

BUITENGEWONE



EXTRAORDINARY

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermenskennisgewing word ter algemene inligting gepubliseer:—

No. 943.] [25 Mei 1956.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

	BLADSY
No. 35 van 1956: Wysigingswet op Drank, 1956 ..	2
No. 36 van 1956: Wysigingswet op Bantoe-onderwys, 1956 ..	10
No. 37 van 1956: Wet op die Verkoop van Lewende Hawe en Produkte, 1956 ..	12
No. 38 van 1956: Wet op Beheer oor Wyn en Spiritualieë, 1956 ..	20

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 943.] [25th May, 1956.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

	PAGE
No. 35 of 1956: Liquor Amendment Act, 1956 ..	3
No. 36 of 1956: Bantu Education Amendment Act, 1956 ..	11
No. 37 of 1956: Livestock and Produce Sales Act, 1956 ..	13
No. 38 of 1956: Wine and Spirits Control Act, 1956 ..	21

No. 35, 1956.]

WET

Tot wysiging van die Drankwet, 1928.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Mei 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van
artikel 10 van
Wet 30 van 1928

1. Artikel *tien* van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende paragrawe by sub-artikel (2) te voeg—

- „(c) die tydperk, indien daar is, gedurende welke die lisensiehouer ingevolge sub-artikel (2) van artikel *nege-en-sewentig bis* nie gemagtig is om gedurende die jaar besigheid te doen nie;
- (d) 'n beskrywing van die plek waarin die lisensiehouer sy drank moet opberg.”.

Wysiging van
artikel 12 van
Wet 30 van 1928
soos gewysig by
artikel 4 van
Wet 41 van 1934
en artikel 32
van Wet 38 van
1945.

2. Artikel *twaalf* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg—

„(6) Wanneer 'n lisensieraad 'n lisensiehouer ingevolge sub-artikel (1) van artikel *nege-en-sewentig bis* gemagtig het om slegs gedurende vermeldde tydperke gedurende die jaar besigheid te doen, word die bedrag wat ingevolge die Derde Bylae by hierdie Wet ten opsigte van die betrokke lisensie betaalbaar is, met een-twaalfde vir elke voltooidde kalendermaand van enige tydperk gedurende welke hy ingevolge bedoelde sub-artikel nie gemagtig is om gedurende die jaar besigheid te doen nie, verminder.”.

Wysiging van
artikel 31 van
Wet 30 van 1928
soos gewysig by
artikel 6 van
Wet 41 van 1934.

3. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur die volgende paragrawe by sub-artikel (2) te voeg:

- „(f) indien, in die geval van 'n aansoek ten opsigte van 'n hotel-dranklisensie of die vernuwing van so 'n lisensie, die aanvrager nie voornemens is om dwarsdeur die hele jaar besigheid te doen nie, die tydperk gedurende welke die aanvrager nie voornemens is om gedurende die jaar besigheid te doen nie, en die redes daarvoor;
- (g) volledige besonderhede van die plek waarin die aanvrager voornemens is om sy drank op te berg.”.

Wysiging van
artikel 32 van
Wet 30 van 1928
soos gewysig by
artikel 7 van
Wet 41 van 1934.

4. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur die volgende paragrawe by sub-artikel (2) te voeg:

- „(d) indien die aanvrager nie voornemens is om dwarsdeur die hele jaar besigheid te doen nie, die tydperk gedurende welke die aanvrager nie voornemens is om gedurende die jaar besigheid te doen nie, en die redes daarvoor;
- (e) volledige besonderhede van die plek waarin die aanvrager voornemens is om sy drank op te berg.”.

Invoeging van
artikels 79bis
en 79ter in Wet
30 van 1928.

5. Die volgende artikels word hierby na artikel *nege-en-sewentig* van die Hoofwet ingevoeg:

„Magtiging om die besigheid van 'n hotel-dranklisensie gedurende vermeldde tydperke van die jaar te dryf.

79bis. (1) Indien 'n aanvrager ten opsigte van 'n hotel-dranklisensie of die vernuwing van so 'n lisensie ingevolge paragraaf (f) van sub-artikel (2) van artikel *een-en-dertig* of paragraaf (d) van sub-artikel (2) van artikel *twee-en-dertig* die tydperk gedurende welke hy nie voornemens is om gedurende die jaar besigheid te doen nie, aangedui het en voldoende redes daarvoor aangevoer het, en die lisensieraad oortuig is dat die publiek nie daardeur oormatige ongerief veroorsaak sal word nie, kan die raad, by magtiging tot verlening of vernuwing van bedoelde lisensie, of by verlening van 'n voorwaardelike magtiging vir bedoelde lisensie, die lisensiehouer magtig om slegs gedurende vermeldde tydperke gedurende die jaar besigheid te doen.

(2) Gedurende 'n tydperk gedurende welke 'n lisensiehouer ingevolge sub-artikel (1) nie gemagtig

No. 35, 1956.]

ACT

To amend the Liquor Act, 1928.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th May, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *ten* of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the addition to sub-section (2) of the following paragraphs: Amendment of section 10 of Act 30 of 1928.

- “(c) the period, if any, during which the licensee is in terms of sub-section (2) of section *seventy-nine bis* not authorized to do business during the year;
- (d) a description of the place in which the licensee shall store his liquor.”.

2. Section *twelve* of the principal Act is hereby amended by the addition thereto of the following sub-section: Amendment of section 12 of Act 30 of 1928 as amended by section 4 of Act 41 of 1934 and section 32 of Act 38 of 1945.

“(6) Whenever a licensing board has in terms of sub-section (1) of section *seventy-nine bis* authorized a licensee to do business only during specified periods during the year, the amount payable in terms of the Third Schedule to this Act in respect of the licence in question, shall be reduced by one twelfth in respect of each completed calendar month of any period during which he is in terms of the said sub-section not authorized to do business during the year.”.

3. Section *thirty-one* of the principal Act is hereby amended by the addition to sub-section (2) of the following paragraphs: Amendment of section 31 of Act 30 of 1928 as amended by section 6 of Act 41 of 1934.

- “(f) if, in the case of an application in respect of a hotel liquor licence or the renewal of such a licence, the applicant does not intend to do business throughout the whole of the year, the period during which the applicant does not intend to do business during the year, and the reasons therefor;
- (g) full particulars of the place in which the applicant intends to store his liquor.”.

4. Section *thirty-two* of the principal Act is hereby amended by the addition to sub-section (2) of the following paragraphs: Amendment of section 32 of Act 30 of 1928 as amended by section 7 of Act 41 of 1934.

- “(d) if the applicant does not intend to do business throughout the whole of the year, the period during which the applicant does not intend to do business during the year, and the reasons therefor;
- (e) full particulars of the place in which the applicant intends to store his liquor.”.

5. The following sections are hereby inserted after section *seventy-nine* of the principal Act:

Insertion of sections 79bis and 79ter in Act 30 of 1928.

“Authority to conduct business of hotel liquor licence during specified periods of the year.

79bis. (1) If an applicant in respect of a hotel liquor licence or the renewal of such a licence has in terms of paragraph (f) of sub-section (2) of section *thirty-one* or paragraph (d) of sub-section (2) of section *thirty-two* set forth the period during which he does not intend to do business during the year and has given adequate reasons therefor, and the licensing board is satisfied that the public will not be unduly inconvenienced thereby, the board may, in authorizing the grant or renewal of such licence, or in issuing a conditional authority for such a licence, authorize the licensee to do business only during specified periods during the year.

(2) The licensee shall not, during any period during which he is in terms of sub-section (1) not

is om besigheid te doen nie, word hy, by die toepassing van enige bepaling van hierdie Wet wat die verkoop of van die hand sit van of die handel drywe in drank verbied, nie geag die houer van 'n lisensie ingevolge hierdie Wet te wees nie, en mag hy geen besigheid hoëgenaamd in die gelisensieerde gebou dryf nie.

(3) Die lisensiehouer moet, gedurende 'n in sub-artikel (2) bedoelde tydperk, 'n kennisgewing in albei amptelike tale op 'n in die oog lopende plek op of naby die gelisensieerde gebou vertoon wat die tydperk vermeld gedurende welke geen besigheid ingevolge die bepalings van hierdie artikel in die gelisensieerde gebou gedryf mag word nie.

Opberging
van drank.

79ter. (1) By die toestaan van 'n aansoek om die verlening, hernuwing of verplasing van 'n lisensie of wanneer 'n voorwaardelike magtiging vir 'n hotel-dranklisensie of klub-dranklisensie verleen word, moet die lisensieraad en, in die geval van verplasing, die gesag wat kragtens artikel *drie-en-veertig* handel, 'n plek bepaal waarin die lisensiehouer sy drank moet opberg.

(2) 'n Lisensiehouer moet alle drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop benodig word nie, in die aldus bepaalde plek opberg: Met dien verstande dat die houer van 'n groothandelaarsdranklisensie of 'n bierbrouerslisensie sodanige drank ook kan opberg in 'n plek wat die magistraat van die distrik waarin genoemde plek geleë is, op aansoek van so 'n lisensiehouer goedkeur."

Wysiging van
artikel 105 van
Wet 30 van 1928.

6. Artikel *honderd-en-vyf* van die Hoofwet word hierby gewysig—

(a) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1) *bis*. Iedere lisensiehouer moet—

(a) in een van die amptelike tale 'n aantekening hou van alle drank wat op sy naam of op die naam van die besigheid ten opsigte waarvan hy die lisensiehouer is, verkry is, tensy 'n aantekening ingevolge sub-artikel (1) van hierdie artikel ten opsigte van die verkryging daarvan gehou word; en

(b) indien enige drank verwyder word uit die plek waarin hy ingevolge artikel *nege-en-sewentig ter* verplig is om sy drank op te berg, en geen aantekening ingevolge sub-artikel (1) van hierdie artikel ten opsigte van die verkoop van die aldus verwyderde drank gehou moet word nie, 'n daaglikse aantekening in een van die amptelike tale hou van sodanige drank wat aldus verwyder word, wat die plek waarheen of die persoon na wie dit verwyder word, aantoon."

en

(b) deur in sub-artikel (2), na die woord „aantekening", waar dit vir die eerste maal voorkom, die woorde „afgesien van dié wat sub-artikels (1) en (1)*bis* voorskryf," in te voeg, en al die woorde na die woorde „moet hou" te skrap.

Wysiging van
artikel 113 van
Wet 30 van 1928.

7. Artikel *honderd-en-dertien* van die Hoofwet word hierby gewysig deur in paragraaf (a) na die woord „hotel-dranklisensie" die woorde „, behoudens die bepalings van sub-artikel (2) van artikel *nege-en-sewentig bis*," in te voeg.

Wysiging van
artikel 127 van
Wet 30 van 1928
soos gewysig by
artikel 17 van
Wet 62 van 1955.

8. Artikel *honderd sewe-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „Minister" die woorde „of iemand wat op sy gesag handel" in te voeg.

Wysiging van
artikel 135 van
Wet 30 van 1928.

9. (1) Artikel *honderd vyf-en-dertig* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (2) die woorde „Hierdie artikel belet of beperk nie" deur die uitdrukking „Sub-artikel (1) is nie van toepassing nie op" te vervang; en

(b) deur die volgende sub-artikel daarby te voeg:

„(3) (a) Iedere lisensiehouer (uitgesonderd die houer van 'n wynboer-lisensie) moet vóór die versending deur hom aan 'n ander lisensiehouer of aan 'n besigheid ten opsigte waarvan iemand

authorized to do business, for the purpose of any provision of this Act prohibiting the sale or disposal of or the dealing in liquor, be deemed to be the holder of a licence under this Act or conduct any business whatsoever on the licensed premises.

(3) The licensee shall, during any period referred to in sub-section (2), display in a conspicuous place on or near the licensed premises a notice in both official languages specifying the period during which no business may in terms of the provisions of this section be conducted on the licensed premises.

Storing of
liquor.

79ter. (1) In granting any application for the grant, renewal or removal of any licence or when issuing a conditional authority for a hotel or club liquor licence the licensing board and, in the case of removal, any authority acting under section forty-three, shall determine a place in which the licensee shall store his liquor.

(2) A licensee shall store all liquor received or manufactured by him and not immediately required for sale in the place so determined: Provided that the holder of a wholesale liquor licence or a brewer's licence may store such liquor also in a place which the magistrate of the district in which such place is situate, may approve on the application of such licensee."

6. Section one hundred and five of the principal Act is hereby amended—

Amendment of
section 105 of
Act 30 of 1928.

(a) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. Every licensee shall—

- (a) keep in one of the official languages a record of all liquor which has been acquired in his name or in the name of the business in respect of which he is the licensee unless a record is in terms of sub-section (1) of this section kept in respect of the acquisition thereof; and
- (b) if any liquor is removed from the place in which he is in terms of section *seventy-nine ter* required to store his liquor and no record is in terms of sub-section (1) of this section required to be kept in respect of the sale of the liquor so removed, keep a daily record in one of the official languages of such liquor so removed showing the place to which or the person to whom it is removed."

and

(b) by the insertion in sub-section (2), after the word "transactions", of the words "in addition to those prescribed in sub-sections (1) and (1)*bis*," and by the deletion therein of all the words after the words "deem fit".

7. Section one hundred and thirteen of the principal Act is hereby amended by the insertion in paragraph (a) after the word "shall" of the words "subject to the provisions of sub-section (2) of section *seventy-nine bis*,".

Amendment of
section 113 of
Act 30 of 1928.

8. Section one hundred and twenty-seven of the principal Act is hereby amended by the insertion in sub-section (1) after the word "Minister" of the words "or any person acting under his authority".

Amendment of
section 127 of
Act 30 of 1928
as amended by
section 17 of
Act 62 of 1955.

9. (1) Section one hundred and thirty-five of the principal Act is hereby amended—

Amendment of
section 135 of
Act 30 of 1928.

(a) by the substitution, in sub-section (2), for the words "this section shall be deemed to prohibit or restrict" of the expression "sub-section (1) shall apply to"; and

(b) by the addition thereto of the following sub-section:

"(3) (a) Every licensee (other than the holder of a wine farmer's licence) shall before the despatch by him to any other licensee or to any business in respect of which any other person is the

anders die lisensiehouer is, van enige ander drank as bier en, wanneer hy deur 'n offisier van die Suid-Afrikaanse Polisie skriftelik versoek word om sulks te doen, van alle bier, 'n faktuur in viervoud uitmaak met vermelding van:

- (i) sy naam en adres en dié van die geadresseerde;
 - (ii) die datum van die versending;
 - (iii) die soort en die hoeveelheid drank wat versend word; en
 - (iv) die aard van die transaksie wat tot die versending van genoemde drank aanleiding gee.
- (b) Behalwe waar genoemde drank deur die Spoorweg-administrasie of oor die see vervoer gaan word, moet die lisensiehouer die oorspronklike en een afskrif van genoemde faktuur aan die persoon wat genoemde drank aan die geadresseerde moet aflewer, oorhandig, en genoemde persoon moet die oorspronklike en die afskrif van genoemde faktuur saamdra en oorhandig aan genoemde geadresseerde wanneer hy genoemde drank aan hom aflewer.
- (c) Wanneer sodanige drank deur die Spoorweg-administrasie of oor die see vervoer gaan word, moet genoemde lisensiehouer die oorspronklike en die afskrif van genoemde faktuur aan die geadresseerde per aangetekende pos stuur nie later nie as sewe dae na die dag waarop genoemde drank aan genoemde Administrasie of die persoon wat dit oor die see gaan vervoer, afgelewer is.
- (d) 'n Geadresseerde wat genoemde drank ontvang, moet by ontvangs van die oorspronklike en die afskrif van genoemde faktuur die oorspronklike daarvan onderteken, moet dit teruggee aan die persoon wat genoemde drank aan hom afgelewer het of, indien genoemde drank deur die Spoorweg-administrasie of oor die see vervoer is, dit onverwyld per aangetekende pos aan die lisensiehouer wat die drank na hom versend het, terugstuur, en moet die afskrif daarvan hou.
- (e) Die persoon aan wie die ondertekende oorspronklike van genoemde faktuur aldus teruggegee word, moet dit oorhandig aan die lisensiehouer wat die betrokke drank versend het.
- (f) Die lisensiehouer wat genoemde drank versend het moet—
- (i) in die week wat volg op die week waarin so 'n faktuur uitgemaak is, 'n afskrif daarvan per aangetekende pos aan die naaste offisier van die Suid-Afrikaanse Polisie stuur; en
 - (ii) die ondertekende oorspronklike van elke sodanige faktuur wat deur hom ontvang word en 'n ander afskrif van elke sodanige faktuur hou.
- (g) Iemand wat genoemde drank vervoer, moet 'n lid van die polisiemag toelaat om dit te ondersoek en moet op aanvraag die faktuur wat hy saamdra aan so 'n lid toon."

(2) Sub-artikel (1) tree op die eerste dag van Januarie 1957 in werking.

Wysiging van
artikel 136 van
Wet 30 van 1928

10. Artikel *honderd ses-en-dertig* van die Hoofwet word hierby gewysig deur die volgende paragraaf by sub-artikel (1) te voeg:

„(f) in die geval van 'n in paragraaf (f) van sub-artikel (2) van artikel *een-en-dertig* en 'n in paragraaf (d) van sub-artikel (2) van artikel *twee-en-dertig* bedoelde aanvrager, dit die publiek oormatige ongerief sal veroorsaak indien besigheid nie gedurende 'n bepaalde tydperk gedurende die jaar gedoen word nie;”.

Wysiging van
artikel 167 van
Wet 30 van 1928

11. Artikel *honderd sewe-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die uitdrukking „(n)” te skrap;
- (b) deur in paragraaf (b) van bedoelde sub-artikel die uitdrukking „(d)” te skrap en die uitdrukking „(j) of (k)” deur die uitdrukking „of (j)” te vervang;

licensee, of any liquor other than malt liquor, and, when requested in writing to do so by a commissioned officer of the South African Police, of any malt liquor, make out an invoice in quadruplicate stating:

- (i) his name and address and that of the consignee;
 - (ii) the date of such despatch;
 - (iii) the kind of liquor being despatched and the quantity thereof; and
 - (iv) the nature of the transaction giving rise to the despatch of such liquor.
- (b) Except where such liquor is to be conveyed by the Railway Administration or by sea, the licensee shall hand over the original and one copy of such invoice to the person who is to deliver such liquor to the consignee, and such person shall carry the original and copy of such invoice with him and hand them over to such consignee when delivering such liquor to him.
- (c) Where such liquor is to be conveyed by the Railway Administration or by sea such licensee shall send by registered post not later than seven days after the day on which such liquor was delivered to such Administration or the person who is to convey it by sea, the original and copy of such invoice to the consignee.
- (d) A consignee receiving such liquor shall upon the receipt of the original and copy of such invoice sign the original of such invoice, shall hand it back to the person who delivered such liquor to him or, if such liquor was conveyed by the Railway Administration or by sea, forthwith return it by registered post to the licensee who despatched the liquor to him and shall keep the copy thereof.
- (e) The person to whom the signed original of such invoice is so handed back shall return it to the licensee who despatched the liquor in question.
- (f) The licensee who despatched such liquor shall—
- (i) in the week following the week in which such an invoice was made out, forward by registered post to the nearest commissioned officer of the South African Police a copy thereof; and
 - (ii) keep the signed original of every such invoice received by him and another copy of every such invoice.
- (g) The person conveying such liquor shall allow any member of the police to examine it and shall on demand produce the invoice carried by him to any such member.”.

(2) Sub-section (1) shall come into operation on the first day of January, 1957.

10. Section *one hundred and thirty-six* of the principal Act is hereby amended by the addition to sub-section (1) of the following paragraph: Amendment of section 136 of Act 30 of 1928.

“(f) in the case of an applicant referred to in paragraph (f) of sub-section (2) of section *thirty-one* and in paragraph (d) of sub-section (2) of section *thirty-two*, it will unduly inconvenience the public if business is not done during any particular period during the year;”.

11. Section *one hundred and sixty-seven* of the principal Act is hereby amended— Amendment of section 167 of Act 30 of 1928.

- (a) by the deletion in paragraph (a) of sub-section (1) of the expression “(n)”;
- (b) by the deletion in paragraph (b) of the said sub-section of the expression “(d)” and the substitution therein for the expression “(j) or (k)” of the expression “or (j)”;

- (c) deur die volgende paragraaf by bedoelde sub-artikel te voeg:

„(c) as dit 'n oortreding is van 'n bepaling van paragraaf (d), (k) of (n) van artikel *honderd een-en-sestig*, met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.”;

en

- (d) deur in sub-artikel (2) na die woord „veroordeling” waar dit vir die eerste maal voorkom, die woorde „weens 'n oortreding van paragraaf (a) of (b) van sub-artikel (1)”, en na die uitdrukking „sub-artikel (1)”, waar dit vir die eerste maal voorkom, die woorde „vir so 'n oortreding” in te voeg, en al die woorde na die woorde „wysiging daarvan” te skrap.

Wysiging van artikel 168 van Wet 30 van 1928 soos gewysig by artikel 34 van Wet 41 van 1934.

12. Artikel *honderd agt-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die uitdrukking „(h)”, waar dit vir die eerste maal voorkom, en die uitdrukking „(m)”, „(n)” en „(t)” te skrap;

- (b) deur in paragraaf (b) van bedoelde sub-artikel die uitdrukking „(a), (b) of” te skrap, en die uitdrukking „(q) of (s)” deur die uitdrukking „of (q)” te vervang;

- (c) deur die volgende paragraaf by genoemde sub-artikel te voeg:

„(c) as dit 'n oortreding is van 'n bepaling van paragraaf (a), (b) of (h) van artikel *honderd vier-en-sestig* of paragraaf (m), (n), (s) of (t) van artikel *honderd ses-en-sestig*, met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.”;

en

- (d) deur in sub-artikel (2) na die woord „veroordeling”, waar dit vir die eerste maal voorkom, die woorde „weens 'n oortreding van paragraaf (a) of (b) van sub-artikel (1)”, en na die uitdrukking „sub-artikel (1)”, waar dit vir die eerste maal voorkom, die woorde „vir so 'n oortreding” in te voeg, en al die woorde na die woorde „wysiging daarvan” te skrap.

Invoeging van artikel 168bis in Wet 30 van 1928.

13. Die volgende artikel word hierby na artikel *honderd agt-en-sestig* van die Hoofwet ingevoeg:

„Regsbevoegdheid van houe om lisensies verbeurd te verklaar.

168bis. (1) Die hof wat iemand, wat die houer is of was van 'n lisensie kragtens hierdie Wet uitgereik, aan 'n oortreding vermeld in paragraaf (b) of (c) van sub-artikel (1) van artikel *honderd sewe-en-sestig* of in paragraaf (b) of (c) van sub-artikel (1) van artikel *honderd agt-en-sestig* skuldig bevind, kan die lisensie uitgereik ten opsigte van die besigheid ten opsigte waarvan die veroordeelde die houer van die lisensie was toe die oortreding plaasgevind het, verbeurd verklaar.

(2) Geen lisensie word kragtens sub-artikel (1) verbeurd verklaar nie indien die veroordeelde die lisensie as 'n werknemer van 'n persoon (met inbegrip van 'n vereniging, vennootskap of ander assosiasie van persone) gehou het en die persoon by wie hy in diens was, die hof met bewyse oortuig dat—
(a) die betrokke oortreding sonder sy oogluikende toelating of toestemming plaasgevind het; en
(b) alle redelike maatreëls deur hom getref is om die betrokke oortreding te verhoed:

Met dien verstande dat die feit dat bedoelde persoon enige daad of versuim wat die betrokke oortreding uitmaak, verbied het, nie op sigself aangeneem word as voldoende bewys dat hy alle redelike maatreëls getref het om so 'n handeling of versuim te verhoed nie.

(3) Voordat hy 'n verbeurdverklaring kragtens sub-artikel (1) doen, moet die hof, waar die veroordeelde die lisensie as 'n werknemer van 'n persoon (met inbegrip van 'n vereniging, vennootskap of ander assosiasie van persone) gehou het, bedoelde persoon, vereniging, vennootskap of ander assosiasie van persone, na gelang van die geval, 'n geleentheid toestaan om aangehoor te word en indien 'n verbeurdverklaring na so 'n aanhoor

- (c) by the addition to the said sub-section of the following paragraph:

“(c) if the contravention is of a provision of paragraph (d), (k) or (n) of section *one hundred and sixty-one* to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.”;

and

- (d) by the insertion in sub-section (2) after the word “conviction”, where it occurs for the first time, of the words “for a contravention of paragraph (a) or (b) of sub-section (1)”, and, after the expression “sub-section (1),” where it occurs for the first time, of the words “for such contravention”, and by the deletion therein of all the words after the words “amendment thereof”.

12. Section *one hundred and sixty-eight* of the principal Act is hereby amended—

Amendment of section 168 of Act 30 of 1928 as amended by section 34 of Act 41 of 1934.

- (a) by the deletion in paragraph (a) of sub-section (1) of the expression “(h)” where it occurs for the first time and of the expressions “(m)”, “(n)” and “(t)”;
- (b) by the deletion in paragraph (b) of the said sub-section of the expression “(a), (b) or” and the substitution therein for the expression “(q) or (s)” of the expression “or (q)”;
- (c) by the addition to the said sub-section of the following paragraph:

“(c) if the contravention is of a provision of paragraph (a), (b) or (h) of section *one hundred and sixty-four* or paragraph (m), (n), (s) or (t) of section *one hundred and sixty-six*, to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.”;

and

- (d) by the insertion in sub-section (2), after the word “conviction”, where it occurs for the first time, of the words “for a contravention of paragraph (a) or (b) of sub-section (1)”, and, after the expression “sub-section (1)”, where it occurs for the first time, of the words “for such contravention”, and by the deletion therein of all the words after the words “amendment thereof”.

13. The following section is hereby inserted after section *one hundred and sixty-eight* of the principal Act:

Insertion of section 168bis in Act 30 of 1928.

“Jurisdiction of courts to declare licences forfeited.

168bis. (1) The court convicting any person, who is or was the holder of a licence issued under this Act, of a contravention mentioned in paragraph (b) or (c) of sub-section (1) of section *one hundred and sixty-seven* or in paragraph (b) or (c) of sub-section (1) of section *one hundred and sixty-eight*, may declare forfeited the licence issued in respect of the business in respect of which the person convicted was the holder of the licence when the contravention took place.

(2) No licence shall be declared forfeited under sub-section (1) if the person convicted held the licence as an employee of any person (including any society, partnership or other association of persons) and the person by whom he was employed proves to the satisfaction of the court that—

- (a) the contravention in question took place without his connivance or permission; and
- (b) all reasonable steps were taken by him to prevent the contravention in question:

Provided that the fact that such person issued instructions forbidding any act or omission constituting the contravention in question, shall not, by itself, be accepted as sufficient proof that he took all reasonable steps to prevent such act or omission.

(3) Before making any declaration of forfeiture under sub-section (1) the court shall, where the person convicted held the licence as an employee of any person (including any society, partnership or other association of persons), afford that person, society, partnership or other association of persons, as the case may be, an opportunity of being heard, and if after such hearing, a declaration of forfeiture

gedoen word, kan die persoon, vereniging, vennootskap of ander assosiasie van persone wat daardeur ongunstig geraak word, daarteen appelleer asof dit 'n skuldigbevinding was deur die hof wat die verklaring gedoen het, en so 'n appèl kan of afsonderlik van of saam met 'n appèl teen die skuldigbevinding as gevolg waarvan die verbeurdverklaring geskied het of teen 'n vonnis wat ten gevolge van so 'n skuldigbevinding opgelê is, verhoor word."

Kort titel.

14. Hierdie Wet heet die Wysigingswet op Drank, 1956.

No. 36, 1956.]

WET

Tot wysiging van die Wet op Bantoe-onderwys, 1953.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Mei 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika as volg:—

Wysiging van
artikel 6 van
Wet 47 van
1953.

1. Artikel *ses* van die Wet op Bantoe-onderwys, 1953 (hieronder die Hoofwet genoem), word hiermee gewysig deur die volgende sub-artikel aan die end daarvan by te voeg:

„(3) Die Minister kan, behoudens sodanige algemene beginsels as wat hy in oorleg met die Minister van Finansies ingevolge sub-artikel (1) mag bepaal het, van die bevoegdhede by hierdie artikel aan hom verleen, aan die Sekretaris deleger."

Wysiging van
artikel 8 van
Wet 47 van
1953.

2. Artikel *agt* van die Hoofwet word hiermee gewysig deur die volgende sub-artikel aan die end daarvan by te voeg:

„(3) Die Minister kan, behoudens sodanige algemene beginsels as wat hy in oorleg met die Minister van Finansies ingevolge sub-artikel (1) mag bepaal het, van die bevoegdhede by hierdie artikel aan hom verleen, aan die Sekretaris deleger."

Wysiging van
artikel 9 van
Wet 47 van
1953.

3. Artikel *nege* van die Hoofwet word hiermee gewysig—

(a) deur die volgende paragraaf by sub-artikel (1) te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:

„(b) Die registrasie van 'n skool is aan die voorwaardes wat die Minister bepaal, onderworpe."; en

(b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) (a) 'n Skool word nie geregistreer nie as die Minister oortuig is dat die instelling daarvan nie in die belang van die Bantoebevolking of 'n deel van daardie bevolking is nie, of waarskynlik nadelig sal wees vir die liggaamlike, verstandelike of sedelike welvaart van die leerlinge of studente wat daardie skool waarskynlik sal bywoon.

(b) Die registrasie van 'n skool—

(i) word gekanselleer as die Minister, na oorweging van 'n verslag van die Naturellesake-kommissie ingestel ingevolge die „Naturellezaken Wet, 1920" (Wet No. 23 van 1920), wat op 'n ondersoek berus, oortuig is dat die voortbestaan van daardie skool nie in die belang van die Bantoebevolking of 'n deel van daardie bevolking is nie, of waarskynlik nadelig sal wees vir die liggaamlike, verstandelike of sedelike welvaart van die leerlinge of studente wat daardie skool bywoon; of

(ii) kan gekanselleer word as die Minister oortuig is dat 'n voorwaarde onderworpe waarvan dit geregistreer was, nie nagekom is nie."

Wysiging van
artikel 12 van
Wet 47 van 1953,
soos deur
artikel 1 van
Wet 44 van 1954
vervang.

4. Artikel *twaalf* van die Hoofwet word hiermee gewysig deur die volgende sub-artikel aan die end daarvan by te voeg:

„(4) Die Minister kan van die bevoegdhede aan hom by sub-artikels (1) en (2) verleen, aan die Sekretaris deleger."

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Bantoe-onderwys, 1956.

is made, the person, society, partnership or other association of persons adversely affected thereby, may appeal therefrom as if it were a conviction by the court making the declaration, and such appeal may be heard either separately or jointly with an appeal against the conviction as a result whereof the declaration of forfeiture was made, or against a sentence imposed as a result of such conviction."

14. This Act shall be called the Liquor Amendment Act, Short title. 1956.

No. 36, 1956].

ACT

To amend the Bantu Education Act, 1953.

(English text signed by the Governor-General.)
(Assented to 18th May, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *six* of the Bantu Education Act, 1953 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 6 of Act 47 of 1953.

"(3) The Minister may, subject to such general principles as he may in terms of sub-section (1) have determined in consultation with the Minister of Finance, delegate to the Secretary any of the powers conferred upon him by this section."

2. Section *eight* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 8 of Act 47 of 1953.

"(3) The Minister may, subject to such general principles as he may in terms of sub-section (1) have determined in consultation with the Minister of Finance, delegate to the Secretary any of the powers conferred upon him by this section."

3. Section *nine* of the principal Act is hereby amended— Amendment of section 9 of Act 47 of 1953.
(a) by the addition to sub-section (1) of the following paragraph, the existing sub-section becoming paragraph (a):

"(b) The registration of any school shall be subject to such conditions as the Minister may determine."; and

(b) by the substitution for sub-section (2) of the following sub-section:

"(2) (a) A school shall not be registered if the Minister is satisfied that the establishment thereof is not in the interests of the Bantu people or any section of such people or is likely to be detrimental to the physical, mental or moral welfare of the pupils or students likely to attend that school.

(b) The registration of any school—

(i) shall be cancelled if the Minister after consideration of a report by the Native Affairs Commission constituted under the Native Affairs Act, 1920 (Act No. 23 of 1920), which is based on an inquiry, is satisfied that the continued existence of such school is not in the interests of the Bantu people or any section of such people or is likely to be detrimental to the physical, mental or moral welfare of the pupils or students attending that school; or

(ii) may be cancelled if the Minister is satisfied that any condition subject to which it was registered has not been complied with."

4. Section *twelve* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 12 of Act 47 of 1953, as substituted by section 1 of Act 44 of 1954.
"(4) The Minister may delegate to the Secretary any of the powers conferred upon him by sub-sections (1) and (2)."

5. This Act shall be called the Bantu Education Amendment Act, 1956. Short title.

No. 37, 1956.]

WET

Tot samevatting van die wetsbepalings op die verkoping by veiling of deur 'n agent of faktoor van lewende hawe of landbouprodukte.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Mei 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Woordbepalings.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „besending” ’n hoeveelheid landbouprodukte bestaande uit afsonderlike eenhede van dieselfde klas of kwaliteit, wat gelyktydig aan ’n afslaer toevertrou word om ten behoeve van ’n enkele persoon of ’n vereniging van persone verkoop te word; (ii)
- (ii) „eenheid” die hoeveelheid van ’n landbouprodukt wat volgens die heersende gebruik by die plek waar bedoelde produk verkoop word, die grondslag vorm waarvolgens die prys van bedoelde produk bereken word, behalwe wanneer daardie produk in ’n onopgemaakte houer verpak is, in watter geval bedoelde onopgemaakte houer ’n eenheid uitmaak; (iv)
- (iii) „landbouprodukte” dieselfde as wat dit in artikel twaalf van die „Landbouvoortbrengselen Uitvoer Wet, 1917” (Wet No. 35 van 1917), beteken, en ook vrugte, wol, angorahaar en volstruisvere; (i)
- (iv) „Minister” die Minister van Landbou. (iii)

Verkoping van lewende hawe by veiling moet in die openbaar geskied.

2. (1) Geen verkoping van lewende hawe by veiling word op ’n ander plek as een waartoe alle lede van die publiek vrye toegang het, gehou nie.

(2) Sub-artikel (1) is nie van toepassing op ’n verkoping wat in ’n omheinde plek of in ’n gebou, tent of ander struktuur deur ’n kerk- of ’n liefdadigheidsorganisasie gehou word nie, of by ’n tentoonstelling wat deur of onder beskerming van ’n landbouvereniging gehou word nie, of by ’n wedrenbyeenkoms wat deur of onder beskerming van ’n gelisensieerde wedrenklub gehou word nie, indien aan alle persone wat tydens die verkoping tot bedoelde omheinde plek, struktuur, tentoonstelling of wedrenbyeenkoms of ’n deel daarvan toegelaat is, vrye toegang tot daardie verkoping verleen word.

Plig van afslaer wat verkoping hou.

3. Elke afslaer wat ’n verkoping van lewende hawe by veiling hou, moet—

- (a) wanneer lewende hawe aan ’n koper toegeslaan word, die naam van die koper ten aanhore van alle aanwesiges aankondig;
- (b) onverwyld na afloop van die veiling, ’n verkoopsnota voltooi en dit aan elke verkoper oorhandig of versend, waarin leesbaar aangetoon word—
 - (i) die naam van die verkoper;
 - (ii) die naam van die koper;
 - (iii) die aantal en ’n beskrywing van die diere verkoop;
 - (iv) die pryse waarteen daardie diere verkoop is;
 - (v) die aftrekking wat die afslaer, volgens die ooreenkoms tussen hom en die verkoper, of by onstentenis van so ’n ooreenkoms, volgens handelsgebruik, geregtig is om van die koopprys te maak en te behou as sy kommissie, en vir alle *bona fide*-onkoste werklik en noodsaaklik deur hom ten opsigte van die transaksie aangegaan, met inbegrip van spoorvrag, voeding, weegkoste, aanjaaggelde, pos- en telegraafkoste en versekerings- of vrywaringspremies: Met dien verstande dat indien ’n verkoping gedeeltelik by openbare veiling en gedeeltelik uit die hand geskied die hierin vermelde aftrekking by die voltooiing van so ’n verkoping aangetoon moet word; en
 - (vi) die netto bedrag aan die verkoper verskuldig.

No. 37, 1956.]

ACT

To consolidate the laws relating to the sale by auction or through an agent or factor of livestock or agricultural produce.

(Afrikaans text signed by the Governor General.)

(Assented to 18th May, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

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

- (i) "agricultural produce" has the meaning assigned thereto in section *twelve* of the Agricultural Produce Export Act, 1917 (Act No. 35 of 1917), and includes fruit, wool, mohair and ostrich feathers; (iii)
- (ii) "consignment" means any quantity of agricultural produce consisting of distinct units of the same class or quality simultaneously entrusted to an auctioneer for sale on behalf of any one person or association of persons; (i)
- (iii) "Minister" means the Minister of Agriculture; (iv)
- (iv) "unit" means the quantity of any agricultural produce which according to the custom prevailing at the place where such produce is sold, forms the basis upon which the price of such produce is calculated, except where such produce is contained in an unbroken package, in which case such unbroken package shall constitute a unit. (ii)

2. (1) No sale of livestock by auction shall be held in any other place than one to which all members of the public have free access. Sale of livestock by auction to be in public.

(2) Sub-section (1) shall not apply to any sale held in any enclosure or within any building, tent or other structure, by any church or any charitable organization, or at any show held by, or under the auspices of, an agricultural society, or at a race meeting held by, or under the auspices of, a licensed racing club, if all persons who at the time of the sale have been admitted to such enclosure, structure, show or race meeting or any part thereof, are given free access to such sale.

3. Every auctioneer conducting a sale of livestock by auction shall— Duty of auctioneer holding sale.

- (a) upon any livestock being knocked down to a purchaser, announce within the hearing of all persons present, the name of the purchaser;
- (b) forthwith after the conclusion of the auction complete and deliver or transmit to each seller a sales note showing legibly—
 - (i) the name of the seller;
 - (ii) the name of the purchaser;
 - (iii) the number and description of animals sold;
 - (iv) the prices at which those animals were sold;
 - (v) the deduction which the auctioneer, in terms of the arrangement between him and the seller, or in the absence of such arrangement, of the custom of trade, is permitted to make from the purchase price and retain for his commission and for all *bona fide* charges actually and necessarily incurred by him in respect of the transaction, including railage, feeding, weighing, driving fees, post and telegraph charges and insurance or indemnity premiums: Provided that if a sale is effected partly by public auction and partly by private treaty, the deduction herein mentioned shall be shown upon the completion of such sale; and
 - (vi) the net amount due to the seller.

Beperkinge op afslaaers met betrekking tot die verkoop van lewende hawe.

4. (1) Geen afslaer mag ten opsigte van die verkoop deur hom van lewende hawe by veiling—

- (a) 'n geheime of verswygde korting in verband met bedoelde verkoping gee, aanbied of onderneem om dit te gee nie;
- (b) weier om 'n bod te aanvaar nie, tensy hy goeie rede het om te glo (die bewyslas waarvan op hom rus) dat die bieder nie in staat is om die verkoopsvoorwaardes ten opsigte van betaling na te kom nie;
- (c) aan homself of aan iemand met wie hy direk of indirek as vennoot, prinsipaal, agent, werkgewer of werknemer sakebetrekkinge het, verkoop nie;
- (d) aan die verkoper 'n bedrag kleiner as die som van die koopprys, na aftrekking van alle onkoste wat wettiglik ingevolge sub-paragraaf (v) van paragraaf (b) van artikel drie gemaak is, betaal of hom daarmee krediteer nie.

(2) Die bepalinge van paragrafe (a), (c) en (d) van sub-artikel (1) is van toepassing in die geval van 'n agent of faktoor aan wie die verkoop van landbouprodukte of lewende hawe toevertrou is.

Toepassing van sekere bepalinge van hierdie Wet op die verkoop van landbouprodukte.

5. Wanneer landbouprodukte by veiling verkoop word deur 'n afslaer of ander persoon wat geregtig is om aldus te verkoop, is die bepalinge van paragraaf (b) van artikel drie en van artikel vier *mutatis mutandis* ten opsigte van die transaksie van toepassing.

Sekerheidstelling deur afslaaers, agente en faktore wat lewende hawe of landbouprodukte verkoop.

6. (1) Niemand (behalwe 'n geregistreerde koöperatiewe landbouvereniging of -maatskappy of 'n markmeester of iemand anders wat toesig het oor 'n mark onder die beheer van 'n plaaslike bestuur, of die verteenwoordiger van 'n plaaslike bestuur of 'n persoon deur 'n plaaslike bestuur gelisensieer om goedere op 'n mark onder die beheer van daardie plaaslike bestuur te verkoop, indien laasbedoelde persoon aan daardie plaaslike bestuur sekerheid gestel het wat volgens die oordeel van die Minister voldoende is) mag as afslaer, agent of faktoor landbouprodukte of lewende hawe vir verkoop ontvang of verkoop nie, tensy hy sekerheid tot bevrediging van die Minister gestel het vir nakoming van sy verpligtinge teenoor iemand van wie hy sulke produkte of lewende hawe vir verkoop ontvang het.

(2) Die Minister bepaal, by kennisgewing in die *Staatskoerant*, die wyse waarop bedoelde sekerheid van tyd tot tyd gestel moet word, die wyse waarop dit beskikbaar gestel moet word aan iemand wat skade gely het ten opsigte waarvan bedoelde sekerheid gestel is, en die bedrag waarvoor sekerheid gestel moet word, wat bereken word volgens 'n wisselskaal deur die Minister in bedoelde kennisgewing vasgestel, en wat, indien bedoelde afslaer, agent of faktoor gedurende die jaar wat die datum voorafgaan waarop bedoelde sekerheid gestel word as sodanig besigheid gedoen het, op die omvang van daardie besigheid gebaseer word: Met dien verstande dat bedoelde sekerheid nie tweeduisend vyfhonderd pond te bowe gaan nie, en minstens tweehonderd pond is indien bedoelde afslaer, agent of faktoor geen lewende hawe vir verkoop ontvang of verkoop nie, of minstens vyfhonderd pond is indien hy wel lewende hawe vir verkoop ontvang of verkoop.

Pligte van afslaer, agent of faktoor wat lewende hawe of landbouprodukte verkoop.

7. (1) Iemand wat landbouprodukte of lewende hawe aan 'n afslaer, agent of faktoor vir verkoop gelever het, kan binne negentig dae na sodanige lewering bedoelde afslaer, agent of faktoor by skriftelike kennisgewing aansê om elke boek of dokument in sy besit, wat op bedoelde produkte of lewende hawe betrekking het, aan homself of aan 'n in bedoelde kennisgewing vermelde rekenmeester (wat 'n lid van 'n in sub-artikel (1) van artikel een van die Geoktrooieerde Rekenmeesters Benaming (Private) Wet, 1927 (Wet No. 13 van 1927), bedoelde genootskap moet wees) vir inspeksie voor te lê, en indien so 'n afslaer, agent of faktoor in gebreke bly om op versoek van bedoelde persoon of rekenmeester so 'n boek of dokument vir sodanige inspeksie te alle redelike tye by sy besigheidsplek voor te lê, of daardie persoon of rekenmeester verhinder om so 'n boek of dokument noukeurig te ondersoek, daaruit af te skryf of uittreksels daaruit te maak, of indien hy so 'n boek of dokument vernietig of onleesbaar maak, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel nege voorgeskryf: Met dien verstande dat bedoelde persoon of rekenmeester geen inligting deur so 'n inspeksie verkry, wat nie ter sake is nie en bedoelde persoon nie raak nie, mag openbaar maak nie.

4. (1) No auctioneer shall in respect of the sale by him by auction of any livestock—

Restrictions on auctioneers in respect of sale of livestock.

- (a) give, offer, or undertake to give any secret or undisclosed rebate in connection with such sale;
- (b) refuse to accept any bid unless he has good reason to believe (the proof of which shall be upon him) that the bidder is unable to comply with the conditions of sale as to payment;
- (c) sell to himself or to any person with whom he is associated in business directly or indirectly as partner, principal, agent, employer or employee;
- (d) pay to the seller, or credit him with, a sum less than the amount of the purchase price after deduction of all charges, lawfully made under sub-paragraph (v) of paragraph (b) of section *three*.

(2) The provisions of paragraphs (a), (c) and (d) of sub-section (1) shall apply in the case of any agent or factor who has been entrusted with the sale of any agricultural produce or livestock.

5. Whenever agricultural produce is sold by auction by any auctioneer or other person entitled so to sell, the provisions of paragraph (b) of section *three* and of section *four* shall *mutatis mutandis* apply in respect of the transaction.

Application of certain provisions of this Act to sale of agricultural produce.

6. (1) No person (other than a registered co-operative agricultural society or company or a market master or other person in charge of a market under the control of a local authority or the representative of a local authority or any person licensed by a local authority to sell goods on a market under its control if such last-mentioned person has given such local authority security which in the opinion of the Minister is sufficient) shall as auctioneer, agent or factor receive for sale, or sell any agricultural produce or livestock unless he has given security to the satisfaction of the Minister to fulfil his obligations towards any person from whom he has received any such produce or livestock for sale.

Security by auctioneers, agents and factors who sell livestock or agricultural produce.

(2) The Minister shall, by notice in the *Gazette*, determine the manner in which such security shall be given from time to time, the manner in which it shall be made available to any person who has suffered any loss in respect whereof such security was given, and the amount for which security shall be given, which shall be calculated according to a sliding scale determined by the Minister in such notice and which, if such auctioneer, agent or factor has transacted any business as such during the year preceding the date whereon such security is given, shall be based upon the volume of such business: Provided that such security shall not be more than two thousand five hundred pounds, and shall not be less than two hundred pounds if such auctioneer, agent or factor does not receive for sale or sell any livestock, or less than five hundred pounds if he does receive for sale or sell any livestock.

7. (1) Any person who has delivered any agricultural produce or livestock to an auctioneer, agent or factor for sale, may within ninety days after such delivery call upon such auctioneer, agent or factor by notice in writing to submit for inspection to himself or to an accountant named in such notice (who shall be a member of a society mentioned in sub-section (1) of section *one* of the Chartered Accountants Designation (Private) Act, 1927 (Act No. 13 of 1927)), every book or document relating to such produce or livestock which is in his possession, and if any such auctioneer, agent or factor fails to submit for such inspection at his place of business at all reasonable times any such book or document when required to do so by such person or accountant, or prevents such person or accountant from scrutinizing, copying or making extracts from such book or document or if he destroys or obliterates any such book or document, he shall be guilty of an offence and liable on conviction to the penalties prescribed in section *nine*: Provided that such person or accountant shall not disclose any information obtained from such inspection which is irrelevant and does not concern such person.

Duties of auctioneer, agent or factor who sells livestock or agricultural produce.

(2) Indien verskillende persone landbouprodukte of lewende hawe vir verkoop by veiling aan 'n afslaer toevertrou, moet hy die produkte of lewende hawe van elke bedoelde persoon afsonderlik van die van enige ander persoon verkoop, tensy hy deur so 'n persoon anders gelas word.

(3) 'n Afslaer wat landbouprodukte, behalwe wol, angorahaar, huide, velle en volstruisvere, ten behoeve van iemand anders verkoop, moet dit in afsonderlike eenhede opveil, tensy geen bod vir so 'n afsonderlike eenheid gemaak word nie, in watter geval hy meer as een eenheid tegelyk kan opveil, en nie die voorwaarde mag stel dat die koper van 'n eenheid verplig is om 'n verdere aantal eenhede te koop nie: Met dien verstande dat die koper van een so 'n eenheid geregtig is om van daardie afslaer, sonder verdere veiling, enige hoeveelheid van bedoelde eenhede van dieselfde klas of kwaliteit as die eersgenoemde eenheid aldus gekoop en wat 'n deel van dieselfde besending as bedoelde eersgenoemde eenheid uitmaak, teen dieselfde prys per eenheid te koop as die prys waarvoor hy bedoelde eersgenoemde eenheid gekoop het: Met dien verstande voorts dat die bepaling van hierdie sub-artikel nie van toepassing is met betrekking tot so 'n verkoping nie, vir sover dit in stryd mag wees met enige opdragte wat aan daardie afslaer deur die persoon ten behoeve waarvan bedoelde produkte verkoop word, gegee is.

Verkopinge
deur agente
of faktore.

8. (1) Wanneer wol, angorahaar, huide, velle, katoen, suiker of die produkte van suikerriet of volstruisvere deur 'n agent of faktoer verkoop word, moet bedoelde agent of faktoer onverwyld na afloop van die verkoping 'n verkoopsnota voltooi en dit aan elke verkoper oorhandig of versend, waarin leesbaar aangetoon word—

- (a) die naam van die verkoper;
- (b) indien die verkoper betrokke is in boerderybedrywighede of die produksie van suiker, die naam van die koper;
- (c) die gewig of hoeveelheid van die artikels wat verkoop is;
- (d) die pryse waarteen die artikels verkoop is;
- (e) die aftrekking wat so 'n agent of faktoer, volgens die ooreenkoms tussen hom en die verkoper, of by onstentenis van so 'n ooreenkoms, volgens handelsgebruik, geregtig is om van die koopprys te maak en te behou as sy kommissie en vir alle *bona fide*-onkoste werklik en noodsaaklik deur hom ten opsigte van die transaksie aangegaan, met inbegrip van spoorvrag, vervoer-, opbergings-, weeg-, sorteer-, klassifikasie-, pos- en telegraafkoste en versekeringspremies; en
- (f) die netto bedrag aan die verkoper verskuldig.

(2) Die bepaling van paragrafe (a), (c) en (d) van sub-artikel (1) van artikel vier is *mutatis mutandis* van toepassing op 'n verkoping in sub-artikel (1) van hierdie artikel bedoel.

(3) Wanneer 'n afslaer, agent of faktoer landbouprodukte ten behoeve van iemand anders op 'n mark wat onder die beheer van 'n plaaslike bestuur is, verkoop het, moet hy binne sewe dae daarna aan bedoelde persoon 'n opgaaf voorle van die pryse vir daardie produkte behaal, en dié opgaaf moet die handtekening of offisiële stempel van die markmeester of iemand anders wat oor so 'n mark toesig het, dra.

Strawwe.

9. (1) Iemand wat 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

(2) Indien so 'n persoon 'n gelisensieerde afslaer, agent of faktoer is, kan sy lisensie by so 'n skuldigbevinding deur die hof ingetrek word.

Bevoegdheid
van Minister
aangaande die
wyse waarop
lewende hawe
of produkte
beskrywe moet
word.

10. Die Minister kan by kennisgewing in die *Staatskoerant* die kenmerke voorskryf wat die onderwerp van die beskrywing van enige bepaalde lewende hawe of landbouprodukte vir die doeleindes van paragraaf (b) van artikel drie en artikel vyf moet vorm.

Vrystellings.

11. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* verkopinge van landbouprodukte wat nie vir herverkoop bedoel is nie, waar die koopprys vyf pond nie te bowe gaan nie, van die bepaling van hierdie Wet vrystel.

(2) If an auctioneer is entrusted, by different persons, with the sale by auction, of any agricultural produce or livestock, he shall sell the produce or livestock of every such person separately from that of any other person unless otherwise directed by such person.

(3) An auctioneer selling on behalf of any other person any agricultural produce, other than wool, mohair, hides, skins and ostrich feathers shall put it up for sale in single units, unless no bid is made for any such single unit, in which case he may put up for sale more than one unit simultaneously and shall not impose the condition that the purchaser of any unit shall be obliged to purchase any further number of units: Provided that the purchaser of any one such unit shall be entitled to purchase from such auctioneer, without further auction, any number of such units of the same class or quality as the first-mentioned unit so purchased forming part of the same consignment as such first-mentioned unit, at the same price per unit as the price at which he bought such first-mentioned unit: Provided further that the provisions of this sub-section shall not apply in regard to any such sale in so far as they may conflict with any directions given to such auctioneer by the person on whose behalf such produce is sold.

8. (1) Whenever wool, mohair, hides, skins, cotton, sugar or the products of sugar-cane or ostrich feathers are sold through an agent or factor, such agent or factor shall forthwith after the conclusion of the sale complete and deliver or transmit to each seller a sales note showing legibly—

Sales by agents or factors.

- (a) the name of the seller;
- (b) if the seller is engaged in farming operations or sugar milling, the name of the purchaser;
- (c) the weight or quantity of the articles sold;
- (d) the prices at which the articles were sold;
- (e) the deduction which such agent or factor, in terms of the arrangement between him and the seller, or in the absence of such arrangement, of the custom of trade, is permitted to make from the purchase price and retain for his commission and for all *bona fide* charges actually and necessarily incurred by him in respect of the sale, including railage, cartage, storage, weighing, sorting, classifying, post and telegraph charges and insurance premiums; and
- (f) the net amount due to the seller.

(2) The provisions of paragraphs (a), (c) and (d) of sub-section (1) of section *four* shall *mutatis mutandis* apply to any sale referred to in sub-section (1) of this section.

(3) Whenever an auctioneer, agent or factor has, on behalf of any other person, sold agricultural produce on a market which is under the control of a local authority, he shall within seven days thereafter submit to such person a statement of the prices realized for such produce, which shall bear the signature or official stamp of the market master or other person in charge of such market.

9. (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Penalties.

(2) If such person is a licensed auctioneer, agent or factor, his licence may on such conviction be cancelled by the court.

10. The Minister may, by notice in the *Gazette*, prescribe the characteristics which shall form the subject of the description of any particular livestock or agricultural produce for the purpose of paragraph (b) of section *three* and section *five*.

Minister's power as to method of describing livestock or produce.

11. (1) The Minister may from time to time by notice in the *Gazette* exempt from the provisions of this Act sales of agricultural produce not intended for resale, where the purchase price does not exceed five pounds.

Exemptions.

(2) 'n Vrystelling kragtens sub-artikel (1) kan algemeen wees, of kan ten opsigte van bepaalde gebiede of van bepaalde klasse plekke of markte, of ten opsigte van bepaalde klasse landbouprodukte toegepas word.

**Herroeping
van wette.**

12. (1) Behoudens die bepalings van sub-artikel (2), word die wette in die Bylae vermeld hierby herroep.

(2) Enige kennisgewing of vrystelling uitgevaardig of verleen of enige ander stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig, verleen of gedoen te gewees het.

Kort titel.

13. Hierdie Wet heet die Wet op die Verkoping van Lewende Hawe en Produkte, 1956.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.
Wet No. 22 van 1925. ..	„Publieke Veilingen en Transaksies in Levende Have en Landbouvoortbrengselen Wet, 1925”.
Wet No. 4 van 1930. ..	Wysigingswet op Publieke Veilings en Transaksies in Lewende Hawe en Landbouprodukte, 1930.

(2) Any exemption under sub-section (1) may be general, or may be applied in respect of particular areas or of particular classes of places or markets, or in respect of particular classes of agricultural products.

12. (1) Subject to the provisions of sub-section (2) the laws mentioned in the Schedule are hereby repealed. **Repeal of laws.**

(2) Any notice or exemption issued or granted or any other action taken under any provision of a law repealed by sub-section (1) shall be deemed to have been issued, granted or taken under the corresponding provision of this Act.

13. This Act shall be called the Livestock and Produce Sales Act, 1956. **Short title.**

Schedule.

LAWS REPEALED.

No. and year of Law.	Title.
Act No. 22 of 1925. . .	Public Auctions and Transactions in Livestock and Produce Act, 1925.
Act No. 4 of 1930. . .	Public Auctions and Transactions in Livestock and Produce (Amendment) Act, 1930.

No. 38, 1956.]

WET

Tot samevatting van die wetsbepalings op die kontrole en beheer oor die wyn- en spiritueelbedryf en aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Goewerneur-generaal geteken.)

(Goedgekeur op 18 Mei 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Woordbepaling.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „distilleerder” iemand wat enige distillering uitvoer, bewerkstellig of dryf of spiritueel uit die produk van die wynstok distilleer of vervaardig; (iii)
- (ii) „groothandelaar” iemand wat gedurende ’n bepaalde jaar van ’n besondere wynoes ’n groothandelshoeveelheid wyn volgens die omskrywing, *mutatis mutandis*, van „groothandelshoeveelheid” in artikel een van die Wysigingswet op die Kontrole oor Wyn en Spiritueel, 1940 (Wet No. 23 van 1940), soos met verwysing na die inwerkingtreding van daardie Wet bepaal, of ’n met so ’n hoeveelheid wyn gelykstaande hoeveelheid spiritueel koop; (xiii)
- (iii) „jenewer” dieselfde as wat dit volgens artikel veertien van die „Wijn, Spiritualiën en Azijn Wet, 1913” (Wet No. 15 van 1913), beteken, maar nie ook saamgestelde jenewer soos in daardie artikel omskryf nie; (iv)
- (iv) „koöperatiewe vereniging” ’n koöperatiewe vereniging of koöperatiewe maatskappy, uitgesonderd ’n koöperatiewe handelsvereniging of ’n sentrale of federale koöperatiewe handelsmaatskappy, wat met die produkte van wynboere handel en kragtens die wetsbepalings op koöperatiewe verenigings en maatskappye geregistreer is; (ii)
- (v) „lêer” honderd sewe-en-twintig gallon; (vi)
- (vi) „likeur” dieselfde as wat dit volgens artikel veertien van die „Wijn, Spiritualiën en Azijn Wet, 1913” (Wet No. 15 van 1913), beteken, en ook brandewyn wat soet gemaak en waarby geursels gevoeg is op die wyse in paragraaf (c) van artikel dertien van daardie Wet bepaal; (vii)
- (vii) „menger” iemand wat deur die Kommissaris van Doeane en Aksyns as ’n menger van brandewyn en wynges goedgekeur en geregistreer is; (i)
- (viii) „Minister” die Minister van Landbou; (viii)
- (ix) „pakhuis” ’n pakhuis soos in artikel een van die Aksynswet, 1942 (Wet No. 45 van 1942), omskryf; (xii)
- (x) „proef” die alkoholgehalte soos deur Sikes se hidrometer bepaal; (ix)
- (xi) „proefsterkte” ’n sterkte gelyk aan die sterkte van proefspiritus soos in artikel een van die Aksynswet, 1942 (Wet No. 45 van 1942), omskryf; (x)
- (xii) „Regerings-brandewynraad” die raad of ander liggaam in artikel sewentig van die Aksynswet, 1942 (Wet No. 45 van 1942), bedoel; (v)
- (xiii) „vereniging” die „Koöperatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt”, en ook enige dergelyke liggaam wat aan die bepaling van hierdie Wet met betrekking tot daardie Vereniging voldoen, en wat ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), ter vervanging van bedoelde Vereniging opgerig mag word; (xi)
- (xiv) „wyn” wyn of mos van enige soort, en ook druiwe, druiwesap, druiwestroop, rosyne, sultanas en wynmoer; (xiv)
- (xv) „wynboer” iemand wat druiwe kweek en daaruit wyn of brandewyn vir verkoop vervaardig, of druiwe verkoop vir die vervaardiging van wyn of brandewyn vir verkoop, of moskonfyt vir byvoeging by wyn vir verkoop vervaardig. (xv)

No. 38, 1956.]

ACT

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

(English text signed by the Governor-General.)

(Assented to 18th May, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

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

- (i) "blender" means a person approved and registered by the Commissioner of Customs and Excise as a blender of brandy and wine spirit; (vii)
- (ii) "co-operative society" means a co-operative society or co-operative company, other than a co-operative trading society or a central or federal co-operative trading company, which deals with the products of wine growers and has been registered under the laws relating to co-operative societies and companies; (iv)
- (iii) "distiller" means any person who conducts, works or carries on any distilling or distils or manufactures any spirits from the produce of the vine; (i)
- (iv) "gin" has the meaning assigned thereto in section *fourteen* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), but does not include compounded gin as defined in that section; (iii)
- (v) "Government Brandy Board" means the board or other body referred to in section *seventy* of the Excise Act, 1942 (Act No. 45 of 1942); (xii)
- (vi) "leaguer" means one hundred and twenty-seven gallons; (v)
- (vii) "liqueur" has the meaning assigned thereto in section *fourteen* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), and includes any brandy sweetened and flavoured in manner provided in paragraph (c) of section *thirteen* of that Act; (vi)
- (viii) "Minister" means the Minister of Agriculture; (viii)
- (ix) "proof" means the strength of proof as ascertained by Sike's hydrometer; (x)
- (x) "proof strength" means a strength equal to the strength of proof spirit as defined in section *one* of the Excise Act, 1942 (Act No. 45 of 1942); (xi)
- (xi) "vereniging" means the "Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika, Beperkt", and includes any similar body complying with the requirements of this Act relating to the said Vereniging, which may be established in substitution for that Vereniging under the Co-operative Societies Act, 1939 (Act No. 29 of 1939); (xiii)
- (xii) "warehouse" means a warehouse as defined in section *one* of the Excise Act, 1942 (Act No. 45 of 1942); (ix)
- (xiii) "wholesale trader" means any person who buys during any one year and of any one vintage, a wholesale quantity, in terms *mutatis mutandis* of the definition of "wholesale quantity" in section *one* of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), of wine, as determined with reference to the commencement of that Act, or the equivalent of such a quantity of wine in spirit; (ii)
- (xiv) "wine" means wine or must of any description, and includes grapes, grape juice, grape syrup, raisins, sultanas and lees of wine; (xiv)
- (xv) "wine grower" 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. (xv)

Wyn vir distillering slegs deur vereniging verkry te word.

2. (1) Niemand mag in die provinsie die Kaap die Goeie Hoop—

- (a) wyn vir die distillering of omsetting daarvan in spiritueel verkoop, verkry of aanwend nie, dan alleen deur of met toestemming van die vereniging; of
- (b) wyn distilleer nie, behalwe vir sy eie gebruik volgens wet, tensy dit deur of met toestemming van die vereniging verkry is.

(2) (a) Geen wynboer mag—

- (i) brandewyn of spiritueel wat uit sy wyn gedistilleer is, verkoop of op ander wyse van die hand sit nie, dan alleen deur of met toestemming van die vereniging; of
- (ii) wyn vir distilleringsdoeleindes produseer nie, behalwe op gesag van 'n permit deur die vereniging uitgereik.

- (b) 'n Kragtens sub-paragraaf (ii) van paragraaf (a) uitgereikte permit verval op die een-en-dertigste dag van Oktober eersvolgende op die datum waarop dit uitgereik is.

(3) 'n Wynboer kan brandewyn of spiritueel wat uit sy wyn gedistilleer is, vir die versterking van sy eie produk aanwend: Met dien verstande dat, indien hy versterkte wyn verkoop, hy, indien hy die wyn nie uitvoer nie, ten opsigte en na verhouding van die brandewyn of spiritueel aldus aangewend, aan die vereniging heffings ten opsigte van die hoeveelheid wyn vir distilleringsdoeleindes wat nodig is om daardie brandewyn of spiritueel te produseer, moet betaal wat bereken word op dieselfde wyse as die heffings deur die vereniging op wyn vir distilleringsdoeleindes opgelê gedurende die jaar waarin bedoelde versterkte wyn verkoop word.

- (4) (a) Nóg die vereniging nóg 'n wynboer mag spiritueel wat die produk van die wynstok is en van enige wynoes gedistilleer is, vir gebruik om te drink of vir die versterking van wyn in die Unie, teen 'n laer prys verkoop nie as 'n prys gebaseer op die vasgestelde minimum prys deur die vereniging vir groothandelaars bereken vir wyn van dieselfde wynoes wat vir distillering bestem is, plus die koste van distillering.

- (b) Enige geskil omtrent bedoelde prys word na 'n raad van appèl, saamgestel op die wyse in artikel ses bepaal, verwys.

(5) Die vereniging moet enige ingevolge sub-artikel (1) of (2) vereiste toestemming weier in die geval van 'n wynboer wat nie 'n lid van die vereniging is nie, tensy daardie wynboer instem om hom ten opsigte van die handeling of transaksie met betrekking waartoe bedoelde toestemming vereis word, aan al die voorwaardes en verpligtings te onderwerp waaraan hy onderworpe sou gewees het as 'hy so 'n lid was.

(6) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond.

Vereniging moet wyn vir distillering volgens gewone handelsgebruik verskaf.

3. (1) Die vereniging is, behoudens die bepalings van sub-artikel (2), verplig om op aanvraag enige wyn, of enige 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 spiritueel te verskaf aan enige *bona fide* distilleerder of groothandelaar of assosiasie van distilleerders of groothandelaars of koöperatiewe vereniging wat in staat is om bevredigende reëlins 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 enige vertoë gemaak 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 benodigdhede van die handel, die vorige aankope van die persoon wat die aanvraag doen, en die geraamde benodigdhede van die vereniging, die aanvraag buitensporig is.

(3) Behalwe vir sover in sub-artikel (4) bepaal, mag die vereniging geen spiritueel of wyn bestem vir distillering—

- (a) vir gebruik in die Unie verskaf of verkoop nie—

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

2. (1) No person shall in the province of the Cape of Good Hope—
- (a) sell, acquire or utilize wine for the purpose of distilling or converting it into spirits, except through or with the consent of the vereniging; or
 - (b) distil wine, except for his own use in accordance with law, unless it has been acquired through or with the consent of the vereniging.

Wine for distilling purposes to be acquired only through vereniging.

- (2) (a) No wine grower shall—

- (i) sell or otherwise dispose of any brandy or spirits distilled from his wine, except through or with the consent of the vereniging; or
- (ii) produce wine for distillation purposes, except under the authority of a permit issued by the vereniging.

- (b) Any permit issued under sub-paragraph (ii) of paragraph (a), shall expire on the thirty-first day of October next succeeding the date of issue thereof.

(3) A wine grower may use for the fortification of his own product any brandy or spirit distilled from his wine: Provided that if he sells any fortified wine, he shall in respect and to the extent of the brandy or spirit so used, if he does not export such wine, pay to the vereniging, in respect of the quantity of wine for distillation purposes required to produce that brandy or spirit, levies calculated in the same manner as the levies imposed by the vereniging on wine for distillation purposes during the year in which such fortified wine is sold.

- (4) (a) Neither the vereniging nor any wine grower shall sell any spirit the produce of the vine, distilled from any vintage, for use for potable purposes or for the fortification of wine, in the Union, at a price less than a price based on the fixed minimum price charged by the vereniging to wholesale traders for wine from the same vintage intended for distillation purposes, plus the cost of distillation.

- (b) Any dispute as to such price shall be referred to a board of appeal constituted in the manner prescribed in section six.

(5) The vereniging shall withhold any consent required under sub-section (1) or (2) in the case of a wine grower who is not a member of the vereniging, unless that wine grower 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 would have been subject if he were such a member.

(6) Any person who contravenes any provision of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.

3. (1) The vereniging shall, subject to the provisions of sub-section (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 spirits, 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.

Vereniging to supply wine for distillation in ordinary course of trade.

(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 he 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 sub-section (4), the vereniging shall not supply or sell spirits or wine intended for distillation purposes—

- (a) for use in the Union—

- (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 'n hoeveelheid wat nie 'n groothandelshoeveelheid volgens die omskrywing *mutatis mutandis* van „groothandelshoeveelheid” in artikel een van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), soos met verwysing na die inwerkingtreding van daardie Wet bepaal, is nie, behalwe aan 'n koöperatiewe vereniging of aan iemand wat in die jaar waarin bedoelde spiritualieë of wyn aldus verskaf of verkoop word, 'n hoeveelheid spiritualieë of wyn, synde wyn bestem vir distillering of wyn soos in bedoelde Wet omskryf, wat 'n groothandelshoeveelheid, soos aldus omskryf, is, vir verbruik in die Unie aangekoop of verkry het of onderneem het om dit aan te koop of te verkry; of
- (b) vir gebruik elders in Afrika suid van die ewenaar verskaf of verkoop nie, behalwe aan 'n koöperatiewe vereniging of aan iemand wat in die jaar waarin bedoelde spiritualieë of wyn aldus verskaf of verkoop word, 'n hoeveelheid spiritualieë of wyn, synde wyn bestem vir distillering of wyn soos in bedoelde Wet omskryf, wat 'n groothandelshoeveelheid, soos aldus omskryf, is, vir verbruik in die Unie gekoop of verkry het of onderneem het om dit te koop of te verkry.
- (4) Die vereniging kan ondanks andersluidende bepalings van enige wet, gedurende enige jaar aan enige van sy lede—
- (a) vir sy private gebruik, in ruil vir wyn (soos in hierdie Wet omskryf) bestem vir distillering, of wyn soos in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, omskryf, deur daardie lid geproduseer op grond waarvan hy eienaar of okkupeerder is en aan die vereniging gelewer, so 'n hoeveelheid brandewyn, jenewer en likeur verskaf as wat in die geheel, tesame met enige hoeveelheid wyn gedurende daardie jaar ingevolge paragraaf (a) van die voorbehoudsbepaling by artikel vier van bedoelde Wet aan daardie lid verskaf, gelykstaande is met hoogstens vyftien gallon spiritualieë teen proefsterkte; en
- (b) vir die versterking van sy eie produk, in ruil vir wyn bestem vir distillering deur daardie lid geproduseer op grond waarvan hy eienaar of okkupeerder is en aan die vereniging gelewer, so 'n hoeveelheid spiritualieë, in die geheel hoogstens gelykstaande met die hoeveelheid wyn aldus gelewer, op sodanige voorwaardes verskaf as wat die vereniging mag bepaal.
- (5) Die vereniging moet wyn soos voormeld volgens handelsgebruik verskaf aan so 'n distilleerder, groothandelaar, assosiasie van distilleerders of groothandelaars of koöperatiewe vereniging, sonder om tussen verskillende kopers onderskeid in die prys te maak, behalwe dat die prys vir wyn wat vir die vervaardiging van spiritualieë om beleë gemaak of gedenatureer te word, of vir die vervaardiging van asyn, of vir gebruik by die bereiding of vervaardiging van medisyne, of vir ander doeleindes as om gedrink te word, of vir uitvoer gekoop word, van die prys vir wyn wat vir die vervaardiging van spiritualieë vir ander drinkdoeleindes gekoop word, kan verskil.
- (6) Indien die vereniging 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond.

Wyn vir verbruik
is heffingvry.

4. Wyn bestem om vir verbruik in die vorm van wyn verkoop of op ander wyse van die hand gesit te word, is vry van enige heffing deur die vereniging ten bate van die fonds bekend as die „surplus bydrae”, en van enige soortgelyke heffing deur 'n koöperatiewe vereniging waaraan kragtens hierdie Wet bevoegdhede verleen mag wees.

Minimum prys
vir wyn in Staats-
koerant
bekend gemaak te
word.

5. Wanneer die vereniging vir die doeleindes van sub-artikel (4) van artikel twee, die vasgestelde minimum prys gedurende enige jaar deur hom vir groothandelaars bereken te word vir wyn vir distillering bepaal het, moet hy daardie prys in die Staatskoerant aankondig.

Appèlle.

6. (1) Iemand wie se belange geraak word deur 'n beslissing van die vereniging onder hierdie Wet, of 'n beslissing van die vereniging ter bepaling van die vasgestelde minimum prys gedurende enige jaar deur hom vir wyn vir distillering vir groothandelaars bereken te word, kan, met toestemming van

- (ii) in any quantity which is not a wholesale quantity in terms *mutatis mutandis* of the definition of "wholesale quantity" in section *one* of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), as determined with reference to the commencement of that Act, except to a co-operative society or to a person who has in the year in which such spirits or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Union a quantity of spirits or wine, being wine intended for distillation purposes or wine as defined in the said Act, which is a wholesale quantity as so defined; or
- (b) for use elsewhere in Africa south of the equator, except to a co-operative society or to a person who has in the year in which such spirits or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Union a quantity of spirits or wine, being wine intended for distillation purposes or wine as defined in the said Act, which is a wholesale quantity as so defined.
- (4) Notwithstanding anything contained in any law, the vereniging may during any year supply to any of its members—
- (a) for his private use, in exchange for wine (as defined in this Act) intended for distillation purposes, or wine as defined in the Wine and Spirits Control Amendment Act, 1940, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of brandy, gin and liqueur as in the aggregate, together with any quantity of wine supplied to that member during that year under paragraph (a) of the proviso to section *four* of the said Act, is equivalent to not more than fifteen gallons of spirit at proof strength; and
- (b) for the fortification of his own product, in exchange for wine intended for distillation purposes produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of spirits, 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.
- (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, save and 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) If the vereniging contravenes or fails to comply with any provision of this section, it shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.
4. Wine that 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" and from any similar levy by a co-operative society to which powers may have been granted under this Act. Wine for consumption freed from levy.
5. Whenever the vereniging has for the purposes of subsection (4) of section *two*, determined the fixed minimum price to be charged by it during any year to wholesale traders for wine for distillation purposes, it shall notify such price in the *Gazette*. Minimum price for wine to be notified in the *Gazette*.
6. (1) Any person whose interests are affected by any decision of the vereniging under this Act, or any decision by the vereniging determining the fixed minimum price to be charged by it during any year to wholesale traders for wine for distillation purposes may, with the consent of the Minister, appeal against that Appeals.

die Minister, teen so 'n beslissing appelleer na 'n raad van appèl 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 sub-artikel (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 sub-artikel bedoelde lid te nomineer; en
- (b) gelyktydig by dergelike kennisgewing die vereniging aansê om binne voormelde tydperk die in paragraaf (b) van daardie sub-artikel bedoelde lid te nomineer.

(3) Indien die vereniging versuim om binne die tydperk vermeld in enige kennisgewing kragtens sub-artikel (2) aan hom gerig, 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 of 'n direkteur of '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.

(4) 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 tree, by afwesigheid van die lid vir wie hy as plaasvervanger aangestel is, op in die plek van daardie lid.

(5) 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.

(6) 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.

(7) Die beslissing van die raad, met inbegrip van enige 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 afdoende en bind die appellant en die vereniging.

(8) By die toepassing van sub-artikel (6), word onder „lid” inbegrepe 'n plaasvervanger van 'n lid wat in afwesigheid van daardie lid 'n vergadering van die raad bywoon.

Appèl op grond van beweerde onbillikheid of onregverdigheid.

7. Wanneer ten opsigte van 'n ooreenkoms tussen die vereniging en 'n distilleerder, groothandelaar of assosiasie 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 na 'n volgens voorskrif van artikel ses saamgestelde raad van appèl appelleer.

Afset van spiritualieë om in die Unie gedrink te word.

8. Niemand mag spiritualieë wat in die Unie uit die produk van die wynstok vervaardig is, verkoop of andersins van die hand sit om in die Unie gedrink te word nie (behalwe om herdistilleer of gerektifiseer te word of vir doeleindes wat die Regeringsbrandewynraad goedkeur), tensy daardie spiritualieë—

(a) brandewyn is wat—

- (i) in 'n potstil onder aksynstoesig teen 'n sterkte van hoogstens dertig persent bo proef gedistilleer is geheel en al van suiwer wyn of mos, die produk van vars druiwe, wat deur die Regeringsbrandewynraad goedgekeur is; en
- (ii) deur die Regerings-brandewynraad goedgekeur is en deur hom as suiwer wynbrandewyn gesertifiseer is; en
- (iii) vir 'n tydperk van minstens drie jaar beleë gemaak is deur bewaring 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) uit suiwer wyn of mos, die produk van vars druiwe, teen 'n sterkte van minstens vyf persent bo proef gedistilleer en deur die Regerings-brandewynraad goed-

decision to a board of appeal consisting of three members to be appointed by the Minister, 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 sub-section (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 sub-section; 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 sub-section.

(3) If the vereniging fails within the period specified in any notice to it under sub-section (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.

(4) 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.

(5) 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.

(6) 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.

(7) 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 final and binding on the appellant and the vereniging.

(8) For the purposes of sub-section (6), "member" includes an alternate of any member attending a meeting of the board in the absence of that member.

7. 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 six.

Appeal on question of alleged unfair dealing or unjust treatment.

8. No person shall for potable purposes in the Union sell or otherwise dispose of any spirit manufactured in the Union from the produce of the vine (except for redistillation or rectification or for such purposes as the Government Brandy Board may approve) unless such spirit—

Disposal of spirits for potable purposes in the Union.

(a) is brandy which—

- (i) has been distilled in a pot still under excise supervision, at a strength not exceeding thirty per cent. overproof, wholly from pure wine or must, the produce of fresh grapes, which has been approved by the Government Brandy Board; and
- (ii) has been approved by the Government Brandy Board and certified by it to be pure wine brandy; and
- (iii) has been matured by storage for a period of not less than three years, in a warehouse in wood approved by the Commissioner of Customs and Excise or any person authorized thereto in writing by him; or
- (b) has been distilled from pure wine or must, the produce of fresh grapes, at a strength of not less than five per cent. overproof and has been approved by the Govern-

gekeur is en deur hom as suiwer wynges gesertifiseer is en met minstens vyf-en-twintig persent (bereken teen proef) van die brandewyn in paragraaf (a) beskryf, vermeng is; of

- (c) teen 'n sterkte van minstens vyf persent bo proef gedistilleer en deur die Regerings-brandewynraad goedgekeur is en deur hom as suiwer wynges gesertifiseer is en 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 of likeur.

Opgawes van
wyn en spiri-
tualieë deur
gelisensieerde
handelaars
en distilleerders.

9. (1) Elke persoon wat gelisensieer is om groothandel in wyn of spiritualieë te dryf en elke distilleerder moet, binne veertien dae na die een-en-dertigste dag van Desember elke jaar, aan die Kommissaris van Doeane en Aksyns 'n opgawe in die by regulasie voorgeskrewe vorm verstrek met besonderhede van alle wyne en spiritualieë, wat die produk van in die Unie verboude wynstokke is, in sy besit of onder sy beheer op daardie dag.

(2) Die Kommissaris van Doeane en Aksyns moet elke jaar, so gou moontlik na ontvangs van bedoelde opgawes, besonderhede van die totale voorrade wat soos voormeld in die verskillende provinsies van die Unie besit word, by kennisgewing in die *Staatskoerant* publiseer, maar publiseer of openbaar nie inligting wat besonderhede aangee nie, dan alleen op bevel van 'n bevoegde hof.

(3) Elke wynboer in die provinsie Kaap die Goeie Hoop moet elke jaar op of voor 'n datum wat by kennisgewing in die *Staatskoerant* bepaal word, aan die vereniging 'n opgawe in die by regulasie voorgeskrewe vorm verstrek van alle wyn, brandewyn en spiritualieë in sy besit of onder sy beheer, en moet terselfdertyd in bedoelde vorm die hoeveelheid van sodanige wyn aandui wat hy vir verkoop of gebruik as distilleerwyn het en die hoeveelheid daarvan wat hy het vir afset om as wyn verbruik te word.

(4) 'n Aksynsamptenaar wat deur die Kommissaris van Doeane en Aksyns skriftelik daartoe gemagtig is, en 'n aldus deur die vereniging gemagtigde beampte van die vereniging, kan te eniger tyd 'n perseel betree wat deur so 'n persoon, distilleerder of wynboer geokkupeer of gebruik word, en kan enige artikel hoegenaamd op so 'n perseel ondersoek en daarvan 'n opname maak: Met dien verstande dat so 'n beampte nie geregtig is om 'n boek of dokument in te sien nie wat in besit van so 'n persoon, distilleerder of wynboer is en wat uitsluitlik inligting in verband met 'n formule vir die vervaardiging of vermenging van wyn bevat.

Regulasies.

10. Die Goewerneur-generaal kan regulasies uitvaardig waarby voorgeskryf word—

- (a) die aantekenings wat gehou en die opgawes wat verstrek moet word deur enige persoon vir die meer doeltreffende uitvoering van hierdie Wet, en die vorm waarin so 'n aantekening gehou moet word en die vorm waarin en die wyse waarop en die persoon aan wie so 'n opgawe verstrek moet word;
- (b) die voorwaardes wat deur wynboere in ag geneem moet word met betrekking tot die verwydering en verkoop van wyn en spiritualieë wat die produk van die wynstok is;
- (c) die voorwaardes van ontvangs, bewaring en van die hand sit van wyn deur distilleerders en groothandelaars;
- (d) die besoldiging en toelaes van die lede van 'n in artikel ses bedoelde raad van appèl,

en oor die algemeen om die oogmerke en doelstellings van hierdie Wet beter te kan verwesenlik.

Strawwe.

11. Iemand wat 'n bepaling van hierdie Wet, waarvoor geen straf uitdruklik bepaal word nie, of 'n daarkragtens uitgevaardigde regulasie oortree, of wat versuim om 'n ingevolge hierdie Wet of so 'n regulasie vereiste opgawe te verstrek of wat 'n opgawe verstrek wat vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Beperking van
toepassing van
Wet ten opsigte
van sekere
distrikte.

12. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat die bepalings van hierdie Wet nie in 'n distrik in daardie proklamasie genoem, van toepassing is nie, indien hy met die oog op die geografiese ligging van

ment Brandy Board and certified by it to be pure wine spirit and is blended with not less than twenty-five per cent. (calculated at proof) of brandy described in paragraph (a); or

- (c) has been distilled at a strength of not less than five per cent. overproof and has been approved by the Government Brandy Board and certified by it to be pure wine spirit and 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 or liqueur.

9. (1) Every person licensed to deal in wine or spirits by wholesale and every distiller shall, within fourteen days after the thirty-first day of December in each year, render to the Commissioner of Customs and Excise a detailed return, in the form prescribed by regulation, of all wines and spirits, the produce of the vine grown in the Union, in his possession or under his control on that day.

Licensed dealers' and distillers' returns of wine and spirits.

(2) The Commissioner of Customs and Excise shall in each year, as soon as possible after the receipt of such returns, publish by notice in the *Gazette* particulars of the total stocks held as aforesaid in the different provinces of the Union, but shall not publish or disclose any detailed information without the order of a competent court.

(3) Every wine grower in the province of the Cape of Good Hope shall in each year on or before a date to be determined by notice in the *Gazette*, render to the veneniging in the form prescribed by regulation, a return of all wine, brandy and spirits in his possession or under his control, and shall at the same time and in the said form disclose the quantity of such wine he has for sale or use as distilling wine and the quantity thereof he has for disposal for consumption as wine.

(4) Any excise officer authorized thereto in writing by the Commissioner of Customs and Excise, and any official of the veneniging so authorized by the veneniging, may at any time enter upon any premises occupied or used by any such person, distiller or wine grower, and may examine and take stock of any article whatsoever upon such premises: Provided that no such official shall be entitled to examine any book or document in the possession of any such person, distiller or wine grower, which contains information solely in connection with any formula for the making or blending of wine.

10. The Governor-General may make regulations pre- Regulations.
scribing—

- (a) the records to be kept and the returns to be rendered by any person for the more effective carrying out of this Act, and the form in which any such record shall be kept and the form and manner in which and the person to whom any such return shall be rendered;
(b) the conditions to be carried out by wine growers respecting removals and sales of wine and spirits the produce of the vine;
(c) the conditions governing the receipt, storage and disposal of wine by distillers and wholesale dealers;
(d) the remuneration and allowances of the members of any board of appeal referred to in section six,

and generally for the better carrying out of the objects and purposes of this Act.

11. Any person who contravenes any provision of this Act for which no penalty is expressly provided, or any regulation made thereunder, or who fails to render any return required under this Act or any such regulation or who renders any return which is false, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Penalties.

12. The Governor-General may by proclamation in the *Gazette* declare that the provisions of this Act shall not apply in any district named in such proclamation, if he is satisfied,

Limitation of application of Act in respect of certain districts.

daardie distrik oortuig is dat die vrystelling die oogmerke en doelstellings van hierdie Wet nie wesentlik sal beïnvloed nie, en kan so 'n proklamasie by dergelike proklamasie herroep of wysig.

Toepassing van
Wet op ander
provinsies.

13. Wanneer die Minister oortuig is dat die wynboere wat minstens vyf-en-sewentig persent van die wyn produseer wat in enige ander provinsie van die Unie verbou word, lede is van 'n koöperatiewe vereniging ingevolge die bepalings van die Wet op Koöperatiewe Verenigings, 1939, opgerig, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar dat die bepalings van hierdie Wet op daardie provinsie van toepassing is, en bedoelde koöperatiewe vereniging het daarop dieselfde bevoegdhede en verpligtings in bedoelde provinsie as wat die vereniging ingevolge hierdie Wet in die provinsie Kaap die Goeie Hoop het.

Herroeping van
wette.

14. (1) Behoudens die bepalings van sub-artikel (2), word die wette genoem in die Bylae by hierdie Wet hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.

(2) Enige proklamasie, regulasie, kennisgewing, permit, opgawe, toestemming, magtiging of beslissing uitgevaardig, uitgereik, verleen of verstrekk en enige ander stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepalings van hierdie Wet uitgevaardig, uitgereik, verleen, verstrekk of gedoen te gewees het.

Kort titel.

15. Hierdie Wet heet die Wet op Beheer oor Wyn en Spirituallieë, 1956.

Bylae.

WETTE HERROEP.

No. en jaar van wet.	Titel.	In hoeverre herroep.
Wet No. 5 van 1924.	„Wet op de Kontrôle over Wijn en Spiritualiën, 1924.”	Die geheel.
Wet No. 17 van 1928.	Wysigingswet op die Kontrole oor Wyn en Spirituallieë, 1928.	Die geheel.
Wet No. 23 van 1940.	Wysigingswet op die Kontrole oor Wyn en Spirituallieë, 1940.	Artikels <i>twaalf</i> tot en met <i>twintig</i> .
Wet No. 23 van 1946.	Wysigingswet op die Kontrole oor Wyn en Spirituallieë, 1946.	Artikels <i>een</i> en <i>twee</i> .
Wet No. 22 van 1954.	Wysigingswet op die Kontrole oor Wyn en Spirituallieë, 1954.	Artikels <i>veertien</i> tot en met <i>sewentien</i> .

having regard to the geographical position of such district, that the exemption will not substantially affect the objects and purposes of this Act, and may by like proclamation repeal or amend any such proclamation.

13. When the Minister is satisfied that the wine growers producing at least seventy-five per cent. of the wine grown in any other province of the Union are members of a co-operative society formed under the provisions of the Co-operative Societies Act, 1939, the Governor-General may, by proclamation in the *Gazette*, declare that the provisions of this Act shall apply to that province, and the said co-operative society shall thereupon have the same powers and obligations in the said province as the vereniging has in the province of the Cape of Good Hope under this Act. Application of Act to other provinces.

14. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule to this Act are hereby repealed to the extent set forth in the third column of that Schedule. Repeal of laws.

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

15. This Act shall be called the Wine and Spirits Control Act, 1956. Short title.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 5 of 1924.	Wine and Spirits Control Act, 1924.	The whole.
Act No. 17 of 1928.	Wine and Spirits Control Amendment Act, 1928.	The whole.
Act No. 23 of 1940.	Wine and Spirits Control Amendment Act, 1940.	Sections <i>twelve to twenty</i> , inclusive.
Act No. 23 of 1946.	Wine and Spirits Control Amendment Act, 1946.	Sections <i>one and two</i> .
Act No. 22 of 1954.	Wine and Spirits Control Amendment Act, 1954.	Sections <i>fourteen to seventeen</i> , inclusive.