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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 714.]

[19th May, 1965.]

No. 714.]

[19 Mei 1965.]

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 geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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No. 54 van 1965: Wysigingswet op Beheer oor Wyn en Spiritueel, 1965

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No. 54, 1965.]

ACT

To provide for the imposition of a levy on wine, spirits and brandy disposed of by certain persons, and for matters incidental thereto, and to amend the Wine and Spirits Control Amendment Act, 1940, and the Wine and Spirits Control Act, 1956.

(English text signed by the State President.)
(Assented to 11th May, 1965.)

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

Definitions.

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

- (i) "amending Act" means the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940); (v)
- (ii) "co-operative society" means a co-operative society or a co-operative company (other than the vereniging or a co-operative trading society or a central or federal co-operative trading company) which deals with the products of wine growers and has been registered under any law relating to co-operative societies and co-operative companies; (iii)
- (iii) "Minister" means the Minister of Agricultural Economics and Marketing; (iv)
- (iv) "principal Act" means the Wine and Spirits Control Act, 1956 (Act No. 38 of 1956); (i)
- (v) "year" means a year ending on thirty-first December; (ii)

and any expression, not defined in this Act, to which a meaning has been assigned in the amending Act or the principal Act, bears the meaning so assigned thereto.

Power of
vereniging to
impose levies
on wine, spirits
and brandy
disposed of by
certain persons.

2. (1) The vereniging may, with the approval of the Minister, in respect of any year impose a levy on—

- (a) wine as defined in section *one* of the amending Act; and
- (b) wine as defined in section *one* of the principal Act intended for distillation purposes, and spirits and brandy (including spirits or brandy in fortified wine which was added thereto for the purpose of fortification),

sold or disposed of during such year by a wine grower or a co-operative society to any person, including the vereniging, and such levy shall be fixed at a specified amount, in the case contemplated in paragraph (a) of this sub-section, per leaguer of wine, other than grapes, moskonfyt, raisins and sultanas, and, in the case contemplated in paragraph (b) of this sub-section, per leaguer of wine of a strength of twenty per cent.

(2) The vereniging shall by notice in the *Gazette* make known, on or before the first day of February of the year in question, any levy so imposed and fixed by it and the time when payment thereof shall be made.

(3) If a levy is imposed in terms of paragraph (a) as well as in terms of paragraph (b) of sub-section (1), the rate of the one levy may differ from that of the other.

No. 54, 1965.]

WET

Om voorsiening te maak vir die oplegging van 'n heffing op wyn, spiritus en brandewyn wat deur sekere persone van die hand gesit word, en vir aangeleenthede wat daarmee in verband staan, en tot wysiging van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, en die Wet op Beheer oor Wyn en Spiritualieë, 1956.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Mei 1965.)

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

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

- (i) „Hoofwet” die Wet op Beheer oor Wyn en Spiritualieë, 1956 (Wet No. 38 van 1956); (iv)
- (ii) „jaar” ’n jaar wat op een-en-dertig Desember eindig; (v)
- (iii) „koöperatiewe vereniging” ’n koöperatiewe vereniging of ’n koöperatiewe maatskappy (behalwe die vereniging of ’n koöperatiewe handelsvereniging of ’n sentrale of federale koöperatiewe handelsmaatskappy) wat met die produkte van wynboere handel en kragtens ’n wet op koöperatiewe verenigings en koöperatiewe maatskappye geregistreer is; (ii)
- (iv) „Minister” die Minister van Landbou-ekonomie en -bemarking; (iii)
- (v) „Wysigingswet” die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (Wet No. 23 van 1940); (i)

en het ’n uitdrukking wat nie in hierdie Wet omskryf word nie en waaraan in die Wysigingswet of die Hoofwet ’n betekenis toegeken is, die betekenis aldus daaraan toegeken.

2. (1) Die vereniging kan, met die goedkeuring van die Minister, ten opsigte van enige jaar ’n heffing oplê op—

- (a) wyn soos omskryf in artikel een van die Wysigingswet; en
- (b) wyn, soos omskryf in artikel een van die Hoofwet, vir distilleringsdoeleindes bestem, en spiritus en brandewyn (met inbegrip van spiritus of brandewyn in versterkte wyn wat vir die doeleindes van versterking daarby gevoeg is),

Bevoegdheid van vereniging om heffings op te lê op wyn, spiritus en brandewyn wat deur sekere persone van die hand gesit word.

wat gedurende daardie jaar deur ’n wynboer of koöperatiewe vereniging aan enigiemand, met inbegrip van die vereniging, verkoop of van die hand gesit word, en so ’n heffing moet vasgestel word op ’n bepaalde bedrag, in die geval beoog in paragraaf (a) van hierdie sub-artikel, per lëer wyn, behalwe druiwe, moskonfyt, rosyntjies en sultanas, en, in die geval beoog in paragraaf (b) van hierdie sub-artikel, per lëer wyn van ’n sterkte van twintig persent.

(2) Die vereniging moet ’n heffing aldus deur hom opgelê en vasgestel, en die tyd wanneer betaling daarvan moet geskied, by kennisgewing in die *Staatskoerant* bekend maak voor of op die eerste dag van Februarie van die betrokke jaar.

(3) Indien ’n heffing ingevolge paragraaf (a) sowel as ingevolge paragraaf (b) van sub-artikel (1) opgelê word, kan die koers van die een heffing van dié van die ander verskil.

Payment and calculation of levy payable on wine, spirits and brandy.

3. (1) Any levy imposed in terms of sub-section (1) of section *two* on any wine shall be payable by the wine grower who or the co-operative society which sold or disposed of such wine, and a wine grower or co-operative society shall, subject to the provisions of sub-sections (2) and (3) of this section and section *four*, pay the amount of any levy payable by him or it, to the vereniging at or before the time fixed in terms of sub-section (2) of section *two*.

(2) If the levy is payable on wine as defined in section *one* of the amending Act the amount thereof shall be calculated—

- (a) in the case of grapes, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the grapes sold or disposed of;
- (b) in the case of moskonfyt, raisins or sultanas, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make the moskonfyt, raisins or sultanas sold or disposed of; and
- (c) in the case of fortified wine, after deducting from the quantity of such wine sold or disposed of, the quantity of spirits or brandy which was added to such wine for the purpose of fortification.

(3) If the levy is payable on wine as defined in section *one* of the principal Act, and on spirits and brandy, the amount thereof shall be calculated—

- (a) in the case of wine (other than grapes, grape syrup, raisins and sultanas) of a strength other than a strength of twenty per cent, at a rate which bears the same relationship to the rate of such levy as the strength of such wine bears to twenty;
- (b) in the case of grapes, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the grapes sold or disposed of;
- (c) in the case of grape syrup, raisins or sultanas, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make the grape syrup, raisins or sultanas sold or disposed of; and
- (d) in the case of spirits or brandy, at the rate of such levy, on the quantity of wine of a strength of twenty per cent required to produce the spirits or brandy sold or disposed of.

Certain transactions exempted from levy, and recovery of levies.

4. (1) The provisions of section *two* shall not apply to—

- (a) wine disposed of in the ordinary course of dealing between a co-operative society and its members, or to wine produced by a wine grower and exported by him from the Republic, or to wine produced by a co-operative society or its members and exported by such society from the Republic;
- (b) wine delivered to the vereniging by a wine grower or co-operative society as a contribution by such wine grower or society towards the fund referred to in section *four* of the principal Act.

(2) In the event of a wine grower or co-operative society selling or disposing of any wine, spirits or brandy in respect of which such wine grower or society is liable to contribute to the fund referred to in paragraph (b) of sub-section (1), the vereniging shall as soon as possible determine in respect of what proportion of such wine, spirits or brandy such wine grower or society is so liable and shall refund to such wine grower or society a proportionate portion of any levies paid to it in terms of section *three* in respect of such sale or disposal.

(3) The vereniging may at any time deduct the amount of any levies payable to it by any person in terms of section *three* from any moneys which it may from time to time hold on behalf of such person.

Wine Research and Publicity Account.

5. (1) The vereniging shall establish an account to be known as the Wine Research and Publicity Account to which shall be credited all moneys paid to the vereniging in terms of section *three*.

(2) The vereniging may—

- (a) use so much of the moneys in such account as the

3. (1) 'n Heffing wat ingevolge sub-artikel (1) van artikel twee op enige wyn opgelê is, is betaalbaar deur die wynboer of kooperatiewe vereniging wat sodanige wyn verkoop of van die hand gesit het, en 'n wynboer of kooperatiewe vereniging moet, met inagneming van die bepalinge van sub-artikels (2) en (3) van hierdie artikel en artikel vier, die bedrag van enige heffing wat deur hom betaalbaar is, aan die vereniging betaal voor of op die tyd vasgestel ingevolge sub-artikel (2) van artikel twee.

Betaling en berekening van heffing betaalbaar op wyn, spiritus en brandewyn.

(2) Indien die heffing betaalbaar is op wyn soos omskryf in artikel een van die Wysigingswet, word die bedrag daarvan bereken—

- (a) in die geval van druiwe, teen die koers van sodanige heffing, op die hoeveelheid wyn van 'n sterkte van twintig persent wat gemaak sou kon word van die druiwe wat verkoop of van die hand gesit is;
 - (b) in die geval van moskonfyt, rosyntjies of sultanas, teen die koers van sodanige heffing, op die hoeveelheid wyn van 'n sterkte van twintig persent wat gemaak sou kon word van die hoeveelheid druiwe wat nodig is om die moskonfyt, rosyntjies of sultanas te maak wat verkoop of van die hand gesit is; en
 - (c) in die geval van versterkte wyn, nadat van die hoeveelheid van sodanige wyn wat verkoop of van die hand gesit is, afgetrek is die hoeveelheid van die spiritus of brandewyn wat by sodanige wyn vir die doel van versterking gevoeg is.
- (3) Indien die heffing betaalbaar is op wyn soos omskryf in artikel een van die Hoofwet, en op spiritus en brandewyn, word die bedrag daarvan bereken—

- (a) in die geval van wyn (behalwe druiwe, druiwestroop, rosyne en sultanas) van 'n ander sterkte as 'n sterkte van twintig persent, teen 'n koers wat tot die koers van sodanige heffing in dieselfde verhouding staan as wat die sterkte van sodanige wyn tot twintig staan;
- (b) in die geval van druiwe, teen die koers van sodanige heffing, op die hoeveelheid wyn van 'n sterkte van twintig persent wat gemaak sou kon word van die druiwe wat verkoop of van die hand gesit is;
- (c) in die geval van druiwestroop, rosyne of sultanas, teen die koers van sodanige heffing, op die hoeveelheid wyn van 'n sterkte van twintig persent wat gemaak sou kon word van die hoeveelheid druiwe wat nodig is om die druiwestroop, rosyne of sultanas te te maak wat verkoop of van die hand gesit is; en
- (d) in die geval van spiritus of brandewyn, teen die koers van sodanige heffing, op die hoeveelheid wyn van 'n sterkte van twintig persent wat nodig is om die spiritus of brandewyn te produseer wat verkoop of van die hand gesit is.

4. (1) Die bepalinge van artikel twee is nie van toepassing nie op—

- (a) wyn van die hand gesit in die gewone loop van sake tussen 'n kooperatiewe vereniging en sy lede, of op wyn deur 'n wynboer geproduseer en deur hom uit die Republiek uitgevoer, of op wyn deur 'n kooperatiewe vereniging of sy lede geproduseer en deur sodanige vereniging uit die Republiek uitgevoer; en
- (b) wyn aan die vereniging gelever deur 'n wynboer of kooperatiewe vereniging as 'n bydrae deur sodanige wynboer of vereniging ten bate van die fonds vermeld in artikel vier van die Hoofwet.

Sekere transaksies van heffing vrygestel, en verhaal van heffings.

(2) Ingeval 'n wynboer of kooperatiewe vereniging wyn, spiritus of brandewyn verkoop of van die hand sit ten opsigte waarvan sodanige wynboer of vereniging verplig is om tot die fonds in paragraaf (b) van sub-artikel (1) vermeld by te dra, moet die vereniging so spoedig doenlik bepaal ten opsigte van watter gedeelte van sodanige wyn, spiritus of brandewyn sodanige wynboer of vereniging aldus verplig is en moet hy aan sodanige wynboer of vereniging 'n eweredige gedeelte van enige heffings wat ingevolge artikel drie aan hom betaal is ten opsigte van sodanige verkoping of vandiehandsetting, terugbetaal.

(3) Die vereniging kan te eniger tyd die bedrag van enige heffings wat deur enigiemand ingevolge artikel drie aan hom betaalbaar is, aftrek van gelde wat die vereniging van tyd tot tyd ten behoeve van sodanige persoon hou.

5. (1) Die vereniging moet 'n rekening met die naam Wynnavorsing- en Reklamerekening instel wat gekrediteer word met alle geld wat ingevolge artikel drie aan die vereniging betaal is.

Wynnavorsing- en Reklamerekening.

(2) Die vereniging kan—

- (a) soveel van die geld in daardie rekening as wat die

Minister may from time to time after consultation with the Minister of Agricultural Technical Services approve, in such manner and at such times as it may deem fit, for aiding, promoting or undertaking research in the Republic or elsewhere in respect of the cultivation of vines of wine-grape varieties, including rootstocks used in the cultivation of such vines, in respect of the production of wine, other fermented or distilled products of the grape or grape juice, or in respect of matters incidental thereto; and

- (b) so use so much of the moneys in such account, as the Minister may from time to time approve, for aiding or undertaking publicity in the Republic or elsewhere in connection with the marketing of wine, other fermented or distilled products of the grape or grape juice produced or manufactured by the vereniging or by other producers or manufacturers in the Republic.

(3) The vereniging shall, as soon as possible after the end of each year, submit to the Minister a statement, certified by an accountant or auditor according to law, of the income and expenditure in respect of such account during such year.

Penalties.

6. Any person who fails to comply with the provisions of section *three* shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

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

7. Section *one* of the amending Act is hereby amended—

- (a) by the substitution in sub-section (1) for the definition of "minimum price" of the following definition:

"'minimum price' includes, in the case of a minimum price fixed under section *five*, any such price as increased by the addition of any amount, surcharge, interest, costs of transport or other charges under the said section;"; and

- (b) by the substitution in the said sub-section for the definition of "quality price" of the following definition:

"'quality price' includes any such price as increased by the addition of any amount, surcharge, interest, costs of transport or other charges under section *five*;"

Amendment of section 2 of Act 23 of 1940.

8. Section *two* of the amending Act is hereby amended by the addition of the following sub-section:

"(5) A wine-grower who or a co-operative society or co-operative company which sells or disposes of any wine shall, if not a member of the vereniging, be subject in respect of such sale or disposal to all the conditions and obligations to which he or such co-operative society or company, as the case may be, would have been subject if he or such co-operative society or company were such a member."

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

9. Section *five* of the amending Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

"(1) (a) Subject to the provisions of paragraphs (b) and (c), the vereniging, may, in respect of any year, with the approval of the Minister, fix—

(i) a minimum price for wine;

(ii) a quality price for wine;

(iii) the amount which shall be added to any such price if such wine is purchased by or sold to any person in bottles, jars or other containers of a capacity of less than one gallon;

(iv) the surcharge which shall be added to any such price if such wine is purchased by or sold to a person licensed to deal in liquor or a distiller (other than the vereniging) during the month of July of that year, and the corresponding surcharge for each of the remaining months of that year;

Minister van tyd tot tyd na oorlegpleging met die Minister van Landbou-tegniese Dienste goedkeur, aanwend, op die wyse en op die tye wat die vereniging goedvind, om in die Republiek of elders navorsing ten opsigte van die verbouing van wingerdstokke van wyndruifvariëteite, met inbegrip van onderstokke gebruik by die verbouing van sodanige wingerdstokke, ten opsigte van die produksie van wyn, ander gegiste of gedistilleerde druiweprodukte of druiwesap, of ten opsigte van aangeleenthede wat daarmee in verband staan, te steun, te bevorder of te onderneem; en

- (b) soveel van die geld in daardie rekening as wat die Minister van tyd tot tyd goedkeur, aldus aanwend om reklame in die Republiek of elders in verband met die bemarking van wyn, ander gegiste of gedistilleerde druiweprodukte of druiwesap geproduseer of vervaardig deur die vereniging of deur ander produsente of vervaardigers in die Republiek, te steun of te onderneem.

(3) Die vereniging moet, so spoedig doenlik na die end van elke jaar, 'n opgawe, deur 'n rekenmeester of ouditeur ooreenkomstig die reg gesertifiseer, van die inkomste en uitgawes ten opsigte van sodanige rekening gedurende daardie jaar, aan die Minister voorlê.

6. Iemand wat versuim om aan die bepalings van artikel 1 te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf.

7. Artikel een van die Wysigingswet word hierby gewysig—

- (a) deur in sub-artikel (1) die omskrywing van „minimum prys” deur die volgende omskrywing te vervang:

„minimum prys” ook, in die geval van 'n kragtens artikel vyf vasgestelde minimum prys, so 'n prys soos verhoog deur die byvoeging, kragtens genoemde artikel, van enige bedrag, toeslag, rente, vervoerkoste of ander gelde;” en

- (b) deur in gemelde sub-artikel die omskrywing van „kwaliteitsprys” deur die volgende omskrywing te vervang:

„kwaliteitsprys” ook so 'n prys soos verhoog deur die byvoeging, kragtens artikel vyf, van enige bedrag, toeslag, rente, vervoerkoste of ander gelde;”.

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

8. Artikel twee van die Wysigingswet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(5) 'n Wynbouer of koöperatiewe vereniging of koöperatiewe maatskappy wat enige wyn verkoop of van die hand sit, is, indien nie 'n lid van die vereniging nie, ten opsigte van sodanige verkoping of vandiehandsetting onderworpe aan al die voorwaardes en verpligtings waaraan hy of sodanige koöperatiewe vereniging of maatskappy, na gelang van die geval, onderworpe sou gewees het as hy of sodanige koöperatiewe vereniging of maatskappy so 'n lid was.”.

Wysiging van artikel 2 van Wet 23 van 1940.

9. Artikel vyf van die Wysigingswet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) (a) Behoudens die bepalings van paragrafe (b) en (c), kan die vereniging, met die Minister se goedkeuring, ten opsigte van enige jaar, vasstel—

(i) 'n minimum prys vir wyn;

(ii) 'n kwaliteitsprys vir wyn;

(iii) die bedrag wat by so 'n prys gevoeg moet word as sodanige wyn gekoop word deur of verkoop word aan enige persoon in bottels, flesse of ander houers met 'n inhoud van minder as een gelling;

(iv) die toeslag wat by so 'n prys bygevoeg moet word as sodanige wyn gedurende die maand Julie van daardie jaar gekoop word deur of verkoop word aan 'n persoon wat gelisensieer is om in drank handel te dryf of 'n distilleerder (uitgesonderd die vereniging), en die ooreenstemmende toeslag vir elk van die oorblywende maande van daardie jaar;

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

- (v) the period within which any such price or any portion thereof, any such amount or any portion thereof, and any such surcharge or any portion thereof, shall be paid, the interest, costs of transport or other charges which shall be added to any such price and the circumstances in which such interest, costs or other charges shall be so added; and
- (vi) the percentage of the total quantity of wine purchased or acquired by any wholesale trader during that year, which such trader shall purchase or acquire at a price which is not less than the price prescribed in sub-section (4),

and any minimum price, quality price, amount, surcharge, period, charges, circumstances or percentage so fixed, shall be made known by the Minister by notice in the *Gazette* on or before the twentieth day of March of that year.

- (b) Whenever the vereniging proposes to fix any price, amount, surcharge, period, charges, circumstances or percentage referred to in paragraph (a) in respect of any year, it shall, on or before the twentieth day of January immediately preceding the commencement of that year, submit to the Minister a statement in writing setting forth the said price, amount, surcharge, period, charges, circumstances or percentage, and the Minister shall, upon receipt of such statement, by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with him in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the price, amount, surcharge, period, charges, circumstances or percentage specified in the notice.
- (c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the price, amount, surcharge, period, charges, circumstances or percentage in question or call upon the vereniging to propose another price, amount, surcharge, period or percentage or other charges or circumstances, as the case may be, and the Minister may thereupon approve of such other price, amount, surcharge, period, charges, circumstances or percentage.”; and
- (b) by the substitution for sub-section (3) of the following sub-section:

“(3) No wine-grower or co-operative society or co-operative company shall during any such year sell any wine (in terms of paragraph (a) of the definition of ‘wine’) to any person who is not licensed to deal in liquor or is not a distiller, at a price which is less than the price prescribed in sub-section (2), plus a surcharge calculated at the rate of such percentage of the last-mentioned price as the Minister may, if he thinks fit, from time to time by notice in the *Gazette* prescribe for the purposes of this sub-section, plus a further amount equivalent to the duty paid or payable by such wine-grower, co-operative society or co-operative company in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in respect of such wine, plus a further amount calculated at the rate of one rand per leaguer of such wine: Provided that any surcharge so prescribed shall not be applicable in the case of a sale of such wine to a *bona fide* farmer for use only on his farm.”.

Amendment of
section 6 of
Act 23 of 1940.

10. Section six of the amending Act is hereby amended by the addition at the end of sub-section (1) of the following further proviso:

“Provided further that the vereniging may deduct from any moneys payable to any wine-grower or co-operative society or co-operative company under this sub-section any amounts due to the vereniging by such wine-grower or co-operative society or co-operative company.”.

- (v) die tydperk waarin so 'n prys of 'n gedeelte daarvan, so 'n bedrag of 'n gedeelte daarvan, en so 'n toeslag of 'n gedeelte daarvan, betaal moet word, die rente, vervoerkoste of ander gelde wat by so 'n prys gevoeg moet word en die omstandighede waaronder sodanige rente, vervoerkoste of ander gelde aldus bygevoeg moet word; en
- (vi) die persentasie van die totale hoeveelheid wyn gedurende daardie jaar deur 'n groothandelaar gekoop of verkry, wat daardie handelaar teen 'n prys wat nie laer is nie as die prys in sub-artikel (4) voorgeskryf, moet koop of verkry, en enige aldus vasgestelde minimum prys, kwaliteitprys, bedrag, toeslag, tydperk, gelde, omstandighede of persentasie word voor of op die twintigste dag van Maart van daardie jaar deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.
- (b) Wanneer die vereniging voornemens is om ten opsigte van die een of ander jaar 'n in paragraaf (a) bedoelde prys, bedrag, toeslag, tydperk, gelde, omstandighede of persentasie vas te stel, moet hy voor of op die twintigste dag van Januarie wat die begin van daardie jaar onmiddellik voorafgaan, aan die Minister 'n skriftelike staat voorlê waarin genoemde prys, bedrag, toeslag, tydperk, gelde, omstandighede of persentasie aangegee word, en die Minister moet, by ontvangs van sodanige staat, by kennisgewing in die *Staatskoerant* besonderhede daarvan bekend maak en alle belanghebbendes aansê om enige besware wat hulle teen die in die kennisgewing vermelde prys, bedrag, toeslag, tydperk, gelde, omstandighede of persentasie mag hê, binne 'n tydperk van veertien dae vanaf die datum van sodanige kennisgewing, skriftelik by hom in te lewer.
- (c) Na oorweging van die besware (as daar is) ingevolge 'n kennisgewing kragtens paragraaf (b) by hom ingelewer, kan die Minister die betrokke prys, bedrag, toeslag, tydperk, gelde, omstandighede of persentasie goedkeur, of die vereniging aansê om 'n ander prys, bedrag, toeslag, tydperk of persentasie, of ander gelde of omstandighede, na gelang van die geval, voor te stel, en daarop kan die Minister bedoelde ander prys, bedrag, toeslag, tydperk, gelde, omstandighede of persentasie goedkeur." en
- (b) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Geen wynbouer of koöperatiewe vereniging of koöperatiewe maatskappy mag gedurende so 'n jaar wyn (volgens paragraaf (a) van die omskrywing van „wyn”) verkoop aan iemand wat nie gelisensieer is om in drank handel te dryf of nie 'n distilleerder is nie, teen 'n prys wat laer is as die prys in sub-artikel (2) voorgeskryf, plus 'n toeslag bereken teen dié persentasie van laasgenoemde prys wat die Minister, indien hy dit goedvind, van tyd tot tyd vir die doeleindes van hierdie sub-artikel by kennisgewing in die *Staatskoerant* voorskryf, plus 'n verdere bedrag wat gelykstaan met die reg betaal of betaalbaar deur sodanige wynbouer, koöperatiewe vereniging of koöperatiewe maatskappy ingevolge die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), ten opsigte van sodanige wyn, plus 'n verdere bedrag bereken teen een rand per lêer van sodanige wyn: Met dien verstande dat enige toeslag aldus voorgeskryf, nie van toepassing is nie in die geval van 'n verkoping van sodanige wyn aan 'n *bona fide*-boer slegs vir gebruik op sy plaas.”.

10. Artikel ses van die Wysigingswet word hierby gewysig deur aan die end van sub-artikel (1) die volgende verdere voorbehoudbepaling by te voeg:

Wysiging van artikel 6 van Wet 23 van 1940.

„Met dien verstande voorts dat die vereniging van enige gelde wat kragtens hierdie sub-artikel aan 'n wynbouer of koöperatiewe vereniging of koöperatiewe maatskappy betaalbaar is, enige bedrae kan aftrek wat deur sodanige wynbouer of koöperatiewe vereniging of koöperatiewe maatskappy aan die vereniging verskuldig is.”.

Amendment of section 6*bis* of Act 23 of 1940, as inserted by section 5 of Act 23 of 1946.

11. Section *six bis* of the amending Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

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

Amendment of section 22 of Act 23 of 1940.

12. Section *twenty-two* of the amending Act is hereby amended—

(a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

“(b) the conditions subject to which wine-growers, co-operative societies or co-operative companies may produce, remove, sell or dispose of wine;”; and

(b) by the substitution for paragraph (c) of the said sub-section of the following paragraph:

“(c) the conditions subject to which any person may purchase or acquire wine from wine-growers, co-operative societies or co-operative companies, and the conditions subject to which distillers and wholesale dealers may receive, store, make, remove, sell or dispose of wine; and”.

Insertion of section 24*ter* in Act 23 of 1940.

13. The following section is hereby inserted in the amending Act after section *twenty-four bis*:

“Certain persons deemed to be persons licensed to deal in liquor.

24*ter*. For the purposes of this Act every person to whom authority to sell liquor has been granted or whose authority to sell liquor has been renewed in terms of section *one hundred bis* or section *one hundred sex* of the Liquor Act, 1928 (Act No. 30 of 1928), shall be deemed to be a person licensed to deal in liquor.”.

Substitution of section 2 of Act 38 of 1956, as amended by section 14 of Act 47 of 1957.

14. The following section is hereby substituted for section *two* of the principal Act:

“Production of wine for distillation purposes, and disposal of such wine or spirits or brandy.

2. (1) No person shall—

(a) produce wine for distillation purposes, except under the authority of a permit issued by the vereniging;

(b) sell or otherwise dispose of, or purchase or otherwise acquire, wine for the purposes of distillation or the conversion thereof into spirits, except through or with the consent of the vereniging; or

(c) distil wine or utilize wine for the purpose of converting it into spirits, except with the consent of the vereniging.

(2) (a) No wine grower shall sell or otherwise dispose of any spirits or brandy obtained by him from the vereniging or distilled from wine which has been produced by him or has been derived from grapes purchased or otherwise acquired by him, except through or with the consent of the vereniging.

(b) No co-operative society shall sell or otherwise dispose of any spirits or brandy distilled from wine delivered to it by its members, except through or with the consent of the vereniging.

(3) Every wine grower who sells or otherwise disposes of any spirits or brandy referred to in paragraph (a) of sub-section (2) or any wine to which such spirits or brandy has been added for the purpose of fortification, and every co-operative society which sells or otherwise disposes of any spirits or brandy referred to in paragraph (b) of the said sub-section or any wine to which such spirits or brandy has been added for the purpose of fortification, shall pay to the vereniging, in respect of the quantity of wine for distillation purposes required to produce such spirits or brandy, levies calculated in the same manner as the levies imposed by the vereniging in terms of its

11. Artikel *ses bis* van die Wysigingswet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 „(2) So iemand wat aldus sulke wyn aankoop, moet die koopprys aan die vereniging betaal, en die vereniging moet aan die betrokke wynbouer, vereniging of maatskappy die gelde aldus aan hom betaal, min enige bedrae wat deur sodanige wynbouer, vereniging of maatskappy aan hom verskuldig is, oorbetaal.”

Wysiging van artikel 6bis van Wet 23 van 1940, soos ingevoeg deur artikel 5 van Wet 23 van 1946.

12. Artikel *twee-en-twintig* van die Wysigingswet word hierby gewysig—

Wysiging van artikel 22 van Wet 23 van 1940.

(a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(b) die voorwaardes waarop wynbouers, koöperatiewe verenigings of koöperatiewe maatskappye wyn mag produseer, vervoer, verkoop of van die hand sit;” en

(b) deur paragraaf (c) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(c) die voorwaardes waarop iemand wyn van wynbouers, koöperatiewe verenigings of koöperatiewe maatskappye mag aankoop of verkry, en die voorwaardes waarop distilleerders en groothandelaars wyn mag ontvang, opberg, maak, verwyder, verkoop of van die hand sit; en”.

13. Die volgende artikel word hierby in die Wysigingswet na artikel *vier-en-twintig bis* ingevoeg:

Invoeging van artikel 24ter in Wet 23 van 1940.

„24ter. By die toepassing van hierdie Wet word iemand aan wie magtiging om drank te verkoop verleen is of wie se magtiging om drank te verkoop vernuwe is ingevolge artikel *honderd bis* of artikel *honderd sex* van die Drankwet, 1928 (Wet No. 30 van 1928), geag 'n persoon te wees wat gelisensieer is om in drank handel te dryf.”

14. Artikel *twee* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 2 van Wet 38 van 1956, soos gewysig deur artikel 14 van Wet 47 van 1957.

„Produksie van wyn vir distilleringsdoeleindes, en vandie-handsetting van sodanige wyn of spiritueel of brandewyn.

2. (1) Niemand mag—

(a) wyn vir distilleringsdoeleindes produseer nie, behalwe op gesag van 'n permit deur die vereniging uitgereik;

(b) wyn vir doeleindes van distillering of die omsetting daarvan in spiritueel verkoop of op 'n ander wyse van die hand sit, of koop of op 'n ander wyse verkry nie, behalwe deur of met toestemming van die vereniging; of

(c) wyn distilleer of wyn aanwend vir die omsetting daarvan in spiritueel nie, behalwe met toestemming van die vereniging.

(2) (a) Geen wynboer mag spiritueel of brandewyn wat deur hom van die vereniging verkry is of wat gedistilleer is van wyn wat deur hom geproduseer is of afkomstig is van druiwe wat deur hom gekoop of op 'n ander wyse verkry is, verkoop of op 'n ander wyse van die hand sit nie, behalwe deur of met toestemming van die vereniging.

(b) Geen koöperatiewe vereniging mag spiritueel of brandewyn gedistilleer van wyn wat deur sy lede aan hom gelever is, verkoop of op 'n ander wyse van die hand sit nie, behalwe deur of met toestemming van die vereniging.

(3) Elke wynboer wat enige spiritueel of brandewyn vermeld in paragraaf (a) van sub-artikel (2) of enige wyn waarby sodanige spiritueel of brandewyn gevoeg is vir die doel van versterking, verkoop of op 'n ander wyse van die hand sit, en elke koöperatiewe vereniging wat enige spiritueel of brandewyn vermeld in paragraaf (b) van genoemde sub-artikel of enige wyn waarby sodanige spiritueel of brandewyn gevoeg is vir die doel van versterking, verkoop of op 'n ander wyse van die hand sit, moet, ten opsigte van die hoeveelheid wyn vir distilleringsdoeleindes wat nodig is om daardie spiritueel of brandewyn te produseer, aan die vereniging heffings betaal, bereken op dieselfde wyse as die heffings deur die vereniging ingevolge sy regulasies op wyn

regulations on wine for distillation purposes during the year in which such spirits or brandy or wine is so sold or disposed of: Provided that no levies shall be so payable in respect of such spirits or brandy contained in fortified wine exported from the Republic by such wine grower or co-operative society.

(4) (a) No co-operative society (including the vereniging) and no wine grower shall sell any spirits, the produce of the vine, distilled from any vintage, for use in the Republic for drinking purposes or the fortification of wine, at a price less than a price based on the fixed minimum price charged by the vereniging to wholesale traders for wine from the same vintage intended for distillation purposes, plus the cost of distillation.

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

(5) Every wine grower who sells or otherwise disposes of any wine for distillation purposes which has been derived from grapes purchased or otherwise acquired by him, and every co-operative society which sells or otherwise disposes of any wine for distillation purposes which has been derived from wine delivered to it by its members, shall pay to the vereniging in respect thereof levies calculated in the same manner as the levies imposed by the vereniging in terms of its regulations on wine for distillation purposes during the year in which such wine is sold or disposed of.

(6) The vereniging shall withhold any consent required under paragraph (b) or (c) of sub-section (1) or sub-section (2) in the case of a wine grower who or a co-operative society which is not a member of the vereniging, unless that wine grower or co-operative society agrees to be subject, in respect of the act or transaction in relation to which such consent is required, to all the conditions and obligations to which he or such co-operative society, as the case may be, would have been subject if he or such co-operative society were such a member.

(7) Any permit issued under paragraph (a) of sub-section (1) shall expire on the thirty-first day of October next succeeding the date of issue thereof.

(8) Any person who contravenes any provision of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand."

Amendment of section 3 of Act 38 of 1956, as amended by section 15 of Act 47 of 1957.

15. Section *three* of the principal Act is hereby amended by the addition at the end of paragraph (b) of sub-section (4) of the following proviso:

"Provided that if the vereniging is satisfied that a member is in urgent need of spirits for the fortification of his own product and that such member reasonably requires an extension of time to deliver wine in exchange for such spirits, it may supply him with such quantity of spirits as it may deem proper under the circumstances and may allow him a period not exceeding four months to deliver such wine."

Amendment of section 8 of Act 38 of 1956.

16. Section *eight* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

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

- (i) by a blender for purposes of blending in accordance with paragraph (b); or
- (ii) in the fortification of wine or in the manufacture of gin or liqueur."

vir distilleringsdoeleindes gelê gedurende die jaar waarin sodanige spiritualieë of brandewyn of wyn aldus verkoop of van die hand gesit word: Met dien verstande dat geen heffings aldus betaalbaar is nie ten opsigte van sodanige spiritualieë of brandewyn wat bevat is in versterkte wyn wat deur sodanige wynboer of koöperatiewe vereniging uit die Republiek uitgevoer word.

(4) (a) Geen koöperatiewe vereniging (met inbegrip van die vereniging) en geen wynboer mag enige spiritualieë, die produk van die wynstok, wat van enige wynoes gedistilleer is, vir gebruik in die Republiek vir drinkdoeleindes of die versterking van wyn, teen 'n laer prys verkoop nie as 'n prys gebaseer op die vasgestelde minimum prys deur die vereniging vir groothandelaars bereken vir wyn van dieselfde wynoes wat vir distilleringsdoeleindes bestem is, plus die koste van distillering.

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

(5) Elke wynboer wat wyn vir distilleringsdoeleindes verkoop of op 'n ander wyse van die hand sit wat afkomstig is van druiwe deur hom gekoop of op 'n ander wyse verkry, en elke koöperatiewe vereniging wat wyn vir distilleringsdoeleindes verkoop of op 'n ander wyse van die hand sit wat afkomstig is van wyn deur sy lede aan hom gelever, moet ten opsigte daarvan aan die vereniging heffings betaal, op dieselfde wyse bereken as die heffings wat die vereniging ingevolge sy regulasies op wyn vir distilleringsdoeleindes opgelê het gedurende die jaar waarin sodanige wyn aldus verkoop of van die hand gesit word.

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

(7) 'n Permit uitgereik kragtens paragraaf (a) van sub-artikel (1) verval op die een-en-dertigste dag van Oktober eersvolgende op die datum van uitreiking daarvan.

(8) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand."

15. Artikel drie van die Hoofwet word hierby gewysig deur aan die end van paragraaf (b) van sub-artikel (4) die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 3 van Wet 38 van 1956, soos gewysig deur artikel 15 van Wet 47 van 1957.

„Met dien verstande dat as die vereniging oortuig is dat 'n lid spiritualieë dringend nodig het vir die versterking van sy eie produk en dat sodanige lid redelikerwys 'n verlenging van tyd nodig het om wyn in ruil vir sodanige spiritualieë te lewer, die vereniging aan hom die hoeveelheid spiritualieë kan verskaf wat die vereniging onder die omstandighede geskik ag, en vir hom 'n tydperk van hoogstens vier maande kan toelaat om sodanige wyn te lewer."

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

Wysiging van artikel 8 van Wet 38 van 1956.

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

(i) deur 'n menger vir doeleindes van vermenging ooreenkomstig paragraaf (b); of

(ii) vir die versterking van wyn of vir die vervaardiging van jenewer of likeur."

Substitution of section 9 of Act 38 of 1956, as amended by section 17 of Act 47 of 1957.

17. The following section is hereby substituted for section *nine* of the principal Act:

"Authority to certain officers, and officials of the vereniging, to enter premises.

9. Any officer of the Department of Customs and Excise authorized thereto in writing by the Secretary of that department, and any official of the vereniging so authorized by the vereniging may at any time enter upon any premises occupied or used by any person who grows or acquires grapes for conversion into wine, or by any wine grower, co-operative society (other than the vereniging), distiller or person licensed to deal in liquor, and may examine and take stock of any product or articles whatsoever in or upon such premises: Provided that no such official shall be entitled to examine any book or document in the possession of any such wine grower, society, distiller or person, which contains information solely in connection with any formula for the making or blending of wine."

Amendment of section 10 of Act 38 of 1956.

18. Section *ten* of the principal Act is hereby amended—
(a) by the substitution for paragraph (b) of the following paragraph:

"(b) the conditions to be carried out by wine-growers and co-operative societies respecting removals and sales of wine and spirits the produce of the vine;"

(b) by the substitution for paragraph (c) of the following paragraph:

"(c) the conditions governing the receipt, storage and disposal of wine, spirits or brandy by distillers and wholesale traders;" and

(c) by the insertion after paragraph (d) of the following paragraph:

"(e) the requirements to be complied with by any person respecting the purchase or acquisition by him of wine, spirits or brandy from wine growers or co-operative societies,".

Short title.

19. This Act shall be called the Wine and Spirits Control Amendment Act, 1965.

17. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang:

„Magtiging aan sekere amptenare, en beampptes van vereniging, om persele te betree.

9. 'n Amptenaar van die Departement van Doeane en Aksyns wat deur die Sekretaris van daardie departement skriftelik daartoe gemagtig is, en 'n beamppte van die vereniging wat aldus deur die vereniging gemagtig is, kan te eniger tyd 'n perseel betree wat geokkupeer of gebruik word deur iemand wat druiwe kweek of verkry om in wyn omgesit te word, of deur 'n wynboer, koöperatiewe vereniging (behalwe die vereniging), distilleerder of persoon wat gelisensieer is om in drank handel te dryf, en kan enige produk of voorwerpe, wat ook al, in of op so 'n perseel ondersoek en voorraad daarvan opneem: Met dien verstande dat geen sodanige beamppte geregtig is om 'n boek of dokument in besit van enige sodanige wynboer, vereniging, distilleerder of persoon te ondersoek nie wat uitsluitlik inligting bevat in verband met 'n formule vir die maak of vermenging van wyn.”.

Vervanging van artikel 9 van Wet 38 van 1956, soos gewysig deur artikel 17 van Wet 47 van 1957.

18. Artikel *tien* van die Hoofwet word hierby gewysig—
(a) deur paragraaf (b) deur die volgende paragraaf te vervang:

Wysiging van artikel 10 van Wet 38 van 1956

„(b) die voorwaardes wat deur wynboere en koöperatiewe verenigings in ag geneem moet word met betrekking tot die verwydering en verkoop van wyn en spiritualieë wat die produk van die wynstok is;”;

(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) die voorwaardes van die ontvangs, bewaring en vandiehandsetting van wyn, spiritualieë of brandewyn deur distilleerders en groothandelaars;”;

(c) deur na paragraaf (d) die volgende paragraaf in te voeg:

„(e) die vereistes wat deur iemand nagekom moet word met betrekking tot die koop of verkryging deur hom van wyn, spiritualieë of brandewyn van wynboere of koöperatiewe verenigings;”.

19. Hierdie Wet heet die Wysigingswet op Beheer oor Wyn Kort titel. en Spiritualieë, 1965.