



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 368.

6 Maart 1970.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 18 van 1970: Wysigingswet op Beheer oor Wyn en Spirituallieë, 1970.

DEPARTMENT OF THE PRIME MINISTER.

No. 368.

6th March, 1970.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 18 of 1970: Wine and Spirits Control Amendment Act, 1970.

Wet No. 18, 1970 WYSIGINGSWET OP BEHEER OOR WYN EN SPIRITUALIEË
1970.

WET

Tot wysiging van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, en die Wet op Beheer oor Wyn en Spiritualieë, 1956, ten einde die vervoer van goeiwyn deur 'n wynbouer of koöperatiewe vereniging of maatskappy na die perseel van 'n wynhandelaar of distilleerder te belet en die plek van lewering van sodanige wyn voor te skryf; voorsiening te maak vir die koop van druiwe, druiwesap, moskonfyt, rosyntjies en sultanas, bestem vir die maak van goeiwyn, deur persone wat nie gelisensieer is om in drank handel te dryf nie, slegs met goedkeuring van die Koöperatiewe Wijnbouwers Vereniging, en vir 'n verandering van die grondslag van berekening van die minimum prys vir sodanige druiwe, druiwesap, moskonfyt, rosyntjies en sultanas; voorsiening te maak vir die vasstelling van 'n minimum prys vir wyn wat vir distilleringsdoeleindes bestem is; die verkryging van wyn wat vir distilleringsdoeleindes bestem is deur 'n wynboer of koöperatiewe vereniging van 'n wynboer of koöperatiewe vereniging te belet; voorsiening te maak vir 'n beperking van die tydperk waarbinne 'n persoon wat appelleer teen 'n beslissing van genoemde Vereniging iemand vir aanstelling in 'n raad van appel kan aanwys, en vir die uitvaardiging van regulasies betreffende die voortsetting van so 'n appel; die produksie of verkryging van wyn onder sekere omstandighede te beheer; en voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1970.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 23 van 1940, soos gewysig deur artikel 3 van Wet 23 van 1946, artikel 1 van Wet 47 van 1957 en artikel 7 van Wet 54 van 1965.

1. Artikel 1 van die Wysigingswet op die Kontrole oor Wyn 5 en Spiritualieë, 1940 (hieronder die Wysigingswet genoem), word hierby gewysig—

- (a) deur in subartikel (1) die omskrywing van „minimum prys” deur die volgende omskrywing te vervang:
„minimum prys” ook, in die geval van 'n kragtens artikel 5 vasgestelde minimum prys, so 'n prys soos verhoog deur die byvoeging, kragtens genoemde artikel, van enige bedrag, toeslag, rente of ander gelde;” en
- (b) deur in genoemde subartikel die omskrywing van „kwaliteitsprys” deur die volgende omskrywing te vervang:
„kwaliteitsprys” ook so 'n prys soos verhoog deur die byvoeging, kragtens artikel 5, van enige bedrag, toeslag, rente of ander gelde;”.

WINE AND SPIRITS CONTROL AMENDMENT ACT, 1970. Act No. 18, 1970

ACT

To amend the Wine and Spirits Control Amendment Act, 1940, the Wine and Spirits Control Amendment Act, 1954, and the Wine and Spirits Control Act, 1956, so as to prohibit the transport of good wine by a wine grower or co-operative society or company to the premises of a wine trader or distiller and to prescribe the place of delivery of such wine; to provide for the purchase of grapes, grape juice, moskonfyt, raisins and sultanas, intended for the making of good wine, by persons not licensed to deal in liquor, only with the approval of the Ko-operatiewe Wijnbouwers Vereniging, and for an alteration of the basis of calculation of the minimum price for such grapes, grape juice, moskonfyt, raisins and sultanas; to provide for the determination of a minimum price for wine intended for distilling purposes; to prohibit the acquisition of wine, intended for distilling purposes, by a wine grower or co-operative society from a wine grower or co-operative society; to provide for a limitation of the period within which a person who has appealed against a decision of the said Vereniging may nominate a person for appointment to a board of appeal, and for the making of regulations as to the prosecution of such an appeal; to control the production or acquisition of wine in certain circumstances; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 3rd March, 1970.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Wine and Spirits Control Amendment Act, 1940 (hereinafter referred to as the amending Act), is hereby amended—

- (a) by the substitution in subsection (1) for the definition of "minimum price" of the following definition:
- " 'minimum price' includes, in the case of a minimum price fixed under section 5, any such price as increased by the addition of any amount, surcharge, interest or other charges under the said section;"; and
- (b) by the substitution in the said subsection for the definition of "quality price" of the following definition:
- " 'quality price' includes any such price as increased by the addition of any amount, surcharge, interest or other charges under section 5;".

Amendment of section 1 of Act 23 of 1940, as amended by section 3 of Act 23 of 1946, section 1 of Act 47 of 1957 and section 7 of Act 54 of 1965.

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1970.

Wysiging van
artikel 5 van
Wet 23 van 1940,
soos gewysig
deur artikel 4
van Wet 23 van
1946, artikel 4
van Wet 47 van
1957 en artikel 9
van Wet 54
van 1965.

2. (1) Artikel 5 van die Wysigingswet word hierby gewysig—

- (a) deur subparagraaf (v) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

„(v) die tydperk waarin so 'n prys of 'n gedeelte daarvan, so 'n bedrag of 'n gedeelte daarvan, en so 'n toeslag of 'n gedeelte daarvan, betaal moet word, die rente of ander gelde wat by so 'n prys gevoeg moet word en die omstandighede waaronder sodanige rente of ander gelde aldus bygevoeg moet word; en”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Niemand wat gelisensieer is om in drank handei te dryf en geen distilleerder (behalwe die vereniging) mag gedurende 'n jaar ten opsigte waarvan kragtens subartikel (1) 'n minimum prys vasgestel is, wyn van enigiemand verkry nie, en geen wynbouer of koöperatiewe vereniging of koöperatiewe maatskappy mag gedurende so 'n jaar wyn aan iemand wat aldus gelisensieer is of so 'n distilleerder van die hand sit nie, dan alleen ingevolge 'n koopkontrak teen 'n prys wat nie laer is nie as daardie minimum prys, indien die wyn voor versterking van 'n sterkte van hoogstens twintig persent is, of nie laer is nie as daardie minimum prys plus 'n bedrag per lêer wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie wyn verkoop word, ingevolge die Hoofwet groothandelaars vra vir 'n lêer wyn van 'n sterkte van twintig persent vir distilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van bedoelde eersgenoemde wyn voor versterking hoër is as twintig, staan tot twintig, indien bedoelde laasgenoemde sterkte meer as twintig persent is: Met dien verstande dat, in die geval van wyn wat versterk is met spiritus wat nie deur die koper op eie koste versterk is nie, die prys betaalbaar, soos voornoem, vermeerder word met die waarde van die spiritus by daardie wyn gevoeg, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie versterkte wyn verkoop word, ingevolge die Hoofwet vir groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van twintig persent vir distilleringsdoeleindes, wat nodig sou wees om daardie spiritus te distilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te distilleer.”;

- (c) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

„(a) Elke groothandelaar (behalwe die vereniging) moet, gedurende elke jaar ten opsigte waarvan kragtens subartikel (1) 'n persentasie vasgestel is, 'n hoeveelheid wyn deur aankoop verkry wat nie minder as daardie persentasie is nie, in die geval van wyn van 'n sterkte van hoogstens twintig persent voor versterking, teen 'n prys wat nie laer is nie as die kwaliteitsprys aldus ten opsigte van daardie jaar vasgestel, en in die geval van wyn van 'n hoër sterkte as twintig persent voor versterking, teen eersgenoemde prys plus 'n bedrag per lêer wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie wyn verkoop word, ingevolge die Hoofwet groothandelaars vra vir 'n lêer wyn van 'n sterkte van twintig persent vir distilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die

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2. (1) Section 5 of the amending Act is hereby amended—

(a) by the substitution for subparagraph (v) of paragraph (a) of subsection (1) of the following subparagraph:

“(v) the period within which any such price or any portion thereof, any such amount or any portion thereof, and any such surcharge or any portion thereof, shall be paid, the interest or other charges which shall be added to any such price and the circumstances in which such interest or other charges shall be so added; and”;

Amendment of section 5 of Act 23 of 1940, as amended by section 4 of Act 23 of 1946, section 4 of Act 47 of 1957 and section 9 of Act 54 of 1965.

(b) by the substitution for subsection (2) of the following subsection:

“(2) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine from any person and no wine-grower or co-operative society or co-operative company shall during any such year dispose of any wine to any person so licensed or any such distiller, except in pursuance of a contract of purchase and sale at a price which is not less than such minimum price, if prior to fortification the wine is of a strength not exceeding twenty per cent, or not less than such minimum price plus an amount per leaguer which bears the same ratio to the fixed minimum price charged by the vereniging under the principal Act to wholesale traders, in the year in which such wine is sold, for one leaguer of wine of a strength of twenty per cent for distillation purposes, as the number by which the percentage figure of the strength of such first-mentioned wine prior to fortification exceeds twenty, bears to twenty, if such last-mentioned strength exceeds twenty per cent: Provided that in the case of wine which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid shall be increased by the value of the spirit added to such wine, calculated at the rate of the fixed minimum price charged by the vereniging under the principal Act to wholesale traders, in the year in which such fortified wine is sold, for the quantity of wine of a strength of twenty per cent for distillation purposes, which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.”;

(c) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) Every wholesale trader (other than the vereniging) shall, during any year in respect of which a percentage has been fixed under subsection (1), acquire by purchase a quantity of wine not less than the said percentage, in the case of wine of a strength not exceeding twenty per cent prior to fortification, at a price which is not less than the quality price so fixed in respect of that year, and in the case of wine of a strength exceeding twenty per cent prior to fortification, at such first-mentioned price plus an amount per leaguer which bears the same ratio to the fixed minimum price charged by the vereniging under the principal Act to wholesale traders, in the year in which such wine is sold, for one leaguer of wine of a strength of twenty per cent for distillation purposes, as the number by which the percentage figure of the strength of such first-mentioned wine

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sterkte van bedoelde eersgenoemde wyn hoër is as twintig, staan tot twintig: Met dien verstande dat, in die geval van wyn wat versterk is met spiritus wat nie deur die koper op eie koste verstrekk is nie, die prys betaalbaar, soos voornoem, vermeerder word met die waarde van die spiritus by daardie wyn gevoeg, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie versterkte wyn verkoop word, ingevolge die Hoofwet vir groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van twintig persent vir destilleringsdoeleindes, wat nodig sou wees om daardie spiritus te destilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te destilleer," en

(d) deur die volgende subartikels by te voeg:

„(8) (a) Indien 'n wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy wyn aan iemand wat gelisensieer is om in drank handel te dryf, of 'n destilleerder verkoop of van die hand sit, mag dié wynbouer, vereniging of maatskappy nie lewering van die wyn aldus verkoop of van die hand gesit, op 'n ander plek gee nie as die plek waar sodanige wyn geproduseer of vervaardig is, of die naaste spoorwegstasie of -halte aan sodanige plek, of die ander plek of plekke wat met betrekking tot dié wynbouer, vereniging of maatskappy by of ingevolge 'n regulasie kragtens hierdie Wet uitgevaardig, voorgeskryf of bepaal is.

(b) Die vereniging kan, wanneer hy oortuig is dat wyn wat deur 'n wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy verkoop gaan word aan iemand wat gelisensieer is om in drank handel te dryf of 'n destilleerder, na aflewering daarvan aan so iemand of so 'n destilleerder deur hom vir die doeleindes van sy besigheid vervoer sal word oor 'n groter afstand as die afstand wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* vir die doeleindes van hierdie paragraaf voorskryf, sodanige wynbouer, vereniging of maatskappy magtig, onderworpe aan die voorwaardes wat die Minister van tyd tot tyd goedkeur, om 'n bydrae, bepaal op die grondslag aldus goedgekeur, te doen tot die koste wat deur so iemand of so 'n destilleerder aangegaan sal word om sodanige wyn aldus te vervoer oor die afstand waarmee die aldus voorgeskrewe afstand oorskry word, en indien die vereniging 'n aansoek om magtiging vir die doen van so 'n bydrae weier, kan die aansoeker binne veertien dae na sodanige weiering 'n beroep op die Minister doen wat na raadpleging van die vereniging of sodanige weiering kan bekragtig of die vereniging kan gelas om magtiging vir die doen van sodanige bydrae te verleen.

(c) Behoudens die bepalings van paragrawe (a) en (b), mag geen wynbouer of koöperatiewe vereniging of koöperatiewe maatskappy wat wyn verkoop of van die hand sit aan iemand wat gelisensieer is om in drank handel te dryf of 'n destilleerder, 'n diens in verband met die lewering of vervoer van sodanige wyn aan of ten behoeve van so iemand of so 'n destilleerder lewer of laat lewer nie, of aanspreeklikheid aanvaar vir enige koste van of in verband met sodanige lewering of vervoer, of sodanige koste regstreeks of onregstreeks dra nie, en so iemand of so 'n destilleerder

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exceeds twenty, bears to twenty: Provided that in the case of wine which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid shall be increased by the value of the spirit added to such wine, calculated at the rate of the fixed minimum price charged by the vereniging under the principal Act to wholesale traders in the year in which such fortified wine is sold, for the quantity of wine of a strength of twenty per cent for distillation purposes, which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.”; and

(d) by the addition of the following subsections:

- “(8) (a) If a wine-grower, co-operative society or co-operative company sells or disposes of any wine to a person licensed to deal in liquor or a distiller, such wine-grower, society or company shall not effect delivery of the wine so sold or disposed of at any place other than the place where such wine was produced or manufactured, or the railway station or siding nearest to such place, or such other place or places as may be prescribed by or determined in terms of any regulation made under this Act in relation to such wine-grower, society or company.
- (b) The vereniging may, whenever it is satisfied that wine which is to be sold by a wine-grower, co-operative society or co-operative company to a person licensed to deal in liquor or a distiller will, after delivery thereof to such person or distiller, be transported by him for the purposes of his business for a distance in excess of such distance as the Minister may from time to time by notice in the *Gazette* prescribe for the purposes of this paragraph, authorize, subject to such conditions as the Minister may from time to time approve, such wine-grower, society or company to make a contribution, determined on such basis as may be so approved, towards the costs which will be incurred by such person or distiller in so transporting such wine, for the distance in excess of the distance so prescribed, and if the vereniging refuses any application for authority to make such a contribution, the applicant may, within fourteen days after such refusal, appeal to the Minister who may, after consultation with the vereniging, either confirm such refusal or direct the vereniging to grant authority for making such a contribution.
- (c) Subject to the provisions of paragraphs (a) and (b), no wine-grower who or co-operative society or co-operative company which sells or disposes of wine to any person licensed to deal in liquor or a distiller shall render or cause to be rendered any service in connection with the delivery or transport of such wine to or on behalf of such person or distiller or assume liability for or bear, directly or indirectly, any of the costs of or in connection with such delivery or transport, and such person or distiller shall not permit such wine-grower,

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mag nie sodanige wynbouer, vereniging of maatskappy toelaat om so 'n diens aldus te lewer of te laat lewer nie, of om aanspreeklikheid vir sodanige koste te aanvaar of sodanige koste regstreeks of onregstreeks te dra nie.

(9) By die toepassing van subartikels (2), (4) en (5) beteken die koste om spiritus te distilleer, ook die waarde van verliese in die gewone loop van die distilleringsproses gely, en, indien sodanige spiritus brandewyn is, benewens sodanige waarde, ook die koste aangegaan en die waarde van verliese gely in die gewone loop van die proses van veroudering van sodanige brandewyn.”.

(2) Paragrafe (b) en (c) van subartikel (1) tree in werking op die eerste dag van Februarie 1971.

Vervanging van artikel 6bis van Wet 23 van 1940, soos ingevoeg deur artikel 5 van Wet 23 van 1946 en gewysig deur artikel 11 van Wet 54 van 1965.

3. (1) Artikel 6bis van die Wysigingswet word hierby deur die volgende artikel vervang:

„Aankoop en verkryging van wyn deur ander persone as lisen-siehouers of distilleerders.

6bis. (1) Iemand wat nie gelisensieer is om in drank handel te dryf en wat nie 'n distilleerder is nie, mag nie wyn (volgens paragraaf (b) van die omskrywing van „wyn”) van 'n wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy koop of verkry nie, dan alleen deur of met die toestemming van die vereniging.

(2) Behoudens subartikel (3) mag die koopprys van sodanige wyn wat gedurende 'n jaar ten opsigte waarvan 'n minimum prys kragtens artikel 5 (1) vasgestel is, deur so iemand van 'n wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy gekoop of verkry word, nie minder wees nie as 'n bedrag soos volg bereken, naamlik—

(a) in die geval van druïwe, 'n bedrag per ton van tweeduisend pond van sodanige druïwe gelykstaande met die minimum prys aldus vasgestel vir een lêer wyn van 'n sterkte van twintig persent, plus, indien die sterkte van sodanige druïwe meer as twintig persent is, 'n bedrag per ton van tweeduisend pond van sodanige druïwe wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin sodanige druïwe aldus gekoop of verkry word, kragtens die Hoofwet groothandelaars vra vir een lêer wyn van 'n sterkte van twintig persent vir distilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige druïwe hoër is as twintig, staan tot twintig;

(b) in die geval van druïwesap, moskonfyt, rosyntjies of sultanas, 'n bedrag bereken kragtens paragraaf (a) vir die gelykstaande gewig druïwe van 'n sterkte van twintig persent, bepaal ooreenkomstig die bepalings van artikel 6 (2).

(3) (a) Die vereniging kan, met die Minister se goedkeuring, en moet, indien deur die Minister daartoe gelas, ten opsigte van die een of ander jaar, 'n bedrag bepaal waarmee die bedrag by subartikel (2) (a) voorgeskryf, verminder moet

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society or company so to render or to cause to be so rendered any such service or to assume liability for or bear, directly or indirectly, any such costs.

(9) For the purposes of subsections (2), (4) and (5) the cost of distilling spirit shall include the value of any losses sustained in the ordinary course of the process of distillation and, if such spirit is brandy, in addition to such value, the costs incurred and the value of any losses sustained in the ordinary course of the process of maturation of such brandy."

(2) Paragraphs (b) and (c) of subsection (1) shall come into operation on the first February, 1971.

3. (1) The following section is hereby substituted for section 6bis of the amending Act:

Substitution of section 6bis of Act 23 of 1940, as inserted by section 5 of Act 23 of 1946 and amended by section 11 of Act 54 of 1965.

"Purchase and acquisition of wine by persons other than licensees or distillers.

6bis. (1) A person who is not licensed to deal in liquor and who is not a distiller shall not purchase or acquire any wine (in terms of paragraph (b) of the definition of 'wine') from a wine-grower, co-operative society or co-operative company except through or with the consent of the vereniging.

(2) Subject to subsection (3), the purchase price of any such wine purchased or acquired by any such person from a wine-grower, co-operative society or co-operative company during any year in respect of which a minimum price has been fixed under section 5 (1) shall not be less than an amount calculated as follows, namely—

(a) in the case of grapes, an amount per ton of two thousand pounds of such grapes equivalent to the minimum price so fixed for one leaguer of wine of a strength of twenty per cent, plus, if the strength of such grapes exceeds twenty per cent, an amount per ton of two thousand pounds of such grapes which bears the same ratio to the fixed minimum price charged by the vereniging under the principal Act to wholesale traders, in the year in which such grapes are so purchased or acquired, for one leaguer of wine of a strength of twenty per cent for distillation purposes, as the number by which the percentage figure of the strength of such grapes exceeds twenty, bears to twenty;

(b) in the case of grape juice, moskonfyt, raisins or sultanas, an amount calculated under paragraph (a) for the equivalent in weight of grapes of a strength of twenty per cent determined in accordance with the provisions of section 6 (2).

(3) (a) The vereniging may, with the approval of the Minister, and shall, if so directed by the Minister, in respect of any year fix an amount by which the amount prescribed by subsection (2) (a) shall be reduced, and any such amount

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word, en so 'n bedrag aldus bepaal, word voor- of op die een-en-dertigste dag van Januarie wat die begin van daardie jaar onmiddellik voorafgaan, deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.

- (b) Wanneer die vereniging voornemens is of deur die Minister gelas is om ten opsigte van enige jaar 'n bedrag ingevolge paragraaf (a) te bepaal, moet hy voor of op die twintigste dag van November wat die begin van daardie jaar onmiddellik voorafgaan, aan die Minister 'n skriftelike staat voorlê waarin die voorgestelde vermindering aangegee word, en die Minister moet, by ontvangs van sodanige staat, by kennisgewing in die *Staatskoerant*, besonderhede daarvan bekend maak en alle belanghebbendes aansê om besware wat hulle teen die in die kennisgewing vermelde vermindering het, binne 'n tydperk van veertien dae vanaf die datum van sodanige kennisgewing, skriftelik by hom in te lewer.

- (c) Na oorweging van die besware (as daar is) ingevolge 'n kennisgewing kragtens paragraaf (b) by hom ingelewer, kan die Minister die betrokke vermindering goedkeur, of die vereniging aansê om 'n ander vermindering voor te stel, en daarop kan die Minister bedoelde ander vermindering goedkeur.

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

(5) Subartikels (1), (2), (3) en (4) is nie van toepassing nie ten opsigte van enige aankoping of verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging of koöperatiewe maatskappy en sy lede.

(6) Niemand wat nie gelisensieer is om in drank handel te dryf en wat nie 'n distilleerder is nie, mag wyn bedoel in subartikel (1) van 'n wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy verkry, en geen wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy mag sodanige wyn aan so iemand van die hand sit nie, dan alleen teen 'n prys wat nie laer is nie as die prys wat ooreenkomstig hierdie artikel vir daardie wyn bepaal is."

- (2) Subartikel (1) tree in werking op 1 Julie 1970.

Vervanging van artikel 9 van Wet 23 van 1940, soos vervang deur artikel 5 van Wet 47 van 1957.

4. Artikel 9 van die Wysigingswet word hierby deur die volgende artikel vervang:

"Oorproduksie van wyn.

9. (1) Die Staatspresident moet by proklamasie in die *Staatskoerant* regulasies uitvaardig om onder die omstandighede en gedurende die tydperk beoog in subartikel (4) die produksie van wyn (soos in die Hoofwet omskryf) te beperk, en sodanige regulasies kan ook—

- (a) die werking van 'n bepaling van die een of ander Wet in die algemeen of in 'n besondere geval opskort vir sover dit strydig is met die regulasies of die uitvoering daarvan belemmer of 'n handeling verbied wat redelikerwys noodsaaklik is vir

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so fixed shall be made known by the Minister by notice in the *Gazette* on or before the thirty-first January immediately preceding the commencement of that year.

(b) Whenever the vereniging proposes to fix, or has been directed by the Minister to fix, any amount in terms of paragraph (a) in respect of any year, it shall on or before the twentieth November immediately preceding the commencement of that year submit to the Minister a statement in writing setting forth the proposed reduction, and the Minister shall upon receipt of such statement by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with him in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the reduction specified in the notice.

(c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the reduction in question or call upon the vereniging to propose another reduction, and the Minister may thereupon approve of such other reduction.

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

(5) Subsections (1), (2), (3) and (4) shall not apply in respect of any purchase or acquisition of wine in the ordinary course of dealing between a co-operative society or co-operative company and its members.

(6) No person who is not licensed to deal in liquor and who is not a distiller shall acquire wine referred to in subsection (1) from a wine-grower, co-operative society or co-operative company, and no wine-grower, co-operative society or co-operative company shall dispose of any such wine to any such person except at a price which is not less than the price determined in accordance with this section for that wine."

(2) Subsection (1) shall come into operation on the first of July, 1970.

4. The following section is hereby substituted for section 9 of the amending Act:

"Over-production of wine.

9. (1) The State President shall by proclamation in the *Gazette* make regulations to restrict, in the circumstances and during the period contemplated in subsection (4), the production of wine (as defined in the principal Act), and such regulations may also—

(a) suspend, either generally or specially, the operation of any provision of any law in so far as it is inconsistent with or impedes the carrying into effect of the regulations or forbids any act which is reasonably necessary for or

Substitution of section 9 of Act 23 of 1940, as substituted by section 5 of Act 47 of 1957.

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of saamhang met die doeltreffende toepassing van die regulasies of die verwesenliking van die oogmerke van sodanige toepassing, of enige voorbehoud in verband met sodanige werking stel;

- (b) voorsiening maak vir die vrywaring van die vereniging of ander persone teen eise op grond van 'n doen of late te goeder trou by die toepassing van die regulasies;
- (c) voorsiening maak vir die verbeuring van wyn of 'n bedrag in plaas daarvan aan die vereniging, of die vernietiging van wyn, in die geval van 'n oortreding van die regulasies, en die verhaal van so 'n bedrag;
- (d) voorsiening maak vir die uitreiking van bevel of die gee van beslissings deur vermelde persone vir die doeleindes van sodanige beperking;
- (e) voorsiening maak vir die betaling van gelde ten opsigte van dienste gelewer vir die doeleindes van sodanige beperking;
- (f) strawwe voorskryf, wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande te bowe gaan nie, vir 'n oortreding daarvan of versuim om daaraan te voldoen, of vir 'n vermelde doen of late wat die verwesenliking van die oogmerke van die toepassing van die regulasies sou kan verydel.

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

- (a) met betrekking tot verskillende klasse persone;
- (b) met betrekking tot wyn, in subartikel (1) bedoel, bestem vir verskillende doeleindes;
- (c) met betrekking tot verskillende gebiede.

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

- (a) slegs op 'n omskrewe klas persone;
- (b) slegs op wyn in subartikel (1) bedoel, bestem vir omskrewe doeleindes;
- (c) slegs op 'n omskrewe gebied.

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

(5) 'n Proklamasie kragtens subartikel (1) of (4) uitgevaardig, moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na die datum van publikasie daarvan as die Parlement in gewone sitting is, of, as die Parlement nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting."

Wysiging van artikel 10 van Wet 23 van 1940, soos gewysig deur artikel 6 van Wet 47 van 1957.

5. Artikel 10 van die Wysigingswet word hierby deur die volgende artikel vervang:

„Appel.

10. Iemand wie se belange deur 'n beslissing van die vereniging kragtens hierdie Wet geraak word, kan, met die Minister se toestemming, teen daardie beslissing na die in artikel 6 van die Hoofwet bedoelde raad van appel, appelleer, en die bepalings van daardie artikel en regulasies kragtens laasgenoemde Wet uitgevaardig met betrekking tot 'n aangeleentheid in genoemde artikel beoog, is, *mutatis mutandis*, ten opsigte van so 'n appel van toepassing."

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incidental to the effective application of the regulations or the attainment of the objects of such application, or prescribe any reservation in connection with such operation;

- (b) provide for the indemnification of the vereniging or other persons against claims on the ground of any *bona fide* act or omission in the application of the regulations;
- (c) provide for the forfeiture of wine or any amount of money in lieu thereof to the vereniging, or the destruction of wine, in the event of a contravention of the regulations, and the recovery of any such amount;
- (d) provide for the issuing of orders or the giving of decisions by specified persons for the purposes of such restriction;
- (e) provide for the payment of fees in respect of services rendered for the purposes of such restriction;
- (f) prescribe penalties, not exceeding a fine of two hundred rand or imprisonment for a period of six months, for any contravention thereof or failure to comply therewith, or for any specified act or omission which could frustrate the attainment of the objects of the application of the regulations.

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

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

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

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

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

(5) Any proclamation issued under subsection (1) or (4) shall be laid upon the Table of the Senate and of the House of Assembly within fourteen days after the date of publication thereof if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.”.

5. The following section is hereby substituted for section 10 of the amending Act:

“Appeals.

10. Any person whose interests are affected by any decision of the vereniging under this Act may, with the consent of the Minister, appeal against that decision to the board of appeal referred to in section 6 of the principal Act, and the provisions of that section and any regulations made under the last-mentioned Act in regard to any matter contemplated in the said section shall *mutatis mutandis* apply in respect of such appeal.”.

Amendment of
section 10 of
Act 23 of 1940
as amended by
section 6 of
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Wysiging van artikel 21 van Wet 23 van 1940, soos gewysig deur artikel 6 van Wet 23 van 1946 en artikel 7 van Wet 47 van 1957.

6. Artikel 21 van die Wysigingswet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iemand wat—

- (a) die bepalings van artikel 2 (1), 3 (1), 4, 5 (2), (3), (4) (a) of (8), 6 (1), 6bis (1), (4) of (6), 7 (1), 8 of 11 (1) of (2) oortree of versuim om daaraan te voldoen; of
- (b) gedurende die een of ander jaar 'n groter hoeveelheid wyn, soos omskryf in hierdie Wet of wyn (soos in die Hoofwet omskryf) vir destilleringsdoeleindes bestem, na gelang van die geval, produseer as die maksimum hoeveelheid van daardie wyn wat hy gedurende daardie jaar uit kragte van 'n permit ingevolge artikel 2, of ingevolge artikel 2 van die Hoofwet aan hom uitgereik, mag produseer; of
- (c) 'n aksynsamptenaar of 'n beampte van die vereniging by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kragtens hierdie Wet of die Hoofwet, hinder of belemmer,

is aan 'n misdryf skuldig en strafbaar by veroordeling—

- (i) weens 'n oortreding van paragraaf (b) van hierdie subartikel of weens 'n oortreding van of versuim om te voldoen aan die bepalings van artikel 5 (2), (3), (4) (a) of (8), in die geval van 'n eerste oortreding, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, en, in die geval van 'n daaropvolgende oortreding, met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met daardie boete sowel as daardie gevangenisstraf;
- (ii) weens 'n oortreding van of versuim om te voldoen aan die bepalings van artikel 2 (1), 3 (1) of 7 (1), met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met daardie boete sowel as daardie gevangenisstraf;
- (iii) weens 'n oortreding van artikel 4, met 'n boete van hoogstens eenduisend rand; en
- (iv) weens 'n oortreding van paragraaf (c) van hierdie subartikel of weens 'n oortreding van of versuim om te voldoen aan die bepalings van artikel 6 (1), 6bis (1), (4) of (6), 8 of 11 (1) of (2), met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.”

Herroeping van Bylae by Wet 23 van 1940, soos bygevoeg deur artikel 9 van Wet 47 van 1957.

7. (1) Die Bylae by die Wysigingswet word, behoudens die bepalings van subartikel (2), hierby herroep.

(2) Ondanks die herroeping van die Bylae by genoemde Wet deur subartikel (1) van hierdie artikel, bly die regulasies daarin uiteengesit, soos van tyd tot tyd gewysig, van krag en word hulle geag kragtens artikel 9 van genoemde Wet, soos deur artikel 4 van hierdie Wet vervang, deur die Staatspresident uitgevaardig te wees en te alle tersaaklike tye aldus uitgevaardig te gewees het, en sodanige vervanging raak nie die werking van 'n proklamasie wat kragtens genoemde artikel 9 uitgereik is nie.

Vervanging van artikel 2 van Wet 22 van 1954.

8. Artikel 2 van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, word hierby deur die volgende artikel vervang:

„Onvol-doende produk-sie van wyn.

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

- (a) voorsiening maak vir die bestryding van uitgawes aangegaan in verband met die uit-

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6. Section 21 of the amending Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who—

- (a) contravenes or fails to comply with the provisions of section 2 (1), 3 (1), 4, 5 (2), (3), (4) (a) or (8), 6 (1), 6bis (1), (4) or (6), 7 (1), 8 or 11 (1) or (2); or
- (b) during any year produces any quantity of wine as defined in this Act or wine (as defined in the principal Act) intended for distillation purposes, as the case may be, which is in excess of the maximum quantity of such wine which he may produce during that year under any permit issued to him under section 2 or under section 2 of the principal Act; or
- (c) hinders or obstructs any excise officer or any official of the veneniging, in the exercise of his powers or the performance of his functions under this Act or the principal Act,

shall be guilty of an offence, and liable on conviction—

- (i) of an offence under paragraph (b) of this subsection or of a contravention of or failure to comply with the provisions of section 5 (2), (3), (4) (a) or (8), in the case of a first conviction, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year, and in the case of any subsequent conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment;
- (ii) of a contravention of or failure to comply with the provisions of section 2 (1), 3 (1) or 7 (1), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment;
- (iii) of a contravention of section 4, to a fine not exceeding one thousand rand; and
- (iv) of an offence under paragraph (c) of this subsection or of a contravention of or failure to comply with the provisions of section 6 (1), 6bis (1), (4) or (6), 8 or 11 (1) or (2), to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.”.

Amendment of section 21 of Act 23 of 1940, as amended by section 6 of Act 23 of 1946 and section 7 of Act 47 of 1957.

7. (1) Subject to the provisions of subsection (2), the Schedule to the amending Act is hereby repealed.

(2) Notwithstanding the repeal of the Schedule to the said Act by subsection (1) of this section, the regulations set out therein, as amended from time to time, shall remain of force and effect and be deemed to have been made by the State President under section 9 of the said Act as substituted by section 4 of this Act, and at all relevant times to have been so made, and such substitution shall not affect the operation of any proclamation issued under the said section 9.

Repeal of Schedule to Act 23 of 1940, as added by section 9 of Act 47 of 1957.

8. The following section is hereby substituted for section 2 of the Wine and Spirits Control Amendment Act, 1954:

“Insufficient production of wine.

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

- (a) provide for the defraying of expenses incurred in connection with the exercise of such control

Substitution of section 2 of Act 22 of 1954

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oefening van sodanige beheer uit die fondse van die vereniging, en die verhaal daarvan deur die vereniging op persone aan wie stookwyn toegeken is;

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

(2) Verskillende regulasies kan kragtens subartikel

(1) uitgevaardig word—

- (a) met betrekking tot die vereniging, die Raad en enige omskrewe klas persone;
- (b) met betrekking tot wyn soos in artikel 1 van hierdie Wet omskryf, wyn soos in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), omskryf en enige ander vermelde soort wyn.

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

- (a) slegs op die vereniging, die Raad of enige omskrewe klas persone;
- (b) slegs op wyn soos in artikel 1 van hierdie Wet omskryf, wyn soos in die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, omskryf, of enige ander vermelde soort wyn.

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

(5) 'n Proklamasie kragtens subartikel (1) of (4) uitgevaardig moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na die datum van publikasie daarvan as die Parlement in gewone sitting is, of, as die Parlement nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.”

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

(2) Different regulations may under subsection

(1) be made—

- (a) with reference to the vereniging, the Board and any defined class of persons;
- (b) with reference to wine as defined in section 1 of this Act, wine as defined in the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), and any other specified kind of wine.

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

- (a) the vereniging, the Board or any defined class of persons only;
- (b) wine as defined in section 1 of this Act, wine as defined in the Wine and Spirits Control Amendment Act, 1940, or any other specified kind of wine only.

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

(5) Any proclamation issued under subsection (1) or (4) shall be laid upon the Table of the Senate and of the House of Assembly within fourteen days after the date of publication thereof if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.”

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Herroeping van
Bylae by Wet
22 van 1954.

9. (1) Die Bylae by die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, word, behoudens die bepalings van subartikel (2), hierby herroep.

(2) Ondanks die herroeping van die Bylae by genoemde Wet deur subartikel (1) van hierdie artikel, bly die regulasies daarin uiteengesit soos van tyd tot tyd gewysig, van krag en word hulle geag kragtens artikel 2 van genoemde Wet, soos deur artikel 8 van hierdie Wet vervang, deur die Staatspresident uitgevaardig te wees en te alle tersaaklike tye aldus uitgevaardig te gewees het, en sodanige vervanging raak nie die werking van 'n proklamasie wat kragtens genoemde artikel 2 uitgereik is nie.

Wysiging van
artikel 1 van
Wet 38 van 1956.

10. Artikel 1 van die Wet op Beheer oor Wyn en Spiritualieë, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „vereniging” deur die volgende omskrywing te vervang:

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

Wysiging van
artikel 2 van
Wet 38 van
1956, soos
vervang deur
artikel 14 van
Wet 54 van
1965 en gewysig
deur artikel 1
van Wet 20
van 1968.

11. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) (a) Geen koöperatiewe vereniging (met inbegrip van die vereniging) en geen wynboer mag enige spiritualieë (met ingebrip van brandewyn), wat die produk van die wynstok is, vir gebruik in die Republiek vir drinkdoeleindes of die versterking van wyn, teen 'n laer prys verkoop nie as 'n bedrag gelykstaande met die waarde van sodanige spiritualieë bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie spiritualieë verkoop word, groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van twintig persent vir distilleringsdoeleindes wat nodig sou wees om daardie spiritualieë te distilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritualieë te distilleer: Met dien verstande dat in 'n geval waar 'n koöperatiewe vereniging of wynboer spiritualieë aan 'n groothandelaar wil verkoop en daardie koöperatiewe vereniging of wynboer die vereniging oortuig dat die in artikel 8 vermelde raad geweier het om daardie spiritualieë goed te keur en te sertifiseer soos deur genoemde artikel voorgeskryf en dat daardie handelaar verplig sal wees om daardie spiritualieë te herdistilleer ten einde sodanige goedkeuring en sertifisering te verkry, die vereniging die verkoop van daardie spiritualieë aan daardie handelaar kan toelaat teen 'n prys wat die koste van distillering kan uitsluit.

(b) By die toepassing van paragraaf (a) beteken die koste om spiritualieë te distilleer, ook die waarde van verliese in die gewone loop van die distilleringsproses gely, en, indien sodanige spiritualieë brandewyn is, benewens sodanige waarde, ook die koste aangegaan en die waarde van verliese gely in die gewone loop van die proses van veroudering van sodanige brandewyn, en het die uitdrukking „sterkte” die betekenis daaraan toegeskryf in artikel 1 (1) van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940).

(c) 'n Geskil omtrent sodanige prys kan, met die toestemming van die Minister, verwys word na 'n raad van appél, saamgestel soos in artikel 6 bepaal.”

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9. (1) Subject to the provisions of subsection (2), the Schedule to the Wine and Spirits Control Amendment Act, 1954, is hereby repealed. Repeal of
Schedule to
Act 22 of 1954.

(2) Notwithstanding the repeal of the Schedule to the said Act by subsection (1) of this section, the regulations set out therein as amended from time to time, shall remain of force and effect and be deemed to have been made by the State President under section 2 of the said Act as substituted by section 8 of this Act and at all relevant times to have been so made, and such substitution shall not affect the operation of any proclamation issued under the said section 2.

10. Section 1 of the Wine and Spirits Control Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "vereniging" of the following definition: Amendment of
section 1 of
Act 38 of 1956.

" 'vereniging' means the 'Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika, Beperkt';".

11. Section 2 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of
section 2 of
Act 38 of 1956,
as substituted
by section 14
of Act 54 of
1965 and
amended by
section 1 of
Act 20 of 1968.

"(4) (a) No co-operative society (including the vereniging) and no wine grower shall sell any spirits (including brandy), the produce of the vine, for use in the Republic for drinking purposes or the fortification of wine, at a price less than an amount equivalent to the value of such spirits, calculated at the rate of the fixed minimum price charged by the vereniging to wholesale traders, in the year in which such spirits are sold, for the quantity of wine of a strength of twenty per cent for distillation purposes which would be required to produce such spirits, plus the cost (to be determined by the vereniging) of distilling such spirits: Provided that in any case where a co-operative society or wine grower desires to sell spirits to a wholesale trader and such co-operative society or wine grower satisfies the vereniging that the board referred to in section 8 has declined to approve and certify such spirits as provided for in the said section and that such trader will be obliged to redistil such spirits in order to obtain such approval and certification, the vereniging may permit the sale of such spirits to such trader at a price which may exclude the cost of distilling such spirits.

(b) For the purposes of paragraph (a) the cost of distilling spirits shall include the value of any losses sustained in the ordinary course of the process of distillation and, if such spirits is brandy, in addition to such value, the costs incurred and the value of any losses sustained in the ordinary course of the process of maturation of such brandy, and the expression 'strength' shall bear the meaning assigned to it in section 1 (1) of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940).

(c) Any dispute as to such price may, with the consent of the Minister, be referred to a board of appeal constituted as provided in section 6."

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1970.

Vervanging van
artikel 5 van
Wet 38 van 1956.

12. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

„Minimum
prys vir
wyn vir
distil-
lerings
doeleindes
bestem.

5. (1) (a) Onderworpe aan die goedkeuring van die Minister en behoudens die bepalings van paragrafe (b) en (c), bepaal die vereniging ten opsigte van elke jaar die vasgestelde minimum prys wat groothandelaars deur hom in daardie jaar gevra gaan word vir wyn wat vir distilleringsdoeleindes bestem is, en kan die vereniging, ten opsigte van die een of ander jaar, ook die tydperk bepaal waarin die koopprys of 'n gedeelte daarvan betaal moet word, en die rente of ander gelde wat by so 'n prys gevoeg moet word in die omstandighede aldus bepaal.
- (b) Die vereniging moet voor of op die twintigste dag van Januarie van elke jaar 'n skriftelike staat aan die Minister voorlê waarin die minimum prys en enige tydperk, rente, gelde of omstandighede wat die vereniging ingevolge paragraaf (a) ten opsigte van daardie jaar wil bepaal, aangegee word, en die Minister moet, by ontvangs van sodanige staat, by kennisgewing in die *Staatskoerant*, besonderhede daarvan bekend maak en alle belanghebbendes aansê om enige besware wat hulle teen die in die kennisgewing vermelde minimum prys, tydperk, rente, gelde of omstandighede het, binne 'n tydperk van veertien dae vanaf die datum van sodanige kennisgewing, skriftelik by hom in te lewer.
- (c) Na oorweging van die besware (as daar is) ingevolge 'n kennisgewing kragtens paragraaf (b) by hom ingelewer, kan die Minister die betrokke minimum prys, tydperk, rente, gelde of omstandighede goedkeur, of die vereniging aansê om 'n ander minimum prys, tydperk, rente, gelde of omstandighede, na gelang van die geval, aan hom voor te lê, en daarop kan die Minister bedoelde ander prys, tydperk, rente, gelde of omstandighede goedkeur.
- (d) Die minimum prys, tydperk, rente, gelde of omstandighede wat ingevolge hierdie subartikel met die goedkeuring van die Minister aldus bepaal is, word onverwyld deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.
- (2) 'n Minimum prys deur die Minister ingevolge subartikel (1) ten opsigte van die een of ander jaar goedgekeur, word geag die minimum prys vir al die produkte van die wynstok te wees wat deur die vereniging vir sodanige jaar ingevolge sy regulasies bepaal is, en is vir alle doeleindes van krag asof dit aldus bepaal is.
- (3) (a) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder (behalwe die vereniging) mag gedurende 'n jaar ten opsigte waarvan kragtens subartikel (1) 'n minimum prys bepaal is, wyn vir distilleringsdoeleindes bestem van iemand verkry nie, en geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar sodanige wyn aan iemand wat aldus

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12. The following section is hereby substituted for section 5 of the principal Act:

Substitution of section 5 of Act 38 of 1956.

"Minimum price for wine intended for distillation purposes.

5. (1) (a) Subject to the approval of the Minister and to the provisions of paragraphs (b) and (c), the vereniging shall in respect of each year determine the fixed minimum price to be charged by it during such year to wholesale traders for wine intended for distillation purposes, and may, in respect of any year, also determine the period within which the purchase price or any portion thereof shall be paid, and the interest or other charges which shall be added to such price in the circumstances so determined.
- (b) The vereniging shall on or before the twentieth January of each year submit to the Minister a statement in writing setting forth the minimum price and any period, interest, charges or circumstances it desires to determine in terms of paragraph (a) in respect of that year, and the Minister shall, upon receipt of such statement, by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with him in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the minimum price, period, interest, charges or circumstances specified in the notice.
- (c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the minimum price, period, interest, charges or circumstances in question or call upon the vereniging to submit to him another minimum price, period, interest, charges or circumstances, as the case may be, and the Minister may thereupon approve of such other price, period, interest, charges or circumstances.
- (d) Any minimum price, period, interest, charges or circumstances so determined with the approval of the Minister in terms of this subsection, shall forthwith be made known by the Minister by notice in the *Gazette*.
- (2) Any minimum price approved by the Minister in terms of subsection (1) in respect of any year shall be deemed to be the minimum price for all the produce of the vine fixed by the vereniging for such year in terms of its regulations and shall be effective for all purposes as if it had been so fixed.
- (3) (a) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine intended for distillation purposes from any person, and no wine grower or co-operative society shall during any such year dispose of any such wine to any person

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- gelisenseer is of so 'n distilleerder van die hand sit nie, dan alleen ingevolge 'n koopkontrak en teen 'n prys wat nie laer as daardie minimum prys is nie.
- (b) Paragraaf (a) is nie van toepassing nie op die verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede.
- (4) Die bedrag volgens subartikel (3) (a) betaalbaar—
- (a) vir druiwe, is die bedrag wat aldus betaalbaar sou wees vir die hoeveelheid wyn van 'n sterkte van twintig persent van daardie druiwe gemaak, min die koste (deur die vereniging bepaal te word) om daardie wyn te maak;
- (b) vir druiwesap, druiwestroop, rosyne, sultanas of wynmoer, is die bedrag wat aldus betaalbaar sou wees vir die hoeveelheid wyn van 'n sterkte van twintig persent wat gemaak sou kon word van die hoeveelheid druiwe wat nodig is om daardie druiwesap, druiwestroop, rosyne, sultanas of wynmoer te maak, min die koste (deur die vereniging bepaal te word) om bedoelde druiwesap, druiwestroop, rosyne, sultanas of wynmoer in wyn om te sit.
- (5) (a) Iedereen wat gelisenseer is om in drank handel te dryf en elke distilleerder bedoel in subartikel (3) (a), wat wyn vir distilleringsdoeleindes bestem van 'n wynboer of koöperatiewe vereniging koop, moet die koopprys aan die vereniging betaal, wat daarmee handel soos bepaal word in sy regulasies wat van tyd tot tyd van krag is.
- (b) Paragraaf (a) is nie van toepassing nie op die verkryging van wyn in die gewone loop van sake tussen 'n koöperatiewe vereniging en sy lede.
- (6) By die toepassing van subartikel (3) (a), beteken die uitdrukking 'minimum prys' ook so 'n prys soos verhoog deur die byvoeging van ingevolge subartikel (1) bepaalde rente of ander gelde, en by die toepassing van subartikel (4) het die uitdrukking 'sterkte' die betekenis daaraan toegeskryf in artikel 1 (1) van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940).
- (7) Iemand wat die bepalinge van subartikel 3 (a) of (5) (a) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand."

Invoeging van
artikel 5A in
Wet 38 van 1956.

13. Die volgende artikel word hierby in die Hoofwet na artikel 5 ingevoeg:

„Verbod
op ver-
kryging
van wyn
deur 'n
wynboer
van ander
wynboer.

5A. (1) Geen wynboer of koöperatiewe vereniging mag wyn vir distilleringsdoeleindes bestem van 'n wynboer of koöperatiewe vereniging verkry nie.

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

(3) Iemand wat die bepalinge van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand."

Wysiging van
artikel 6 van
Wet 38 van 1956.

14. Artikel 6 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iemand wie se belange geraak word deur 'n beslissing van die vereniging kragtens hierdie Wet,

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- so licensed or any such distiller, except in pursuance of a contract of purchase and sale and at a price which is not less than such minimum price.
- (b) Paragraph (a) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members.
- (4) The amount payable in terms of subsection (3) (a)—
- (a) for grapes, shall be the amount which would be so payable for the quantity of wine of a strength of twenty per cent made from such grapes, less the costs (to be determined by the vereniging) of making such wine;
- (b) for grape juice, grape syrup, raisins, sultanas or lees of wine, shall be the amount which would be so payable for the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make such grape juice, grape syrup, raisins, sultanas or lees of wine, less the costs (to be determined by the vereniging) of converting such grape juice, grape syrup, raisins, sultanas or lees of wine into wine.
- (5) (a) Every person licensed to deal in liquor and every distiller, referred to in subsection (3) (a), who purchases wine intended for distillation purposes from a wine grower or co-operative society shall pay the purchase price to the vereniging which shall deal therewith as provided in its regulations in force from time to time.
- (b) Paragraph (a) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members.
- (6) For the purposes of subsection (3) (a) the expression 'minimum price' shall include any such price as increased by the addition of any interest or other charges determined in terms of subsection (1), and for the purposes of subsection (4) the expression 'strength' shall bear the meaning assigned to it in section 1 (1) of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940).
- (7) Any person who contravenes or fails to comply with the provisions of subsection (3) (a) or (5) (a) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand."

13. The following section is hereby inserted in the principal Act after section 5:

"Prohibition of acquisition of wine by wine grower from another wine grower.

5A. (1) No wine grower or co-operative society shall acquire any wine intended for distillation purposes from any wine grower or co-operative society.

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

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand."

Insertion of section 5A in Act 38 of 1956.

14. Section 6 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person whose interests are affected by any decision of the vereniging under this Act, other

Amendment of section 6 of Act 38 of 1956.

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behalwe 'n beslissing kragtens artikel 5, kan, met die toestemming van 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.”; en

- (b) deur na subartikel (2) die volgende subartikel in te voeg:

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

Vervanging van artikel 9bis van Wet 38 van 1956, soos ingevoeg deur artikel 1 van Wet 69 van 1964.

15. Artikel 9bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Invoer van wyn deur vereniging.

9bis. (1) Wanneer ingevolge artikel 2 van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954 (Wet No. 22 van 1954), die regulasies wat daarin bedoel word in werking is, kan die vereniging, ondanks andersluidende bepalinge van die een of ander Wet, die hoeveelhede wyn (hetsy versterk of onversterk) bestem vir distilleringsdoeleindes wat die Minister goedkeur, buite die Republiek aankoop of op 'n ander wyse verkry en in die Republiek invoer.

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

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

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

(5) Wyn wat deur die vereniging ingevoer is, en spiritus wat van sodanige wyn verkry is, word by die toepassing van hierdie Wet, die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940), die Docane- en Aksynswet, 1964 (Wet No. 91 van 1964), en die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), en die regulasies kragtens engeen van genoemde Wette uitgevaardig, geag onderskeidelik wyn en spiritus te wees wat die opbrengs van wynstokke in die Republiek is.”.

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than a decision under section 5, may, with the consent of the Minister, appeal against that decision to a board of appeal consisting of three members to be appointed by the Minister, 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.”; and

- (b) by the insertion after subsection (2) of the following subsection:

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

15. The following section is hereby substituted for section 9bis of the principal Act:

Substitution of section 9bis of Act 38 of 1956, as inserted by section 1 of Act 69 of 1964.

“Importation of wine by vereniging.

9bis. (1) Notwithstanding anything to the contrary contained in any law, whenever in terms of section 2 of the Wine and Spirits Control Amendment Act, 1954 (Act No. 22 of 1954), the regulations referred to therein are in operation, the vereniging may purchase or otherwise acquire outside and import into the Republic such quantities of wine (whether fortified or unfortified) intended for distillation purposes, as the Minister may approve.

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

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

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

(5) Any wine imported by the vereniging and any spirit derived from such wine shall, for the purposes of this Act, the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), the Customs and Excise Act, 1964 (Act No. 91 of 1964), and the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and any regulations made under any of the said Acts, be deemed to be respectively wine and spirit which are the produce of vines in the Republic.”.

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Wysiging van
artikel 10 van
Wet 38 van
1956, soos
gewysig deur
artikel 18 van
Wet 54 van 1965.

16. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:

„(d) die prosedure ter verkryging van die toestemming van die Minister kragtens artikel 6 en vir die aantekening en voortsetting van 'n appèl kragtens daardie artikel, en die besoldiging en toelaes van die lede van 'n kragtens daardie artikel aangestelde raad van appèl;”.

Kort titel.

17. Hierdie Wet heet die Wysigingswet op Beheer oor Wyn en Spiritualieë, 1970.

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16. Section 10 of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph: Amendment of section 10 of Act 38 of 1956, as amended by section 18 of Act 54 of 1965.

“(d) the procedure for obtaining the consent of the Minister under section 6 and for the noting and prosecution of any appeal under that section, and the remuneration and allowances of the members of any board of appeal appointed under that section;”.

17. This Act shall be called the Wine and Spirits Control Short title.
Amendment Act, 1970.

