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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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ALGEMENE KENNISGEWING.

DEPARTEMENT VAN LANDBOU-TEGNIESE
DIENSTE.

WYSIGINGSWETSONTWERP OP WYN, ANDER
GEGISTE DRANK EN SPIRITUALIEË, 1970.

Die volgende konsepwetsontwerp waarvan die bepalings verder gewysig kan word, word vir algemene inligting gepubliseer.

GENERAL NOTICE.

DEPARTMENT OF AGRICULTURAL TECHNICAL
SERVICES.

WINE, OTHER FERMENTED BEVERAGES AND
SPIRITS AMENDMENT BILL, 1970.

The following draft bill, the provisions of which may be further altered, is published for general notice.

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.
- _____ Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

Tot wysiging van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, ten einde verdere voorsiening te maak vir die reëling van die verkoop van sekere soorte wyn, ander gegiste drank en spiritualieë en voorsiening te maak vir die instelling van 'n Wyn- en Spiritusraad.

(Ingedien te word deur die MINISTER VAN LANDBOU.)

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 25 van 1957, soos gewysig deur artikel 1 van Wet 50 van 1966 en artikel 1 van Wet 30 van 1968.

1. Artikel 1 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur voor die omskrywing van „alkohol” die volgende omskrywing in te voeg:
„absolute alkohol’ 100 persent alkohol volgens volume;”;
- (b) deur die omskrywing van „alkohol” deur die volgende omskrywing te vervang:
„alkoholgehalte’ of alkohol volgens volume’ alkoholgehalte bepaal op ’n wyse by regulasie voorgeskryf;”;
- (c) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister’ die Minister van Landbou;”;
- (d) deur die omskrywing van „proef” deur die volgende omskrywing te vervang:
„proef’ ’n alkoholgehalte gelykstaande met 57.1 persent alkohol volgens volume;” en
- (e) deur na die omskrywing van „spiritualieë” die volgende omskrywing in te voeg:
„vars druiwe’ druwe wat in so ’n toestand is dat nadat dit gepars is, die sap daarvan sonder enige verdunning sal gis;”.

Wysiging van artikel 2 van Wet 25 van 1957, soos vervang deur artikel 3 van Wet 50 van 1966.

2. Artikel 2 van die Hoofwet word hierby gewysig deur die omskrywing van „vonkelwyn” deur die volgende omskrywing te vervang:

„vonkelwyn’ wyn wat oorversadig is met koolsuurgas op die wyse en in die mate by regulasie voorgeskryf, met of sonder byvoeging van rietsuiker [**of wynspiritus**]”.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions proposed by Minister on introduction.
- Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend the Wine, Other Fermented Beverages and Spirits Act, 1957, so as to make further provision for the regulation of the sale of certain types of Wine, Other Fermented Beverages and Spirits and to make provision for the establishment of a Wine and Spirit Board.

(To be introduced by the MINISTER OF AGRICULTURE.)

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, Other Fermented Beverages and Spirits Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion before the definition of “administering officer” of the following definition:
“‘absolute alcohol’ means 100 per cent alcohol by volume;”;
- (b) by the substitution for the definition of “alcohol” of the following definition:
“‘alcoholic strength’ or ‘alcohol by volume’ means alcoholic strength determined in such manner as may be prescribed by regulation;”;
- (c) by the insertion after the definition of “analyst” of the following definition:
“‘fresh grapes’ means grapes which are in such a condition that after they have been crushed, the juice thereof will ferment without any dilution;”;
- (d) by the substitution for the definition of “Minister” of the following definition:
“‘Minister’ means the Minister of Agriculture;”; and
- (e) by the substitution for the definition of “proof” of the following definition:
“‘proof’ means an alcoholic strength equivalent to 57.1 per cent alcohol by volume;”.

Amendment of section 1 of Act 25 of 1957, as amended by section 1 of Act 50 of 1966 and section 1 of Act 30 of 1968.

2. Section 2 of the principal Act is hereby amended by the substitution for the definition of “sparkling wine” of the following definition:

“‘sparkling wine’ means wine surcharged with **[carbonic acid gas]** carbon dioxide in such manner and to such extent as may be prescribed by regulation, with or without the addition of cane sugar **[or wine spirit]**;”.

Amendment of section 2 of Act 25 of 1957, as substituted by section 3 of Act 50 of 1966.

Vervanging van artikel 3 van Wet 25 van 1957, soos vervang deur artikel 4 van Wet 50 van 1966.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking op byvoeging van stowwe by en ekstrahering van stowwe uit wyn, en aanwysing van druifcultivars.

3. (1) Niemand mag 'n artikel **[waarby daar voor, gedurende of na die vervaardiging daarvan 'n ander bestanddeel gevoeg is as 'n bestanddeel wat die Minister by regulasie 'n bestanddeel verklaar het wat wettiglik daarby gevoeg mag word]** onder die naam van wyn of onder 'n naam wat algemeen of in die handel as 'n benaming vir wyn gebruik word, verkoop nie, hetsy vir drinkdoeleindes of vir distillering of vir 'n ander doel—

(a) indien daarby, of by 'n artikel wat by die vervaardiging daarvan gebruik is, 'n ander bestanddeel gevoeg is as 'n bestanddeel wat by regulasie verklaar is tot 'n bestanddeel wat by wyn gevoeg mag word; of

(b) indien 'n bestanddeel wat by wyn gevoeg mag word, daarby, of by 'n artikel wat by die vervaardiging daarvan gebruik is, gevoeg is anders as ooreenkomstig die voorwaardes wat by regulasie voorgeskryf is.

(2) Niemand mag onder die naam van wyn of onder 'n naam wat algemeen of in die handel as 'n benaming vir wyn gebruik word, vir drinkdoeleindes verkoop nie—

(a) 'n artikel wat nie afkomstig is nie van die druifcultivars wat van tyd tot tyd by regulasie vir die doeleindes van hierdie paragraaf aangewys is; en

(b) 'n artikel, indien daaruit, of uit 'n artikel wat by die vervaardiging daarvan gebruik is, 'n ander bestanddeel geëkstraheer is as 'n bestanddeel wat by regulasie verklaar is tot 'n bestanddeel wat uit wyn geëkstraheer mag word.”

Vervanging van artikel 4 van Wet 25 van 1957, soos gewysig deur artikel 31 van Wet 50 van 1966.

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

„Verbod op gebruik van sekere name vir wyn en ander gegiste drank.

4. (1) (a) Behoudens die bepalings van subartikel (2), mag niemand vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, **[enige tipe]** wyn of ander gegiste drank of 'n vermelde tipe daarvan, hetsy in die Republiek vervaardig of daarin ingevoer, onder 'n naam of beskrywing waarvan die gebruik ten opsigte van **[daardie soort]** wyn of ander gegiste drank of daardie tipe daarvan in bedoelde kennisgewing verbied word, in die Republiek verkoop of daaruit uitvoer nie.

(b) Die Minister kan 'n kennisgewing kragtens hierdie subartikel uitgevaardig, te eniger tyd intrek of wysig.

(c) 'n Naam in paragraaf (a) bedoel kan 'n bepaalde naam wees of 'n naam wat val onder 'n soort of tipe naam wat beskryf word.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* die gebruik van sekere name of beskrywings toelaat onderworpe aan die voorwaardes en beperkings in daardie kennisgewing vermeld, en daarop is dit ondanks 'n verbod kragtens subartikel (1), wettig om wyn of ander gegiste drank of 'n betrokke tipe daarvan te verkoop onder 'n naam of beskrywing waarvan die gebruik aldus toegelaat is, maar slegs indien al die aldus vermelde voorwaardes en beperkings in ag geneem word.”

3. The following section is hereby substituted for section 3 of the principal Act:

Substitution of section 3 of Act 25 of 1957, as substituted by section 4 of Act 50 of 1966.

"Restriction on addition of substances to and extraction of substances from wine, and designation of vine cultivars.

3. (1) No person shall sell, under the name of wine, or under any name popularly or commercially used as a designation for wine, whether for drinking purposes or for distillation or for any other purpose, any article [to which there has been added before, during or after the manufacture thereof]—

(a) if there has been added thereto, or to any article used in the manufacture thereof, any substance other than a substance which [the Minister] has by regulation been declared to be a substance which may [lawfully] be added [thereto] to wine; or

(b) if any substance which may be added to wine, has been added thereto, or to any article used in the manufacture thereof, otherwise than in accordance with such conditions as may be prescribed by regulation.

(2) No person shall sell, for drinking purposes, under the name of wine, or under any name popularly or commercially used as a designation for wine—

(a) any article not derived from such wine cultivars as are designated from time to time by regulation for the purposes of this paragraph; and

(b) any article, if there has been extracted therefrom, or from any article used in the manufacture thereof, any substance other than a substance which has by regulation been declared to be a substance which may be extracted from wine."

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

Substitution of section 4 of Act 25 of 1957, as amended by section 31 of Act 50 of 1966.

"Prohibition of use of certain names for wine and other fermented beverages.

4. (1) (a) Save as provided in subsection (2), no person shall, as from a date fixed by the Minister by notice in the *Gazette*, sell in or export from the Republic any [type of] wine or other fermented beverage or any specified type thereof, whether manufactured in or imported into the Republic, under any name [or description] whereof the use in respect of wine or other fermented beverages [of] or that type thereof is prohibited in such notice.

(b) The Minister may at any time withdraw or amend any notice issued in terms of this subsection.

(c) A name referred to in paragraph (a) may be a specified name or a name falling under a kind or type of name described.

(2) The Minister may, by notice in the *Gazette*, permit the use of certain names or descriptions subject to such conditions and limitations as may be specified in that notice, and thereupon it shall be lawful, notwithstanding any prohibition under subsection (1), to sell wine or other fermented beverages or any type thereof concerned under any name or description so permitted to be used, but only if all the conditions and limitations so specified are observed."

Vervanging van artikel 5 van Wet 25 van 1957, soos vervang deur artikel 6 van Wet 50 van 1966 en gewysig deur artikel 2 van Wet 30 van 1968.

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

„Suiker-alkohol- en suurgehalte van sekere wyne.

5. (1) Behoudens die bepalings van subartikel (6), mag niemand **[mag]** wyn wat 20 gram of meer suiker per liter bevat, verkoop nie, tensy dit minstens **[16.6]** 16.5 persent alkohol volgens volume bevat: Met dien verstande dat hierdie subartikel nie van toepassing is nie op vonkelwyn of op enige wyn gemaak van druiwe wat verbou is op grond waarvan die verkoper die eienaar is of wat hy wettiglik okkupeer, en wat deur hom verkoop word aan iemand wat wettiglik as verkoper van wyn besigheid dryf.

(2) Niemand mag wyn, hetsy in die Republiek vervaardig of daarin ingevoer, met 'n alkoholgehalte wat in die geval van droë wyne (behalwe sjerries) 16 persent, of in die geval van sjerries, portwyne en soetwyne 20 persent, alkohol volgens volume te bowe gaan, vir gebruik in die Republiek verkoop nie.

(3) Niemand mag vermoet, wynaperitief of wynmengeldrank met 'n alkoholgehalte laer as **[16.6]** 16.5 persent of hoër as 23 persent alkohol volgens volume, vervaardig of verkoop nie.

(4) Niemand mag gemmerwyn met 'n alkoholgehalte laer as **[16.6]** 16.5 persent of hoër as 20 persent alkohol volgens volume, vervaardig of verkoop nie.

(5) Niemand mag wyn met 'n hoër vlugtige suurgehalte as 1.2 gram per liter, bereken as asynsuur, vir gebruik in die vorm van wyn verkoop nie.

(6) Ondanks die bepalings van subartikel (1), kan die Minister by kennisgewing in die *Staatskoerant*, die verkoop van bepaalde wyn of wyn van 'n besondere tipe, geproduseer of vervaardig deur iemand in sodanige kennisgewing vermeld, wat 20 gram of meer **[maar hoogstens 35 gram]** suiker per liter en minder as **[16.6]** 16.5 persent alkohol volgens volume bevat, toelaat onderworpe aan dié voorwaardes in sodanige kennisgewing vermeld, met inbegrip van voorwaardes in verband met 'n produksie- of vervaardigingsproses of die kwaliteit van sodanige wyn en die hoeveelheid daarvan wat aldus deur sodanige persoon geproduseer of vervaardig mag word.

(7) Die Minister kan 'n kennisgewing kragtens subartikel (6) uitgevaardig, te eniger tyd intrek of wysig.”

Herroeping van artikel 6 van Wet 25 van 1957.

6. Artikel 6 van die Hoofwet word hierby herroep.

Vervanging van artikel 8 van Wet 25 van 1957, soos gewysig deur artikel 9 van Wet 50 van 1966 en artikel 4 van Wet 30 van 1968.

7. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

„Omskrywing van verskillende klasse spiritualieë.

8. Tensy uit die samehang anders blyk, beteken in hierdie Hoofstuk, en in enige ander bepaling van hierdie Wet wat op spiritualieë betrekking het—

(i) „brandewyn” 'n distillaat met 'n alkoholgehalte van minstens 43 persent alkohol volgens volume **[of minstens vyf-en-twintig grade onder proef]**, wat verkry is uitsluitlik deur die distillering van wyn; (iii)

(ii) „druivebrandewyn” 'n distillaat met 'n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, uitsluitlik

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

"Sugar, alcohol and acid content of certain wines.

5. (1) Subject to the provisions of subsection (6) no person shall sell wine containing 20 grammes or more of sugar per litre, unless it contains not less than **[16.6]** 16.5 per cent of alcohol by volume:

Provided that this subsection shall not apply to sparkling wine or to any wine produced from grapes grown on land owned or lawfully occupied by the seller and sold by him to any person who lawfully carries on the business of selling wine.

(2) No person shall sell for consumption in the Republic any wine, whether manufactured in or imported into the Republic, with an alcoholic strength higher than 16 per cent of alcohol by volume in the case of dry wines (excluding sherries) or 20 per cent of alcohol by volume in the case of sherries, ports and sweet wines.

(3) No person shall manufacture or sell vermouth, wine aperitif or wine cocktail with an alcoholic strength lower than **[16.6]** 16.5 per cent or higher than 23 per cent of alcohol by volume.

(4) No person shall manufacture or sell ginger wine with an alcoholic strength lower than **[16.6]** 16.5 per cent or higher than 20 per cent of alcohol by volume.

(5) No person shall sell for consumption in the form of wine, any wine with a volatile acidity higher than 1.2 grammes per litre, calculated as ascertic acid.

(6) Notwithstanding the provisions of subsection (1) the Minister may, by notice in the *Gazette*, permit the sale of any specific wine or wine of a particular type, produced or manufactured by a person specified in such notice, which contains 20 grammes or more **[but not exceeding 35 grammes]** of sugar per litre and less than **[16.6]** 16.5 per cent of alcohol by volume, subject to such conditions, including conditions in connection with any process of production or manufacture or the quality of such wine and the quantity thereof that may be so produced or manufactured by such person, as may be specified in such notice.

(7) The Minister may at any time withdraw or amend any notice issued in terms of subsection (6)."

Substitution of section 5 of Act 25 of 1957, as substituted by section 6 of Act 50 of 1966 and amended by section 2 of Act 30 of 1968.

6. Section 6 of the principal Act is hereby repealed.

Repeal of section 6 of Act 25 of 1957.

7. The following section is hereby substituted for section 8 of the principal Act:

"Definitions of various classes of spirits.

8. In this Chapter, and in any other provision of this Act relating to spirits, unless the context otherwise indicates—

(i) 'blended rum' means a blend of rum and cane spirit which contains at least 25 per cent rum, calculated at proof **[strength]**; (xiii)

(ii) 'blended whisky' means whisky containing not less than 25 per cent of malt whisky and not less than 30 **[parts by weight]** grammes of compound **[ethers]** esters, calculated as ethyl acetate, 0.85 **[parts]** grammes of furfural, and 120 **[parts]** grammes of higher alcohols, calculated as amyl alcohol, per 100,000

Substitution of section 8 of Act 25 of 1957, as amended by section 9 of Act 50 of 1966 and section 4 of Act 30 of 1968.

- deur die distillering van duiwesap met doppe verkry; (vii)
- (iii) „gemengde spiritualieë” ’n mengsel (behalwe whisky, moutwhisky of vermengde whisky waarby ingevolge artikel 18 (g) sjerriewyn gevoeg is), met ’n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, van twee of meer soorte geesryke drank of sterk drank wat deur distillering uit verskillende bronne verkry is; (x)
- (iv) „gerektifiseerde spiritus” ’n gesuiwerde spiritus met ’n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, wat verkry en gesuiwer is deur distillering met ’n rektifiserings- of fraksioneringskolom; (xi)
- (v) „jenewer” ’n distillaat met ’n alkoholgehalte van minstens **[vyf-en-twintig grade onder proef]** 43 persent alkohol volgens volume, wat deur die distillering van ’n gegiste beslag van graan of die herdistillering van enige soort spiritualieë met jenewerbessies, hetsy met of sonder byvoeging van tafelsout en skadelose aromatiese plante en sade, verkry word; (vi)
- (vi) „likeur” ’n drank met ’n alkoholgehalte van minstens 30 persent alkohol volgens volume en wat minstens 30 gram suiker per liter bevat, vervaardig of—
- (a) deur vars of gedroogte vrugte of skille van aromatiese plante, blare, kruie, wortels of sade in gerektifiseerde spiritus of in brandewyn te week, waarby daarna ’n stroop gemaak van suiwer rietsuiker of heuning gevoeg is; of
- (b) deur herdistillering van ’n geweekte ekstrak wat berei is soos in paragraaf (a) beskryf, by die gevolglike distillaat waarvan ’n stroop gemaak van suiwer rietsuiker of heuning gevoeg is; (viii)
- (vii) „moutwhisky” whisky wat uitsluitlik deur distillering van mout in ’n potstookketel verkry is, en wat minstens twee van die volgende bestanddele bevat in verhoudings nie laer as hieronder bepaal nie, te wete, saamgestelde **[eter]** esters bereken as etielasetaat, minstens 45 **[dele]** volgens gewig gram, furfural minstens 3.5 **[dele]** gram, en hoër alkohole, bereken as amielalkohol, minstens 180 **[dele]** gram per 100,000 **[dele]** milliliter absolute alkohol, en wat, waar die hoeveelheid furfural benede die hierin vermelde hoeveelheid is, nie minder daarvan bevat nie as een-tagtigste van die hoeveelheid hoër alkohole, en waar die hoeveelheid furfural nie minder as die aldus vermelde hoeveelheid is nie, nie ’n kleiner hoeveelheid hoër alkohole as veertig maal die hoeveelheid furfural bevat nie; (ix)
- (viii) „rietspirit” die gerektifiseerde spiritus met ’n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, wat uitsluitlik deur die distillering van die gegiste sap van suikerriet of van melasse verkry is; (iv)
- (ix) „rum” ’n ongerektifiseerde distillaat met ’n alkoholgehalte van minstens **[vyf-en-twintig grade onder proef]** 43 persent alkohol volgens

[parts of] millilitres of absolute alcohol;
(xiv)

- (iii) 'brandy' means a distillate of an alcoholic strength not less than 43 per cent of alcohol by volume **[or lower than twenty-five degrees under proof]**, resulting from the distillation solely of wine; (i)
- (iv) 'cane spirit' means the rectified spirit of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, resulting from the distillation solely of the fermented juice of sugar cane or of molasses; (viii)
- (v) 'compounded gin' means grain or other spirit of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, flavoured after distillation by means of oils or essences in such a manner as to resemble gin; (x)
- (vi) 'gin' means a distillate of an alcoholic strength not lower than **[twenty-five degrees under proof]** 43 per cent of alcohol by volume, resulting from the distillation of a fermented mash of cereal grain or the redistillation of any class of spirits with juniper berries, either with or without the addition of common salt and harmless aromatic plants and seeds; (v)
- (vii) 'grape brandy' means a distillate of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, resulting from the distillation solely of grape juice, together with husks; (ii)
- (viii) 'liqueur' means a beverage of an alcoholic strength not lower than 30 per cent of alcohol by volume and which contains not less than 30 grammes of sugar per litre, produced either—
 - (a) by maceration in rectified spirit or in brandy, of fresh or dried fruit or peels of aromatic plants, leaves, herbs, roots or seeds, to which has been added subsequently a syrup made of pure cane sugar or honey; or
 - (b) by redistillation of a macerated extract, prepared as described in paragraph (a), to the resulting distillate of which a syrup made of pure cane sugar or honey has been added; (vi)
- (ix) 'malt whisky' means whisky derived solely from malt by pot still distillation, and containing at least two of the following constituents in proportions not lower than those specified below, namely, compound **[ethers]** esters calculated as ethyl acetate, not less than 45 **[parts by weight]** grammes, furfural not less than 3.5 **[parts]** grammes and higher alcohols (calculated as amyl alcohol), not less than 180 **[parts]** grammes per 100,000 **[parts of]** millilitre of absolute alcohol, and, where the quantity of furfural falls below the quantity specified herein, containing such a quantity thereof as is not less than one-eightieth of the quantity of higher alcohols, and, where the quantity of furfural is not less than the quantity so specified, containing a quantity of higher alcohols not less than forty times the quantity of furfural; (vii)

- volume, en hoogstens **[vyf-en-veertig grade bo proef]** 83 persent alkohol volgens volume, wat deur die distillering van die gegiste sap van suikerriet of van melasse verkry is, en waarvan die ander vlugtige bestanddele as water uitsluitlik van die gemelde stowwe afkomstig is, en minstens 120 **[dele]** gram saamgestelde **[eter]** esters, bereken as etielasetaat, per 100,000 **[dele]** milliliter absolute alkohol bevat; (xii)
- (x) ,saamgestelde jenewer' spiritualieë uit graan of ander grondstowwe verkry, met 'n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, wat na distillering met olies of geursels geëur is op so 'n wyse dat dit met jenewer ooreenstem; (v)
- (xi) ,spiritusaperitief' gerektifiseerde spiritus of brandewyn waarby kruie of enige natuurlike ekstrak van kruie gevoeg is, met of sonder byvoeging van enige ander natuurlike aromatieuse geurstowwe of van rietsuiker, en wat 'n alkoholgehalte van minstens 24 persent alkohol volgens volume en die smaak, aroma en ander eienskappe wat algemeen kenmerkend van spiritusaperitief is, het; (xiii)
- (xii) ,spiritusmengeldrank' gerektifiseerde spiritus of brandewyn waarby eier en enige natuurlike aromatieuse geurstowwe gevoeg is, met of sonder byvoeging van melk of van rietsuiker, en wat 'n alkoholgehalte van minstens 24 persent alkohol volgens volume, en die smaak, aroma en ander eienskappe wat algemeen kenmerkend van eiermengeldrank is, het; (xiv)
- (xiii) ,vermengde rum' 'n versnit van rum en riet-spiritus wat minstens 25 persent rum, bereken teen proef **[sterkte]**, bevat; (i)
- (xiv) ,vermengde whisky' whisky wat minstens 25 persent moutwhisky en minstens 30 **[gewigsdele]** gram saamgestelde **[eter]** esters, bereken as etielasetaat, 85 **[dele]** gram furfural en 120 **[dele]** gram hoër alkohole, bereken as amielalkohol, per 100,000 **[dele]** milliliter absolute alkohol bevat; (ii)
- (xv) ,whisky' geesryke drank met 'n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, wat deur gisting en distillering van graan verkry is, en waarvan die ander vlugtige bestanddele as water uitsluitlik van graan afkomstig is; (xvi)
- (xvi) ,wodka' gerektifiseerde spiritus, hetsy na distillering met houtskool behandel al dan nie, wat geen onderskeidende kenmerk, aroma, smaak of kleur het nie en 'n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume het; (xv)
- (xvii) ,wynbrandewyn (konjak-tipe)' 'n distillaat met 'n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume, wat uitsluitlik deur die distillering van wyn, gedistilleer by hoogstens **[22 grade bo proef]** 70 persent alkohol volgens volume, verkry is, en waarvan die ander vlugtige bestanddele as water van bedoelde wyn afkomstig is, en minstens 125 **[dele]** gram hoër alkohole, bereken as amielalkohol, en 300 **[dele]** gram

- (x) 'mixed spirits' means a mixture (other than whisky, malt whisky or blended whisky to which sherry wine has been added in terms of section 18 (g)) of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, of two or more kinds of spirituous beverages or liquors derived by distillation from different sources; (iii)
- (xi) 'rectified spirit' means a purified spirit of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, obtained and purified by distillation with a rectifying or fractionating column; (iv)
- (xii) 'rum' means an unrectified distillate of an alcoholic strength not lower than **[twenty-five degrees under proof]** 43 per cent of alcohol by volume, and not higher than **[forty-five degrees over proof]** 83 per cent of alcohol by volume, resulting from the distillation of the fermented juice of sugar cane or of molasses, and whereof the volatile constituents, other than water, are derived solely from those materials, and include not less than 120 **[parts]** grammes of compound **[ethers]** esters, calculated as ethyl acetate, per 100,000 **[parts of]** millilitres of absolute alcohol; (ix)
- (xiii) 'spirit aperitif' means rectified spirit or brandy to which herbs or any natural extract of herbs has been added, with or without the addition of any other natural aromatic flavouring substances or of cane sugar, and which has an alcoholic strength not lower than 24 per cent of alcohol by volume and the taste, aroma and other qualities which are generally characteristic of spirit aperitif; (xi)
- (xiv) 'spirit cocktail' means rectified spirit or brandy to which egg and any natural aromatic flavouring substances have been added, with or without the addition of milk or of cane sugar, and which has an alcoholic strength not lower than 24 per cent of alcohol by volume and the taste, aroma and other qualities which are generally characteristic of egg cocktail; (xii)
- (xv) 'vodka' means rectified spirit, whether or not treated after distillation with charcoal, which has no distinctive characteristic, aroma, taste or colour and has an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume; (xvi)
- (xvi) 'whisky' means spirituous liquor of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, derived from grain by fermentation and distillation, and whereof the volatile constituents, other than water, are derived solely from grain; (xv)
- (xvii) 'wine brandy (cognac type)' means a distillate of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, resulting solely from the distillation of wine distilled at not higher than **[22 degrees over proof]** 70 per cent of alcohol by volume, and whereof the volatile constituents, other than water, are derived from such wine, and include not less than 125 **[parts]** grammes of higher alcohols calculated as amyl alcohol and

totale sekondêre bestanddele per 100,000 **[dele]** milliliter absolute alkohol bevat; (xvii)

- (xviii) „wynspiritus” die gerektifiseerde spiritus, met ’n alkoholgehalte van minstens **[25 grade onder proef]** 43 persent alkohol volgens volume wat uitsluitlik deur die distillering van wyn verkry is. (xviii)”.

Vervanging van artikel 10 van Wet 25 van 1957, soos gewysig deur artikel 31 van Wet 50 van 1966.

8. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op die gebruik van sekere name vir spiritualieë.

10. (1) (a) Behoudens die bepalings van subartikel (2), mag niemand vanaf ’n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, **[enige tipe brandewyn]** spiritualieë of ’n vermelde tipe spiritualieë, hetsy in die Republiek geproduseer of daarin ingevoer, onder ’n naam **[of beskrywing]** waarvan die gebruik ten opsigte van spiritualieë of daardie tipe **[brandewyn]** spiritualieë in bedoelde kennisgewing verbied word, in die Republiek verkoop of daaruit uitvoer nie.
- (b) Die Minister kan te eniger tyd ’n kragtens hierdie subartikel uitgevaardigde kennisgewing by dergelike kennisgewing in die *Staatskoerant* intrek of wysig.
- (c) ’n Naam in paragraaf (a) bedoel kan ’n bepaalde naam wees of ’n naam wat val onder ’n soort of tipe naam wat beskryf word.

(2) Die Minister kan by kennisgewing in die *Staatskoerant*, die gebruik van sekere name **[of beskrywings]** toelaat onderworpe aan die voorwaardes en beperkings in bedoelde kennisgewing vermeld, en daarop is dit, ondanks enige verbod kragtens subartikel (1), wettig om **[brandewyn]** spiritualieë of ’n betrokke tipe spiritualieë te verkoop onder ’n naam **[of beskrywing]** waarvan die gebruik aldus toegelaat is, maar slegs indien al die aldus vermelde voorwaardes en beperkings in ag geneem word.”.

Vervanging van artikel 11 van Wet 25 van 1957.

9. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op byvoeging van stowwe by Spiritualieë.

11. Niemand mag spiritualieë verkoop nie waarby ’n ander bestanddeel gevoeg is as ’n bestanddeel wat by regulasie verklaar is tot ’n bestanddeel wat by spiritualieë gevoeg mag word.”.

Vervanging van artikel 12 van Wet 25 van 1957, soos vervang deur artikel 12 van Wet 50 van 1966.

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

„Alkoholgehalte van sekere drinkbare spiritualieë, en verbod op sekere beskrywings vir spiritualieë.

12. (1) Niemand mag enige spiritualieë wat nie in artikel 8 omskryf word nie, en waarvan die alkoholgehalte laer as **[25 grade onder proef]** 43 persent alkohol volgens volume is, verkoop om gedrink te word nie.
- (2) Niemand mag enige spiritualieë wat nie in artikel 8 omskryf word nie, verkoop nie onder ’n naam of verwysing wat in die geheel of ten dele bestaan uit ’n in artikel 2 of artikel 8 omskrewe uitdrukking **[insluit]**.

(3) Niemand mag spiritualieë wat in artikel 8 omskryf is, verkoop nie onder ’n naam (uitgesonderd die gepaste naam daarvoor in genoemde artikel) wat in die geheel of ten dele bestaan uit ’n uitdrukking wat in artikel 2 omskryf is.

300 **[parts]** grammes of total secondary constituents per 100,000 **[parts of]** millilitres of absolute alcohol; (xvii)

- (xviii) 'wine spirit' means the rectified spirit, of an alcoholic strength not lower than **[25 degrees under proof]** 43 per cent of alcohol by volume, resulting from the distillation solely of wine. (xviii)".

8. The following section is hereby substituted for section 10 of the principal Act:

Substitution of section 10 of Act 25 of 1957, as amended by section 31 of Act 50 of 1966.

"Prohibition of use of certain names for spirits.

10. (1) (a) Save as provided in subsection (2), no person shall, as from a date fixed by the Minister by notice in the *Gazette*, sell in or export from the Republic any spirits or any specified type of **[brandy]** spirits, whether produced in or imported into the Republic, under any name **[or description]** whereof the use in respect of **[brandy]** spirits **[of]** or that type of spirits is prohibited in such notice.

(b) The Minister may at any time withdraw or amend any notice issued in terms of this subsection by like notice in the *Gazette*.

(c) A name referred to in paragraph (a) may be a specified name or a name falling under a kind or type of name described.

(2) The Minister may, by notice in the *Gazette*, permit the use of certain names **[or descriptions]** subject to such conditions and limitations as may be specified in such notice, and thereupon it shall be lawful, notwithstanding any prohibition under subsection (1), to sell **[brandy]** spirits or any type of spirits concerned under any name **[or description]** so permitted to be used, but only if all the conditions and limitations so specified are observed."

9. The following section is hereby substituted for section 11 of the principal Act:

Substitution of section 11 of Act 25 of 1957.

"Prohibition on addition of substances to spirits.

11. No person shall sell any spirits to which has been added any substance other than a substance which has by regulation been declared to be a substance which may be added to spirits."

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

Substitution of section 12 of Act 25 of 1957, as substituted by section 12 of Act 50 of 1966.

"Alcoholic strength of certain potable spirits, and prohibition of certain descriptions for spirits.

12. (1) No person shall sell for drinking purposes any spirits not defined in section 8 of which the alcoholic strength is lower than **[25 degrees under proof]** 43 per cent of alcohol by volume.

(2) No person shall sell any spirits not defined in section 8, under a name or reference **[which includes]** consisting wholly or partly of any expression defined in section 2 or section 8.

(3) No person shall sell any spirits defined in section 8 under a name (other than the appropriate name therefor in the said section) consisting wholly or partly of an expression defined in section 2.

(4) Niemand mag spiritusaperitief of spiritusmengeldrank verkoop nie onder 'n naam wat in die geheel of ten dele bestaan uit 'n uitdrukking (uitgesonderd die gepaste uitdrukking daarvoor) wat in artikel 2 of artikel 8 omskryf is."

Herroeping van artikel 18 van Wet 25 van 1957, soos gewysig deur artikel 16 van Wet 50 van 1966 en artikel 8 van Wet 30 van 1968.

11. Artikel 18 van die Hoofwet word hierby herroep.

Invoeging van Hoofstuk III in Wet 25 van 1957.

12. Die Hoofwet word hierby gewysig—

(a) deur na artikel 17 die volgende opskrifte in te voeg:

„HOOFSTUK III.

WYN- EN SPIRITUSRAAD."; en

(b) deur na genoemde opskrifte die volgende artikel in te voeg:

„Wyn- en spiritusraad.

19. (1) Die Minister stel 'n raad aan wat die Wyn- en Spiritusraad heet, wat—

- (a) wyn, ander gegiste drank en spiritualieë vir verkoop in die Republiek bestem, klassifiseer of gradeer op die wyse wat van tyd tot tyd by regulasie voorgeskryf word, en sertifikate in verband daarmee uitreik op die wyse aldus voorgeskryf;
 - (b) dié pligte en dié werksaamhede ten opsigte van die klassifisering of gradering van wyn, ander gegiste drank of spiritualieë bestem vir uitvoer, en die uitreiking van sertifikate in verband daarmee, wat die Minister aan hom opdra, uitvoer of verrig; en
 - (c) die ander pligte uitvoer of die ander werksaamhede verrig wat aan hom deur die Minister of by hierdie Wet of 'n ander wet opgedra word.
- (2) (a) Die Wyn- en Spiritusraad bestaan uit soveel lede, maar nie meer as ses nie, as wat die Minister van tyd tot tyd bepaal.
 - (b) Die Minister wys een van die lede van genoemde raad as die voorsitter daarvan aan.
 - (c) Op alle vergaderings van genoemde raad moet die voorsitter of, in sy afwesigheid, 'n ander lid van die raad wat die aanwesige lede kies, voorsit.
 - (d) Die besluit van 'n meerderheid van die lede van genoemde raad wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van die raad uit, en, by 'n staking van stemme betreffende enige aangeleentheid, het die persoon wat op die betrokke vergadering ingevolge paragraaf (c) voorsit, benewens sy beraadslaagende stem ook 'n beslissende stem.
 - (e) 'n Besluit van genoemde raad in verband met die een of ander aangeleentheid is afdoende.
- (3) (a) Die Minister stel die lede van die Wyn- en Spiritusraad aan vir die tydperk en op die voorwaardes wat hy in elke geval bepaal.
 - (b) Die Minister kan op die voorwaardes wat hy aldus bepaal, 'n plaasvervangende lid vir 'n lid van genoemde raad aanstel."

(4) No person shall sell any spirit aperitif or spirit cocktail under a name consisting wholly or partly of an expression (other than the appropriate expression therefor) defined in section 2 or section 8."

11. Section 18 of the principal Act is hereby repealed.

Repeal of section 18 of Act 25 of 1957, as amended by section 16 of Act 50 of 1966 and section 8 of Act 30 of 1968.

12. The principal Act is hereby amended—

(a) by the insertion after section 17 of the following superscriptions:

Insertion of Chapter III in Act 25 of 1957.

"CHAPTER III.

WINE AND SPIRIT BOARD."; and

(b) by the insertion after the said superscriptions of the following section:

"Wine and Spirit Board. 19. (1) The Minister shall appoint a board to be known as the Wine and Spirit Board, which shall—

(a) classify or grade wine, other fermented beverages and spirits intended for sale in the Republic, in such manner as may from time to time be prescribed by regulation and issue certificates in connection therewith in such manner as may be so prescribed;

(b) perform such duties and functions in respect of the classification or grading of wine, other fermented beverages or spirits intended for export, and the issue of certificates in connection therewith, as may be assigned to it by the Minister; and

(c) perform such other duties or functions as may be assigned to it by the Minister or by this Act or any other law.

(2) (a) The Wine and Spirit Board shall consist of so many members, not exceeding six, as the Minister may from time to time determine.

(b) The Minister shall designate one of the members of the said board as the chairman thereof.

(c) At all meetings of the said board the chairman or, in his absence, some other member of the board chosen by the members present shall preside.

(d) The decision of a majority of the members of the said board present at any meeting thereof shall constitute a decision of the board, and, in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question in terms of paragraph (c), shall have a casting vote in addition to his deliberative vote.

(e) Any decision of the said board in connection with any matter shall be final.

(3) (a) The members of the Wine and Spirit Board shall be appointed by the Minister for such period and on such conditions as he may in each case determine.

(b) The Minister may, subject to such conditions as he may so determine, appoint an alternate to any member of the said board."

Vervanging van artikel 23 van Wet 25 van 1957, soos vervang deur artikel 18 van Wet 50 van 1966.

13. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

„Etiket-
tering van
sekere
houers.

23. (1) **[Niemand wat gelisensieer is om by die kleinmaat te verkoop, mag wyn, ander gegiste drank of spiritualieë wat in die Republiek gebottel is verkoop nie, tensy die bottel of ander houer wat dit bevat, voorsien is van 'n etiket waarop die naam en adres van die bottelaar in maklik leesbare letters, voorkom.]** Niemand mag wyn, ander gegiste drank of spiritualieë wat in die Republiek gebottel is, in 'n houer wat minder as vyf liter bevat, verkoop nie, tensy sodanige houer voorsien is van 'n etiket waarop die naam en volledige sake-adres van die persoon ten behoeve van wie die betrokke intappery geskied het, in groot en maklik leesbare letters voorkom.

(2) Die bepalings van hierdie artikel word nie uitgelê asof dit vereis dat wyn, ander gegiste drank of spiritualieë wat op **[die]** 'n gelisensieerde perseel verkoop en werklik aldaar verbruik word, verkoop moet word nie in 'n houer wat, soos **[voormeld]** in subartikel (1) bepaal, van 'n etiket voorsien is.

(3) By die toepassing van subartikel (1), beteken die uitdrukking „sake-adres” die perseel waarop die betrokke verkoper ingevolge 'n lisensie of magtiging kragtens die Drankwet, 1928 (Wet No. 30 van 1928), drank mag verkoop.”.

Invoeging van artikel 23A in Wet 25 van 1957.

14. Die volgende artikel word hierby in die Hoofwet na artikel 23 ingevoeg:

„Verbod
op valse
of mislei-
dende be-
skrywings
vir drank.

23A. Niemand mag wyn, ander gegiste drank of spiritualieë verkoop nie onder 'n naam of ver-
wysing wat, hetsy weens die weglating van feite
daaruit of om 'n ander rede, 'n valse of misleidende
indruk kan skep aangaande die aard, wese, kwaliteit,
samestelling of ander eienskappe, of die oorsprong,
ouderdom, of wyse of plek van voortbrenging,
bereiding of vervaardiging daarvan.”.

Vervanging van artikel 26 van Wet 25 van 1957, soos vervang deur artikel 21 van Wet 50 van 1966.

15. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepas-
sing van
Wet op
ingevoerde
drank.

26. Behoudens die bepalings van artikel 27 (2) is hierdie Wet **[is]** van toepassing op in die Republiek ingevoerde wyn, ander gegiste drank en spiritualieë, en op alle artikels wat onder die naam van wyn, ander gegiste drank of spiritualieë van enige soort in die Republiek ingevoer word.”.

Vervanging van artikel 27 van Wet 25 van 1957, soos vervang deur artikel 22 van Wet 50 van 1966.

16. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:

„Invoer,
verkoop en
etikettering
van inge-
voerde
drank.

27. (1) Behoudens die bepalings van subartikel (2) mag niemand **[mag]** onder enige naam wyn, ander gegiste drank of spiritualieë in die Republiek invoer om dit daarin te verkoop of **[dit]** wyn, ander gegiste drank of spiritualieë wat in die Republiek ingevoer is, onder enige naam verkoop nie, tensy dit wat betref die aard, wese en gehalte daarvan ooreenstem met die artikel wat deur bedoelde naam in hierdie Wet of 'n regulasie aangedui word, en tensy, in die geval van 'n verkoop, daar op die bottel of houer wat dit bevat, 'n etiket is waarop in groot letters wat maklik gelees kan word, aangedui word die naam van die land waar dit geproduseer, ver-

13. The following section is hereby substituted for section 23 of the principal Act:

Substitution of section 23 of Act 25 of 1957, as substituted by section 18 of Act 50 of 1966.

"Labelling of certain receptacles.

23. (1) **[No person who is licensed to sell by retail, shall sell wine, other fermented beverages or spirits bottled in the Republic, unless the bottle or other receptacle containing it is labelled in letters, easily legible, with the name and address of the bottler.]** No person shall sell wine, other fermented beverages or spirits, bottled in the Republic, in a receptacle containing less than five litres unless there is affixed to such receptacle a label showing in large letters, easily legible, the name and full business address of the person on whose behalf the bottling concerned was done.

(2) Nothing in this section contained shall be construed as requiring wine, other fermented beverages or spirits sold and actually consumed on **[the]** licensed premises to be sold in a receptacle labelled as **[aforesaid]** provided in subsection (1).

(3) For the purposes of subsection (1), the expression 'business address' means the premises on which the seller concerned may in terms of a licence or authority under the Liquor Act, 1928 (Act No. 30 of 1928), sell liquor."

14. The following section is hereby inserted in the principal Act after section 23:

Insertion of section 23A in Act 25 of 1957.

"Prohibition of false or misleading descriptions for liquor.

23A. No person shall sell wine, other fermented beverages or spirits under any name or reference which may, either because of the omission of facts therefrom or for any other reason, create a false or misleading impression as to the nature, substance, quality, composition or other properties, or the origin, age, or mode or place of production, preparation or manufacture thereof."

15. The following section is hereby substituted for section 26 of the principal Act:

Substitution of section 26 of Act 25 of 1957, as substituted by section 21 of Act 50 of 1966.

"Applica-
tion of Act
to imported
liquor.

26. Subject to the provisions of section 27 (2) this Act shall apply to wine, other fermented beverages or spirits imported into the Republic, and to all articles imported into the Republic under the name of wine, other fermented beverage or spirits of any description."

16. The following section is hereby substituted for section 27 of the principal Act:

Substitution of section 27 of Act 25 of 1957, as substituted by section 22 of Act 50 of 1966.

"Importa-
tion, sale
and label-
ling of
imported
liquor.

27. (1) Subject to the provisions of subsection (2) no person shall import, under any name, into the Republic for the purpose of sale therein, **[or sell under any name]** any wine, other fermented beverage or spirits, or sell under any name any wine, other fermented beverages or spirits imported into the Republic, unless it is of the nature, substance and quality of the article indicated by such name in this Act or any regulation, and unless, in the case of a sale, the bottle or receptacle containing it is labelled in large letters, easily legible, showing the name of the country where it was produced, made

vaardig of gedistilleer is en die naam en volledige sake-adres van die persoon deur wie dit ingevoer is.

(2) Die Wyn- en Spiritusraad in artikel 19 bedoel kan op skriftelike aansoek by hom deur bemiddeling van 'n beherende amptenaar gedoen en na voorlegging aan genoemde raad van die monsters wat hy vereis, vrystelling van 'n bepaling van subartikel (1) van hierdie artikel verleen op die voorwaardes wat hy bepaal.

(3) By oorweging van so 'n aansoek kan genoemde raad ook die gehalte van die betrokke wyn, ander gegiste drank of spiritualieë en die doel waarvoor dit aangewend gaan word, in aanmerking neem."

Invoeging van
artikel 27A
in Wet 25 van
1957.

17. Die volgende artikel word hierby in die Hoofwet na artikel 27 ingevoeg:

„Verkryging van verwydering-sertifikaat ten opsigte van ingevoerde drank.

27A. (1) Wyn, ander gegiste drank of spiritualieë wat vir handelsdoeleindes in die Republiek ingevoer is, bly in die bewaring van 'n beampte van die Departement van Doeane en Aksyns totdat daar aan so 'n beampte 'n sertifikaat oorgelê word wat deur 'n beherende amptenaar uitgereik is en waarin verklaar word dat sodanige wyn, drank of spiritualieë verwyder kan word.

(2) Iemand wat so 'n sertifikaat wil bekom, moet daarom aansoek doen by 'n beherende amptenaar wat—

(a) kan weier om so 'n sertifikaat uit te reik indien hy van oordeel is dat die bepalings van hierdie Wet of 'n ander wet nie nagekom is nie met betrekking tot die invoer van sodanige wyn, drank of spiritualieë;

(b) so 'n sertifikaat kan uitreik onderworpe aan enige voorgeskrewe voorwaarde.

(3) Indien 'n beherende amptenaar ingevolge subartikel (2) (a) weier om 'n sertifikaat ten opsigte van enige wyn, ander gegiste drank of spiritualieë uit te reik, word dié wyn, drank of spiritualieë aan die Staat verbeur en word dit of vernietig of op 'n ander wyse mee gehandel, nagelang so 'n beampte gelas.

(4) Iemand wat hom veronreg voel deur 'n besluit van 'n beherende amptenaar ingevolge subartikel (2) kan op die voorgeskrewe wyse 'n beroep op die Minister doen.

(5) Iemand wat versuim om te voldoen aan 'n voorwaarde waarop 'n sertifikaat ingevolge subartikel (2) (b) uitgereik is, is aan 'n misdryf skuldig."

Wysiging van
artikel 29 van
Wet 25 van 1957,
soos gewysig deur
artikel 24 van
Wet 50 van 1966.

18. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Iemand wat met die toesig oor so 'n artikel belas is en wat weier om toe te laat dat so 'n hoeveelheid daarvan geneem word as wat deur bedoelde gemagtigde persoon onder aanbod om dit te koop, vereis word, of wat weier om te voldoen aan 'n versoek van so 'n gemagtigde persoon om toegelaat te word om sodanige artikels op die perseel te inspekteer, en iemand wat so 'n gemagtigde persoon op enige ander wyse by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie artikel belemmer, is aan 'n misdryf skuldig."

Herroeping van
artikel 30 van
Wet 25 van 1957.

19. Artikel 30 van die Hoofwet word hierby herroep.

or distilled and the name and full business address of the person by whom it was imported.

(2) The Wine and Spirits Board referred to in section 19 may, on application made to it in writing through an administering officer and after submission to it of such samples as it may require, grant, subject to such conditions as it may determine, exemption from any provision of subsection (1) of this section.

(3) In considering any such application the said board may also have regard to the quality of the wine, other fermented beverages or spirits concerned and the purpose for which it is to be used."

17. The following section is hereby inserted in the principal Act after section 27:

Insertion of section 27A in Act 25 of 1957.

"Obtaining of certificate of removal in respect of imported liquor.

27A. (1) Any wine, other fermented beverages or spirits imported into the Republic for purposes of trade shall remain in the custody of an officer of the Department of Customs and Excise until there is produced to such an officer a certificate, issued by an administering officer and stating that such wine, beverages or spirits may be removed.

(2) Any person desiring to obtain any such certificate shall apply therefor to an administering officer who may—

(a) refuse to issue any such certificate if he is of opinion that the provisions of this Act or any other law have not been complied with in regard to the importation of such wine, beverages or spirits;

(b) issue such a certificate subject to such conditions as may be prescribed.

(3) If an administering officer refuses in terms of subsection (2) (a) to issue a certificate in respect of any wine, other fermented beverages or spirits, such wine, beverages or spirits shall be forfeited to the State and either be destroyed or be otherwise disposed of, according as such an officer may direct.

(4) Any person feeling aggrieved by a decision of an administering officer in terms of subsection (2) may appeal to the Minister in the prescribed manner.

(5) Any person who fails to comply with any condition subject to which a certificate was issued in terms of subsection (2) (b) shall be guilty of an offence."

18. Section 29 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 29 of Act 25 of 1957, as amended by section 24 of Act 50 of 1966.

"(4) Any person in charge of such article who refuses to allow to be taken the amount thereof required by any such authorized person offering to purchase the same, or who refuses or fails to comply with a request by any such authorized person to be allowed to inspect such articles on the premises, and any person who in any other manner obstructs any such authorized person in the exercise of his powers or the performance of his duties under this section, shall be guilty of an offence."

19. Section 30 of the principal Act is hereby repealed.

Repeal of section 30 of Act 25 of 1957.

Vervanging van
artikel 32 van
Wet 25 van 1957.

20. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

„Prosedure
by neem
van mon-
sters vir
ontleding.

32. Iemand wat ingevolge enige van die voor-
gaande artikels 'n artikel vir ontleding wil stuur
moet, nadat die monster geneem of die koop gesluit
is, na gelang van die geval, die persoon belas met die
toesig oor die artikel, of die verkoper, na gelang van
die geval, of sy agent, onverwyld van die voorneme
om bedoelde artikel te laat ontleed in kennis stel, en
moet dit onmiddellik verdeel in drie dele, elke deel
vervolgens in 'n afsonderlike **[glashouer]** houer,
wat hy moet verseël, plaas, een sodanige deel by die
persoon belas met die toesig of die verkoper of sy
agent laat, een sodanige deel vir toekomstige ver-
gelykingsdoeleindes hou, en die oorblywende deel
vir ontleding aan 'n ontleder stuur: Met dien ver-
stande dat waar 'n artikel volgens die oordeel van
die persoon wat daardie artikel vir ontleding wil
stuur, van so 'n aard is dat die oopmaak van die
houer wat dit bevat 'n verandering in daardie artikel
sal teweegbring voordat dit ontleed kan word, so 'n
verdeling nie vereis word nie, en die houer deur die
ontleder aan wie bedoelde artikel gestuur word,
ooggemaak kan word.”

Vervanging van
artikel 36 van
Wet 25 van 1957,
soos vervang
deur artikel 27
van Wet 50 van
1966.

21. Artikel 36 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperkings
op instel
van ver-
volgings.

36. Geen vervolging (behalwe 'n vervolging in-
gevolge artikel 4A, 12 (2), (3) en (4), 14, 15, 15A,
23, 24, 25, 27 (weens versuim om die land waar 'n
artikel geproduseer, vervaardig of gedistilleer is, te
vermeld), 27A, 31 of 35) kan weens 'n misdryf
ingevolge hierdie Wet ingestel word nie, tensy 'n
monster van die artikel ten opsigte waarvan die
misdryf na bewering gepleeg is, volgens artikel 29
[of 30] gekoop of geneem of volgens artikel 31
voorgelê is, en geen sodanige vervolging word in-
gestel nie, tensy daarmee begin word binne **[twee]**
drie maande na die datum waarop die monster aldus
gekoop of geneem is.”

Vervanging van
artikel 37 van
Wet 25 van 1957.

22. Artikel 37 van die Hoofwet word hierby deur die volgende artikel vervang:

„Daad of
versuim
van bestuur-
ders, agente
of werk-
nemers.

37. (1) Wanneer 'n bestuurder, agent of werk-
nemer van 'n houer van 'n lisensie om wyn, ander
gegiste drank of spiritueel te verkoop, of van
iemand anders (in hierdie artikel hieronder die
werkgever genoem), 'n daad of versuim begaan wat
'n misdryf ingevolge hierdie Wet sou wees as die
werkgever dit begaan het, dan, tensy bewys word
dat—

- (a) die werkgever daardie daad of versuim van die
bestuurder, agent of werknemer nie oogluikend
toegelaat of veroorloof het nie; en
- (b) die werkgever alle redelike stappe gedoen het
om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van
die ten laste gelegde aard, onder geen voor-
waardes of omstandighede binne die bestek van
die bevoegdheid of in die loop van die diens van
dié bestuurder, agent of werknemer geval het
nie,

word veronderstel dat die werkgever self die daad
of versuim begaan het, en kan hy ten opsigte daarvan
skuldig bevind en gevonnissen word, en word die feit
dat hy 'n daad of versuim van die betrokke aard

20. The following section is hereby substituted for section 32 of the principal Act:

"Procedure for taking samples for analysis.

32. Any person who under any of the preceding sections intends to submit any article for analysis shall, after the sample has been taken or the purchase has been completed, as the case may be, forthwith notify the person in charge of the article or the vendor, as the case may be, or his agent of the intention to have such article analysed, and shall there and then divide it into three parts, each of which he shall thereupon place in a separate [glass] receptacle, which he shall seal, leave one such part with the person in charge or the vendor or his agent, retain one such part for future comparison, and submit the remaining part to an analyst for analysis: Provided that where, in the opinion of the person who intends to submit any article for analysis, that article is of such a nature that the opening of the receptacle in which it is contained would effect a change in such article before it could be analysed, such division need not be made, and the opening of the receptacle may be carried out by the analyst to whom such article is submitted."

Substitution of section 32 of Act 25 of 1957.

21. The following section is hereby substituted for section 36 of the principal Act:

"Restrictions on institution of prosecutions.

36. No prosecution (other than a prosecution under section 4A, 12 (2), (3) and (4), 14, 15, 15A, 23, 24, 25, 27 (in respect of a failure to state the country where any article was produced, made or distilled), 27A, 31 or 35) shall be instituted for any offence under this Act, unless a sample of the article in respect of which the offence is alleged to have been committed has been purchased or taken under section 29 [or 30] or submitted under section 31, and no such prosecution shall be instituted unless it is commenced within [two] three months after the date when the sample was so purchased or taken."

Substitution of section 36 of Act 25 of 1957, as substituted by section 27 of Act 50 of 1966.

22. The following section is hereby substituted for section 37 of the principal Act:

"Acts or omissions of managers, agents or employees.

37. (1) Whenever any manager, agent or employee of any holder of a licence to sell wine, other fermented beverages or spirits, or of any other person (in this section hereafter called the employer) does or omits to do any act which it would be an offence under this Act for such employer to do or omit to do, then unless it is proved that—
(a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the employer; and
(b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
(c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of such manager, agent or employee to do or to omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,
the employer shall be presumed himself to have done or omitted to do that act and shall be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding

Substitution of section 37 of Act 25 of 1957.

verbied het, nie op sigself aanvaar as voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van so 'n werkgever 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as dié werkgever dit begaan, kan dié bestuurder, agent of werknemer ten opsigte daarvan skuldig bevind en gevonniss word asof hy dié werkgever is.

(3) So 'n bestuurder, agent of werknemer kan benewens die betrokke werkgever aldus skuldig bevind en gevonniss word.

(4) By die toepassing van hierdie artikel beteken bestuurder, agent of werknemer, met betrekking tot die houer van 'n lisensie om wyn, ander gegiste drank of spiritualieë te verkoop, ook iemand wat in verband met daardie lisensie onder die beheer van die lisensiehouer werksaam is."

Wysiging van artikel 39 van Wet 25 van 1957, soos gewysig deur artikel 29 van Wet 50 van 1966 en artikel 9 van Wet 30 van 1968.

23. Artikel 39 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

„(i) wat die prosedure op vergaderings van die Regeeringsbrandewynraad en van die Wyn- en Spiritusraad bedoel in artikel 19 (met inbegrip van [die kworum] kworums) en die wyse waarop vergaderings van daardie [raad] rade belê moet word, voorskryf; [en]”; en

(b) deur na genoemde paragraaf (i) die volgende paragrawe in te voeg:

„(iA) wat voorsiening maak vir die klassifisering of gradering van wyn, ander gegiste drank of spiritualieë, hetsy bestem vir uitvoer of nie, die eenskappe wat elke klas of graad moet hê of die vereistes waaraan dit moet voldoen, die klassifisering of gradering van wyn, ander gegiste drank of spiritualieë deur die Wyn- en Spiritusraad bedoel in artikel 19, die uitreiking van sertifikate of ander stukke in verband daarmee, en die vorm van sodanige sertifikate of ander stukke;

(iB) wat voorsiening maak vir die aanwysing van verskillende klasse of grade wyn, ander gegiste drank en spiritualieë op etikette, sertifikate of ander stukke wat in verband met die verkoop of uitvoer van wyn, ander gegiste drank of spiritualieë gebruik of uitgereik word, en die omstandighede waaronder en die voorwaardes waarop so 'n aanwysing ten opsigte van wyn, ander gegiste drank en spiritualieë gebruik mag word;

(iC) wat 'n verbod plaas op die gebruik van 'n bepaalde naam ten opsigte van wyn, ander gegiste drank of spiritualieë behalwe op gesag van 'n sertifikaat deur genoemde raad uitgereik en onderworpe aan die voorwaardes in so 'n sertifikaat vermeld, en wat die wyse waarop en die tye wanneer om so 'n sertifikaat aansoek gedoen moet word, voorskryf;”.

Kort titel en inwerkingtreding.

24. Hierdie Wet heet die Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1970, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

any act or omission of the kind in question shall not, by itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission charged.

(2) Whenever any manager, agent or employee of any such employer does or omits to do an act which it would be an offence under this Act for such employer to do or omit to do, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were that employer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer concerned.

(4) For the purposes of this section manager, agent or employee, in relation to the holder of a licence to sell wine, other fermented beverages or spirits, includes any person employed in connection with such licence under the control of such licensee."

23. Section 39 of the principal Act is hereby amended—

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

"(i) prescribing the procedure at meetings of the Government Brandy Board and of the Wine and Spirit Board referred to in section 19 (including the quorum quorums) and the manner in which meetings of that board those boards shall be called; and"; and

(b) by the insertion after the said paragraph (i) of the following paragraphs:

"(iA) providing for the classification or grading of wine, other fermented beverages or spirits, whether or not intended for export, the properties which each class or grade shall have or the requirements with which it shall comply, the classification or grading of wine, other fermented beverages or spirits by the Wine and Spirits Board referred to in section 19, the issue of certificates or other documents in connection therewith, and the form of such certificates or documents;

(iB) providing for the designation of different classes or grades of wine, other fermented beverages and spirits on labels, certificates or other documents used or issued in connection with the sale or export of wine, other fermented beverages or spirits, and the circumstances in which and the conditions subject to which any such designation may be used in respect of wine, other fermented beverages or spirits;

(iC) prohibiting the use of any particular name in respect of wine, other fermented beverages or spirits except under the authority of a certificate issued by the said board and subject to such conditions as may be specified in such certificate, and prescribing the manner in which and the times at which application for any such certificate shall be made;"

Amendment of section 39 of Act 25 of 1957, as amended by section 29 of Act 50 of 1966 and section 9 of Act 30 of 1968.

24. This Act shall be called the Wine, Other Fermented Beverages and Spirits Amendment Act, 1970, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and date of commencement.

INHOUD.

WETSONTWERP.

BLADSY

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