



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 9 JUNIE 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1025. 9th June, 1972.

No. 1025.

9 Junie 1972.

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

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

No. 62 of 1972: Wine, Other Fermented Beverages and Spirits Amendment Act, 1972.

No. 62 van 1972: Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1972.

Wet No. 62, 1972

WYSIGINGSWET OP WYN, ANDER GEGISTE DRANK EN
SPIRITUALIEË, 1972.

WET

Tot wysiging van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, ten einde verdere voorsiening te maak vir die reëling van die produksie, vervaardiging, verkoop en uitvoer van wyn en spiritualieë; voorsiening te maak vir die toepassing van genoemde Wet in die gebied Suidwes-Afrika; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Junie 1972.)

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, artikel 1 van Wet 30 van 1968 en artikel 1 van Wet 62 van 1970.

1. Artikel 1 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „Minister” die volgende omskrywing in te voeg:

„mos” die sap verkry deur die pers of maal van vars druiwe ooreenkomstig algemeen aanvaarde kelderpraktjke;”.

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 „wyn” deur die volgende omskrywing te vervang:

„wyn”—

- (a) die drank verkry uitsluitlik deur die alkoholiese gisting van mos sonder byvoeging daarby of ekstrahering daaruit van ’n bestanddeel behalwe ’n bestanddeel wat by regulasie voorgeskryf is;
- (b) die drank verkry deur die bestanddeel by regulasie voorgeskryf by mos te voeg;
- (c) gemmerwyn, perlé-wyn, vonkelwyn, vermoet, wynaperitif en wynmengedrank;”.

Vervanging van artikel 3 van Wet 25 van 1957, soos vervang deur artikel 3 van Wet 62 van 1970.

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

„Beperking 3. (1) Niemand mag ’n artikel onder die naam op byvoeging 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 destillering of vir ’n ander doel—

- (a) indien daarby ’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 gevoeg is anders as ooreenkomstig die wyse of 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—

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AMENDMENT ACT, 1972.

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ACT

To amend the Wine, Other Fermented Beverages and Spirits Act, 1957, so as to make further provision for the regulation of the production, manufacture, sale and export of wine and spirits; to make provision for the application of the said Act in the territory of South-West Africa; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 7th June, 1972.)

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 by the insertion after the definition of "Minister" of the following definition:

"‘must’ means the juice obtained by the pressing or crushing of fresh grapes in accordance with generally accepted cellar practices;".

Amendment of section 1 of Act 25 of 1957, as amended by section 1 of Act 50 of 1966, section 1 of Act 30 of 1968 and section 1 of Act 62 of 1970.
2. Section 2 of the principal Act is hereby amended by the substitution for the definition of "wine" of the following definition:

"‘wine’ means—

 - (a) the beverage obtained solely by the alcoholic fermentation of must without the addition thereto or the extraction therefrom of any substance other than a substance prescribed by regulation;
 - (b) the beverage obtained by the addition to must of the substance prescribed by regulation;
 - (c) ginger wine, perlé wine, sparkling wine, vermouth, wine aperitif and wine cocktail;".

Amendment of section 2 of Act 25 of 1957, as substituted by section 3 of Act 50 of 1966.
3. The following section is hereby substituted for section 3 of the principal Act:

"Restriction] 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—

(a) if there has been added thereto any substance other than a substance which has by regulation been declared to be a substance which may be added to wine; or

(b) if any substance which may be added to wine, has been added thereto otherwise than in accordance with such methods or 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—

Substitution of section 3 of Act 25 of 1957, as substituted by section 3 of Act 62 of 1970.

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

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- (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;
 - (b) 'n artikel, indien daaruit 'n ander bestanddeel geëkstraheer is as 'n bestanddeel wat by regulasie verklaar is tot 'n bestanddeel wat uit wyn geëkstraheer mag word; of
 - (c) 'n artikel, indien 'n bestanddeel wat uit wyn geëkstraheer mag word, daaruit geëkstraheer is anders as ooreenkomstig die wyse of voorwaardes wat by regulasie voorgeskryf is.
- (3) Niemand mag vir drinkdoeleindes wyn as 'n bepaalde klas, tipe of graad wyn verkoop nie, indien dit nie gegis het nie in die mate by regulasie voorgeskryf ten opsigte van daardie bepaalde klas, tipe of graad wyn, of indien daarby gevoeg of daaruit geëkstraheer is 'n ander bestanddeel as 'n bestanddeel wat by regulasie verklaar is tot 'n bestanddeel wat by daardie bepaalde klas, tipe of graad wyn gevoeg of daaruit geëkstraheer mag word.
- (4) 'n Bepaalde druifcultivar of 'n kategorie druifcultivars kan kragtens subartikel (2) (a) aangewys word, en so 'n aanwysing kan—
- (a) beperk word tot druifcultivars in 'n vermelde gebied;
 - (b) beperk word tot 'n vermelde tydperk;
 - (c) voorwaardes voorskryf waarop die betrokke wyn verkoop mag word;
 - (d) te eniger tyd ingetrek word.
- (5) Die voorwaardes vermeld in subartikel (4) (c) kan verskil ten opsigte van verskillende druifcultivars of verskillende kategorieë druifcultivars of verskillende gebiede.”

Vervanging van artikel 4A van Wet 25 van 1957, soos ingevoeg deur artikel 5 van Wet 50 van 1966.

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

„Etiket op 4A. Niemand mag gemmerwyn, perlé-wyn, vonkelwyn, vermoet, wynaperitif of wynmengeldrank verkoop nie, tensy daar op die bottel of ander houer wat dit bevat 'n etiket is waarop in groot letters wat maklik geles kan word, aangedui word dat dit gemmerwyn, perlé-wyn, vonkelwyn, vermoet, wynaperitif of wynmengeldrank is.”.

Wysiging van artikel 5 van Wet 25 van 1957, soos vervang deur artikel 5 van Wet 62 van 1970.

5. Artikel 5 van die Hoofwet word hierby gewysig—

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

„(2) Niemand mag wyn (behalwe wyn vermeld in subartikel (3)), hetsy in die Republiek vervaardig of daarin ingevoer, met 'n alkoholgehalte hoër as 20 persent alkohol volgens volume, in die geval van wyn waarby wynspiritus of brandewyn gevoeg is, of 16 persent alkohol volgens volume, in die geval van ander wyn, vir gebruik in die Republiek verkoop nie.”;

- (b) deur subartikel (4) te skrap.

Invoeging van artikel 21 in Wet 25 van 1957.

6. Die volgende artikel word hierby in die Hoofwet voor artikel 22, na die opskrif „Algemeen”, ingevoeg:

„Aanduiding 21. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* 'n verbod instel, vanaf 'n datum in die kennisgewing vermeld, op die verkoop of uitvoer—

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- (a) any article not derived from such vine cultivars as are designated from time to time by regulation for the purposes of this paragraph;
- (b) any article, if there has been extracted therefrom any substance other than a substance which has by regulation been declared to be a substance which may be extracted from wine; or
- (c) any article, if a substance which may be extracted from wine, has been extracted therefrom otherwise than in accordance with such methods or conditions as may be prescribed by regulation.

(3) No person shall sell, for drinking purposes, any wine as a particular class, type or grade of wine, if it has not fermented to the extent prescribed by regulation in respect of that particular class, type or grade of wine, or if there has been added thereto or extracted therefrom any substance other than a substance which has by regulation been declared to be a substance which may be added to or extracted from that particular class, type or grade of wine.

(4) Any particular vine cultivar or any category of vine cultivars may be designated under subsection

(2) (a), and any such designation may—

- (a) be limited to vine cultivars in any specified area;
- (b) be limited to any specified period;
- (c) prescribe conditions subject to which the wine in question may be sold;
- (d) be withdrawn at any time.

(5) The conditions mentioned in subsection (4) (c) may differ in respect of different vine cultivars or different categories of vine cultivars or different areas.”.

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

“Labelling of ginger wine, perlé wine, sparkling wine, vermouth, wine aperitif and wine cocktail.

4A. No person shall sell any ginger wine, perlé wine, sparkling wine, vermouth, wine aperitif or wine cocktail, unless the bottle or receptacle containing it is labelled in such manner as to set forth in large letters, easily legible, that it is ginger wine, perlé wine, sparkling wine, vermouth, wine aperitif or wine cocktail.”.

Substitution of section 4A of Act 25 of 1957, as inserted by section 5 of Act 50 of 1966.

5. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) No person shall sell for consumption in the Republic any wine (except wine mentioned in subsection (3)), whether manufactured in or imported into the Republic, with an alcoholic strength higher than 20 per cent of alcohol by volume, in the case of wine to which wine spirit or brandy has been added, or 16 per cent of alcohol by volume, in the case of any other wine.”; and

- (b) by the deletion of subsection (4).

Amendment of section 5 of Act 25 of 1957, as substituted by section 5 of Act 62 of 1970.

6. The following section is hereby inserted in the principal Act before section 22, after the heading “General”:

“Indication of vine cultivars and year of production.

21. (1) The Minister may from time to time by notice in the *Gazette* prohibit, as from a date specified in such notice, the sale or export—

Insertion of section 21 in Act 25 of 1957.

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- (a) van wyn of spiritus of 'n vermelde klas, tipe of graad wyn of spiritus of wyn of spiritus wat geproduseer of vervaardig is in 'n gebied wat ingevolge artikel 22 omskryf is, onder die naam van 'n vermelde druifcultivar of onder 'n vermelde naam wat algemeen of in die handel as 'n benaming vir 'n druifcultivar gebruik word; of
- (b) van wyn of spiritus ten opsigte waarvan aangedui word dat dit in 'n bepaalde jaar geproduseer of vervaardig is,

behalwe onder die omstandighede en op die voorwaardes wat in die kennisgewing vermeld word.

(2) Die voorwaardes beoog in subartikel (1) kan voorwaardes insluit waarby 'n vermelde sertifikaat deur die Wyn-en-spiritusraad vermeld in artikel 19 vereis word en waarvan die uitreiking na die goeddunke van genoemde Raad kan geskied, asook voorwaardes betreffende nakoming van die vereistes wat genoemde Raad na goeddunke bepaal.

(3) Iemand wat 'n bepaling van 'n kennisgewing oortree wat ingevolge subartikel (1) uitgereik is, is aan 'n misdryf skuldig.”.

Vervanging van artikel 22 van Wet 25 van 1957, soos ingevoeg deur artikel 13 van Wet 62 van 1970.

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

„Aanduiding van oorsprong van wyn of spiritus.

22. (1) Die Minister kan vir die doeleindes van die verkoop of uitvoer van wyn of spiritus met 'n aanduiding van die landgoed waarop of die gebied waarin dit geproduseer of vervaardig is, by kennisgewing in die *Staatskoerant* 'n landgoed of gebied omskryf en 'n naam aan so gebied toewys.

- (2) (a) So 'n kennisgewing kan betrekking hê op wyn of spiritus in die algemeen of op slegs 'n vermelde klas, tipe of graad wyn of spiritus, en 'n gebied wat ten opsigte van 'n bepaalde klas, tipe of graad wyn of spiritus aldus omskryf word, kan 'n gebied insluit wat aldus omskryf is ten opsigte van 'n ander klas, tipe of graad wyn of spiritus, of 'n gedeelte van so 'n laasgenoemde gebied, of uit so 'n gedeelte bestaan.
- (b) 'n Gebied kan ingevolge subartikel (1) omskryf word op die wyse wat die Minister goedvind, en kan aldus omskryf word met verwysing na 'n gebied wat onder wingerdstokke is.

(3) (a) Iemand wat wil hê dat 'n landgoed of gebied ingevolge subartikel (1) omskryf word, moet aansoek daarom doen by die Wyn- en -spiritusraad vermeld in artikel 19 en die besonderhede in verband met sy aansoek verstrek wat genoemde Raad vereis.

(b) Genoemde Raad moet 'n aansoek en besonderhede wat hy ingevolge paragraaf (a) ontvang het, tesame met sy aanbeveling daaromtrent, so gou doenlik aan die Minister voorlê.

(4) Die Minister kan 'n aansoek wat ingevolge subartikel 3 (b) aan hom voorgelê is, toestaan of weier of na genoemde Raad vir nadere ondersoek terugverwys, en kan daarna die aansoek toestaan of weier.

(5) Vanaf 'n datum vermeld in 'n kennisgewing kragtens subartikel (1) met betrekking tot 'n landgoed of gebied wat daarin vermeld word, mag niemand wyn of spiritus of 'n klas, tipe of graad wyn of spiritus in die kennisgewing met betrekking tot dié landgoed of gebied vermeld, onder die naam van die betrokke landgoed, of die naam wat aan daardie gebied in die kennisgewing toegewys is, verkoop of

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(a) of any wine or spirits or any specified class, type or grade of wine or spirits or any wine or spirits produced or manufactured in any area defined in terms of section 22, under the name of any specified vine cultivar or under a specified name popularly or commercially used as a designation for any vine cultivar; or

(b) of any wine or spirits designated as having been produced or manufactured in any particular year,

except in such circumstances and subject to such conditions as may be specified in such notice.

(2) The conditions contemplated in subsection (1) may include conditions requiring a specified certificate by the Wine and Spirit Board referred to in section 19, the issue of which may be at the discretion of such Board, and conditions as to compliance with such requirements as the said Board may at its discretion determine.

(3) Any person who contravenes any provision of a notice issued in terms of subsection (1) shall be guilty of an offence."

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

"Indication of origin of wine or spirits,

22. (1) The Minister may for the purpose of the sale or export of any wine or spirits with an indication of the estate upon or the area in which it was produced or manufactured, by notice in the *Gazette* define any estate or area and assign a name to any such area.

Substitution of section 22 of Act 25 of 1957, as inserted by section 13 of Act 62 of 1970.

(2) (a) Any such notice may relate to wine or spirits in general or to any specified class, type or grade of wine or spirits only, and any area so defined in respect of any particular class, type or grade of wine or spirits may include any area so defined in respect of any other class, type or grade of wine or spirits or any portion of such lastmentioned area or consist of such a portion.

(b) An area may in terms of subsection (1) be defined in such manner as the Minister may think fit, and may be so defined by reference to any area under vines.

(3) (a) Any person desiring an estate or area to be defined in terms of subsection (1), shall apply therefor to the Wine and Spirit Board referred to in section 19, furnishing such particulars in connection with his application as may be required by the said Board.

(b) The said Board shall as soon as possible submit an application and particulars received by it in terms of paragraph (a) to the Minister together with its recommendation thereon.

(4) The Minister may grant or refuse an application submitted to him in terms of subsection (3) (b) or refer it back to the said Board for further investigation and may thereafter grant or refuse the application.

(5) As from a date specified in a notice under subsection (1) in relation to any estate or area referred to therein, no person shall sell or export any wine or spirits or any class, type or grade of wine or spirits specified in such notice in relation to such estate or area, under the name of the estate in question or the name assigned to that area in such notice, to indicate that it was produced or manu-

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uitvoer nie, om aan te dui dat dit op daardie landgoed of in daardie gebied geproduseer of vervaardig is, behalwe met magtiging van die Minister in daardie kennisgewing verleen, en gedurende die tydperk daarin vermeld en op die voorwaardes daarin voorgeskryf.

(6) Die voorwaardes beoog in subartikel (5) kan voorwaardes insluit waarby 'n vermelde sertifikaat deur genoemde Raad vereis word, en waarvan die uitreiking na goeddunke van genoemde Raad kan geskied, asook voorwaardes betreffende nakoming van die vereistes wat genoemde Raad na goeddunke bepaal.

(7) 'n Kennisgewing beoog in subartikel (1), kan te eniger tyd gewysig of ingetrek word.

(8) Iemand wat die bepalinge van subartikel (5) oortree, is aan 'n misdryf skuldig."

Invoeging van
artikel 40A in
Wet 25 van 1957.

8. Die volgende artikel word hierby in die Hoofwet na artikel 40 ingevoeg:

„Toepassing
van Wet in
Suidwes-
Afrika.

40A. Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar dat enige bepaling of al die bepalinge van hierdie Wet en 'n wysiging daarvan van toepassing is in die gebied van Suidwes-Afrika of 'n bepaalde gedeelte van genoemde gebied."

Kort titel en
datum van
inwerkingtreding.

9. (1) Hierdie Wet heet die Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1972, en die bepalinge daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.

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factured on such estate or in such area, except on the authorization of the Minister granted in such notice and during such period as may be specified, and subject to such conditions as may be prescribed, therein.

(6) The conditions contemplated in subsection (5) may include conditions requiring a specified certificate by the said Board, the issue of which may be at the discretion of such Board, and conditions as to compliance with such requirements as the said Board may at its discretion determine.

(7) Any notice contemplated in subsection (1) may be amended or withdrawn at any time.

(8) Any person who contravenes the provisions of subsection (5) shall be guilty of an offence."

8. The following section is hereby inserted in the principal Act after section 40:

"Application
of Act in
South-West
Africa.

40A. The State President may by proclamation in the *Gazette* apply any of or all the provisions of this Act and any amendment thereof in the territory of South-West Africa or in any specified portion of the said territory."

Insertion of
section 40A in
Act 25 of 1957.

9. (1) This Act shall be called the Wine, Other Fermented Beverages and Spirits Amendment Act, 1972, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and
date of
commencement.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

