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GOVERNMENT GAZETTE

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KAAPSTAD, 14 JUNIE 1972.

[No. 3560.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1034.

14th June, 1972.

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

No. 70 of 1972: Wine and Spirit Control Amendment Act, 1972.

No. 1034.

14 Junie 1972.

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

No. 70 van 1972: Wysigingswet op Beheer oor Wyn en Spiritus, 1972.

WET

Tot wysiging van die bepalings van die Wet op Beheer oor Wyn en Spiritus, 1970, ten einde metrieke mate in die plek van sekere ander mate vir die doeleindes van daardie Wet te stel; om die bevoegdhede van die „Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt” met betrekking tot die verkoop of vandiehandsetting van wyn uit te brei; en om aan die Minister van Landbou die bevoegdheid te verleen om al die bepalings van artikels 16, 19 (1) en 22 (1) van daardie Wet, of een of meer daarvan, of 'n regulasie kragtens daardie Wet uitgevaardig, op te skort in soverre daardie bepaling of bepalings of regulasie betrekking het op wyn wat in sekere omstandighede verkoop of van die hand gesit, of aangekoop of verkry word; om aan gemelde vereniging sekere bevoegdhede met betrekking tot die aanwending van sy winste of surplusse te verleen; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 8 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
47 van 1970.

1. Artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur voor die omskrywing van „distilleerder” die volgende omskrywings in te voeg:
„absolute alkohol’ 100 persent alkohol volgens volume;
„alkohol volgens volume’, met betrekking tot wyn of spiritus, die persentasie alkohol volgens volume wat in sodanige wyn of spiritus bevat is en bepaal is ooreenkomstig die piknometer-metode en omrekeningstabelle, wat van tyd tot tyd deur die Minister goedgekeur en deur hom by die Sekretaris van Landbou-ekonomie en -bemarking ingelewer is;” en
- (b) deur die omskrywings van „lêer”, „proef”, „proefspiritus” en „proefsterkte” te skrap.

Wysiging van
artikel 3 van Wet
47 van 1970.

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

- „(a) vir sy private gebruik, in ruil vir wyn bestem vir destilleringdoeleindes, of wyn soos in artikel 14 omskryf, wat deur daardie lid geproduseer is op grond waarvan hy eienaar of bewoner is en aan die vereniging gelewer is, 'n hoeveelheid brandewyn, jenewer en likeur verskaf wat in die geheel, tesame met 'n hoeveelheid wyn wat gedurende daardie jaar kragtens artikel 17 (2) (a) aan daardie lid verskaf is, gelyk staan met hoogstens 40 liter absolute alkohol; en”.

WINE AND SPIRIT CONTROL AMENDMENT ACT, 1972.

Act No. 70, 1972

ACT

To amend the provisions of the Wine and Spirit Control Act, 1970, so as to substitute metric measures for certain other measures for the purposes of that Act; to extend the powers of the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt" relating to the sale or disposal of wine; and to confer upon the Minister of Agriculture the power to suspend all the provisions of sections 16, 19 (1) and 22 (1) of that Act, or one or more thereof, or any regulation made under that Act, in so far as such provision or provisions or regulation relates to wine sold or disposed of, or purchased or acquired under certain circumstances; to confer upon that vereniging certain powers relating to the application of its gains or surpluses; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 8th 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 and Spirit Control Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 47 of 1970.

(a) by the insertion before the definition of "blender" of the following definitions:

"absolute alcohol" means 100 per cent alcohol by volume;

"alcohol by volume", in relation to wine or spirit, means the percentage of alcohol by volume contained in such wine or spirit determined in accordance with the pycnometer method and conversion tables, which may from time to time be approved by the Minister and lodged by him with the Secretary for Agricultural Economics and Marketing;"; and

(b) by the deletion of the definitions of "leaguer", "proof" "proof spirit" and "proof strength".

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

Amendment of
section 3 of Act
47 of 1970.

"(a) for his private use, in exchange for wine intended for distillation purposes, or wine as defined in section 14, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of brandy, gin and liqueur as in the aggregate, together with any quantity of wine supplied to that member during that year under section 17 (2) (a), is equivalent to not more than 40 litres of absolute alcohol; and".

Wet No. 70, 1972 WYSIGINGSWET OP BEHEER OOR WYN EN SPIRITUS, 1972.

Vervanging van
artikel 9 van Wet
47 van 1970.

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

„Vandie-
handsetting
van spiritus
vir drink-
doeleindes
in Repu-
blik.

9. Niemand mag spiritus wat in die Republiek uit die produk van die wingerdstok vervaardig is, verkoop of andersins van die hand sit vir drinkdoeleindes in die Republiek nie (behalwe om herdistilleer of gerektifiseer te word of vir die doeleindes wat die Regeringsbrandewynraad goedkeur), tensy daardie spiritus—

(a) brandewyn is wat—

- (i) in 'n potketel onder aksynstoetsing by hoogstens 75 persent alkohol volgens volume gedistilleer is, geheel en al van suiwer wyn of mos, die produk van vars druiwe, wat deur die Regeringsbrandewynraad goedgekeur is; en
 - (ii) deur die Regeringsbrandewynraad goedgekeur is en deur hom as suiwer wyn-brandewyn gesertifiseer is; en
 - (iii) vir 'n tydperk van minstens drie jaar deur opberging verouder is in 'n pakhuys in hout wat deur die Sekretaris van Doeane en Aksyns of 'n skriftelik deur hom daartoe gemagtigde persoon goedgekeur is; of
- (b) uit suiwer wyn of mos, die produk van vars druiwe, by minstens 60 persent alkohol volgens volume gedistilleer en deur die Regeringsbrandewynraad goedgekeur is en deur hom as suiwer wynspiritus gesertifiseer is en met minstens 25 persent (bereken op die grondslag van absolute alkohol) van die brandewyn in paragraaf (a) beskryf, vermeng is; of
- (c) by minstens 60 persent alkohol volgens volume gedistilleer en deur die Regeringsbrandewynraad goedgekeur is en deur hom as suiwer wynspiritus 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.”

Wysiging van
artikel 14 van
Wet 47 van 1970.

4. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van „groot-handelshoeveelheid” deur die volgende omskrywing te vervang:

„groot-handelshoeveelheid”, met betrekking tot iemand wat op die eerste November 1940 geregtig was om in wyn handel te dryf, en behoudens die bepalings van subartikel (2), minstens 'n hoeveelheid wyn gelykstaande met 1 400 hektoliter van 'n sterkte van 20 persent, en met betrekking tot iemand wat nie aldus geregtig was nie, minstens dubbel daardie hoeveelheid;” en

(b) deur in subartikel (1) die omskrywing van „sterkte” deur die volgende omskrywing te vervang:

„sterkte”, met betrekking tot wyn, die hoeveelheid alkohol daarin bevat, uitgedruk as 'n persentasie en bepaal deur die alkohol volgens volume van daardie wyn om te reken na die gelykstaande persentasie sterkte ooreenkomstig die tabelle vir sodanige omrekening wat van tyd tot tyd deur die

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

Substitution of section 9 of Act 47 of 1970.

"Disposal of spirit for potable purposes in Republic.

9. No person shall for potable purposes in the Republic sell or otherwise dispose of any spirit manufactured in the Republic from the produce of the vine (except for redistillation or rectification or for such purposes as the Government Brandy Board may approve), unless such spirit—

(a) is brandy which—

(i) has been distilled in a pot still under excise supervision, at not higher than 75 per cent of alcohol by volume, wholly from pure wine or must, the produce of fresh grapes, which has been approved by the Government Brandy Board; and

(ii) has been approved by the Government Brandy Board and certified by it to be pure wine brandy; and

(iii) has been matured by storage for a period of not less than three years, in a warehouse in wood approved by the Secretary for Customs and Excise or any person authorized thereto in writing by him; or

(b) has been distilled from pure wine or must, the produce of fresh grapes, at not lower than 60 per cent of alcohol by volume and has been approved by the Government Brandy Board and certified by it to be pure wine spirit and is blended with not less than 25 per cent (calculated on the basis of absolute alcohol) of brandy described in paragraph (a); or

(c) has been distilled at not lower than 60 per cent of alcohol by volume 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."

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

Amendment of section 14 of Act 47 of 1970.

(a) by the substitution in subsection (1) for the definition of "strength" of the following definition:

"'strength', in relation to wine, means the quantity of alcohol contained therein, expressed as a percentage and ascertained by converting the alcohol by volume of such wine to the equivalent percentage of strength in accordance with the tables for such conversion which may from time to time be approved by the Minister and lodged by him with the Secretary for Agricultural Economics and Marketing, plus the quantity of potential alcohol represented by the sugar contained in such wine, expressed as a percentage and calculated at the rate of one per cent of strength per degree of sugar so contained, as ascertained by Balling's saccharometer, in accordance with the tables to be used with such saccharometer, which may from time to time be approved by the Minister and lodged by him with such Secretary;"; and

Wet No. 70, 1972 WYSIGINGSWET OP BEHEER OOR WYN EN SPIRITUS, 1972.

Minister goedgekeur en deur hom by die Sekretaris van Landbou-ekonomie en -bemarking ingelewer is, plus die hoeveelheid potensiele alkohol verteenwoordig deur die suiker in sodanige wyn bevat, uitgedruk as 'n persentasie en bereken teen die koers van een persent sterkte per graad suiker aldus bevat, soos met Balling se saccharometer bepaal, ooreenkomstig die tabelle vir gebruik by bedoelde saccharometer, wat van tyd tot tyd deur die Minister goedgekeur en deur hom by bedoelde Sekretaris ingelewer is;”.

Wysiging van artikel 15 van Wet 47 van 1970.

5. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Niemand mag wyn produseer nie behalwe kragtens 'n permit deur die vereniging uitgereik en geen wynboer of koöperatiewe vereniging mag wyn verkoop of van die hand sit nie, behalwe deur of met toestemming van die vereniging en op die voorwaardes deur die vereniging bepaal.”.

Wysiging van artikel 17 van Wet 47 van 1970.

6. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) vir sy private gebruik, in ruil vir wyn soos omskryf in artikel 14, of wyn (soos omskryf in artikel 1) bestem vir destilleringdoeleindes, deur daardie lid op grond waarvan hy eienaar of bewoner is, geproduseer en aan die vereniging gelewer, 'n hoeveelheid wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) verskaf wat, tesame met die gesamentlike hoeveelheid brandewyn, jenewer en likeur gedurende daardie jaar aan daardie lid kragtens artikel 3 (4) (a) verskaf, gelyk staan met hoogstens 40 liter absolute alkohol;”.

Wysiging van artikel 18 van Wet 47 van 1970.

7. Artikel 18 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (iii) van subartikel (1) (a) deur die volgende subparagraaf te vervang:

„(iii) die bedrag wat by so 'n prys gevoeg moet word as sodanige wyn gekoop word deur of verkoop word aan 'n persoon in bottels, flesse of ander houers met 'n inhoud van minder as 4,5 liter;”;

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

„(2) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder (behalwe die vereniging) mag gedurende 'n jaar ten opsigte waarvan kragtens subartikel (1) 'n minimum prys vasgestel is, wyn van iemand verkry nie, en geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar wyn aan iemand wat aldus gelisensieer is of so 'n distilleerder van die hand sit nie, behalwe ingevolge 'n koopkontrak en teen 'n prys wat nie laer is nie as daardie minimum prys, indien die wyn voor versterking van 'n sterkte van hoogstens 20 persent is, of nie laer is nie as daardie minimum prys plus 'n bedrag per hektoliter wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir 'n hektoliter wyn van 'n sterkte van 20 persent vir destilleringdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige eersgenoemde wyn voor versterking hoër is as 20, staan tot 20, indien sodanige laasgenoemde sterkte hoër as 20 persent is: Met dien

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- (b) by the substitution in subsection (1) for the definition of "wholesale quantity" of the following definition:

"'wholesale quantity' means, in relation to any person entitled to deal in wine on first November, 1940, and subject to the provisions of subsection (2), a quantity of wine not less than the equivalent of 1 400 hectolitres of a strength of 20 per cent, and in relation to any person not so entitled, not less than double that quantity;"

5. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 15 of Act 47 of 1970.

"(1) No person shall produce any wine except under the authority of a permit issued by the vereniging, and no winegrower or co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging and on such conditions as may be determined by the vereniging."

6. Section 17 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 17 of Act 47 of 1970.

"(a) for his private use, in exchange for wine as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of wine (in terms of paragraph (a) of the definition of "wine") as, together with the aggregate quantity of brandy, gin and liqueur supplied to that member during that year under section 3 (4) (a), is equivalent to not more than 40 litres of absolute alcohol;"

7. Section 18 of the principal Act is hereby amended— Amendment of section 18 of Act 47 of 1970.

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

"(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 4,5 litres;"

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

"(2) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine from any person, and no winegrower or co-operative society shall during any such year dispose of any wine to any person so licensed or any such distiller, except in pursuance of a contract of purchase and sale and at a price which is not less than such minimum price, if prior to fortification the wine is of a strength not exceeding 20 per cent, or not less than such minimum price plus an amount per hectolitre which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such wine is sold, for one hectolitre of wine of a strength of 20 per cent for distillation purposes, as the number by which the percentage figure of the strength of such first-mentioned wine prior to fortification exceeds 20, bears to 20, if such last-mentioned strength exceeds 20 per cent: Provided

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verstande dat, in die geval van wyn wat versterk is met spiritus wat nie deur die koper op eie koste voorsien is nie, die prys betaalbaar, soos voormeld, vermeerder word met die waarde van die spiritus by daardie wyn gevoeg, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie versterkte wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van 20 persent vir destilleringsdoeleindes, wat nodig sou wees om daardie spiritus te destilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te destilleer.”;

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar wyn (ingevolge paragraaf (a) van die omskrywing van 'wyn') verkoop aan iemand wat nie gelisensieer is om in drank handel te dryf of nie 'n destilleerder is nie, teen 'n prys wat laer is as die prys in subartikel (2) voorgeskryf, plus 'n toeslag bereken teen die persentasie van laasgenoemde prys wat die Minister, indien hy dit goed vind, van tyd tot tyd vir die doeleindes van hierdie subartikel by kennisgewing in die *Staatskoerant* voorskryf, plus 'n verdere bedrag wat gelykstaan met die reg betaal of betaalbaar deur sodanige wynboer of koöperatiewe vereniging ingevolge die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), ten opsigte van sodanige wyn, plus 'n verdere bedrag bereken teen 20 sent per hektoliter van sodanige wyn: Met dien verstande dat 'n 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.”; en

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

„(a) Elke groothandelaar (behalwe die vereniging) moet, gedurende elke jaar ten opsigte waarvan kragtens subartikel (1) 'n persentasie vasgestel is, 'n hoeveelheid wyn deur aankoop verkry wat nie minder as daardie persentasie is nie, in die geval van wyn van 'n sterkte van hoogstens 20 persent voor versterking, teen 'n prys wat nie laer is nie as die kwaliteitsprys aldus ten opsigte van daardie jaar vasgestel, en in die geval van wyn van 'n hoër sterkte as 20 persent voor versterking, teen eersgenoemde prys plus 'n bedrag per hektoliter wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir 'n hektoliter wyn van 'n sterkte van 20 persent vir destilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige eersgenoemde wyn hoër is as 20, staan tot 20: Met dien verstande dat, in die geval van wyn wat versterk is met spiritus wat nie deur die koper op eie koste voorsien is nie, die prys betaalbaar, soos voormeld, vermeerder word met die waarde van die spiritus by daardie wyn gevoeg, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie versterkte wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van 20 persent vir destilleringsdoeleindes, wat nodig sou wees om daardie spiritus te destilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te destilleer.”.

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that in the case of wine which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid, shall be increased by the value of the spirit added to such wine, calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such fortified wine is sold, for the quantity of wine of a strength of 20 per cent for distillation purposes, which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.”;

- (c) by the substitution for subsection (3) of the following subsection:

“(3) No winegrower or co-operative society 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 subsection (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 subsection, plus a further amount equivalent to the duty paid or payable by such winegrower or co-operative society 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 20 cents per hectolitre 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.”; and

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

“(a) Every wholesale trader (other than the vereniging) shall, during any year in respect of which a percentage has been fixed under subsection (1), acquire by purchase a quantity of wine not less than the said percentage, in the case of wine of a strength not exceeding 20 per cent prior to fortification, at a price which is not less than the quality price so fixed in respect of that year, and in the case of wine of a strength exceeding 20 per cent prior to fortification, at such first-mentioned price plus an amount per hectolitre which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such wine is sold, for one hectolitre of wine of a strength of 20 per cent for distillation purposes, as the number by which the percentage figure of the strength of such first-mentioned wine exceeds 20, bears to 20: Provided that in the case of wine which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid, shall be increased by the value of the spirit added to such wine, calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders in the year in which such fortified wine is sold, for the quantity of wine of a strength of 20 per cent for distillation purposes, which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.”.

Wet No. 70, 1972 WYSIGINGSWET OP BEHEER OOR WYN EN SPIRITUS, 1972.

Vervanging van
artikel 19 van Wet
47 van 1970.

8. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

„Koopprys
van wyn
aan ver-
eniging
betaal te
word.

19. (1) Iedereen wat gelisensieer is om in drank handel te dryf en elke distilleerder wat wyn van 'n wynboer of koöperatiewe vereniging koop, moet die koopprys aan die vereniging betaal, en die vereniging moet geld aldus aan hom betaal, aan daardie wynboer of vereniging oorbetaal: Met dien verstande dat, indien bedoelde geld betaal is ten opsigte van duiwe, duiwesap, moskonfyt, rosyne of sultanas gekoop van 'n wynboer wat nie 'n lid van 'n koöperatiewe vereniging is nie, die vereniging, in plaas van die geld ten opsigte van daardie duiwe, duiwesap, moskonfyt, rosyne of sultanas aan hom betaal, aan daardie wynboer vir elke metrieke ton van bedoelde duiwe of vir elke hoeveelheid duiwesap, moskonfyt, rosyne of sultanas wat ingevolge subartikel (2) met so 'n ton duiwe gelyk staan in massa, 'n bedrag moet oorbetaal, bereken teen die vasgestelde minimum prys wat die vereniging kragtens Hoofstuk I groothandelaars vra vir 6,364 hektoliter wyn vir distilleringsdoeleindes, van dieselfde wynoes as daardie duiwe of die duiwe waarvan daardie duiwesap, moskonfyt, rosyne of sultanas gemaak is, en teen 'n sterkte van 20 persent, plus die koste (deur die vereniging bepaal te word) om daardie duiwesap, moskonfyt, rosyne of sultanas te maak, min die bedrag van heffings deur die vereniging op sodanige wyn van daardie wynoes gelê: Met dien verstande voorts dat die vereniging ten opsigte van duiwe gekoop teen die kwaliteitsprys ingevolge artikel 18 (1) vasgestel, aan 'n wynboer 'n bedrag kan oorbetaal wat hoër is as die bedrag bepaal ingevolge voorgaande voorbehoudsbepaling, maar nie hoër nie as die bedrag soos voormeld aan die vereniging betaal: Met dien verstande voorts dat die vereniging van geld wat kragtens hierdie subartikel aan 'n wynboer of koöperatiewe vereniging betaalbaar is, die bedrae kan aftrek wat deur sodanige wynboer of koöperatiewe vereniging aan die vereniging verskuldig is.

(2) By die toepassing van die eerste voorbehoudsbepaling by subartikel (1), word 'n hoeveelheid duiwesap, moskonfyt, rosyne of sultanas geag gelyk te staan in massa met 'n hoeveelheid duiwe wat in dieselfde massaverhouding tot daardie hoeveel-duiwesap, moskonfyt, rosyne of sultanas staan as wat die syfer wat die persentasie (massa per massa) suiker in daardie hoeveelheid duiwesap, moskonfyt, rosyne of sultanas verteenwoordig, tot 20 staan.”.

Wysiging van
artikel 20 van Wet
47 van 1970.

9. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Behoudens subartikel (3) mag die koopprys van sodanige wyn wat gedurende 'n jaar ten opsigte waarvan 'n minimum prys kragtens artikel 18 (1) vasgestel is, deur so iemand van 'n wynboer of koöperatiewe vereniging gekoop of verkry word, nie minder wees nie as 'n bedrag soos volg bereken, naamlik—

(a) in die geval van duiwe, 'n bedrag per metrieke ton van sodanige duiwe gelykstaande met die minimum prys aldus vasgestel vir 6,364 hektoliter wyn van 'n sterkte van 20 persent, plus, indien die sterkte van sodanige duiwe meer as 20 persent is, 'n bedrag per

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8. The following section is hereby substituted for section 19 of the principal Act:

Substitution of section 19 of Act 47 of 1970.

"Purchase price of wine to be paid to vereniging.

19. (1) Every person licensed to deal in liquor and every distiller who purchases wine from a winegrower or co-operative society, shall pay the purchase price to the vereniging, and the vereniging shall remit any moneys so paid to it to that winegrower or society: Provided that if such moneys have been paid in respect of grapes, grape juice, moskonfyt, raisins or sultanas purchased from a winegrower who is not a member of a co-operative society, the vereniging shall, instead of the moneys paid to it in respect of such grapes, grape juice, moskonfyt, raisins or sultanas, remit to that winegrower, for every metric ton of such grapes or for every quantity of grape juice, moskonfyt, raisins or sultanas which is the equivalent in mass in terms of subsection (2) of such ton of grapes, an amount calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders for 6,364 hectolitres of wine for distillation purposes, of the same vintage as such grapes or the grapes from which such grape juice, moskonfyt, raisins or sultanas have been made, and at 20 per cent strength, plus the costs (to be determined by the vereniging) of making such grape juice, moskonfyt, raisins or sultanas, less the amount of levies imposed by the vereniging on such wine of that vintage: Provided further that, in respect of grapes purchased at the quality price fixed in terms of section 18 (1), the vereniging may remit to any winegrower an amount exceeding the amount determined in terms of the foregoing proviso, but not exceeding the amount paid to it as aforesaid: Provided further that the vereniging may deduct from any moneys payable to any winegrower or co-operative society under this subsection any amounts due to the vereniging by such winegrower or society.

(2) For the purposes of the first proviso to subsection (1), any quantity of grape juice, moskonfyt, raisins or sultanas shall be deemed to be equivalent in mass to a quantity of grapes which bears the same mass ratio to that quantity of grape juice, moskonfyt, raisins or sultanas, as the figure representing the percentage (mass by mass) of sugar in that quantity of grape juice, moskonfyt, raisins or sultanas, bears to 20."

9. Section 20 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 20 of Act 47 of 1970.

"(2) Subject to subsection (3), the purchase price of any such wine purchased or acquired by any such person from a winegrower or co-operative society during any year in respect of which a minimum price has been fixed under section 18 (1) shall not be less than an amount calculated as follows, namely—

(a) in the case of grapes, an amount per metric ton of such grapes equivalent to the minimum price so fixed for 6,364 hectolitres of wine of a strength of 20 per cent plus, if the strength of such grapes exceeds 20 per

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metrieke ton van sodanige duiwe wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin sodanige duiwe aldus gekoop of verkry word, kragtens Hoofstuk I groothandelaars vra vir 6,364 hektoliter wyn van 'n sterkte van 20 persent vir distilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige duiwe hoër is as 20, staan tot 20;

- (b) in die geval van duiwesap, moskonfyt, rosyne of sultanas, 'n bedrag bereken kragtens paragraaf (a) vir die gelykstaande massa duiwe van 'n sterkte van 20 persent, bepaal ooreenkomstig die bepalings van artikel 19 (2)."

Wysiging van
artikel 22 van Wet
47 van 1970.

10. Artikel 22 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Iedereen wat gelisensieer is om in drank handel te dryf en elke distilleerder wat wyn van 'n wynboer of kooperatiewe vereniging of die vereniging koop of verkry, moet aan die vereniging 'n bedrag betaal, wat bereken word—

- (a) in die geval van ander wyn as wyn in paragraaf (b) of (c) bedoel, teen 20 sent per hektoliter op die hoeveelheid wyn aldus gekoop of verkry; of
- (b) in die geval van duiwe wat in wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) omgesit word, teen 20 sent per hektoliter op die hoeveelheid wyn aldus verkry, of, in die geval van duiwe wat in duiwesap, moskonfyt, rosyne of sultanas omgesit word, teen 20 sent per hektoliter op die hoeveelheid wyn (ingevolge genoemde paragraaf) van 'n sterkte van 20 persent, bereken op die in paragraaf (c) vermelde wyse, wat van daardie duiwesap, moskonfyt, rosyne of sultanas gemaak sou kon word; of
- (c) in die geval van duiwesap, moskonfyt, rosyne of sultanas, teen 20 sent per hektoliter op die hoeveelheid wyn van 'n sterkte van 20 persent wat van die hoeveelheid duiwe wat nodig is om daardie duiwesap, moskonfyt, rosyne of sultanas te maak, gemaak sou kon word.

(2) 'n Wynboer of kooperatiewe vereniging wat wyn (ingevolge 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, moet aan die vereniging 'n bedrag betaal wat bereken word teen 20 sent per hektoliter op die hoeveelheid wyn aldus verkoop: Met dien verstande dat 'n wynboer nie vir bedoelde betaling aanspreeklik is ten opsigte van wyn wat deur daardie wynboer geproduseer en uit die Republiek uitgevoer is nie en dat 'n kooperatiewe vereniging nie vir bedoelde betaling aanspreeklik is ten opsigte van wyn wat deur hom of enigeen van sy lede geproduseer en deur daardie vereniging uit die Republiek uitgevoer is nie."

Invoeging van
artikel 29A in Wet
47 van 1970.

11. Die volgende artikel word hierby in die Hoofwet na artikel 29 gevoeg:

„Minister kan sekere bepalings in sekere omstandighede opskort.

29A. (1) Die Minister kan, na oorleg met die vereniging, by kennisgewing in die *Staatskoerant*, al die bepalings van artikels 16, 19 (1) en 22 (1), of een of meer daarvan, of 'n regulasie kragtens hierdie Hoofstuk uitgevaardig, opskort in soverre bedoelde bepaling of bepalings of regulasie betrek-

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cent, an amount per metric ton of such grapes which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such grapes are so purchased or acquired, for 6,364 hectolitres of wine of a strength of 20 per cent for distillation purposes, as the number by which the percentage figure of the strength of such grapes exceeds 20, bears to 20;

- (b) in the case of grape juice, moskonfyt, raisins or sultanas, an amount calculated under paragraph (a) for the equivalent in mass of grapes of a strength of 20 per cent determined in accordance with the provisions of section 19 (2)."

10. Section 22 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections: Amendment of section 22 of Act 47 of 1970.

"(1) Every person licensed to deal in liquor and every distiller who purchases or acquires wine from a winegrower or co-operative society or the vereniging shall pay to the vereniging an amount calculated—

- (a) in the case of wine other than wine referred to in paragraph (b) or (c) at the rate of 20 cents per hectolitre on the quantity of wine so purchased or acquired; or
- (b) in the case of grapes converted into wine (in terms of paragraph (a) of the definition of "wine"), at the rate of 20 cents per hectolitre on the quantity of wine so obtained, or, in the case of grapes converted into grape juice, moskonfyt, raisins or sultanas, at the rate of 20 cents per hectolitre on the quantity of wine (in terms of the said paragraph) of a strength of 20 per cent, which, calculated in the manner specified in paragraph (c), could be made from such grape juice, moskonfyt, raisins or sultanas; or
- (c) in the case of grape juice, moskonfyt, raisins or sultanas, at the rate of 20 cents per hectolitre on the quantity of wine of a strength of 20 per cent which could be made from the quantity of grapes required to make such grape juice, moskonfyt, raisins or sultanas.

(2) Every winegrower who or co-operative society which sells 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, shall pay to the vereniging an amount calculated at the rate of 20 cents per hectolitre on the quantity of wine so sold: Provided that no winegrower shall be liable for any such payment in respect of wine produced and exported from the Republic by that winegrower and that no co-operative society shall be liable for any such payment in respect of wine produced by it or any of its members and exported from the Republic by that society."

11. The following section is hereby inserted in the principal Act after section 29: Insertion of section 29A in Act 47 of 1970.

"Minister may suspend certain provisions in certain circumstances.

29A. (1) The Minister may, after consultation with the vereniging, by notice in the *Gazette*, suspend all the provisions of sections 16, 19 (1) and 22 (1) or one or more thereof, or any regulation made under this Chapter in so far as such provision or provisions or regulation relates to wine, or to

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king het op wyn, of op wyn van 'n soort in daardie kennisgewing omskryf, wat verkoop of van die hand gesit word, of aangekoop of verkry word onder die omstandighede in dié kennisgewing vermeld, maar nie in soverre bedoelde bepaling of bepalings of regulasie betrekking het op wyn wat verkoop of van die hand gesit word aan, of aangekoop of verkry word deur, 'n distilleerder of die houer van 'n groothandelaarsdranklisensie vermeld in artikel 8 van die Drankwet, 1928 (Wet No. 30 van 1928) nie.

(2) Die Minister kan na oorleg met die vereniging by kennisgewing in die *Staatskoerant*, 'n in subartikel (1) bedoelde kennisgewing intrek of wysig."

Wysiging van
artikel 32 van Wet
47 van 1970.

12. Artikel 32 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) By die toepassing van subartikels (2) en (5) word een metrieke ton druiwe teen 20 grade (soos met Ballingse saccharometer bepaal) geag gelyk te staan met 6,364 hektoliter wyn van 'n sterkte van 20 persent."

Wysiging van
artikel 48 van Wet
47 van 1970.

13. Artikel 48 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die vereniging kan, met die goedkeuring van die Minister, ten opsigte van die een of ander jaar 'n heffing opleë op—

(a) wyn soos omskryf in artikel 14; en

(b) wyn, soos omskryf in artikel 1, bestem vir distilleringsdoeleindes, en spiritus en brandewyn (met inbegrip van spiritus of brandewyn in versterkte wyn wat vir die doel van versterking daarby gevoeg is),

wat gedurende daardie jaar deur 'n wynboer of koöperatiewe vereniging aan iemand, met inbegrip van die vereniging, verkoop of van die hand gesit word, en so 'n heffing moet vasgestel word op 'n vermeldde bedrag, in die geval beoog in paragraaf (a) van hierdie subartikel, per hektoliter wyn, behalwe druiwe, moskonfyt, rosyne en sultanas, en, in die geval beoog in paragraaf (b) van hierdie subartikel, per hektoliter wyn van 'n sterkte van 20 persent."

Verlening van
sekere bevoegd-
hede aan „Ko-
operatiewe
Wijnbouwers
Vereniging van
Zuid-Afrika,
Beperkt" met
betrekking
tot aanwending
van sy winste of
surplusse.

14. (1) Die vereniging kan met die goedkeuring van die Minister in sy regulasies vir 'n skema voorsiening maak waar-
kragtens—

(a) 'n deel van die wins of surplus van die vereniging wat uit sy werksaamhede gedurende die een of ander boekjaar ontstaan, aangewend word vir—

(i) die opbataling van aandele in die vereniging wat uitgereik word aan persone wat, kragtens die regulasies van die vereniging, wyn of kontant as surplus aan die vereniging gedurende die betrokke boekjaar bygedra het; of

(ii) die toewysing van gelde aan bedoelde persone, op die grondslag en onderworpe aan die voorwaardes wat die Minister goedkeur;

(b) gelde kragtens bedoelde skema toegewys, deur die vereniging teruggehou word en vir die doeleindes van die vereniging aangewend word, onderworpe aan die verpligting om rente (teen 'n koers deur die vereniging bepaal te word) te betaal aan die persone aan wie bedoelde gelde toegewys is, op die grondslag en onderworpe aan die voorwaardes wat die Minister goedkeur.

(2) 'n Skema in subartikel (1) bedoel, kan bepaal dat geen aandele uitgereik of gelde toegewys word nie aan die Raad, in artikel 31 van die Hoofwet bedoel, of 'n koöperatiewe vereniging.

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wine of a kind defined in such notice, sold or disposed of, or purchased or acquired under the circumstances mentioned in such notice, but not in so far as such provision or provisions or regulation relates to wine sold or disposed of to, or purchased or acquired by a distiller or the holder of a wholesale liquor licence referred to in section 8 of the Liquor Act, 1928 (Act No. 30 of 1928).

(2) The Minister may after consultation with the vereniging by notice in the *Gazette*, withdraw or amend a notice referred to in subsection (1)."

12. Section 32 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection: Amendment of section 32 of Act 47 of 1970.

"(6) For the purposes of subsections (2) and (5) one metric tone of grapes at 20 degrees (as ascertained by Balling's saccharometer) shall be deemed to be the equivalent of 6,364 hectolitres of wine of a strength of 20 per cent."

13. Section 48 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 48 of Act 47 of 1970.

"(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 14; and
- (b) wine, as defined in section 1, intended for distillation purposes, and spirit and brandy (including spirit or brandy in fortified wine which was added thereto for the purpose of fortification), sold or disposed of during such year by a winegrower 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 subsection, per hectolitre of wine, other than grapes, moskonfyt, raisins and sultanas, and, in the case contemplated in paragraph (b) of this subsection, per hectolitre of wine of a strength of 20 per cent."

14. (1) The vereniging may, with the approval of the Minister, in its regulations provide for a scheme in terms of which— Conferring of certain powers upon "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt" relating to application of its gains or surpluses.

- (a) any portion of the gain or surplus of the vereniging resulting from its operations during any financial year is applied to—
 - (i) the paying up of shares in the vereniging, which are issued to persons who, under the regulations of the vereniging, contributed wine or cash as surplus to the vereniging during the financial year in question; or
 - (ii) the allocation of moneys to such persons, on such basis and subject to such conditions as the Minister may approve;
- (b) moneys allocated under such scheme are retained by the vereniging and are applied to the purposes of the vereniging, subject to the obligation to pay interest (at a rate to be determined by the vereniging) to the persons to whom such moneys were allocated, on such basis and subject to such conditions as the Minister may approve.

(2) Any scheme referred to in subsection (1), may provide that no shares shall be issued or moneys shall be allocated to the Board referred to in section 31 of the principal Act or any

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maar dat, in plaas daarvan, die vereniging aandeel moet uitreik of gelde moet toewys aan persone wat gedurende die betrokke boekjaar aan bedoelde Raad of koöperatiewe vereniging wyn gelewet het, op die grondslag en onderworpe aan die voorwaardes wat die Minister goedkeur.

(3) Geen aandeel word ingevolge 'n skema in subartikel (1) bedoel aan iemand wat nie 'n lid van die vereniging is nie, uitgereik nie.

(4) 'n Skema in subartikel (1) bedoel, kan voorsiening maak vir die aanwending—

(a) van 'n bedrag van hoogstens R350 000 van die bedrag wat deur die vereniging ten opsigte van die boekjaar geëindig op een-en-dertig Desember 1970 op reserwe geplaas is; en

(b) van 'n bedrag van hoogstens R500 000 van die bedrag wat deur die vereniging ten opsigte van die boekjaar geëindig op een-en-dertig Desember 1971 op reserwe geplaas word,

op dieselfde wyse asof bedoelde skema van krag was of is op die onderskeie tye toe of wanneer bedoelde bedrae deur die vereniging op reserwe geplaas is of word, en bedoelde bedrag van R350 000 ten opsigte van die boekjaar geëindig op een-en-dertig Desember 1970 kragtens bedoelde skema aangewend was, en bedoelde bedrag van R500 000 ten opsigte van die boekjaar geëindig op een-en-dertig Desember 1971 kragtens bedoelde skema aangewend is.

(5) Die bepalings van 'n skema in subartikel (1) bedoel, is bindend vir alle koöperatiewe verenigings en ander persone wat deur bedoelde bepalings geraak word.

(6) Wanneer die vereniging besluit om 'n deel van die wins of surplus wat uit sy werksaamhede gedurende die een of ander boekjaar ontstaan aan lede van die vereniging uit te deel—

(a) anders as ingevolge 'n in subartikel (1) bedoelde skema; en

(b) by wyse van bonusse in verhouding tot bedoelde lede se bydraes van wyn of kontant as surplus aan die vereniging gedurende die betrokke boekjaar,

kan die vereniging, behoudens die bepalings van artikel 38 van die Hoofwet, ook aan ander persone wat wyn of kontant as surplus aan die vereniging gedurende die betrokke boekjaar bygedra het, bonusse betaal asof bedoelde persone lede van die vereniging is.

(7) By die toepassing van hierdie artikel het 'n uitdrukking waaraan in artikel 1 van die Hoofwet 'n betekenis toegeskryf is, die betekenis wat aldus daaraan toegeskryf is.

Kort titel en
inwerkingtreding.

15. Hierdie Wet heet die Wysigingswet op Beheer oor Wyn en Spiritus, 1972, en artikels 1 tot en met 13 tree in werking op 1 Januarie 1973.

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co-operative society, but that, in lieu thereof, the vereniging shall issue shares or allocate moneys to the persons who delivered wine to such Board or co-operative society during the financial year in question, on such basis and subject to such conditions as the Minister may approve.

(3) No shares shall be issued under any scheme referred to in subsection (1) to any person who is not a member of the vereniging.

(4) Any scheme referred to in subsection (1) may provide for the appropriation—

(a) of an amount not exceeding R350 000 of the amount which was placed to reserve by the vereniging in respect of the financial year ended on thirty-first December, 1970; and

(b) of an amount not exceeding R500 000 of the amount which is placed to reserve by the vereniging in respect of the financial year ended on thirty-first December, 1971,

in the same manner as if such scheme had been or was in operation at the respective times when such amounts were or are placed to reserve by the vereniging, and such amount of R350 000 had been applied under such scheme in respect of the financial year ended on thirty-first December, 1970, and such amount of R500 000 was applied under such scheme in respect of the financial year ended on thirty-first December, 1971.

(5) The provisions of a scheme referred to in subsection (1), shall be binding on all co-operative societies and other persons affected by such provisions.

(6) When the vereniging decides to distribute any portion of the gain or surplus resulting from its operations during any financial year to the members of the vereniging—

(a) otherwise than under any scheme referred to in subsection (1); and

(b) by way of bonuses in proportion to such members' contributions of wine or cash as surplus to the vereniging during the financial year in question,

the vereniging may, subject to the provisions of section 38 of the principal Act, pay bonuses also to other persons who contributed wine or cash as surplus to the vereniging during the financial year in question, as if such persons were members of the vereniging.

(7) For the purposes of this section any expression to which a meaning has been assigned in section 1 of the principal Act, shall have the meaning so assigned thereto.

15. This Act shall be called the Wine and Spirit Control Amendment Act, 1972, and sections 1 to 13, inclusive, shall come into operation on the first day of January, 1973.

Short title and
commencement.

