



# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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No. 10800

KAAPSTAD, 26 JUNIE 1987

STATE PRESIDENT'S OFFICE

26 June 1987

No. 1411.

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

No. 29 of 1987: Sorghum Beer Amendment Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

26 Junie 1987

No. 1411.

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

No. 29 van 1987: Wysigingswet op Sorghumbier, 1987.

Act No. 29, 1987

## SORGHUM BEER AMENDMENT ACT, 1987

## GENERAL EXPLANATORY NOTE:

- [ ]** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
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## ACT

To amend the Sorghum Beer Act, 1962, so as to define or further define certain expressions; to provide for the manufacture, sale or supply of sorghum beer by a local authority; to repeal the provision of the said Act which authorizes the fixing of a maximum selling price of sorghum beer; to abolish the levy payable on sorghum beer powder; to further regulate the withdrawal of a certain exclusive right relating to sorghum beer; to abolish the Sorghum Beer Industry Development Fund; to provide for the sale by Administrators of the sorghum beer interests of former development boards; and to provide for the disposal of certain moneys; to amend section 51 of the Black Communities Development Act, 1984; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 17 June 1987.)

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of  
section 1 of  
Act 63 of 1962, as  
amended by  
section 9 of  
Act 4 of 1976.

1. Section 1 of the Sorghum Beer Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of “local authority” of the following definition:  
“local authority” means a public authority contemplated in paragraph (e) of the definition of ‘public authority’ in section 1 of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), any person who has acquired any sorghum beer interests from such a public authority or from an Administrator referred to in section 3 (1) (a) of that Act, or any successor in title in relation to such sorghum beer interests, or any part thereof, of any such person;”;
- (b) by the substitution for the definition of “Minister” of the following definition:  
“Minister” means the Minister of **[Plural Relations and Development]** Constitutional Development and Planning and includes any officer of the Department of **[Plural Relations and Development]** Constitutional Development and Planning acting under his authority;”;
- (c) by the insertion after the definition of “sorghum beer” of the following definition:  
“sorghum beer interests” means assets, liabilities, rights and obligations which in the opinion of the Minister are connected with the manufacture, dis-

## WYSIGINGSWET OP SORGHUMBIER, 1987

Wet No. 29, 1987

## ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Tot wysiging van die Wet op Sorghumbier, 1962, ten einde sekere uitdrukings te omskryf of nader te omskryf; voorsiening te maak vir die maak, verkoop of verskaffing van sorghumbier deur 'n plaaslike bestuur; die bepaling van gemelde Wet wat die vasstelling van 'n maksimum verkoopprys van sorghumbier magtig, te herroep; die heffing betaalbaar op sorghumbierpoeier af te skaf; die intrekking van 'n sekere uitsluitende reg betreffende sorghumbier verder te reël; die Fonds vir die Ontwikkeling van die Sorghumbierbedryf af te skaf; voorsiening te maak vir die verkoop van die sorghumbierbelange van voormalige ontwikkelingsrade deur Administrateurs; en voorsiening te maak vir die beskikking oor sekere geld; om artikel 51 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 17 Junie 1987.)

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

1. Artikel 1 van die Wet op Sorghumbier, 1962 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5     (a) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:  
      "Minister" die Minister van **[Plurale Betrekkinge en Ontwikkeling]** Staatkundige Ontwikkeling en Beplanning en ook enige beampete in die Departement van **[Plurale Betrekkinge en Ontwikkeling]** Staatkundige Ontwikkeling en Beplanning wat kragtens sy magtiging optree;"
- 10    (b) deur die omskrywing van "plaaslike bestuur" deur die volgende omskrywing te vervang:  
      "plaaslike bestuur" 'n owerheidsgesag beoog in paraagraaf (e) van die omskrywing van 'overheidsgesag' in artikel 1 van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet No. 75 van 1986), 'n persoon wat enige sorghumbierbelange van sodanige owerheidsgesag of van 'n Administrateur bedoel in artikel 3 (1) (a) van daardie Wet verkry het, of enige opvolger in titel met betrekking tot sodanige sorghumbierbelange, of 'n gedeelte daarvan, van sodanige persoon;"
- 15    (c) deur na die omskrywing van "sorghumbier" die volgende omskrywing in te voeg:  
      "sorghumbierbelange" bates, laste, regte en verpligtinge wat na die oordeel van die Minister in verband staan met die vervaardiging, verspreiding,

Wysiging van artikel 1 van Wet 63 van 1962, soos gewysig deur artikel 9 van Wet 4 van 1976.

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## SORGHUM BEER AMENDMENT ACT, 1987

Amendment of section 5 of Act 63 of 1962, as amended by section 2 of Act 30 of 1972, section 11 of Act 70 of 1974, section 10 of Act 4 of 1976, section 2 of Act 115 of 1977 and section 7 of Act 102 of 1983.

Amendment of section 7 of Act 63 of 1962.

Repeal of section 19bis of Act 63 of 1962, as inserted by section 95 of Act 42 of 1964 and substituted by section 8 of Act 102 of 1983.

tribution, supply, marketing or sale of sorghum beer by any development board referred to in Schedule 1 to the Abolition of Development Bodies Act, 1986, and which in terms of section 3 (1) of the said Act vest in any Administrator or had so vested and were transferred in terms of section 3 (2) to a public authority contemplated in paragraph (e) of the definition of 'public authority' in section 1 of the said Act;";

- (d) by the substitution for the definition of "urban area" of 10 the following definition:

"“urban area” means the area [under the jurisdiction of a local authority] defined by the Minister under subsection (2), and ‘area of jurisdiction’ has a corresponding meaning.”; and

- (e) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) (a) The Minister may by notice in the *Gazette* define the area of a local authority and may at any time by like notice amend or withdraw any such definition.

(b) Any area defined under paragraph (a) may include the urban area or any portion thereof of any other local authority.”.

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

- (a) by the deletion of paragraph (a) of subsection (1);

- (b) by the insertion after subsection (1B) of the following subsection:

"(1C) (a) Any person who has been authorized by the Minister in writing under this section to do so, may sell and supply sorghum beer, acquired from a local authority, in a beer hall or beer garden on the days and during the hours and subject to the conditions determined by the Minister: Provided that the Minister shall not be obliged to so authorize any person to sell and supply sorghum beer in any beer hall or beer garden which did not exist on the date on which section 2 (b) of the Sorghum Beer Amendment Act, 1987, came into operation.

(b) The provisions of subsections (2), (3), (4) and (8) shall apply *mutatis mutandis* in relation to any authority under paragraph (a) to sell and supply sorghum beer.”; and

- (c) by the deletion of subsections (5), (6) and (7).

3. The principal Act is hereby amended by the substitution for 45 section 7 of the following section:

"Withdrawal of exclusive right of supply of sorghum beer by local authority. The Minister may [at the request of a local authority] by notice in the *Gazette* withdraw the exclusive right which [such] a local authority has under section 6 to manufacture, sell and deliver sorghum beer 50 within its urban area or in any portion thereof, as from a date and in respect of the whole or any portion of such area specified in such notice.”.

4. Section 19bis of the principal Act is hereby repealed.

## WYSIGINGSWET OP SORGHUMBIER, 1987

Wet No. 29, 1987

- verskaffing, bemarking of verkoop van sorghumbier deur 'n ontwikkelingsraad bedoel in Bylae 1 by die Wet op die Afskaffing van Ontwikkelingsliggame, 1986, en wat ingevolge artikel 3 (1) van genoemde Wet in 'n Administrateur vestig of aldus gevestig het en ingevolge artikel 3 (2) van daardie Wet aan 'n owerheidsgesag beoog in paragraaf (e) van die omskrywing van 'owerheidsgesag' in artikel 1 van daardie Wet oorgedra is;";
- 10 (d) deur die omskrywing van "stadsgebied" deur die volgende omskrywing te vervang:  
"stadsgebied" die gebied **[onder die gesag van 'n plaaslike bestuur]** deur die Minister kragtens subartikel (2) omskryf, en het 'regsgebied' 'n ooreenstemmende betekenis;"; en
- 15 (e) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:  
"(2) (a) Die Minister kan by kennisgewing in die *Staatskoerant* die gebied van 'n plaaslike bestuur omskryf en kan te eniger tyd by soortgelyke kennisgewing sodanige omskrywing wysig of intrek.
- 20 (b) 'n Gebied kragtens paragraaf (a) omskryf, kan die stadsgebied of 'n gedeelte daarvan van enige ander plaaslike bestuur insluit."
- 25 **2. Artikel 5 van die Hoofwet word hierby gewysig—**
- (a) deur paragraaf (a) van subartikel (1) te skrap;
- (b) deur na subartikel (1B) die volgende subartikel in te voeg:
- 30 "(1C) (a) Iemand wat kragtens hierdie artikel skriftelik daartoe deur die Minister gemagtig is, kan sorghumbier van 'n plaaslike bestuur verkry, in 'n biersaal of biertuin verkoop en verskaf op die dae en tussen die ure en onderworpe aan die voorwaardes wat die Minister bepaal: Met dien verstande dat die Minister nie verplig word om iemand aldus te magtig om sorghumbier te verkoop en verskaf in enige biersaal of biertuin wat nie op die datum waarop artikel 2 (b) van die Wysigingswet op Sorghumbier, 1987, in werking getree het, bestaan het nie.
- 35 (b) Die bepalings van subartikels (2), (3), (4) en (8) is *mutatis mutandis* van toepassing met betrekking tot 'n magtiging kragtens paragraaf (a) om sorghumbier te verkoop en te verskaf."; en
- 40 (c) deur subartikels (5), (6) en (7) te skrap.
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**3. Die Hoofwet word hierby gewysig deur artikel 7 deur die volgende artikel te vervang:**

"Intrekking van uitsluitende reg van verskaffing van sorghumbier deur plaaslike bestuur.

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**7. Die Minister kan [op versoek van 'n plaaslike bestuur]** by kennisgewing in die *Staatskoerant* die uitsluitende reg wat **[daardie]** 'n plaaslike bestuur ingevolge artikel 6 het om sorghumbier in sy stadsgebied of in 'n gedeelte daarvan te maak, te verkoop en te lewer, vanaf 'n datum en ten opsigte van die geheel of 'n gedeelte van bedoelde gebied in die kennisgewing vermeld, intrek."

**4. Artikel 19bis van die Hoofwet word hierby herroep.**

Wysiging van artikel 5 van Wet 63 van 1962, soos gewysig deur artikel 2 van Wet 30 van 1972, artikel 11 van Wet 70 van 1974, artikel 10 van Wet 4 van 1976, artikel 2 van Wet 115 van 1977 en artikel 7 van Wet 102 van 1983.

Wysiging van artikel 7 van Wet 63 van 1962.

Herroeping van artikel 19bis van Wet 63 van 1962, soos ingevoeg deur artikel 95 van Wet 42 van 1964 en vervang deur artikel 8 van Wet 102 van 1983.

**Act No. 29, 1987****SORGHUM BEER AMENDMENT ACT, 1987**

Administrator may sell sorghum beer interests.

**5.** Notwithstanding the provisions of section 3 (1) and (2) of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), an Administrator referred to in section 3 (1) (a) of that Act may with the concurrence of the Minister of Finance sell any sorghum beer interests vesting in him by virtue of the provisions of the said section 3 (1) (a), to any person. 5

Disposal of certain moneys.

**6.** (1) Money which on the date or the respective dates on which sections 2 (c) and 4 come into operation stands to the credit of the account contemplated in section 5 (7) (b) of the Sorghum Beer Act, 1962 (Act No. 63 of 1962), and of the Sorg- 10 hum Beer Industry Development Fund established under section 19bis of that Act, and any money which was on or before that date or those dates payable to such account or Fund under those sections, shall be paid to the Black Communities Develop- 15 ment and Revolving Fund referred to in section 47 of the Black Communities Development Act, 1984 (Act No. 4 of 1984).

(2) (a) The net proceeds realized by the sale or other disposal by any Administrator or public authority of any sorghum beer interests shall be paid to the Black Communities Development and Revolving Fund referred to 20 in section 47 of the Black Communities Development Act, 1984.

(b) In this subsection the expression—  
 “Administrator” means an Administrator referred to in section 3 (1) (a) of the Abolition of Development 25 Bodies Act, 1986 (Act No. 75 of 1986);  
 “public authority” means a public authority contemplated in paragraph (e) of the definition of ‘public authority’ in section 1 of the said Act; and  
 “sorghum beer interests” means sorghum beer interests 30 referred to in section 1 of the Sorghum Beer Act, 1962.

Amendment of section 51 of Act 4 of 1984, as amended by section 15 of Act 52 of 1985 and Schedule 2 to Act 75 of 1986.

**7.** Section 51 of the Black Communities Development Act, 1984, is hereby amended by the deletion of subparagraphs (i) and (iv) of subsection (1) (b). 35

Short title and commencement.

**8.** (1) This Act shall be called the Sorghum Beer Amendment Act, 1987, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act. 40

## WYSIGINGSWET OP SORGHUMBIER, 1987

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**5.** Ondanks die bepalings van artikel 3 (1) en (2) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet No. 75 van 1986), kan 'n Administrateur in artikel 3 (1) (a) van daardie Wet bedoel enige sorghumbierbelange wat kragtens die bepaling van gemelde artikel 3 (1) (a) in hom vestig, met die instemming van die Minister van Finansies aan enige persoon verkoop.

Administrateur kan sorghumbierbelange verkoop.

**6.** (1) Geld wat op die datum of onderskeie datums waarop artikels 2 (c) en 4 in werking tree tot krediet staan van die rekening beoog in artikel 5 (7) (b) van die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962), en van die Fonds vir die Ontwikkeling van die Sorghumbiernywerheid wat kragtens artikel 19bis van daardie Wet ingestel is, en enige geld wat voor of op daardie datum of datums kragtens daardie artikels aan genoemde rekening of Fonds betaalbaar was, word aan die Swart Gemeenskapsontwikkelings- en Wentelfonds bedoel in artikel 47 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), betaal.

(2) (a) Die netto opbrengs gerealiseer deur die verkoop of ander beskikking deur 'n Administrateur of owerheids gesag van enige sorghumbierbelange word aan die Swart Gemeenskapsontwikkelings- en Wentelfonds bedoel in artikel 47 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, betaal.

(b) In hierdie subartikel beteken die uitdrukking—  
 "Administrateur" 'n Administrateur bedoel in artikel 3 (1) (a) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet No. 75 van 1986);  
 "owerheidsgesag" 'n owerheidsgesag beoog in para graaf (e) van die omskrywing van 'owerheidsgesag' in artikel 1 van genoemde Wet; en  
 "sorghumbierbelange" sorghumbierbelange bedoel in artikel 1 van die Wet op Sorghumbier, 1962.

**7.** Artikel 51 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, word hierby gewysig deur subparagraphe (i) en (iv) van subartikel (1) (b) te skrap.

Wysiging van artikel 51 van Wet 4 van 1984, soos gewysig deur artikel 15 van Wet 52 van 1985 en Bylae 2 by Wet 75 van 1986.

**8.** (1) Hierdie Wet heet die Wysigingswet op Sorghumbier, 1987, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwer kingstreding.

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

