;
- (b) the amount which shall be added to such minimum price in respect of—
 - (i) the strength of such wine or, in the case of wine referred to in paragraph (b) of the definition of “wine”, the sugar content thereof expressed in degrees Balling; and
 - (ii) the different types of containers and packing material, and services relating to the packaging and sale of such wine;
- (c) the monthly surcharge which shall be added to such minimum price if wine is purchased or sold after 30 June of the year concerned by or to a person licensed to deal in liquor or a distiller (other than the vereniging);
- (d) the monthly storage charges which shall be added to such minimum price if wine—
 - (i) that has prior to 1 October of the year concerned been purchased by or sold to a person licensed to deal in liquor or a distiller (other than the vereniging), is stored by the seller thereof after the said date; or
 - (ii) that has been so purchased or sold after the said date, is stored by the seller thereof after the last day of the month in which it was purchased or sold;
- (e) the period within which such minimum price, amount, surcharge and storage charges shall be paid;
- (f) the interest and other charges which shall be added to such minimum price, as increased by any such amount, surcharge and storage charges;
- (g) the circumstances in which such interest or other charges shall be so added; and
- (h) the conditions and restrictions applicable in respect of such minimum price, amount, surcharges, storage charges, period, interest and circumstances.

(2) (a) Different minimum prices may be determined in terms of subsection (1) in respect of different areas or different classes, types or grades of wine or different grape cultivars, or according as the wine is intended for different purposes.

(b) Such minimum price may be determined with or without regard to the strength or sugar content of wine concerned.

(c) Any storage charges determined by the vereniging under subsection (1) shall apply as long as the wine which has been purchased has not been removed by the purchaser from the farm or other place where such wine was produced or manufactured or, if such wine is stored by the seller at any other place, from that place, irrespective of whether or not delivery of such wine to the purchaser has in law been made, and irrespective of whether or not the year in which such wine was purchased has expired.

(2A) Die vereniging kan wyn verkoop kragtens 'n wynhuislisensie vermeld in artikel 20 van die Drankwet, 1989 (Wet No. 27 van 1989), wat aan die vereniging kragtens die bepalings van daardie Wet uitgereik mag word.

[Sub-a. (2A) ingevoeg by a. 2 (b) van Wet No. 26 van 1975 en vervang by a. 6 (c) van Wet No. 44 van 1983 en by a. 14 (c) van Wet No. 87 van 1990.]

(3) Die Minister maak bekend op die wyse wat hy goed ag, die bepalings van 'n magtiging wat hy kragtens die voorbehoudsbepaling by subartikel (1) (b) verleen het, die voorwaardes, indien daar is, waarop sodanige magtiging verleen is, 'n wysiging en verandering van sodanige voorwaardes en 'n terugtrekking van sodanige magtiging.

18. Prys en betalingsreëlings met betrekking tot wyn.—(1) Die vereniging kan, met die goedkeuring van die Minister, ten opsigte van enige jaar—

- (a) 'n minimum prys vir wyn vasstel;
- (b) die bedrag vasstel wat by so 'n minimum prys gevoeg moet word ten opsigte van—
 - (i) die sterkte van sodanige wyn of, in die geval van wyn bedoel in paragraaf (b) van die omskrywing van „wyn”, die suikerinhoud daarvan uitgedruk in grade Balling; en
 - (ii) die verskillende tipes houers en verpakkingsmateriaal, en dienste betreffende die verpakking en verkoop van sodanige wyn;
- (c) die maandelikse toeslag vasstel wat by so 'n minimum prys gevoeg moet word indien wyn na 30 Junie van die betrokke jaar gekoop word deur of verkoop word aan 'n persoon wat gelisensieer is om in drank handel te dryf of 'n distilleerder (behalwe die vereniging);
- (d) die maandelikse opbergingsgelde vasstel wat by so 'n minimum prys gevoeg moet word indien wyn—
 - (i) wat voor 1 Oktober van die betrokke jaar gekoop is deur of verkoop is aan 'n persoon wat gelisensieer is om in drank handel te dryf of 'n distilleerder (behalwe die vereniging), na genoemde datum deur die verkoper daarvan opgeberg word; of
 - (ii) wat na genoemde datum aldus gekoop of verkoop is, deur die verkoper daarvan opgeberg word na die laaste dag van die maand waarin dit gekoop of verkoop is;
- (e) die tydperk vasstel waarbinne so 'n minimum prys, bedrag, toeslag en opbergingsgelde betaal moet word;
- (f) die rente en ander gelde vasstel wat by so 'n minimum prys, soos verhoog deur enige sodanige bedrag, toeslag en opbergingsgelde, gevoeg moet word;
- (g) die omstandighede vasstel waaronder sodanige rente of ander gelde aldus bygevoeg moet word; en
- (h) die voorwaardes en beperkings vasstel wat ten opsigte van so 'n minimum-prys, bedrag, toeslag, opbergingsgelde, tydperk, rente en omstandighede van toepassing is.

(2) (a) Verskillende minimum pryse kan ingevolge subartikel (1) vasgestel word ten opsigte van verskillende gebiede of verskillende klasse, tipes of grade wyn of verskillende druifcultivars of na gelang die wyn vir verskillende doeleindes bestem is.

(b) So 'n minimum prys kan vasgestel word met of sonder inagneming van die sterkte of suikerinhoud van die betrokke wyn.

(c) Enige opbergingsgelde wat deur die vereniging kragtens subartikel (1) vasgestel is, is van toepassing so lank as wat die wyn wat gekoop is, nie deur die koper verwyder is nie van die plaas of ander plek waar sodanige wyn geproduseer of vervaardig is of, indien sodanige wyn deur die verkoper op enige ander plek opgeberg word, van daardie plek, ongeag of lewering van sodanige wyn aan die koper regtens geskied het of nie en ongeag of die jaar waarin sodanige wyn gekoop is, verstryk het of nie.

- (3) The vereniging shall—
- (a) on or before 20 January preceding the year in respect of which it intends to make a determination in terms of subsection (1), submit to the Minister a statement in writing setting forth particulars of the proposed determination; and
 - (b) as soon as possible thereafter publish particulars of the proposed determination by notice in the *Gazette*, and call upon all interested persons to lodge with the Minister within 14 days from the date of such notice any objections which they may have against the proposed determination.
- (4) After considering the proposed determination and objections, if any, lodged with him in pursuance of a notice under subsection (3), the Minister may—
- (a) approve of the determination proposed by the vereniging; or
 - (b) call upon the vereniging to propose another determination, and the Minister may thereupon approve of such other proposed determination.
- (5) Each approval by the Minister in terms of subsection (4) shall forthwith be made known by him by notice in the *Gazette*.
- (6) (a) Whenever the vereniging proposes to amend an amount or interest referred to in subsection (1) during any year, it shall as soon as practicable submit to the Minister a statement in writing setting forth particulars of the proposed amendment.
- (b) The provisions of subsections (3) (b), (4) and (5) shall *mutatis mutandis* apply to any such proposed amendment.
- (c) Any amount or interest determined in terms of this subsection, shall be deemed to be the amount or interest determined in respect of the year in question or, as the case may be, the unexpired portion thereof.
- (7) (a) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been determined under subsection (1), acquire any wine from any person, and no winegrower or co-operative society shall during such year dispose of any wine to any person so licensed or any such distiller, at a price which is less than such minimum price plus the applicable additions determined under subsection (1) and, if such wine has been fortified with spirit not supplied by the purchaser at his own expense, plus the value of the added spirit, calculated at the price charged by the vereniging under Chapter I to wholesale traders for spirit.
- (b) Any acquisition or disposal of wine by or to a winegrower or co-operative society licensed to deal in liquor or licensed as a distiller, that does not fall within the ordinary scope of dealings between a co-operative society and its members shall for the purposes of paragraph (a) be deemed to be the acquisition or disposal of wine by or to a person thus licensed.
- (8) (a) No winegrower or co-operative society shall during any year in respect of which a minimum price has been determined under subsection (1), sell wine to any person who is not licensed to deal in liquor or is not a distiller, at a price which is less than the price referred to in subsection (7) (excluding the surcharge, storage charges and interest respectively referred to in subsection (1) (c), (d) and (f)), plus—
- (i) a surcharge calculated at such percentage of the last-mentioned price as the vereniging, with the approval of the Minister, may from time to time prescribe by notice in the *Gazette* for the purposes of this subsection;
 - (ii) an amount equivalent to the duty or other tax payable under any law in respect of such wine by the winegrower or co-operative society concerned;
 - (iii) an amount calculated in accordance with the relevant levy determined from time to time in terms of section 22; and

continued on page 571

- (3) Die vereniging moet—
- (a) voor of op 20 Januarie wat die jaar voorafgaan ten opsigte waarvan hy beoog om 'n vasstelling ingevolge subartikel (1) te doen, 'n skriftelike staat aan die Minister voorlê waarin besonderhede van die voorgestelde vasstelling aangegee word; en
 - (b) so spoedig doenlik daarna besonderhede van die voorgestelde vasstelling by kennisgewing in die *Staatskoerant* publiseer en alle belanghebbendes aansê om besware wat hulle teen dié voorgestelde vasstelling het, binne 14 dae vanaf die datum van dié kennisgewing skriftelik by die Minister in te lewer.
- (4) Na oorweging van die voorgestelde vasstelling en besware, indien daar is, ingevolge 'n kennisgewing kragtens subartikel (3) by hom ingelewer, kan die Minister—
- (a) die vasstelling deur die vereniging voorgestel, goedkeur, of
 - (b) die vereniging aansê om 'n ander vasstelling voor te stel, en daarop kan die Minister sodanige ander voorgestelde vasstelling goedkeur.
- (5) Elke goedkeuring deur die Minister ingevolge subartikel (4), word onverwyld deur hom by kennisgewing in die *Staatskoerant* bekend gemaak.
- (6) (a) Wanneer die vereniging van voorneme is om 'n bedrag of rente in subartikel (1) bedoel gedurende enige jaar te wysig, moet hy so spoedig doenlik 'n skriftelike staat aan die Minister voorlê waarin besonderhede van die voorgestelde wysiging uiteengesit word.
- (b) Die bepalings van subartikels (3) (b), (4) en (5) is *mutatis mutandis* op so 'n voorgestelde wysiging van toepassing.
- (c) Enige bedrag of rente wat ingevolge hierdie subartikel vasgestel is, word geag die bedrag of rente te wees wat ten opsigte van die betrokke jaar of, na gelang van die geval, die onverstreke gedeelte daarvan vasgestel is.
- (7) (a) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder (behalwe die vereniging) mag gedurende enige jaar ten opsigte waarvan 'n minimum prys kragtens subartikel (1) vasgestel is, wyn van iemand verkry nie, en geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar wyn aan iemand wat aldus gelisensieer is of so 'n distilleerder van die hand sit nie, teen 'n prys wat laer is as dié minimum prys plus die toepaslike byvoegings kragtens subartikel (1) vasgestel en, indien die wyn versterk is met spiritus wat nie deur die koper op eie koste voorsien is nie, plus die waarde van die bygevoegde spiritus, bereken teen die prys wat die vereniging groothandelaars vir spiritus kragtens Hoofstuk I vra.
- (b) Enige verkryging of vandiehandsetting van wyn deur of aan 'n wynboer of koöperatiewe vereniging wat gelisensieer is om in drank handel te dryf of as 'n distilleerder gelisensieer is, wat nie binne die gewone bestek van sake tussen 'n koöperatiewe vereniging en sy lede val nie, word by die toepassing van paragraaf (a) geag die verkryging of vandiehandsetting van wyn deur of aan 'n aldus gelisensieerde persoon te wees.
- (8) (a) Geen wynboer of koöperatiewe vereniging mag gedurende enige jaar ten opsigte waarvan 'n minimum prys kragtens subartikel (1) vasgestel is, wyn aan iemand wat nie gelisensieer is om in drank handel te dryf of nie 'n distilleerder is nie, verkoop teen 'n prys wat laer is as die prys in subartikel (7) bedoel (uitgesonderd die toeslag, opbergingsgelde en rente onderskeidelik in subartikels (1) (c), (d) en (f) bedoel), plus—
- (i) 'n toeslag bereken teen die persentasie van laasgenoemde prys wat die vereniging met die goedkeuring van die Minister van tyd tot tyd vir die doeleindes van hierdie subartikel by kennisgewing in die *Staatskoerant* voorskryf;
 - (ii) 'n bedrag gelykstaande met die reg of ander belasting wat kragtens die een of ander wet deur die betrokke wynboer of koöperatiewe vereniging ten opsigte van sodanige wyn betaalbaar is;
 - (iii) 'n bedrag bereken ooreenkomstig die toepaslike heffing van tyd tot tyd ingevolge artikel 22 bepaal; en

vervolg op bladsy 572

- (iv) such cost of transport as the vereniging, with the approval of the Minister, may from time to time prescribe by notice in the *Gazette* for the purposes of this subsection, if such wine is delivered by a winegrower or co-operative society at a place other than the place where such wine was produced or manufactured, or the railway station or siding nearest to such place.
- (b) Notwithstanding the provisions of paragraph (a)—
 - (i) any surcharge prescribed in terms of subparagraph (i) of that paragraph shall not apply to the sale of wine to a *bona fide* farmer for use only on his farm; and
 - (ii) an amount determined in terms of subsection (1) (b) (ii) shall not apply to such sale in bulk if the farmer concerned supplies the containers for such wine.

(9) Notwithstanding the provisions of subsections (7) and (8) the vereniging may, with the approval of the Minister and subject to such conditions as the vereniging may determine, authorize the acquisition or disposal of wine for export or such other purpose as the vereniging may determine, at a price which is less than the minimum price plus the applicable additions determined under subsection (1), and such approval by the Minister shall also apply to the disposal of wine by the vereniging.

[S. 18 amended by s. 7 of Act No. 70 of 1972, by s. 16 of Act No. 74 of 1974, by s. 2 of Act No. 47 of 1978, by s. 4 of Act No. 87 of 1980, by s. 7 of Act No. 44 of 1983, by s. 2 of Act No. 63 of 1984 and by s. 6 of Act No. 36 of 1988 and substituted by s. 15 of Act No. 87 of 1990.]

18A. Winegrowers and co-operative societies prohibited from transporting wine, rendering services, or making certain payments in favour of traders or distillers.—(1) A winegrower who or co-operative society which has sold or has otherwise disposed of any wine to a person licensed to deal in liquor or a distiller, shall not deliver such wine to such person or distiller at any place other than the place where such wine was produced or manufactured, or the railway station or siding nearest to such place, or such other place or places as may be prescribed or determined, in relation to such winegrower or society, by or in terms of any regulation made under this Act.

(2) (a) If the vereniging is satisfied that wine which is to be sold by a winegrower or co-operative society to a person licensed to deal in liquor or a distiller, will after delivery thereof to such person or distiller, be transported by him for the purpose of his business for a distance in excess of such distance as the vereniging may, with the approval of the Minister, from time to time by notice in the *Gazette* prescribe for the purposes of this paragraph, the vereniging may authorize such winegrower or co-operative society to contribute, subject to such conditions and on such basis as the vereniging may determine from time to time, towards the cost which will be incurred by such person or distiller in transporting such wine, after such delivery thereof and for the said purpose, for the distance in excess of the distance so prescribed.

[Para. (a) substituted by s. 16 of Act No. 87 of 1990.]

(b) If the vereniging refuses any application for authority to make such a contribution, the applicant may, within fourteen days after such refusal, appeal to the Minister, and thereupon the Minister, after consultation with the vereniging, may confirm such refusal or direct the vereniging to grant authority for making such a contribution.

(3) Subject to the provisions of subsections (1) and (2)—

- (a) a winegrower who or co-operative society which has sold or otherwise disposed of wine to any person licensed to deal in liquor or a distiller shall not—

- (iv) die vervoerkoste wat die vereniging met die goedkeuring van die Minister van tyd tot tyd vir die doeleindes van hierdie subartikel by kennisgewing in die *Staatskoerant* voorskryf, indien sodanige wyn deur 'n wynboer of koöperatiewe vereniging gelewer word op 'n ander plek as die plek waar sodanige wyn geproduseer of vervaardig is, of die naaste spoorwegstasie of -halte aan daardie plek.
- (b) Ondanks die bepalings van paragraaf (a)—
 - (i) is enige toeslag wat ingevolge subparagraaf (i) van daardie paragraaf voorgeskryf word, nie van toepassing nie op die verkoop van wyn aan 'n *bona fide*-boer slegs vir gebruik op sy plaas; en
 - (ii) is 'n bedrag ingevolge subartikel (1) (b) (ii) vasgestel, nie van toepassing nie op so 'n verkoop in stortmaat indien die betrokke boer die houers vir sodanige wyn verskaf.

(9) Ondanks die bepalings van subartikels (7) en (8) kan die vereniging, met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat die vereniging bepaal, die verkryging of vandiehandsetting van wyn vir uitvoer of die ander doel wat die vereniging bepaal, magtig teen 'n prys wat laer is as die minimum prys plus die toepaslike byvoegings kragtens subartikel (1) vasgestel, en sodanige goedkeuring deur die Minister is ook van toepassing op die vandiehandsetting van wyn deur die vereniging.

[A. 18 gewysig by a. 7 van Wet No. 70 van 1972, by a. 16 van Wet No. 74 van 1974, by a. 2 van Wet No. 47 van 1978, by a. 4 van Wet No. 87 van 1980, by a. 7 van Wet No. 44 van 1983, by a. 2 van Wet No. 63 van 1984 en by a. 6 van Wet No. 36 van 1988 en vervang by a. 15 van Wet No. 87 van 1990.]

18A. Wynboere en koöperatiewe verenigings verbied om ten gunste van handelaars en distilleerders wyn te vervoer, sekere dienste te verrig of sekere betalings te maak.—(1) 'n Wynboer of koöperatiewe vereniging wat wyn aan iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder verkoop of andersins van die hand gesit het, mag dié wyn nie aan daardie persoon of distilleerder op 'n ander plek lewer nie as die plek waar sodanige wyn geproduseer of vervaardig is, of die naaste spoorwegstasie of -halte aan daardie plek, of die ander plek of plekke wat met betrekking tot dié wynboer of vereniging by of ingevolge 'n regulasie kragtens hierdie Wet uitgevaardig, voorgeskryf of bepaal is.

(2) (a) Indien die vereniging oortuig is dat wyn wat deur 'n wynboer of koöperatiewe vereniging verkoop gaan word aan iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder, na lewering daarvan aan daardie persoon of distilleerder, deur hom vir die doel van sy besigheid oor 'n groter afstand vervoer sal word as die afstand wat die vereniging met die goedkeuring van die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* vir die doeleindes van hierdie paragraaf voorskryf, kan die vereniging daardie wynboer of koöperatiewe vereniging magtig om, onderworpe aan die voorwaardes en op die grondslag wat die vereniging van tyd tot tyd bepaal, by te dra tot die koste wat deur daardie persoon of distilleerder aangegaan sal word by die vervoer van sodanige wyn, na bedoelde lewering daarvan en vir gemelde doel, oor die afstand waarmee die aldus voorgeskrewe afstand oorskry word.

[Par. (a) vervang by a. 16 van Wet No. 87 van 1990.]

(b) Indien die vereniging 'n aansoek om magtiging vir die doen van so 'n bydrae weier, kan die aansoeker binne veertien dae na die weiering 'n beroep op die Minister doen, en daarop kan die Minister, na oorlegpleging met die vereniging, die weiering bekrachtig of die vereniging gelas om magtiging vir die doen van sodanige bydrae te verleen.

(3) Behoudens die bepalings van subartikels (1) en (2)—

- (a) mag 'n wynboer of koöperatiewe vereniging wat wyn aan iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder verkoop of andersins van die hand gesit het, nie—

- (i) render or cause to be rendered any service in connection with the delivery or transport of such wine to or on behalf of such person or distiller or assume liability for or bear, directly or indirectly, any costs of or in connection with such delivery or transport; or
- (ii) in respect of such sale or disposal, make or cause to be made, a payment to or on behalf of such person or distiller, except with the consent of the vereniging; or
- (iii) except with the consent of the vereniging and in accordance with such conditions as it may determine, render or cause to be rendered any service in connection with the bottling of such wine to or on behalf of such person or distiller; and

[Sub-para. (iii) added by s. 5 (b) of Act No. 87 of 1980.]

- (b) such person or distiller shall not permit such winegrower or society so to render or cause to be so rendered any such service or to assume liability for or bear, directly or indirectly, any such costs.

(4) Notwithstanding the provisions of subsections (1) and (3), a winegrower or co-operative society may, at his or its own expense or otherwise, deliver grapes sold or otherwise disposed of by him to a person licensed to deal in liquor or a distiller, also at any place agreed upon by him and such person or distiller.

[S. 18A inserted by s. 17 of Act No. 74 of 1974.]

18B. Prohibition of the purchase and sale of wine except under a written contract of purchase and sale.—(1) No person shall purchase or otherwise acquire any wine from a winegrower or a co-operative society, and no winegrower or co-operative society shall sell or otherwise dispose of any wine to any person, except in pursuance of a written contract of purchase and sale.

(2) The provisions of subsection (1) shall not apply to the purchase or acquisition, or the sale or disposal, of wine—

- (a) by or to the vereniging; or
- (b) in the ordinary course of business between a co-operative society and its members; or
- (c) in the case of wine in terms of paragraph (a) of the definition of “wine”, by or to a person who is not a distiller or is not licensed to deal in liquor.

[S. 18B inserted by s. 17 of Act No. 74 of 1974.]

19. Purchase price of wine to be paid to vereniging.—Every person licensed to deal in liquor and every distiller who purchases wine from a winegrower or co-operative society, shall pay the purchase price to the vereniging, and the vereniging shall remit any moneys so paid to it to that winegrower or society: Provided that the vereniging may deduct from any moneys payable to any winegrower or co-operative society under this section any amounts due to the vereniging by such winegrower or society.

[S. 19 substituted by s. 8 of Act No. 70 of 1972, by s. 18 of Act No. 74 of 1974 and by s. 2 of Act No. 69 of 1976.]

20. Purchase and acquisition of wine by persons other than licensees or distillers.—(1) A person who is not licensed to deal in liquor and who is not a distiller shall not purchase or acquire any wine (in terms of paragraph (b) of the definition of “wine”) from a winegrower or co-operative society except through or with the consent of the vereniging.

- (i) 'n diens in verband met die lewering of vervoer van sodanige wyn aan of ten behoewe van daardie persoon of distilleerder lewer of laat lewer nie, of aanspreeklikheid vir koste van of in verband met sodanige lewering of vervoer aanvaar of sodanige koste regstreeks of onregstreeks dra nie; of
- (ii) in verband met daardie verkoping of vandiehandsetting 'n betaling aan of ten behoewe van daardie persoon of distilleerder maak of laat maak nie, behalwe met die toestemming van die vereniging; of
- (iii) behalwe met die toestemming van die vereniging en ooreenkomstig die voorwaardes deur hom bepaal, 'n diens in verband met die bottelering van sodanige wyn aan of ten behoewe van daardie persoon of distilleerder lewer of laat lewer nie; en

[Sub-par. (iii) bygevoeg by a. 5 (b) van Wet No. 87 van 1980.]

- (b) mag bedoelde persoon of distilleerder daardie wynboer of koöperatiewe vereniging nie toelaat om so 'n diens aldus te lewer of te laat lewer nie, of om aanspreeklikheid vir sodanige koste te aanvaar of dit regstreeks of onregstreeks te dra nie.

(4) Ondanks die bepalings van subartikels (1) en (3), kan 'n wynboer of koöperatiewe vereniging op eie koste of andersins druiwe wat hy aan iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder verkoop of andersins van die hand gesit het, ook op enige plek lewer waarop daar deur hom en bedoelde persoon of distilleerder ooreengekom is.

[A. 18A ingevoeg by a. 17 van Wet No. 74 van 1974.]

18B. Verbod op die koop en verkoop van wyn behalwe kragtens 'n skriftelike koopkontrak.—(1) Niemand mag wyn van 'n wynboer of koöperatiewe vereniging koop of andersins verkry nie, en geen wynboer of koöperatiewe vereniging mag wyn aan 'n ander persoon verkoop of andersins van die hand sit nie, behalwe ingevolge 'n skriftelike koopkontrak.

(2) Die bepalings van subartikel (1) is nie van toepassing nie op die koop of verkryging, of die verkoop of vandiehandsetting van wyn—

- (a) deur of aan die vereniging; of
- (b) in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede; of
- (c) in die geval van wyn ingevolge paragraaf (a) van die omskrywing van „wyn”, deur of aan 'n persoon wat nie 'n distilleerder is of gelisensieer is om in drank handel te dryf nie.

[A. 18B ingevoeg by a. 17 van Wet No. 74 van 1974.]

19. Koopprys van wyn aan vereniging betaal te word.—Iedereen wat gelisensieer is om in drank handel te dryf en elke distilleerder wat wyn aan 'n wynboer of koöperatiewe vereniging koop, moet die koopprys aan die vereniging betaal, en die vereniging moet geld aldus aan hom betaal, aan daardie wynboer of vereniging oorbetal: Met dien verstande dat die vereniging van geld wat kragtens hierdie artikel aan 'n wynboer of koöperatiewe vereniging betaalbaar is, die bedrae kan aftrek wat deur sodanige wynboer of koöperatiewe vereniging aan die vereniging verskuldig is.

[A. 19 vervang by a. 8 van Wet No. 70 van 1972, by a. 18 van Wet No. 74 van 1974 en by a. 2 van Wet No. 69 van 1976.]

20. Aankoop en verkryging van wyn deur ander persone as lisensiehouers of distilleerders.—(1) Iemand wat nie gelisensieer is om in drank handel te dryf en wat nie 'n distilleerder is nie, mag nie wyn (ingevolge paragraaf (b) van die omskrywing van „wyn”) van 'n wynboer of koöperatiewe vereniging koop of verkry nie, behalwe deur of met die toestemming van die vereniging.

(1A) The vereniging shall be bound to refuse the consent required under subsection (1) if it is of the opinion—

- (a) that the person who intends to purchase or acquire the wine—
 - (i) intends to do so for the benefit of a person licensed to deal in liquor or a distiller, or
 - (ii) has a substantial pecuniary interest, direct or indirect, in the business of a person licensed to deal in liquor or a distiller;
- (b) that a person licensed to deal in liquor or a distiller has a substantial pecuniary interest, direct or indirect, in any business of the person who intends to purchase or acquire such wine; or
- (c) that a person who is not licensed to deal in liquor or a distiller has a substantial pecuniary interest, direct or indirect, in any business of the person who intends to purchase or acquire such wine as well as in any business of a person so licensed or a distiller.

[Sub-s. (1A) inserted by s. 3 of Act No. 69 of 1976.]

(2) The purchase price of any such wine purchased or acquired by any such person from a winegrower or co-operative society during any year in respect of which a minimum price has been determined under section 18 (1), shall not be less than such minimum price plus a further amount calculated in accordance with the relevant levy as determined from time to time in terms of section 22.

[Sub-s. (2) substituted by s. 9 of Act No. 70 of 1972, amended by s. 19 of Act No. 74 of 1974 and by s. 6 of Act No. 87 of 1980 and substituted by s. 17 (a) of Act No. 87 of 1990.]

(3)

[Sub-s. (3) deleted by s. 17 (b) of Act No. 87 of 1990.]

(4) Any such person who so purchases or acquires any such wine shall pay the purchase price to the vereniging, and the vereniging shall remit to the winegrower or co-operative society concerned any moneys so paid to it, less any amounts due to it by such winegrower or society.

(5) Subsections (1), (2) and (4) shall not apply in respect of any purchase or acquisition of wine in the ordinary course of dealing between a co-operative society and its members.

[Sub-s. (5) substituted by s. 17 (c) of Act No. 87 of 1990.]

(6)

[Sub-s. (6) deleted by s. 17 (b) of Act No. 87 of 1990.]

21. Distillation of wine by wholesale trader.—(1) No person licensed to deal in liquor and no distiller shall distil any wine except with the consent of the vereniging, and the vereniging shall be bound to give its consent to the distillation of wine which is proved to its satisfaction to have been fit for consumption in the form of wine (in terms of paragraph (a) of the definition of “wine”) when it was delivered to such person or distiller and to have become unfit for that purpose subsequently.

(2) Such person or distiller shall, in respect of any wine distilled by him under subsection (1), pay to the vereniging an amount equal to the amount by which the fixed minimum price charged in the year in which such wine has been distilled, by the vereniging under Chapter I to wholesale traders for an equal quantity of wine for distillation purposes of an equal strength, exceeds—

- (a) the amount which would be payable by such person or distiller in that year for such first-mentioned wine in terms of section 18 (7); or

[Para. (a) substitutes by s. 18 (a) of Act No. 87 of 1990.]

(1A) Die vereniging is verplig om die kragtens subartikel (1) vereiste toestemming te weier indien hy van oordeel is—

- (a) dat die persoon wat voornemens is om die wyn te koop of te verkry—
 - (i) voornemens is om dit vir die voordeel van iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder te doen; of
 - (ii) 'n wesenlike geldelike belang, regstreeks of onregstreeks, in die besigheid het van iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder;
- (b) dat iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder 'n wesenlike geldelike belang, regstreeks of onregstreeks, in enige besigheid het van die persoon wat voornemens is om sodanige wyn te koop of te verkry; of
- (c) dat iemand wat nie gelisensieer is om in drank handel te dryf of 'n distilleerder is nie, 'n wesenlike geldelike belang, regstreeks of onregstreeks, in enige besigheid het van die persoon wat voornemens is om sodanige wyn te koop of te verkry sowel as in enige besigheid van iemand wat aldus gelisensieer is of 'n distilleerder.

[Sub-a. (1A) ingevoeg by a. 3 van Wet No. 69 van 1976.]

(2) Die koopprys van enige sodanige wyn wat gedurende 'n jaar ten opsigte waarvan 'n minimum prys kragtens artikel 18 (1) vasgestel is, deur so iemand van 'n wynboer of koöperatiewe vereniging gekoop of verkry word, mag nie minder wees nie as daardie minimum prys plus 'n verdere bedrag bereken ooreenkomstig die toepaslike heffing van tyd tot tyd ingevolge artikel 22 bepaal.

[Sub-a. (2) vervang by a. 9 van Wet No. 70 van 1972, gewysig by a. 19 van Wet No. 74 van 1974 en by a. 6 van Wet No. 87 van 1980 en vervang by a. 17 (a) van Wet No. 87 van 1990.]

(3)

[Sub-a. (3) geskrap by a. 17 (b) van Wet No. 87 van 1990.]

(4) So iemand wat aldus sulke wyn aankoop of verkry, moet die koopprys aan die vereniging betaal, en die vereniging moet aan die betrokke wynboer of koöperatiewe vereniging die geld aldus aan hom betaal, min die bedrae wat deur sodanige wynboer of vereniging aan hom verskuldig is, oorbetaal.

(5) Subartikels (1), (2) en (4) is nie van toepassing nie ten opsigte van die aankoop of verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede.

[Sub-a. (5) vervang by a. 17 (c) van Wet No. 87 van 1990.]

(6)

[Sub-a. (6) geskrap by a. 17 (b) van Wet No. 87 van 1990.]

21. **Distillering van wyn deur groothandelaar.**—(1) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder mag wyn distilleer nie, behalwe met die toestemming van die vereniging, en die vereniging is verplig om sy toestemming te verleen vir die distillering van wyn, indien dit ten genoë van die vereniging bewys word dat dié wyn aan daardie persoon of distilleerder gelewer is, dit vir verbruik in die vorm van wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) geskik was en later vir daardie doel ongeskik geword het.

(2) So 'n persoon of distilleerder moet, ten opsigte van wyn kragtens subartikel (1) deur hom gedistilleer, aan die vereniging 'n bedrag betaal wat gelyk is aan die bedrag waarby die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie wyn gedistilleer is, kragtens Hoofstuk I groothandelaars gevra het vir 'n gelyke hoeveelheid wyn van dieselfde sterkte vir distilleringsdoeleindes, meer is as—

- (a) die bedrag wat ingevolge artikel 18 (7) in daardie jaar deur daardie persoon of distilleerder vir eersbedoelde wyn betaalbaar sou wees; of

[Par. (a) vervang by a. 18 (a) van Wet No. 87 van 1990.]

- (b) the purchase price of such wine, if such person or distiller purchased the wine in pursuance of the provisions of section 18 (9) at a price which is less than the minimum price referred to in section 18 (7).

[Para. (b) substituted by s. 18 (b) of Act No. 87 of 1990.]

21A. Wine for consumption in form of wine to be free from certain levy.—Wine which is to be sold or otherwise disposed of for consumption in the form of wine shall be free from any levy by the vereniging towards the fund known as the “surplus contribution”.

[S. 21A inserted by s. 3 of Act No. 63 of 1984.]

21B. Amount payable in respect of sale or disposal of certain grapes to certain persons or distillers or the vereniging.—(1) Every winegrower who or co-operative society which sells or otherwise disposes of grapes to a person or distiller referred to in section 16 (2A) (a) to whom a share has been allotted in terms of section 16 (2A) (c), or to the vereniging for the purpose of making wine, shall pay to the vereniging in respect of the quantity of wine deemed to be present for distilling purposes in the quantity of grapes thus sold or disposed of by him to such person, distiller or the vereniging, an amount which is equal to the levy referred to in section 21A, for the benefit of the fund referred to in that section.

(2) For the purposes of this section it shall be deemed that the quantity of wine present for distilling purposes at 10 per cent alcohol by volume in one ton of grapes at 20 degrees, as ascertained by Balling’s saccharometer, shall—

- (a) in the case of a red grape cultivar prescribed by regulation be 0,59 hectolitres; and
(b) in the case of any grape cultivar, be 1,32 hectolitres.

[S. 21B inserted by s. 3 of Act No. 63 of 1984.]

22. Payment of levy by licensees, distillers, winegrowers and co-operative societies.—

(1) The vereniging may, with the approval of the Minister, in respect of any year, determine a levy that shall be payable to the vereniging—

- (a) by every person licensed to deal in liquor and every distiller in respect of wine purchased or acquired by him from a winegrower or co-operative society; and
(b) by every winegrower and co-operative society in respect of wine sold by him to any person who is not licensed to deal in liquor or is not a distiller.

(2) Levies determined in terms of subsection (1) may differ in respect of different classes, types or grades of wine or in respect of such other matters as the vereniging may determine.

(3) The vereniging shall on or before 1 February of a year in respect of which a levy is determined and approved as contemplated in subsection (1), publish particulars of that levy by notice in the *Gazette*.

(4) Notwithstanding the provisions of subsection (1), the vereniging may grant exemption from the payment of a levy determined in terms of that subsection to any person or class of persons, either generally or under such circumstances as may be specified in the notice referred to in subsection (3).

[S. 22 amended by s. 10 of Act No. 70 of 1972, substituted by s. 21 of Act No. 74 of 1974, amended by s. 7 of Act No. 87 of 1980, by s. 8 of Act No. 44 of 1983 and by s. 4 of Act No. 63 of 1984 and substituted by s. 19 of Act No. 87 of 1990.]

23. Appeals.—Any person whose interests are affected by any decision of the vereniging under this Chapter may, with the consent of the Minister, appeal against that decision to the board of appeal referred to in section 7, and the provisions of that section and any regulations made under Chapter I in regard to any matter contemplated in the said section shall *mutatis mutandis* apply in respect of such appeal.

- (b) die koopprys van bedoelde wyn, indien daardie persoon of distilleerder die wyn ingevolge die bepalings van artikel 18 (9) gekoop het teen 'n prys wat laer is as die in artikel 18 (7) bedoelde minimum prys.
[Par. (b) vervang by a. 18 (b) van Wet No. 87 van 1990.]

21A. Wyn vir verbruik in die vorm van wyn is vry van sekere heffing.—Wyn wat verkoop gaan word of op 'n ander wyse van die hand gesit gaan word vir verbruik in die vorm van wyn, is vry van enige heffing deur die vereniging ten bate van die fonds wat bekend staan as „surplus bydrae”.

[A. 21A ingevoeg by a. 3 van Wet No. 63 van 1984.]

21B. Bedrag betaalbaar ten opsigte van verkoop of vandiehandsetting van sekere druiwe aan sekere persone of distilleerders of vereniging.—(1) Elke wynboer of koöperatiewe vereniging wat druiwe aan 'n persoon of distilleerder bedoel in artikel 16 (2A) (a) aan wie 'n deel ingevolge artikel 16 (2A) (c) toegewys is, verkoop of op 'n ander wyse van die hand sit, of vir die maak van wyn aan die vereniging verkoop, moet ten opsigte van die hoeveelheid wyn wat vir distilleringdoeleindes geag word teenwoordig te wees in die hoeveelheid druiwe wat aldus deur hom aan so 'n persoon, distilleerder of die vereniging verkoop of van die hand gesit is, aan die vereniging 'n bedrag betaal wat gelyk is aan die heffing in artikel 21A vermeld, ten bate van die fonds in daardie artikel vermeld.

(2) By die toepassing van hierdie artikel word daar geag dat die hoeveelheid wyn wat vir distilleringdoeleindes teen 10 persent alkohol volgens volume in een ton druiwe teen 20 grade, soos bepaal deur Balling se saccharometer, teenwoordig is—

- (a) in die geval van 'n rooidruifcultivar by regulasie voorgeskryf, 0,59 hektoliter is; en
(b) in die geval van enige ander druifcultivar, 1,32 hektoliter is.

[A. 21B ingevoeg by a. 3 van Wet No. 63 van 1984.]

22. Betaling van heffing deur lisensiehouers, distilleerders, wynboere en koöperatiewe verenigings.—(1) Die vereniging kan, met die goedkeuring van die Minister, ten opsigte van enige jaar 'n heffing bepaal wat aan die vereniging betaalbaar is—

- (a) deur elke persoon wat gelisensieer is om in drank handel te dryf en elke distilleerder ten opsigte van wyn wat hy van 'n wynboer of koöperatiewe vereniging gekoop of verkry het; en
(b) deur elke wynboer en koöperatiewe vereniging ten opsigte van wyn wat hy verkoop het aan iemand wat nie gelisensieer is om in drank handel te dryf of nie 'n distilleerder is nie.

(2) Heffings wat ingevolge subartikel (1) bepaal word, kan verskil ten opsigte van verskillende klasse, tipes of grade wyn of ten opsigte van die ander aangeleenthede wat die vereniging bepaal.

(3) Die vereniging moet voor of op 1 Februarie van 'n jaar ten opsigte waarvan 'n heffing bepaal en goedgekeur is soos in subartikel (1) beoog, besonderhede van daardie heffing by kennisgewing in die *Staatskoerant* bekend maak.

(4) Ondanks die bepalings van subartikel (1) kan die vereniging vrystelling van die betaling van 'n heffing wat ingevolge daardie subartikel bepaal is, verleen aan enige persoon of klas persone, òf in die algemeen òf onder die omstandighede vermeld in die kennisgewing in subartikel (3) bedoel.

[A. 22 gewysig by a. 10 van Wet No. 70 van 1972, vervang by a. 21 van Wet No. 74 van 1974, gewysig by a. 7 van Wet No. 87 van 1980, by a. 8 van Wet No. 44 van 1983 en by a. 4 van Wet No. 63 van 1984 en vervang by a. 19 van Wet No. 87 van 1990.]

23. Appèl.—Iemand wie se belange deur 'n beslissing van die vereniging kragtens hierdie Hoofstuk geraak word, kan, met die Minister se toestemming, teen daardie beslissing na die in artikel 7 bedoelde appèlraad appelleer, en die bepalings van daardie artikel en regulasies kragtens Hoofstuk I uitgevaardig met betrekking tot 'n aangeleentheid in genoemde artikel beoog, is, *mutatis mutandis*, ten opsigte van so 'n appèl van toepassing.

24.

[S. 24 repealed by s. 22 of Act No. 74 of 1974.]

25. Regulations.—(1) The Minister may make regulations prescribing—

- (a) the records to be kept for the effective carrying out of the provisions of this Chapter, the persons or classes of persons by whom, and the form in which, any record so prescribed shall be kept, and the period for which any such record shall be retained;
- (b) the returns and other information to be rendered to the vereniging or any other person specified in such regulations, and the persons or classes of persons by whom, the form on which, the times at which, and the manner in which, any return or other information so prescribed shall be rendered as aforesaid;
- (c) the form on which, the times at which, and the manner in which any application for a permit under any provision of this Chapter is to be made, the requirements to be complied with before any such permit is issued, the form of any such permit, and the conditions subject to which any such permit may be issued;
- (d) the form on which, the times at which, and the manner in which any application for the consent of the vereniging under any provision of this Chapter is to be made, the requirements to be complied with before any such consent is granted, and the manner in which, and conditions subject to which, such consent may be granted;
- (dA) the class or category of persons licensed to deal in liquor and distillers to whom the maximum quantity of grapes may be allotted under section 16 (2A), and the basis on which shares in that maximum quantity may be allotted under that section to persons and distillers who belong to such class or category;
[Para. (dA) inserted by s. 4 of Act No. 69 of 1976.]
- (e) the form on which, the times at which, and the manner in which any application for registration of premises referred to in section 16A is to be made, the requirements to be complied with before any such registration is granted, the form of the registration certificate referred to in the said section, and the conditions subject to which any such certificate may be issued, including conditions relating to the fustage, tanks and any other apparatus that may be used on any such premises for the manufacture or storage of wine;
- (f) the form on which and manner in which an application for the amendment or cancellation of a condition imposed under section 53 is to be made;
- (g) the form of a written contract of purchase and sale referred to in section 18B, the conditions to be incorporated in any such contract, the date on which the validity of any such contract shall expire, the number of copies of any such contract to be submitted to the vereniging, and the period within which and persons by whom the said copies shall be so submitted;
- (h) the conditions subject to which and circumstances under which any winegrower or co-operative society may produce or manufacture wine, or remove wine from the premises where it was produced, manufactured or stored, or receive wine back on the premises where it was produced, manufactured or previously stored, or sell or otherwise dispose of or destroy wine;
- (i) the conditions subject to which and circumstances under which any person may purchase or otherwise acquire wine from a winegrower or co-operative

24.

[A. 24 herroep by a. 22 van Wet No. 74 van 1974.]

25. **Regulasies.**—(1) Die Minister kan regulasies uitvaardig waarby voorgeskryf word—

- (a) die aantekeninge wat vir die doeltreffende uitvoering van die bepalings van hierdie Hoofstuk gehou moet word, die persone of klasse van persone deur wie, en die vorm waarin, 'n aldus voorgeskrewe aantekening gehou moet word, en die tydperk waarvoor so 'n aantekening behou moet word;
- (b) die opgawes en ander inligting wat aan die vereniging of 'n ander persoon in die regulasies vermeld, verstrekkend moet word, en die persone of klasse van persone deur wie, die vorm waarop, die tye wanneer, en die wyse waarop, 'n opgawe of ander inligting aldus voorgeskryf, soos voormeld verstrekkend moet word;
- (c) die vorm waarop, die tye wanneer, en die wyse waarop 'n aansoek om 'n permit kragtens 'n bepaling van hierdie Hoofstuk gedoen moet word, die vereistes waaraan voldoen moet word alvorens so 'n permit uitgereik word, die vorm van so 'n permit, en die voorwaardes onderworpe waaraan so 'n permit uitgereik kan word;
- (d) die vorm waarop, die tye wanneer, en die wyse waarop 'n aansoek om die vereniging se toestemming kragtens 'n bepaling van hierdie Hoofstuk gedoen moet word, die vereistes waaraan voldoen moet word alvorens sodanige toestemming verleen word, en die wyse waarop en voorwaardes onderworpe waaraan sodanige toestemming verleen kan word;
- (dA) die klas of kategorie persone wat gelisensieer is om in drank handel te dryf en distilleerders aan wie die maksimum hoeveelheid druiwe ooreenkomstig artikel 16 (2A) toegewys kan word, en die grondslag waarop dele van daardie maksimum hoeveelheid kragtens daardie artikel toegewys kan word aan persone en distilleerders wat aan bedoelde klas of kategorie behoort;
 [Par. (dA) ingevoeg by a. 4 van Wet No. 69 van 1976.]
- (e) die vorm waarop, die tye wanneer, en die wyse waarop 'n aansoek om die registrasie van 'n in artikel 16A bedoelde perseel gedoen moet word, die vereistes waaraan voldoen moet word alvorens so 'n registrasie toegestaan word, die vorm van die in daardie artikel bedoelde registrasiesertifikaat, en die voorwaardes onderworpe waaraan so 'n registrasiesertifikaat uitgereik kan word, met inbegrip van voorwaardes betreffende die vatwerk, tenks en ander apparaat wat op so 'n perseel vir die vervaardiging of opberging van wyn gebruik mag word;
- (f) die vorm en wyse waarop 'n aansoek om die wysiging of intrekking van 'n voorwaarde kragtens artikel 53 opgelê, gedoen moet word;
- (g) die vorm van 'n in artikel 18B bedoelde skriftelike koopkontrak, die voorwaardes wat in so 'n kontrak opgeneem moet word, die datum waarop die geldigheid van so 'n kontrak verstryk, die aantal kopieë van so 'n kontrak wat aan die vereniging voorgelê moet word, en die tydperk waarin en persone deur wie bedoelde kopieë aldus voorgelê moet word;
- (h) die voorwaardes onderworpe waaraan en omstandighede waaronder 'n wynboer of koöperatiewe vereniging wyn mag produseer of vervaardig, of wyn mag verwyder van die perseel waar dit geproduseer, vervaardig of opgeberg is, of wyn mag terugontvang op die perseel waar dit geproduseer, vervaardig of voorheen opgeberg was, of wyn mag verkoop of andersins van die hand mag sit of mag vernietig;
- (i) die voorwaardes onderworpe waaraan en omstandighede waaronder iemand wyn van 'n wynboer of koöperatiewe vereniging mag koop of andersins mag

society, and the conditions subject to which and circumstances under which any distiller or any person licensed to deal in liquor may receive, store, manufacture, remove or sell or otherwise dispose of wine;

- (j) the circumstances under which the vereniging may, on such conditions as the vereniging may determine, exempt any person from complying with a prohibition or requirement contained in a regulation made under this section;
- (k) in the case of fortified wine, the circumstances under which and extent to which allowance may be made for spirit used for the fortification of that wine and for wine lees derived from that wine, before the strength of that wine is determined;
- (l) generally all matters which he considers it necessary or expedient to prescribe for the better carrying out of the provisions of this Chapter.

[Sub-s. (l) substituted by s. 23 (1) (a) of Act No. 74 of 1974.]

(1A) Different regulations may be made under subsection (1)—

- (a) with reference to different classes of persons;
- (b) with reference to different kinds of wine or wine intended for different purposes;
- (c) with reference to different areas.

[Sub-s. (1A) inserted by s. 23 (1) (b) of Act No. 74 of 1974.]

(1B) Regulations made under subsection (1) may apply to—

- (a) a defined class of persons only;
- (b) a defined kind of wine or wine intended for defined purposes only;
- (c) a defined area only.

[Sub-s. (1B) inserted by s. 23 (1) (b) of Act No. 74 of 1974.]

(2) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of R2 000 or imprisonment for a period of six months or both such fine and such imprisonment.

[Sub-s. (2) substituted by s. 20 of Act No. 87 of 1990.]

26.

[S. 26 amended by s. 24 of Act No. 74 of 1974 and repealed by s. 21 of Act No. 87 of 1990.]

27. **Exemption from certain provisions of Liquor Act, 1989.**—The provisions of the Liquor Act, 1989 (Act No. 27 of 1989), shall not apply in respect of—

- (a) the sale by the vereniging to a licensee as defined in that Act, or to a co-operative society or distiller, or, in terms of section 3 (4) (c) or 17 (2) (d), to an employee or director of the vereniging, of any wine or other intoxicating liquor, the produce of vines in the Republic;
- (b) the purchase or acquisition by the vereniging from any winegrower or any such licensee, society or distiller, of such wine or liquor; or
- (c) the conveyance of such wine or liquor for the purpose of delivery in pursuance of such sale, purchase or acquisition.

[S. 27 substituted by s. 9 of Act No. 44 of 1983 and by s. 22 of Act No. 87 of 1990.]

28. **Limitation of application of this Chapter in respect of certain areas.**—The Minister may by notice in the *Gazette* declare that the provisions of this Chapter, other than the provisions of section 27, shall not apply in any area specified in such notice, and may by like notice repeal or amend any such notice.

[S. 28 amended by ss. 46 and 47 of Act No. 97 of 1986.]

continued on page 581

verkry, en die voorwaardes onderworpe waaraan en omstandighede waaronder 'n distilleerder of 'n persoon wat gelisensieer is om in drank handel te dryf wyn mag ontvang, opberg, vervaardig, verwyder of verkoop of andersins van die hand mag sit;

- (j) die omstandighede waaronder die vereniging, op die voorwaardes wat die vereniging bepaal, iemand kan vrystel van nakoming van 'n verbod of voorskrif vervat in 'n regulasie kragtens hierdie artikel uitgevaardig;
- (k) in die geval van versterkte wyn, die omstandighede waaronder en mate waarin 'n toelating gemaak kan word vir die spiritus wat gebruik is vir die versterking van daardie wyn en die wynmoer afkomstig van daardie wyn, alvorens die sterkte van daardie wyn bepaal word;
- (l) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf vir die doeltreffender uitvoering van die bepalings van hierdie Hoofstuk.
[Sub-a. (l) vervang by a. 23 (1) (a) van Wet No. 74 van 1974.]
- (1A) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word—
 - (a) met betrekking tot verskillende klasse van persone;
 - (b) met betrekking tot verskillende soorte wyn of wyn bestem vir verskillende doeleindes;
 - (c) met betrekking tot verskillende gebiede.
[Sub-a. (1A) ingevoeg by a. 23 (1) (b) van Wet No. 74 van 1974.]
- (1B) Regulasies kragtens subartikel (1) uitgevaardig, kan betrekking hê—
 - (a) slegs op 'n omskrewe klas van persone;
 - (b) slegs op 'n omskrewe soort wyn of wyn bestem vir omskrewe doeleindes;
 - (c) slegs op 'n omskrewe gebied.
[Sub-a. (1B) ingevoeg by a. 23 (1) (b) van Wet No. 74 van 1974.]

(2) Regulasies kragtens hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van R2 000 of gevangenisstraf vir 'n tydperk van ses maande of sowel sodanige boete as gevangenisstraf te bowe gaan nie.

[Sub-a. (2) vervang by a. 20 van Wet No. 87 van 1990.]

26.

[A. 26 gewysig by a. 24 van Wet No. 74 van 1974 en herroep by a. 21 van Wet No. 87 van 1990.]

27. Vrystelling van sekere bepalings van Drankwet, 1989.—Die bepalings van die Drankwet, 1989 (Wet No. 27 van 1989), is nie van toepassing nie ten opsigte van—

- (a) die verkoop deur die vereniging aan 'n lisensiehouer soos in daardie Wet omskryf, of aan 'n koöperatiewe vereniging of distilleerder, of, ingevolge artikel 3 (4) (c) of 17 (2) (d), aan 'n werknemer of direkteur van die vereniging, van wyn of ander bedwelmende drank wat die opbrengs van wingerdstokke in die Republiek is;
- (b) die koop of verkryging deur die vereniging van sodanige wyn of drank van 'n wynboer of so 'n lisensiehouer, vereniging of distilleerder; of
- (c) die vervoer van sodanige wyn of drank met die doel om dit af te lewer ingevolge sodanige verkoop, koop of verkryging.

[A. 27 vervang by a. 9 van Wet No. 44 van 1983 en by a. 22 van Wet No. 87 van 1990.]

28. Beperking van toepassing van hierdie Hoofstuk ten opsigte van sekere gebiede.—Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat die bepalings van hierdie Hoofstuk, uitgesonderd die bepalings van artikel 27, nie in 'n gebied in die kennisgewing vermeld van toepassing is nie, en kan so 'n kennisgewing by dergelike kennisgewing herroep of wysig.

[A. 28 gewysig by aa. 46 en 47 van Wet No. 97 van 1986.]

vervolg op bladsy 582

29. Suspension of certain provisions of this Chapter in respect of certain co-operative societies.—(1) The operation of any of or all those provisions of—

- (a) section 15 (1), under which no co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging;
- (b) section 16 (1), under which no person licensed to deal in liquor and no distiller shall purchase or acquire any wine from any co-operative society except through or with the consent of the vereniging;
- (c) section 19 (1), under which every person licensed to deal in liquor and every distiller who purchases wine from a co-operative society, shall pay the purchase price to the vereniging; and
- (d) any regulation under this Chapter, under which a co-operative society is required to keep records or render returns,

in so far as they relate to a co-operative society which on the first November, 1940, was the holder of a wholesale liquor licence issued under the Liquor Act, 1928 (Act No. 30 of 1928), may at any time on the recommendation of the vereniging and subject to such conditions as the Minister may deem fit, be suspended by him by notice in the *Gazette*, whenever he is satisfied that notwithstanding such suspension the objects of this Chapter will be substantially attained if the conditions of suspension are observed.

(2) The Minister may withdraw or from time to time amend any notice referred to in subsection (1).

29A. Minister may suspend certain provisions in certain circumstances.—(1) The Minister may, after consultation with the vereniging, by notice in the *Gazette* suspend all the provisions of sections 16, 18A, 18B, 19 and 22 (1), or one or more thereof, or any regulation made under this Chapter, in so far as such provision or provisions or regulation relates to wine, or to wine of a kind defined in such notice, sold or disposed of, or purchased or acquired, under the circumstances mentioned in such notice, but not in so far as such provision or provisions or regulation relates to wine sold or disposed of in bulk to, or purchased or acquired in bulk by, a distiller or a person licensed to deal in liquor.

[Sub-s. (1) substituted by s. 25 of Act No. 74 of 1974, by s. 10 of Act No. 44 of 1983 and by s. 7 of Act No. 36 of 1988.]

(2) The Minister may after consultation with the vereniging by notice in the *Gazette*, withdraw or amend a notice referred to in subsection (1).

[S. 29A inserted by s. 11 of Act No. 70 of 1972.]

30.

[S. 30 substituted by s. 11 of Act No. 44 of 1983 and repealed by s. 23 of Act No. 87 of 1990.]

CHAPTER III

[Chapter III (ss. 31 to 42 inclusive) amended by s. 12 of Act No. 70 of 1972 and by ss. 26, 27 and 28 (1) of Act No. 74 of 1974 and repealed by s. 8 of Act No. 87 of 1980.]

CHAPTER IV

INSUFFICIENT PRODUCTION OF WINE

43. Definitions.—In this Chapter, unless the context otherwise indicates—

“wine” means wine as defined in section 1 and intended for distillation purposes;

29. Opskorting van sekere bepalings van hierdie Hoofstuk ten opsigte van sekere koöperatiewe verenigings.—(1) Die werking van enige van of al daardie bepalings van—

- (a) artikel 15 (1), waarkragtens geen koöperatiewe vereniging wyn mag verkoop of van die hand sit nie, behalwe deur of met toestemming van die vereniging;
- (b) artikel 16 (1), waarkragtens niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder wyn van 'n koöperatiewe vereniging mag koop of verkry nie behalwe deur of met toestemming van die vereniging;
- (c) artikel 19 (1), waarkragtens iedereen wat gelisensieer is om in drank handel te dryf en elke distilleerder wat wyn van 'n koöperatiewe vereniging koop, die koopprys aan die vereniging moet betaal; en
- (d) enige regulasie kragtens hierdie Hoofstuk, waarkragtens van 'n koöperatiewe vereniging vereis word om aantekeninge te hou of opgawes te verstrek,

vir sover hulle op 'n koöperatiewe vereniging betrekking het wat op die eerste November 1940 die houer was van 'n groothandelaarsdranklisensie wat kragtens die Drankwet, 1928 (Wet No. 30 van 1928), uitgereik is, kan te eniger tyd op aanbeveling van die vereniging en onderworpe aan die voorwaardes wat die Minister goed ag, deur hom by kennisgewing in die *Staatskoerant* opgeskort word wanneer hy oortuig is dat ondanks so 'n opskorting die oogmerke van hierdie Hoofstuk wesenlik bereik sal word as die voorwaardes van opskorting nagekom word.

(2) Die Minister kan 'n in subartikel (1) bedoelde kennisgewing terugtrek of van tyd tot tyd wysig.

29A. Minister kan sekere bepalings in sekere omstandighede opskort.—(1) Die Minister kan, na oorleg met die vereniging, by kennisgewing in die *Staatskoerant* al die bepalings van artikels 16, 18A, 18B, 19 en 22 (1), of een of meer daarvan, of 'n regulasie kragtens hierdie Hoofstuk uitgevaardig, opskort in soverre bedoelde bepaling of bepalings of regulasie betrekking het op wyn, of op wyn van 'n soort in daardie kennisgewing omskryf, wat verkoop of van die hand gesit word, of aangekoop of verkry word, onder die omstandighede in dié kennisgewing vermeld, maar nie in soverre bedoelde bepaling of bepalings of regulasie betrekking het op wyn wat in stortmaat verkoop of van die hand gesit word aan, of in stortmaat aangekoop of verkry word deur, 'n distilleerder of iemand wat gelisensieer is om in drank handel te dryf nie.

[Sub-a. (1) vervang by a. 25 van Wet No. 74 van 1974, by a. 10 van Wet No. 44 van 1983 en by a. 7 van Wet No. 36 van 1988.]

(2) Die Minister kan na oorleg met die vereniging by kennisgewing in die *Staatskoerant*, 'n in subartikel (1) bedoelde kennisgewing intrek of wysig.

[A. 29A ingevoeg by a. 11 van Wet No. 70 van 1972.]

30.

[A. 30 vervang by a. 11 van Wet No. 44 van 1983 en herroep by a. 23 van Wet No. 87 van 1990.]

HOOFSTUK III

[Hoofstuk III (aa. 31 tot en met 42) gewysig by a. 12 van Wet No. 70 van 1972 en by aa. 26, 27 en 28 (1) van Wet No. 74 van 1974 en herroep by a. 8 van Wet No. 87 van 1980.]

HOOFSTUK IV

ONVOLDOENDE PRODUKSIE VAN WYN

43. Woordomskrywing.—Tensy uit die samehang anders blyk, beteken in hierdie Hoofstuk—

„jaar” 'n jaar wat op een-en-dertig Desember eindig;

“year” means a year ending on thirty-first December,
and any expression not defined in this section, to which in section 1 or 14 a meaning has been assigned, bears the meaning so assigned thereto.

44. **Insufficient production of wine.**—(1) The Minister shall by notice in the *Gazette* make regulations to control, in the circumstances and during the period contemplated in subsection (4), the acquisition of wine for purposes of trade or for conversion into spirit or brandy, and such conversion of wine, and such regulations may also—

- (a) provide for the defraying of expenses incurred in connection with the exercise of such control out of the funds of the vereniging, and the recovery thereof by the vereniging from persons to whom distilling wine has been allocated;
- (b) suspend, either generally or specially, the operation of any provision of any law in so far as it is inconsistent with or impedes the carrying into effect of the regulations or forbids any act which is reasonably necessary for or incidental to the effective application of the regulations or the attainment of the objects of such application, or prescribe any reservation in connection with such operation;
- (c) provide for the indemnification of the vereniging or other persons against claims on the ground of any *bona fide* act or omission in the application of the regulations;
- (d) provide for the issuing of orders or the giving of decisions by specified persons for the purposes of such control;
- (e) prescribe penalties, not exceeding a fine of two thousand rand or imprisonment for a period of six months for a contravention thereof or failure to comply therewith, or for any specified act or omission which could frustrate the attainment of the objects of the application of the regulations.

[Sub-s. (1) amended by ss. 46 and 47 of Act No. 97 of 1986. Para. (e) substituted by s. 24 (a) of Act No. 87 of 1990.]

(2) Different regulations may under subsection (1) be made—

- (a) with reference to the vereniging, the Board and any defined class of persons;
- (b) with reference to wine as defined in section 1, wine as defined in section 14, and any other specified kind of wine.

(3) Regulations made under subsection (1) may apply to—

- (a) the vereniging, the Board or any defined class of persons only;
- (b) wine as defined in section 1, wine as defined in section 14, or any other specified kind of wine only.

(4) Whenever the Minister is of opinion that the quantity of wine produced or to be produced during any year will be insufficient to meet the estimated needs of the trade and the estimated requirements of the vereniging in respect of such wine, the Minister may by notice in the *Gazette* declare any of or all the provisions of the regulations made under subsection (1) to be operative for such period, commencing not earlier than the first of February of that year and ending not later than the thirty-first of January of the year next following such year, as may be specified in the notice, and he may likewise at any time during such period amend or withdraw such notice.

[Sub-s. (4) amended by ss. 46 and 47 of Act No. 97 of 1986.]

(5)

[Sub-s. (5) substituted by s. 12 of Act No. 44 of 1983, amended by s. 47 of Act No. 97 of 1986 and deleted by s. 24 (b) of Act No. 87 of 1990.]

„wyn” wyn soos in artikel 1 omskryf en bestem vir destilleringsdoeleindes; en het ’n uitdrukking wat nie in hierdie artikel omskryf word nie en waaraan in artikel 1 of 14 ’n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

44. Onvoldoende produksie van wyn.—(1) Die Minister moet by kennisgewing in die *Staatskoerant* regulasies uitvaardig om, onder die omstandighede en gedurende die tydperk beoog in subartikel (4), die verkryging van wyn vir handelsdoeleindes of vir omsetting in spiritus of brandewyn en sodanige omsetting van wyn, te beheer, en sodanige regulasies kan ook—

- (a) voorsiening maak vir die bestryding van uitgawes aangegaan in verband met die uitoefening van sodanige beheer uit die fondse van die vereniging, en die verhaal daarvan deur die vereniging op persone aan wie stookwyn toegeken is;
- (b) die werking van ’n bepaling van die een of ander wet in die algemeen of in ’n besondere geval opskort vir sover dit strydig is met die regulasies of die uitvoering daarvan belemmer of ’n handeling verbied wat redelikerwys noodsaaklik is vir of saamhang met die doeltreffende toepassing van die regulasies of die verwesenliking van die oogmerke van sodanige toepassing, of enige voorbehoud in verband met sodanige werking stel;
- (c) voorsiening maak vir die vrywaring van die vereniging of ander persone teen eise op grond van ’n doen of late te goeder trou by die toepassing van die regulasies;
- (d) voorsiening maak vir die uitreiking van bevel of die gee van beslissings deur vermelde persone vir die doeleindes van sodanige beheer;
- (e) strawwe voorskryf, wat nie ’n boete van tweeduisend rand of gevangenisstraf vir ’n tydperk van ses maande te bowe gaan nie, vir ’n oortreding daarvan of versuim om daaraan te voldoen of vir ’n vermelde doen of late wat die verwesenliking van die oogmerke van die toepassing van die regulasies sou kan verydel.

[Sub-a. (1) gewysig by aa. 46 en 47 van Wet No. 97 van 1986. Par. (e) vervang by a. 24 (a) van Wet No. 87 van 1990.]

(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word—

- (a) met betrekking tot die vereniging, die Raad en enige omskrewe klas persone;
- (b) met betrekking tot wyn soos in artikel 1 omskryf, wyn soos in artikel 14 omskryf, en enige ander vermelde soort wyn.

(3) Regulasies kragtens subartikel (1) uitgevaardig, kan betrekking hê—

- (a) slegs op die vereniging, die Raad of enige omskrewe klas persone;
- (b) slegs op wyn soos in artikel 1 omskryf, wyn soos in artikel 14 omskryf, of enige ander vermelde soort wyn.

(4) Wanneer die Minister van oordeel is dat die hoeveelheid wyn wat gedurende enige jaar geproduseer is of geproduseer gaan word, te min sal wees om aan die geraamde behoeftes van die handel en die geraamde benodighede van die vereniging ten opsigte van sulke wyn te voldoen, kan die Minister by kennisgewing in die *Staatskoerant* verklaar dat enige van of al die bepalings van die regulasies wat kragtens subartikel (1) uitgevaardig is, in werking is vir die tydperk wat in die kennisgewing vermeld word maar nie voor die eerste Februarie van daardie jaar begin of na die een-en-dertigste Januarie van die daaropvolgende jaar eindig nie, en hy kan insgelyks te eniger tyd gedurende daardie tydperk sodanige kennisgewing wysig of intrek.

[Sub-a. (4) gewysig by aa. 46 en 47 van Wet No. 97 van 1986.]

(5)

[Sub-a. (5) vervang by a. 12 van Wet No. 44 van 1983, gewysig by a. 47 van Wet No. 97 van 1986 en geskrap by a. 24 (b) van Wet No. 87 van 1990.]

45. Importation of wine by vereniging.—(1) Notwithstanding anything to the contrary contained in any law, whenever in terms of section 44 the regulations referred to therein are in operation, the vereniging may purchase or otherwise acquire outside and import into the Republic such quantities of wine (whether fortified or unfortified) intended for distillation purposes, as the Minister may approve.

(2) The vereniging may distil into spirit any wine imported by it and may, subject to the provisions of subsections (3) and (4), utilize, sell or otherwise dispose of any such wine or spirit as if it were the produce of vines in the Republic.

(3) Seventy-five per cent of any wine imported by the vereniging and received on its premises, and any additional percentage thereof which the vereniging may, in its discretion and at such times as it deems fit, make available for the purpose, shall be allocated for purposes of trade or for conversion into spirit or brandy in such manner and subject to such conditions as may be prescribed in the the regulations referred to in subsection (1).

(4) Neither the vereniging nor any other person shall export from the Republic, for drinking purposes, any spirit derived from wine imported by the vereniging.

(5) Any wine imported by the vereniging and any spirit derived from such wine shall, for the purposes of Chapter I and Chapter II of this Act, the Customs and Excise Act, 1964 (Act No. 91 of 1964), and the Liquor Products Act, 1989 (Act No. 60 of 1989), and any regulations made under any of the said Chapters or Acts, be deemed to be respectively wine and spirit which are the produce of vines in the Republic.

[Sub-s. (5) substituted by s. 25 of Act No. 87 of 1990.]

45A. Importation of brandy by vereniging.—(1) Whenever the Minister is of opinion that the quantity of brandy available during any year will be insufficient to meet the estimated needs of the trade in respect of brandy, the vereniging may, notwithstanding anything to the contrary contained in any law, purchase or otherwise acquire outside and import into the Republic such quantity of brandy as the Minister may approve.

(2) The vereniging may sell or supply any brandy imported by it to such wholesale traders or distillers, on such basis, in such quantities and subject to such conditions as it may with the approval of the Minister determine.

(3) Any brandy sold or supplied to wholesale traders or distillers in terms of subsection (2) may be utilized by such traders or distillers for the purposes of trade as if it were the produce of vines in the Republic.

(4) Any brandy imported by the vereniging shall for the purposes of Chapter I of this Act and the Liquor Products Act, 1989 (Act No. 60 of 1989), and any regulations made under the said Chapter or the last-mentioned Act, be deemed to be brandy manufactured from the produce of vines in the Republic and complying with the requirements contemplated in section 9 (1) (a) of the said Chapter.

[S. 45A inserted by s. 1 of Act No. 62 of 1975. Sub-s. (4) substituted by s. 26 of Act No. 87 of 1990.]

CHAPTER V

OVER-PRODUCTION OF WINE

46. Over-production of wine.—(1) The Minister shall by notice in the *Gazette* make regulations to restrict, in the circumstances and during the period contemplated in subsection (4), the production of wine (as defined in section 1), and such regulations may also—

- (a) suspend, either generally or specially, the operation of any provision of any law in so far as it is inconsistent with or impedes the carrying into effect of

45. Invoer van wyn deur vereniging.—(1) Wanneer ingevolge artikel 44 die regulasies wat daarin bedoel word in werking is, kan die vereniging, ondanks andersluidende bepalings van die een of ander wet, die hoeveelhede wyn (hetsy versterk of onversterk) bestem vir distilleringsdoeleindes wat die Minister goedkeur, buite die Republiek aankoop of op 'n ander wyse verkry en in die Republiek invoer.

(2) Die vereniging kan wyn wat hy ingevoer het, tot spiritus distilleer en kan, behoudens die bepalings van subartikels (3) en (4), sodanige wyn of spiritus gebruik, verkoop of op 'n ander wyse van die hand sit asof dit die opbrengs van wingerdstokke in die Republiek was.

(3) Vyf-en-sewentig persent van enige wyn wat die vereniging invoer en op sy perseel ontvang, en enige bykomende persentasie daarvan wat die vereniging na eie goeëdunke en op die tye wat hy goeëvind, vir die doel beskikbaar stel, moet vir handelsdoeleindes of vir omsetting in spiritus of brandewyn toegeken word op die wyse en onderworpe aan die voorwaardes voorgeskryf in die regulasies in subartikel (1) bedoel.

(4) Nóg die vereniging nóg iemand anders mag spiritus wat verkry is van wyn wat deur die vereniging ingevoer is, vir drinkdoeleindes uit die Republiek uitvoer.

(5) Wyn wat deur die vereniging ingevoer is, en spiritus wat van sodanige wyn verkry is, word by die toepassing van Hoofstuk I en Hoofstuk II van hierdie Wet, die Doeane- en Aksynswet, 1964, (Wet No. 91 van 1964), en die Wet op Drankprodukte, 1989 (Wet No. 60 van 1989), en die regulasies kragtens enige van genoemde Hoofstukke of Wette uitgevaardig, geag onderskeidelik wyn en spiritus te wees wat die opbrengs van wingerdstokke in die Republiek is.

[Sub-a. (5) vervang by a. 25 van Wet No. 87 van 1990.]

45A. Invoer van brandewyn deur vereniging.—(1) Wanneer die Minister van oordeel is dat die hoeveelheid brandewyn wat gedurende enige jaar beskikbaar is, onvoldoende sal wees om aan die geraamde behoeftes van die handel ten opsigte van brandewyn te voldoen, kan die vereniging, ondanks andersluidende bepalings van die een of ander wet, die hoeveelheid brandewyn wat die Minister goedkeur, buite die Republiek aankoop of op 'n ander wyse verkry en in die Republiek invoer.

(2) Die vereniging kan brandewyn wat hy ingevoer het, aan sodanige groothandelaars of distilleerders, op sodanige grondslag, in sodanige hoeveelhede en onderworpe aan sodanige voorwaardes as wat hy met die goedkeuring van die Minister bepaal, verkoop of voorsien.

(3) Brandewyn wat ingevolge subartikel (2) aan groothandelaars of distilleerders verkoop of voorsien is, kan deur sodanige handelaars of distilleerders vir handelsdoeleindes gebruik word asof dit die opbrengs van wingerdstokke in die Republiek was.

(4) Brandewyn wat deur die vereniging ingevoer word, word by die toepassing van Hoofstuk I van hierdie Wet en die Wet op Drankprodukte, (Wet No. 60 van 1989), en die regulasies kragtens genoemde Hoofstuk of laasgenoemde Wet uitgevaardig, geag brandewyn te wees wat uit die produk van wingerdstokke in die Republiek vervaardig is en voldoen aan die vereistes beoog in artikel 9 (1) (a) van genoemde Hoofstuk.

[A. 45A ingevoeg by a. 1 van Wet No. 62 van 1975. Sub-a. (4) vervang by a. 26 van Wet No. 87 van 1990.]

HOOFSTUK V

OORPRODUKSIE VAN WYN

46. Oorproduksie van wyn.—(1) Die Minister moet by kennisgewing in die *Staatskoerant* regulasies uitvaardig om onder die omstandighede en gedurende die tydperk beoog in subartikel (4) die produksie van wyn (soos in artikel 1 omskryf) te beperk, en sodanige regulasies kan ook—

(a) die werking van 'n bepaling van die een of ander wet in die algemeen of in 'n besondere geval opskort vir sover dit strydig is met die regulasies of die

the regulations or forbids any act which is reasonably necessary for or incidental to the effective application of the regulations or the attainment of the objects of such application, or prescribe any reservation in connection with such operation;

- (b) provide for the indemnification of the veneniging or other persons against claims on the ground of any *bona fide* act or omission in the application of the regulations;
- (c) provide for the forfeiture of wine or any amount of money in lieu thereof to the veneniging, or the destruction of wine, in the event of a contravention of the regulations, and the recovery of any such amount;
- (d) provide for the issuing of orders or the giving of decisions by specified persons for the purposes of such restriction;
- (e) provide for the payment of fees in respect of services rendered for the purposes of such restriction;
- (eA) provide for the payment of a levy in respect of any quota determined in terms of the regulations for the purposes of such restriction;
[Para. (eA) inserted by s. 8 of Act No. 36 of 1988.]
- (eB) provide for the cancellation or reduction of such quota in the circumstances and on the conditions specified in the regulations;
[Para. (eB) inserted by s. 8 of Act No. 36 of 1988.]
- (eC) provide for the calculation of the quantity of wine that may be obtained from a ton of grapes at 20 degrees (as ascertained by Balling's saccharometer), and for the basis on which and method by which such calculation shall be done, including the other instruments or methods referred to in section 54 (1A) (a);
[Para. (eC) inserted by s. 27 (a) of Act No. 87 of 1990.]
- (f) prescribe penalties not exceeding a fine of two thousand rand or imprisonment for a period of six months, for any contravention thereof or failure to comply therewith, or for any specified act or omission which could frustrate the attainment of the objects of the application of the regulations.

[Sub-s. (1) amended by ss. 46 and 47 of Act No. 97 of 1986. Para. (f) substituted by s. 27 (b) of Act No. 87 of 1990.]

(2) Different regulations may under subsection (1) be made—

- (a) with reference to different classes of persons;
- (b) with reference to wine referred to in subsection (1) and intended for different purposes;
- (c) with reference to different areas.

(3) Regulations made under subsection (1) may apply to—

- (a) a defined class of persons only;
- (b) wine referred to in subsection (1) and intended for defined purposes only;
- (c) a defined area only.

(4) Whenever the Minister is of opinion that a state of over-production exists or is soon likely to exist in the wine farming industry, the Minister may by notice in the *Gazette* declare the regulations made under subsection (1) to be operative from the date and for the period or an indefinite period, as specified in the notice, and he may likewise at any time during such period amend or withdraw such notice.

[Sub-s. (4) amended by ss. 46 and 47 of Act No. 97 of 1986.]

uitvoering daarvan belemmer of 'n handeling verbied wat redelikerwys noodsaaklik is vir of saamhang met die doeltreffende toepassing van die regulasies of die verwesenliking van die oogmerke van sodanige toepassing, of enige voorbehoud in verband met sodanige werking stel;

- (b) voorsiening maak vir die vrywaring van die vereniging of ander persone teen eise op grond van 'n doen of late te goeder trou by die toepassing van die regulasies;
- (c) voorsiening maak vir die verbeuring van wyn of 'n bedrag in plaas daarvan aan die vereniging, of die vernietiging van wyn, in die geval van 'n oortreding van die regulasies, en die verhaal van so 'n bedrag;
- (d) voorsiening maak vir die uitreiking van bevele of die gee van beslissings deur vermelde persone vir die doeleindes van sodanige beperking;
- (e) voorsiening maak vir die betaling van gelde ten opsigte van dienste gelewer vir die doeleindes van sodanige beperking;
- (eA) voorsiening maak vir die betaling van 'n heffing ten opsigte van enige kwota wat vir die doeleindes van sodanige beperking ingevolge die regulasies bepaal is;

[Par. (eA) ingevoeg by a. 8 van Wet No. 36 van 1988.]

- (eB) voorsiening maak vir die kansellasië of vermindering van sodanige kwota in die omstandighede en op die voorwaardes in die regulasies vermeld;

[Par. (eB) ingevoeg by a. 8 van Wet No. 36 van 1988.]

- (eC) voorsiening maak vir die berekening van die hoeveelheid wyn wat van 'n ton druiwe teen 20 grade (soos bepaal deur Balling se saccharometer), verkry kan word, en vir die grondslag waarop en metode waarvolgens sodanige berekening gedoen moet word, met inbegrip van die ander instrumente of metodes in artikel 54 (1A) (a) bedoel;

[Par. (eC) ingevoeg by a. 27 (a) van Wet No. 87 van 1990.]

- (f) strawwe voorskryf, wat nie 'n boete van tweeduisend rand of gevangenisstraf vir 'n tydperk van ses maande te bowe gaan nie, vir 'n oortreding daarvan of versuim om daaraan te voldoen, of vir 'n vermelde doen of late wat die verwesenliking van die oogmerke van die toepassing van die regulasies sou kan veryd.

[Sub-a. (1) gewysig by aa. 46 en 47 van Wet No. 97 van 1986. Par. (f) vervang by a. 27 (b) van Wet No. 87 van 1990.]

- (2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word—
 - (a) met betrekking tot verskillende klasse persone;
 - (b) met betrekking tot wyn, in subartikel (1) bedoel, bestem vir verskillende doeleindes;
 - (c) met betrekking tot verskillende gebiede.
- (3) Regulasies kragtens subartikel (1) uitgevaardig, kan betrekking hê—
 - (a) slegs op 'n omskrewe klas persone;
 - (b) slegs op wyn in subartikel (1) bedoel, bestem vir omskrewe doeleindes;
 - (c) slegs op 'n omskrewe gebied.

(4) Wanneer die Minister van oordeel is dat in die wynboubedryf 'n toestand van oorproduksie bestaan of binnekort waarskynlik sal bestaan, kan die Minister by kennisgewing in die *Staatskoerant* verklaar dat die regulasies wat kragtens subartikel (1) uitgevaardig is, in werking is van die datum en vir die tydperk, of 'n onbepaalde tydperk, soos in die kennisgewing vermeld word, en hy kan insgelyks te eniger tyd gedurende daardie tydperk sodanige kennisgewing wysig of intrek.

[Sub-a. (4) gewysig by aa. 46 en 47 van Wet No. 97 van 1986.]

(5)

[Sub-s. (5) substituted by s. 13 of Act No. 44 of 1983, amended by s. 47 of Act No. 97 of 1986 and deleted by s. 27 (c) of Act No. 87 of 1990.]

CHAPTER VI

LEVY ON WINE, SPIRIT AND BRANDY

47. **Definitions.**—In this Chapter, unless the context otherwise indicates—

“year” means a year ending on thirty-first December,

and any other expression to which a meaning has been assigned in section 1 or 14, bears the meaning so assigned thereto.

48. **Power of vereniging to impose levies on wine, spirit and brandy.**—(1) The vereniging may, after consultation with a representative body of wholesalers determined by the Minister and with the approval of the Minister, in respect of any year impose a levy on—

(a) wine as defined in section 14; and

(b) wine, as defined in section 1, intended for distillation purposes, and spirit and brandy (including spirit or brandy in fortified wine which was added thereto for the purpose of fortification).

(2) The vereniging shall by notice in the *Gazette* make known, on or before the first February of the year in question, any levy so imposed and fixed by it and the time when payment thereof shall be made.

(3) In the application of subsection (1), different levies may be imposed in respect of different classes, types or grades of wine or different classes of spirit or brandy.

(4) The vereniging may with the approval of the Minister, in the notice referred to in subsection (2), exempt any person or class of persons, either generally or under such circumstances as may be specified in the notice, from the payment of a levy referred to in subsection (1).

[S. 48 amended by s. 13 of Act No. 70 of 1972 and by s. 9 of Act No. 36 of 1988 and substituted by s. 28 of Act No. 87 of 1990.]

49. **Payment of levy payable on wine, spirit and brandy.**—Any levy imposed in terms of section 48 (1) on any wine, spirit and brandy shall be payable to the vereniging—

(a) by any person who is licensed to deal in liquor and any distiller in respect of wine, spirit and brandy acquired by him from the vereniging or bought or otherwise acquired by him from a winegrower or co-operative society in pursuance of a written contract of purchase and sale referred to in section 5A or 18B; and

(b) by any winegrower or co-operative society in respect of wine, spirit and brandy sold or otherwise disposed of by him otherwise than in pursuance of such written contract of purchase and sale.

[S. 49 amended by s. 9 of Act No. 87 of 1980 and substituted by s. 29 of Act No. 87 of 1990.]

50. **Certain transactions exempted from levy, and recovery of levies.**—(1) The provisions of section 48 shall not apply to wine disposed of in the ordinary course of dealing between a co-operative society and its members.

[Sub-s. (1) amended by s. 5 of Act No. 63 of 1984 and substituted by s. 30 (a) of Act No. 87 of 1990.]

(2)

[Sub-s. (2) deleted by s. 30 (b) of Act No. 87 of 1990.]

(5)

[Sub-a. (5) vervang by a. 13 van Wet No. 44 van 1983, gewysig by a. 47 van Wet No. 97 van 1986 en geskrap by a. 27 (c) van Wet No. 87 van 1990.]

HOOFSUK VI

HEFFING OP WYN, SPIRITUS EN BRANDEWYN

47. **Woordomskrywing.**—Tensy uit die samehang anders blyk, beteken in hierdie Hoofstuk—

„jaar” ’n jaar wat op een-en-dertig Desember eindig;

en het ’n ander uitdrukking waaraan in artikel 1 of 14 ’n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

48. **Bevoegdheid van vereniging om heffings op te lê op wyn, spiritus en brandewyn.**—

(1) Die vereniging kan, na oorlegpleging met ’n verteenwoordigende liggaam van groot-handelaars deur die Minister bepaal en met die goedkeuring van die Minister, ten opsigte van die een of ander jaar ’n heffing oplê op—

(a) wyn soos omskryf in artikel 14; en

(b) wyn, soos omskryf in artikel 1, bestem vir distilleringsdoeleindes, en spiritus en brandewyn (met inbegrip van spiritus of brandewyn in versterkte wyn wat vir die doel van versterking daarby gevoeg is).

(2) Die vereniging moet ’n heffing aldus deur hom opgelê en vasgestel, en die tyd wanneer betaling daarvan moet geskied, by kennisgewing in die *Staatskoerant* bekend maak voor of op die eerste Februarie van die betrokke jaar.

(3) By die toepassing van subartikel (1) kan verskillende heffings opgelê word ten opsigte van verskillende klasse, tipes of grade wyn of verskillende klasse spiritus of brandewyn.

(4) Die vereniging kan met die goedkeuring van die Minister, in die kennisgewing bedoel in subartikel (2), enige persoon of klas persone of in die algemeen of onder die omstandighede vermeld in die kennisgewing, van die betaling van ’n heffing bedoel in subartikel (1) vrystel.

[A. 48 gewysig by a. 13 van Wet No. 70 van 1972 en by a. 9 van Wet No. 36 van 1988 en vervang by a. 28 van Wet No. 87 van 1990.]

49. **Betaling van heffing betaalbaar op wyn, spiritus en brandewyn.**—’n Heffing wat ingevolge artikel 48 (1) op wyn, spiritus en brandewyn opgelê is, is betaalbaar aan die vereniging—

(a) deur iemand wat gelisensieer is om in drank handel te dryf en ’n distilleerder ten opsigte van wyn, spiritus en brandewyn wat hy van die vereniging verkry het of, ingevolge ’n skriftelike koopkontrak bedoel in artikel 5A of 18B, van ’n wynboer of koöperatiewe vereniging gekoop of andersins verkry het; en

(b) deur ’n wynboer en ’n koöperatiewe vereniging ten opsigte van wyn, spiritus en brandewyn wat hy anders as ingevolge so ’n skriftelike koopkontrak verkoop of andersins van die hand gesit het.

[A. 49 gewysig by a. 9 van Wet No. 87 van 1980 en vervang by a. 29 van Wet No. 87 van 1990.]

50. **Sekere transaksies van heffing vrygestel, en verhaal van heffings.**—(1) Die bepalings van artikel 48 is nie van toepassing nie op wyn van die hand gesit in die gewone loop van sake tussen ’n koöperatiewe vereniging en sy lede.

[Sub-a. (1) gewysig by a. 5 van Wet No. 63 van 1984 en vervang by a. 30 (a) van Wet No. 87 van 1990.]

(2)

[Sub-a. (2) geskrap by a. 30 (b) van Wet No. 87 van 1990.]

(3) The vereniging may at any time deduct the amount of any levies payable to it by any person in terms of section 49 from any moneys which it may from time to time hold on behalf of such person.

51. Research Account.—(1) The vereniging shall establish an account to be known as the Research Account, to which shall be credited all moneys paid to the vereniging in terms of section 49.

(2) The vereniging may use so much of the moneys in such account as the Minister may from time to time approve, after consideration of an estimate containing all particulars determined from time to time by the Minister and submitted to him by the vereniging, in such manner and at such times as it may deem fit for aiding or promoting research and furnishing information, in the Republic or elsewhere, in respect of—

- (a) the cultivation of vines of wine-grape varieties, including rootstocks used in the cultivation of such vines;
- (b) the production of wine, other fermented or distilled products of the grape or grape juice; or
- (c) economic and other matters incidental thereto.

(3) The vereniging shall, as soon as possible after the end of each year, submit to the Minister a statement, certified by an accountant or auditor according to law, of the income and expenditure in respect of such account during such year.

[S. 51 amended by s. 10 of Act No. 87 of 1980 and substituted by s. 31 of Act No. 87 of 1990.]

52.

[S. 52 repealed by s. 32 of Act No. 87 of 1990.]

CHAPTER VII

GENERAL PROVISIONS

[Chapter VII inserted by s. 29 of Act No. 74 of 1974.]

53. Power of vereniging in respect of applications for permits, registrations or its consent.—(1) The vereniging may, in its discretion but subject to the provisions of this Act and the regulations made thereunder, grant or refuse any application for any permit, registration or consent which it may issue, grant or give under any provision of this Act, and, if it grants the application, render the permit, registration or consent subject to such conditions as it may determine or as may be prescribed by the said regulations.

(2) The vereniging may amend or cancel any condition determined by it under subsection (1) upon application by the person to whom any such permit was issued or any such registration was granted or any such consent was given.

[S. 53 inserted by s. 29 of Act No. 74 of 1974.]

53A. Obtaining of particulars and information by vereniging.—(1) When a person refuses or neglects to furnish the vereniging with any return, information or particulars which in terms of this Act or the regulations made thereunder are to be furnished to it, the vereniging may—

- (a) take any reasonable steps to obtain the particulars or information concerned; and
- (b) recover from the person concerned all reasonable costs incurred by it in obtaining the particulars or information.

(2) The exercising by the vereniging of any power contemplated in subsection (1) shall not relieve any person of criminal liability arising from his refusal or neglect to furnish the vereniging with any return, information or particulars.

[S. 53A inserted by s. 10 of Act No. 36 of 1988.]

continued on page 591

(3) Die vereniging kan te eniger tyd die bedrag van enige heffings wat deur iemand ingevolge artikel 49 aan hom betaalbaar is, afrek van geld wat die vereniging van tyd tot tyd ten behoeve van so iemand hou.

51. *Navorsingrekening.*—(1) Die vereniging moet 'n rekening met die naam Navorsingrekening instel wat gekrediteer word met alle geld wat ingevolge artikel 49 aan die vereniging betaal is.

(2) Die vereniging kan soveel van die geld in daardie rekening as wat die Minister, na oorweging van 'n beraming bevattende alle besonderhede deur die Minister van tyd tot tyd bepaal en aan hom voorgelê deur die vereniging, van tyd tot tyd goedkeur, aanwend, op die wyse en op die tye wat die vereniging goed ag, om in die Republiek of elders navorsing te steun of te bevorder en voorligting te verstrek ten opsigte van—

- (a) die verbouing van wingerdstokke van wyndruifvariëteite, met inbegrip van onderstokke gebruik by die verbouing van sodanige wingerdstokke;
- (b) die produksie van wyn, ander gegiste of gedistilleerde druiweprodukte of druiwesap; of
- (c) ekonomiese en ander aangeleenthede wat daarmee in verband staan.

(3) Die vereniging moet, so spoedig doenlik na die end van elke jaar, 'n opgawe, deur 'n rekenmeester of ouditeur ooreenkomstig die reg gesertifiseer, van die inkomste en uitgawes ten opsigte van sodanige rekening gedurende daardie jaar, aan die Minister voorlê.

[A. 51 gewysig by a. 10 van Wet No. 87 van 1980 en vervang by a. 31 van Wet No. 87 van 1990.]

52.

[A. 52 herroep by a. 32 van Wet No. 87 van 1990.]

HOOFSTUK VII

ALGEMENE BEPALINGS

[Hoofstuk VII ingevoeg by a. 29 van Wet No. 74 van 1974.]

53. *Vereniging se bevoegdheid ten opsigte van aansoeke om permitte, registrasies of sy toestemming.*—(1) Die vereniging kan 'n aansoek om 'n permit, registrasie of toestemming wat hy kragtens 'n bepaling van hierdie Wet kan uitreik, toestaan of verleen, na goeë dunske maar behoudens die bepalings van hierdie Wet en die regulasies daarkragtens uitgevaardig, toestaan of weier, en, indien hy die aansoek toestaan, die betrokke permit, registrasie of toestemming onderworpe stel aan die voorwaardes wat hy bepaal of wat by genoemde regulasies voorgeskryf is.

(2) Die vereniging kan 'n voorwaarde deur hom kragtens subartikel (1) bepaal, op aansoek van die persoon aan wie so 'n permit uitgereik of so 'n registrasie toegestaan of so 'n toestemming verleen is, wysig of intrek.

[A. 53 ingevoeg by a. 29 van Wet No. 74 van 1974.]

53A. *Verkryging van besonderhede en inligting deur vereniging.*—(1) Wanneer iemand weier of versuim om enige opgawe, inligting of besonderhede aan die vereniging te verstrek wat ingevolge hierdie Wet of die regulasies daarkragtens uitgevaardig, aan hom verstrek moet word, kan die vereniging—

- (a) enige redelike stappe doen om die betrokke besonderhede of inligting te bekom; en
- (b) alle redelike uitgawes wat hy aangegaan het om die besonderhede of inligting te bekom, op die betrokke persoon verhaal.

(2) Die uitoefening deur die vereniging van enige bevoegdheid beoog in subartikel (1) onthef niemand van strafregtelike aanspreeklikheid wat voortspruit uit sy weiering of versuim om enige opgawe, inligting of besonderhede aan die vereniging te verstrek nie.

[A. 53A ingevoeg by a. 10 van Wet No. 36 van 1988.]

vervolg op bladsy 592

54. Calculation of quantities of wine in the form of grapes, grape juice, moskonfyt, raisins and sultanas.—(1) For the purposes of this Act—

- (a) one ton of grapes at 20 degrees (as ascertained by Balling's saccharometer) shall be deemed to be the equivalent of a quantity of wine of a strength of ten per cent alcohol by volume as determined according to regulations made under section 46;
- (b) any quantity of raisins or sultanas shall be deemed to be the equivalent in mass to a quality of grapes which bears the same mass ratio to that quantity of raisins or sultanas, as the figure representing the percentage (mass by mass) of sugar in that quantity of raisins or sultanas, bears to 20;
- (bA) any quantity of grape juice, must or moskonfyt shall be deemed to be the equivalent of a quantity of wine of a strength of ten per cent alcohol by volume as calculated in accordance with the tables referred to in subsection (1A);
- (c) potential alcohol represented by the sugar contained in wine, expressed as a percentage of alcohol by volume, shall be calculated in accordance with the tables referred to in subsection (1A); and
- (d) the alcohol by volume in wine or spirits shall be determined in accordance with the pycnometer method and conversion tables referred to in subsection (1A).

[Sub-s. (1) substituted by s. 11 of Act No. 87 of 1980, amended by s. 14 of Act No. 44 of 1983 and substituted by s. 33 (a) of Act No. 87 of 1990.]

(1A) (a) Notwithstanding the provisions of subsection (1) the vereniging may, with the approval of the Minister, prescribe any other specified instrument or method, which may be used in the place of Balling's saccharometer or the pycnometer method, for the purposes of a determination referred to in paragraph (a) or (d) of that subsection.

(b) The vereniging shall, with the approval of the Minister, prescribe tables for use in terms of paragraphs (bA), (c) and (d) of subsection (1).

(c) Copies of a prescription referred to in paragraph (a) and of the tables referred to in paragraph (b) shall be obtainable from the vereniging on payment of such amount as may be determined therefor by the vereniging.

[Sub-s. (1A) inserted by s. 33 (b) of Act No. 87 of 1990.]

(2) For the purpose of subsection (1) "strength" shall bear the meaning assigned to it in section 14.

[S. 54 inserted by s. 29 of Act No. 74 of 1974.]

55. Designation of inspectors by vereniging.—(1) The vereniging may designate persons in its employ as inspectors to perform the functions and exercise the powers referred to in subsection (2).

(2) An inspector may, for the purposes of this Act and the regulations made thereunder, without prior notice, at all reasonable times enter upon any premises or vehicle in or upon which wine, or spirit or brandy derived from wine, is or is suspected to be produced, manufactured, processed, prepared, treated, distilled, received, transported, kept, stored, sold or disposed of, including any premises on which vine for wine-making purposes is or is suspected to be or to have been cultivated, and may, subject to the provisions of this Act—

- (a) inspect such wine, spirit, brandy or vine or any material, substance or apparatus used or suspected to be intended for use in the production, manufacture, processing, preparation, treatment, distillation, receipt, transportation, keeping, storage, sale or disposal of any such wine, spirit or brandy, determine the quantity or strength thereof, abstract or remove samples of any such wine, spirit, brandy, material or substance, and open any container containing or suspected to contain a quantity of any such wine, spirit, brandy, material or substance;

54. Berekening van hoeveelhede van wyn in die vorm van druiwe, druiwesap, moskonfyt, rosyne en sultanas.—(1) By die toepassing van hierdie Wet—

- (a) word 1 ton druiwe teen 20 grade (soos bepaal deur Balling se saccharometer), geag gelyk te staan met 'n hoeveelheid wyn van 'n sterkte van tien persent alkohol volgens volume soos bepaal volgens regulasies kragtens artikel 46 uitgevaardig;
- (b) word 'n hoeveelheid rosyne of sultanas geag gelyk te staan in massa met 'n hoeveelheid druiwe wat in dieselfde massaverhouding tot daardie rosyne of sultanas staan as wat die syfer wat die persentasie (massa per massa) suiker in daardie hoeveelheid rosyne of sultanas verteenwoordig, tot 20 staan;
- (bA) word 'n hoeveelheid druiwesap, mos of moskonfyt geag gelyk te staan met 'n hoeveelheid wyn van 'n sterkte van tien persent alkohol volgens volume soos bereken ooreenkomstig die tabelle in subartikel (1A) bedoel;
- (c) word potensieële alkohol verteenwoordig deur die suiker in wyn, uitgedruk as 'n persentasie alkohol volgens volume, bereken ooreenkomstig die tabelle in subartikel (1A) bedoel; en
- (d) word alkohol volgens volume in wyn of spiritus bepaal ooreenkomstig die piknometer-metode en om rekeningstabelle in subartikel (1A) bedoel.

[Sub-a. (1) vervang by a. 11 van Wet No. 87 van 1980, gewysig by a. 14 van Wet No. 44 van 1983 en vervang by a. 33 (a) van Wet No. 87 van 1990.]

(1A) (a) Ondanks die bepalinge van subartikel (1) kan die vereniging, met die goedkeuring van die Minister, 'n ander vermeldde instrument of metode, wat in die plek van Balling se saccharometer of die piknometer-metode gebruik kan word, voorskryf vir die doeleindes van 'n bepaling in paragraaf (a) of (d) van daardie subartikel bedoel.

(b) Die vereniging moet, met die goedkeuring van die Minister, tabelle voorskryf vir gebruik ingevolge paragrawe (bA), (c) en (d) van subartikel (1).

(c) Afskrifte van 'n voorskrif in paragraaf (a) bedoel en van die tabelle in paragraaf (b) bedoel, is van die vereniging verkrygbaar teen betaling van die bedrag wat die vereniging daarvoor bepaal.

[Sub-a. (1A) ingevoeg by a. 33 (b) van Wet No. 87 van 1990.]

(2) By die toepassing van subartikel (1) het „sterkte” die betekenis in artikel 14 daaraan geheg.

[A. 54 ingevoeg by a. 29 van Wet No. 74 van 1974.]

55. Aanwysing van inspekteurs deur vereniging.—(1) Die vereniging kan persone in sy diens aanwys as inspekteurs om die in subartikel (2) bedoelde bevoegdhede uit te oefen en werksaamhede te verrig.

(2) 'n Inspekteur kan vir die doeleindes van hierdie Wet en die regulasies daarkragtens uitgevaardig, sonder kennisgewing vooraf, te alle redelike tye 'n perseel of voertuig betree of binnegaan waarop of waarin wyn, of spiritus of brandewyn van wyn afkomstig, wel of vermoedelik geproduseer, vervaardig, verwerk, voorberei, behandel, gedistilleer, ontvang, vervoer, gehou, opgeberg, verkoop of van die hand gesit word, met inbegrip van 'n perseel waarop wingerd vir wynmaakdoeleindes wel of vermoedelik verbou word of is, en kan, behoudens die bepalinge van hierdie Wet—

- (a) sodanige wyn, spiritus, brandewyn of wingerd of enige materiaal, stof of apparaat wat gebruik word of vermoedelik bestem is vir gebruik by die produksie, vervaardiging, verwerking, voorbereiding, behandeling, distillering, ontvangs, vervoer, hou, opberging, verkoop of vandiehandsetting van sodanige wyn, spiritus of brandewyn, ondersoek, die hoeveelheid of sterkte daarvan bepaal, monsters van sodanige wyn, spiritus, brandewyn, materiaal of stof onttrek of verwyder, en 'n houder wat 'n hoeveelheid van sodanige wyn, spiritus, brandewyn, materiaal of stof bevat of vermoedelik bevat, oopmaak;

- (b) examine all books and documents in or upon any such premises or vehicle, which are upon reasonable grounds believed to relate to such wine, spirit, brandy, vine, material, substance or apparatus, and make copies of or take extracts from such books and documents;
- (c) demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (d) demand from the owner or custodian of such wine, spirit, brandy, vine, material, substance or apparatus, any information concerning such wine, spirit, brandy, vine, material, substance or apparatus;
- (e) seize such wine, spirit, brandy, material, substance or apparatus or such books or documents or other articles which may afford evidence of the contravention of a provision of this Act or any regulation made thereunder;
- (f) inspect operations carried out in or upon any such premises or vehicle in connection with the production, manufacture, processing, preparation, treatment, distillation, receipt, transportation, keeping, storage, sale or disposal of such wine, spirit or brandy, and demand from the person in charge of such operations, any information relating to such operation;
- (g) determine the capacity of containers containing wine, spirit or brandy, and mark such containers in any manner;
- (h) do anything else which he is empowered or required to do under this Act or any regulation or resolution of the vereniging under this Act.

(3) This section shall not be interpreted as authorizing an inspector to demand from any person any information by which any secret formula for the making or blending of wine may come to his knowledge.

(4) The Commissioner of Customs and Excise may in writing assign any officer or employee under his control to perform for the purposes of this Act and the regulations made thereunder such functions as may be agreed upon between the said Commissioner and the vereniging, and any such officer or employee shall for the purposes of performing the said functions have, in addition to any powers conferred upon him by any other law, the same powers as those conferred upon an inspector under subsection (2).

[S. 55 inserted by s. 29 of Act No. 74 of 1974. Sub-s. (4) substituted by s. 15 of Act No. 44 of 1983.]

56. Offences and penalties.—(1) Any person who—

- (a) contravenes or fails to comply with a provision of—
 - (i) section 2 (1), 3 (3), 5 (3) (a), 6 (1), 9 (1), 15 (1), 16 (1), 17 (1), 18 (7) or (8), 18A or 20 (2); or
 - (ii) section 2 (2), (3), (4) or (5), 2A, 5 (5) (a), 5A (1), 15A, 16 (2A), (cB) or (3), 16A (1), 18B, 19, 20 (1) or (4), 21 (1) or 21B (1);
- (aA) contravenes or fails to comply with a requirement prescribed under section 9 (2);
- (aB) fails to pay any levy as required of him under section 22 or 49;
- (aC) contravenes or fails to comply with any condition determined by the vereniging under section 53 and subject to which any permit, registration or consent was issued, granted or given to such person under any provision of this Act;
- (b) hinders, obstructs or resists any inspector in the performance of his functions or the exercise of his powers under this Act;

- (b) alle boeke en stukke in of op so 'n perseel of voertuig wat na redelike vermoede op sodanige wyn, spiritus, brandewyn, wingerd, materiaal, stof of apparaat betrekking het, ondersoek en afskrifte van of uittreksels uit sodanige boeke en stukke maak;
- (c) van die eienaar of persoon in wie se bewaring so 'n boek of stuk is, 'n verklaring van 'n aantekening daarin eis;
- (d) van die eienaar van sodanige wyn, spiritus, brandewyn, wingerd, materiaal, stof of apparaat of die persoon wat dit in sy bewaring het, inligting betreffende daardie wyn, spiritus, brandewyn, wingerd, materiaal, stof of apparaat eis;
- (e) beslag lê op sodanige wyn, spiritus, brandewyn, materiaal, stof of apparaat, of sodanige boeke of stukke of ander artikels wat bewys kan lewer van 'n oortreding van 'n bepaling van hierdie Wet of 'n regulasie daarkragtens uitgevaardig;
- (f) werksaamhede ondersoek wat in of op so 'n perseel of voertuig verrig word in verband met die produksie, vervaardiging, verwerking, voorbereiding, behandeling, distillering, ontvangs, vervoer, hou, opberging, verkoop of vandiehandsetting van sodanige wyn, spiritus of brandewyn, en van die persoon belas met die toesig oor bedoelde werksaamhede inligting aangaande dié werksaamhede eis;
- (g) die inhoudsmaat van houers wat wyn, spiritus of brandewyn bevat, bepaal, en sodanige houers op enige wyse merk;
- (h) enigiets anders doen wat hy ingevolge hierdie Wet of 'n regulasie of besluit van die vereniging ingevolge hierdie Wet gemagtig of verplig word om te doen.

(3) Hierdie artikel word nie so uitgelê dat dit 'n inspekteur magtig om inligting waardeur 'n geheime formule vir die maak of vermenging van wyn tot sy wete kan kom, van enigiemand te eis nie.

(4) Die Kommissaris van Doeane en Aksyns kan 'n beampte of werknemer onder sy beheer skriftelik aanwys om vir die doeleindes van hierdie Wet en die regulasies daarkragtens uitgevaardig die werksaamhede te verrig waarvoor genoemde Kommissaris en die vereniging ooreenkom, en vir die doeleindes van die verrigting van bedoelde werksaamhede het so 'n beampte of werknemer, benewens bevoegdheede by enige ander wet aan hom verleen, dieselfde bevoegdheede as dié wat by subartikel (2) aan 'n inspekteur verleen word.

[A. 55 ingevoeg by a. 29 van Wet No. 74 van 1974. Sub-a. (4) vervang by a. 15 van Wet No. 44 van 1983.]

56. Misdrywe en strawwe.—(1) Iemand wat—

- (a) 'n bepaling van —
 - (i) artikel 2 (1), 3 (3), 5 (3) (a), 6 (1), 9 (1), 15 (1), 16 (1), 17 (1), 18 (7) of (8), 18A of 20 (2); of
 - (ii) artikel 2 (2), (3), (4) of (5), 2A, 5 (5) (a), 5A (1), 15A, 16 (2A) (cB) of (3), 16A (1), 18B, 19, 20 (1) of (4), 21 (1) of 21B (1),oortree of versuim om daaraan te voldoen;
- (aA) 'n vereiste kragtens artikel 9 (2) voorgeskryf, oortree of versuim om daaraan te voldoen;
- (aB) 'n versuim om 'n heffing te betaal soos by artikel 22 of 49 van hom vereis;
- (aC) 'n voorwaarde deur die vereniging kragtens artikel 53 bepaal en onderworpe waaraan 'n permit, registrasie of toestemming kragtens 'n bepaling van hierdie Wet aan bedoelde persoon uitgereik, toegestaan of verleen is, oortree of versuim om daaraan te voldoen;
- (b) 'n inspekteur by die verrigting van sy werksaamhede of die uitoefening van sy bevoegdheede kragtens hierdie Wet, hinder, belemmer of weerstaan;

- (c) fails to comply, within a reasonable time, with a demand made under section 55 (2), (c), (d) or (f), or in pursuance of such demand, furnishes any information which is false, knowing it to be false; or
- (d) falsely holds himself out as an inspector,

shall be guilty of an offence.

(2) Any person who is convicted of an offence under this Act shall—

- (a) on a first conviction of an offence referred to in paragraph (a) (i), (aA), (b) or (d) of subsection (1), be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment;
- (b) on a second or subsequent conviction of an offence mentioned in paragraph (a), whether it be the same offence or some other offence mentioned in that paragraph, be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years or to both such fine and such imprisonment;
- (c) on a first conviction of an offence referred to in paragraph (a) (ii), (aB), (aC) or (c) of subsection (1), be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; and
- (d) on a second or subsequent conviction of an offence mentioned in paragraph (c), whether it be the same offence or some other offence mentioned in that paragraph, be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(3) The court convicting any person of a third or subsequent contravention of or failure to comply with any provision of section 2 (1), 5 (3) (a) or (5) (a), 5A (1), 16 (1), (2A) (cB) or (3), 16A (1), 18 (7), 18A, 19 or 21 (1) or a requirement under section 22 may cancel any licence held by such person to deal in liquor or to distil liquor.

[S. 56 inserted by s. 29 of Act No. 74 of 1974 and substituted by s. 34 of Act No. 87 of 1990.]

56A. Restriction of liability.—The vereniging, its officers and employees or any member of a committee appointed by the vereniging shall not be liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty under or by virtue of this Act or the regulations made thereunder, or in respect of anything which may arise therefrom.

[S. 56A inserted by s. 11 of Act No. 36 of 1988.]

56B. Vicarious liability.—(1) When a manager, representative, agent, employee or member of the family of a person (in this section called the principal) does or omits to do any act, and it would be an offence under this Act for the principal to do or to omit to do such act, that principal shall be deemed himself to have done or omitted to do the act, unless he satisfies the court that—

- (a) he neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member concerned;
- (b) he took all reasonable steps to prevent the act or omission; and
- (c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstance fell within the scope of the authority or employment of the manager, representative, agent, employee or member concerned,

- (c) versuim om binne 'n redelike tyd aan 'n vereiste kragtens artikel 55 (2) (c), (d) of (f) gestel, te voldoen, of ter nakoming van so 'n vereiste inligting verstrek wat vals is, wetende dat dit vals is; of
- (d) hom valslik as 'n inspekteur voordoen,

is aan 'n misdryf skuldig.

(2) Iemand wat aan 'n misdryf kragtens hierdie Wet skuldig bevind word, is strafbaar—

- (a) by 'n eerste skuldigbevinding aan 'n misdryf in paragraaf (a) (i), (aA), (b) of (d) van subartikel (1) bedoel, met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf;
- (b) by 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf (a) vermeld, hetsy dit dieselfde misdryf of enige ander misdryf is in daardie paragraaf vermeld, met 'n boete van hoogstens R16 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar met sowel daardie boete as daardie gevangenisstraf;
- (c) by 'n eerste skuldigbevinding aan 'n misdryf in paragraaf (a) (ii), (aB), (aC) of (c) van subartikel (1) bedoel, met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel daardie boete as daardie gevangenisstraf; en
- (d) by 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf (c) vermeld, hetsy dit dieselfde misdryf of enige ander misdryf is in daardie paragraaf vermeld, met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

(3) Die hof wat iemand skuldig bevind aan 'n derde of daaropvolgende oortreding van of versuim om te voldoen aan 'n bepaling van artikel 2 (1), 5 (3) (a) of (5) (a), 5A (1), 16 (1), (2A) (cB) of (3), 16A (1), 18 (7), 18A, 19 of 21 (1) of 'n vereiste kragtens artikel 22, kan 'n lisensie wat deur so iemand gehou word om in drank handel te dryf of om drank te distilleer, intrek.

[A. 56 ingevoeg by a. 29 van Wet No. 74 van 1974 en vervang by a. 34 van Wet No. 87 van 1990.]

56A. Bepanking van aanspreeklikheid.—Die vereniging, sy beamptes en werknemers of 'n lid van 'n komitee deur die vereniging aangestel, is nie aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen of gelaat is by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig kragtens of uit hoofde van hierdie Wet of die regulasies daar-kragtens uitgevaardig, of ten opsigte van enigiets wat daaruit mag voortspruit.

[A. 56A ingevoeg by a. 11 van Wet No. 36 van 1988.]

56B. Middellike aanspreeklikheid.—(1) Wanneer 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van iemand (in hierdie artikel die prinsipaal genoem) enige handeling verrig of versuim om dit te verrig, en dit 'n misdryf kragtens hierdie Wet sou wees indien die prinsipaal dit verrig of versuim om dit te verrig, word daardie prinsipaal geag self die handeling te verrig het of te versuim het om dit te verrig, tensy hy die hof oortuig dat—

- (a) hy die handeling of versuim van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid nóg oogluikend toegelaat nóg veroorloof het;
- (b) hy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en
- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard op geen voorwaarde of onder geen omstandighede binne die bestek van die bevoegdheid of diens van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid geval het nie,

and the fact that such principal issued instructions whereby an act or omission of that nature is prohibited, shall of itself not be sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall also be liable therefor as if he were the principal concerned.

(3) The provisions of subsection (2) shall not release a manager, representative, agent, employee or member contemplated in that subsection from any other liability which he may have incurred apart from the liability which he shares with the principal concerned.

(4) In the application of this section in any prosecution, evidence that any article was at the time of the act or omission charged, in the possession or under the custody, supervision, control or care of any manager, representative, agent, employee or member of the family of a principal, shall be *prima facie* proof that the principal concerned is the owner of the article concerned.

[S. 56B inserted by s. 35 of Act No. 87 of 1990.]

56C. Presumptions and evidence.—In any prosecution under this Act—

- (a) any quantity of the wine or spirit in or upon any place, premises or conveyance when a sample thereof is taken in accordance with the provisions of this Act shall, unless the contrary is proved, be deemed to be of the same composition as the sample, and to possess in all other respects the same properties as that sample;
- (b) any statement or entry contained in any book or document kept by any person or the manager, agent or employee of such person, or found in or upon any place or premises occupied by, or any vehicle used in the business of, such person, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his work as manager or in the course of his agency or employment; and
- (c) it shall be presumed, unless the contrary is proved, that a permit, authorization, consent, approval, certificate or other document has not been issued, given or granted to any person who in terms of this Act is required to be in possession thereof.

[S. 56C inserted by s. 35 of Act No. 87 of 1990.]

57.

[S. 57 inserted by s. 29 of Act No. 74 of 1974 and repealed by s. 36 of Act No. 87 of 1990.]

CHAPTER VIII

SUPPLEMENTARY PROVISIONS

58. Repeal of laws and savings.—(1) Subject to subsections (2) and (3), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Sections 5 (2) and (4) (a) of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), shall remain of force until thirty-first January, 1971.

en die feit dat sodanige prinsipaal opdragte uitgereik het waarvolgens 'n handeling of versuim van daardie aard verbied word, is op sigself nie voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer 'n prinsipaal uit hoofde van subartikel (1) aanspreeklik is vir 'n handeling of versuim van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van sy gesin, is daardie bestuurder, verteenwoordiger, agent, werknemer of lid ook daarvoor aanspreeklik asof hy die betrokke prinsipaal is.

(3) Die bepalings van subartikel (2) onthef nie 'n bestuurder, verteenwoordiger, agent, werknemer of lid in daardie subartikel beoog, van enige ander aanspreeklikheid wat hy opgehoop het afgesien van die aanspreeklikheid wat hy met die betrokke prinsipaal deel nie.

(4) By die toepassing van hierdie artikel in enige vervolging is getuienis dat enige artikel op die tydstip van die ten laste gelegde handeling of versuim in besit of onder bewaring, toesig, beheer of versorging was van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van 'n prinsipaal, *prima facie*-bewys dat die betrokke prinsipaal eienaar van die betrokke artikel is.

[A. 56B ingevoeg by a. 35 van Wet No. 87 van 1990.]

56C. Vermoedens en bewys.—By 'n vervolging kragtens hierdie Wet—

- (a) word enige hoeveelheid van wyn of spiritus wat in of op 'n plek, perseel of vervoermiddel is, wanneer 'n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, geag van dieselfde samestelling as daardie monster te wees, en in alle ander opsigte dieselfde eienskappe as daardie monster te besit, tensy die teendeel bewys word;
- (b) is 'n verklaring of inskrywing wat vervat is in 'n boek of stuk wat deur iemand of die bestuurder, agent of werknemer van so iemand gehou word, of wat gevind word op of in 'n plek of perseel geokkupeer deur, of 'n vervoermiddel gebruik in die besigheid van, so iemand, toelaatbaar as getuienis teen so iemand as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy daar bewys word dat so 'n verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand, in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie; en
- (c) word daar vermoed, tensy die teendeel bewys word, dat 'n permit, magtiging, toestemming, goedkeuring, sertifikaat of ander stuk nie uitgereik, gegee of verleen is nie aan iemand van wie daar ingevolge hierdie Wet vereis word om in besit daarvan te wees.

[A. 56C ingevoeg by a. 35 van Wet No. 87 van 1990.]

57.

[A. 57 ingevoeg by a. 29 van Wet No. 74 van 1974 en herroep by a. 36 van Wet No. 87 van 1990.]

HOOFTUK VIII

AANVULLENDE BEPALINGS

58. Herroeping van wette, en voorbehoude.—(1) Behoudens subartikels (2) en (3), word die wette in die Bylae vermeld hierby herroep vir sover in die derde kolom daarvan uiteengesit.

(2) Artikels 5 (2) en (4) (a) van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), bly van krag tot een-en-dertig Januarie 1971.

(3) Any proclamation, regulation, notice, permit, return, consent, authority or decision issued, made, rendered, granted or given and any other action taken, or deemed to have been issued, made, rendered, given or taken under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, rendered, granted, given or taken under the corresponding provision of this Act.

[S. 53 re-numbered s. 58 by s. 29 of Act No. 74 of 1974.]

59. Short title and commencement.—(1) This Act shall be called the Wine and Spirit Control Act, 1970.

(2) Section 18 (2) and (4) (a) shall come into operation on the first February, 1971.

[S. 54 re-numbered s. 59 by s. 29 of Act No. 74 of 1974.]

Schedule
LAWS REPEALED

No. and Year of Law	Title	Extent of Repeal
Act No. 23 of 1940	Wine and Spirits Control Amendment Act, 1940	The whole
Act No. 23 of 1946	Wine and Spirits Control Amendment Act, 1946	The whole
Act No. 22 of 1954	Wine and Spirits Control Amendment Act, 1954	The whole
Act No. 38 of 1956	Wine and Spirits Control Act, 1956	The whole
Act No. 47 of 1957	Wine and Spirits Control Amendment Act, 1957	The whole
Act No. 45 of 1958	Wine and Spirits Control Amendment Act, 1958	The whole
Act No. 69 of 1964	Wine and Spirits Control Amendment Act, 1964	The whole
Act No. 54 of 1965	Wine and Spirits Control Amendment Act, 1965	The whole
Act No. 103 of 1967	Finance Act, 1967	Section 4
Act No. 20 of 1968	Wine and Spirits Control Amendment Act, 1968	The whole
Act No. 18 of 1970	Wine and Spirits Control Amendment Act, 1970	The whole

(3) 'n Proklamasie, regulasie, kennisgewing, permit, opgawe, toestemming, magtiging of beslissing uitgereik, uitgevaardig, verstrek, verleen of gegee en enige ander stappe gedoen, of geag uitgereik, uitgevaardig, verstrek, verleen, gegee of gedoen te wees kragtens 'n bepaling van 'n by subartikel (1) herroepe Wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, verstrek, verleen, gegee of gedoen te gewees het.

[A. 53 na a. 58 hernommer by a. 29 van Wet No. 74 van 1974.]

59. Kort titel en inwerkingtreding.—(1) Hierdie Wet heet die Wet op Beheer oor Wyn en Spiritus, 1970.

(2) Artikel 18 (2) en (4) (a) tree in werking op die eerste Februarie 1971.

[A. 54 na a. 59 hernommer by a. 29 van Wet No. 74 van 1974.]

Bylae
HERROEPE WETTE

No. en Jaar van Wet	Titel	In hoeverre herroep
Wet No. 23 van 1940	Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 .	Die geheel
Wet No. 23 van 1946	Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1946 .	Die geheel
Wet No. 22 van 1954	Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954 .	Die geheel
Wet No. 38 van 1956	Wet op Beheer oor Wyn en Spiritualieë, 1956	Die geheel
Wet No. 47 van 1957	Wysigingswet op Beheer oor Wyn en Spiritualieë, 1957	Die geheel
Wet No. 45 van 1958	Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1958 .	Die geheel
Wet No. 69 van 1964	Wysigingswet op Beheer oor Wyn en Spiritualieë, 1964	Die geheel
Wet No. 54 van 1965	Wysigingswet op die Beheer oor Wyn en Spiritualieë, 1965	Die geheel
Wet No. 103 van 1967	Finansiewet, 1967	Artikel 4
Wet No. 20 van 1968	Wysigingswet op die Beheer oor Wyn en Spiritualieë, 1968	Die geheel
Wet No. 18 van 1970	Wysigingswet op die Beheer oor Wyn en Spiritualieë, 1970	Die geheel