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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 877. 21 May 1976.

No. 877.

21 Mei 1976.

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

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

No. 68 of 1976: Wine, Other Fermented Beverages and Spirits Amendment Act, 1976.

No. 68 van 1976: Wysigingswet op Wyn, Ander Gegiste Drank en Spiritueelie, 1976.

Wet No. 68, 1976

WYSIGINGSWET OP WYN, ANDER GEGISTE DRANK EN
SPIRITUALIEË, 1976.

WET

Tot wysiging van die bepalings van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, ten einde sekere uitdrukkings te omskryf; die verkoop of uitvoer van wyn onder 'n naam wat op spiritualieë betrekking het, te verbied; die etikettering van houters waarin sekere soorte wyn verkoop word, verder te reël; die bevoegdheid om die verkoop te magtig van sekere wyne wat nie aan die vereistes van bedoelde Wet met betrekking tot die suiker- en alkoholgehalte daarvan voldoen nie, van die Minister van Landbou aan die Wyn-en-spiritusraad oor te dra; die verkoop van ander gegiste drank onder 'n naam wat op spiritualieë betrekking het, te verbied en die etikettering van houters waarin ander gegiste drank verkoop word, te reël; sekere klasse spiritualieë nader te omskryf; die etikettering van houters waarin sekere soorte spiritualieë verkoop word, verder te reël; die uitdrukking „produksiejaar” deur die uitdrukking „oesjaar” en die uitdrukking „gebied” deur die uitdrukking „produksiegebied” te vervang; voorsiening te maak vir die voorbehoud, vir 'n sekere tydperk, van 'n reg op die gebruik van 'n naam van 'n landgoed ten opsigte waarvan 'n aansoek om die omskrywing daarvan hangende is; die etikettering van sekere houters verder te reël; die invoer, verkoop en etikettering van ingevoerde drank, die verwydering van sodanige drank uit die beheer van die Departement van Doecane en Aksyns en die beskikking oor sodanige drank ten opsigte waarvan 'n verwyderingsertifikaat geweier is, verder te reël; die bevoegdheid om regulasies uit te vaardig, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Mei 1976.)

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

Wysiging van artikel 1 van Wet 25 van 1957, soos gewysig deur artikel 1 van Wet 50 van 1966, artikel 1 van Wet 30 van 1968, artikel 1 van Wet 62 van 1970 en artikel 1 van Wet 62 van 1972.

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

- (a) deur na die omskrywing van „absolute alkohol” die volgende omskrywing in te voeg:

„„adverteer” enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, mededeling, voorstelling of verwysing onder lede van die publiek versprei of op enige ander wyse onder hulle aandag bring, waarby die aandag gevestig word op aard, eienskappe, voordele, gebruike of verkoop- of ander verkrygingsvoorwaardes;” en
- (b) deur na die omskrywing van „ontleder” die volgende omskrywing in te voeg:

„„produksiegebied” ’n gebied wat deur die Minister ingevolge die bepalings van artikel 22 as ’n produksiegebied omskryf is;”.

WINE, OTHER FERMENTED BEVERAGES AND SPIRITS
AMENDMENT ACT, 1976.

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ACT

To amend the provisions of the Wine, Other Fermented Beverages and Spirits Act, 1957, so as to define certain expressions; to prohibit the sale or export of wine under any name pertaining to spirits; to further regulate the labelling of receptacles in which certain kinds of wine are sold; to transfer the power of authorizing the sale of certain wines which do not comply with the requirements of the said Act relating to the sugar and alcohol content thereof, from the Minister of Agriculture to the Wine and Spirit Board; to prohibit the sale of other fermented beverages under any name pertaining to spirits and to regulate the labelling of receptacles in which other fermented beverages are sold; to further define certain classes of spirits; to further regulate the labelling of receptacles in which certain kinds of spirits are sold; to substitute the expression "vintage year" for the expression "year of production" and the expression "area of production" for the expression "area"; to provide for the reservation, for a certain period, of a right to the use of a name of an estate in respect of which an application for the defining thereof is pending; to further regulate the labelling of certain receptacles; to further regulate the importation, sale and labelling of imported liquor, the removal of such liquor from the control of the Department of Customs and Excise and the disposal of such liquor in respect of which a certificate of removal has been refused; to extend the power of making regulations; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 10 May 1976.)*

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

1. Section 1 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "administering officer" of the following definition:

"'advertise' means distribute to members of the public or in any other manner bring to their notice any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference, whereby attention is drawn to nature, properties, advantages, uses or conditions of sale or other conditions of acquisition;"; and

(b) by the insertion after the definition of "analyst" of the following definition:

"'area of production' means any area defined, in terms of the provisions of section 22, as an area of production by the Minister;".

Amendment of section 1 of Act 25 of 1957, as amended by section 1 of Act 50 of 1966, section 1 of Act 30 of 1968, section 1 of Act 62 of 1970 and section 1 of Act 62 of 1972.

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WYSIGINGSWET OP WYN, ANDER GEGISTE DRANK EN SPIRITUALIEË, 1976.

Wysiging van artikel 4 van Wet 25 van 1957, soos vervang deur artikel 4 van Wet 62 van 1970.

2. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Behoudens die bepalings van subartikel (2), mag niemand wyn onder 'n naam (uitgesonderd die gepaste naam daarvoor in hierdie Wet of 'n regulasie vermeld) wat in die geheel of gedeeltelik bestaan uit 'n uitdrukking wat in artikel 8 omskryf word, in die Republiek verkoop of daaruit uitvoer nie.”; en

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

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

Vervanging van artikel 4A van Wet 25 van 1957, soos vervang deur artikel 4 van Wet 62 van 1972.

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

„Etiket op 4A. Niemand mag gemmerwyn, perlé-wyn, vonkelwyn, vermoet, wynaperitif en wynmengeldrank. kelwyn, vermoet, wynaperitif, of wynmengeldrank in 'n houer met 'n inhoudsmaat van vyf-en-twintig liter of minder verkoop nie, tensy sodanige houer voorsien is van 'n etiket waarop, in letters en op 'n wyse wat by regulasie voorgeskryf is, aangedui word dat dit gemmerwyn, perlé-wyn, vonkelwyn, vermoet, wynaperitif of wynmengeldrank is.”.

Wysiging van artikel 5 van Wet 25 van 1957, soos vervang deur artikel 5 van Wet 62 van 1970 en gewysig deur artikel 5 van Wet 62 van 1972 en artikel 1 van Wet 75 van 1974.

4. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Ondanks die bepalings van subartikel (1) kan die Wyn- en -spiritusraad vermeld in artikel 19, op skriftelike aansoek by hom gedoen, die verkoop van 'n bepaalde wyn of wyn van 'n besondere tipe, wat 30 gram of meer suiker per liter en minder as 16,5 persent alkohol volgens volume bevat, magtig mits voldoen is aan die voorwaardes vir die verkoop van sodanige wyn by regulasie voorgeskryf of wat genoemde Raad van tyd tot tyd bepaal, met inbegrip van voorwaardes in verband met die sertifisering van daardie wyn deur genoemde Raad, toesig oor die produksie of vervaardiging daarvan, die naam wat in verband met sodanige verkoop gebruik moet word en die hoeveelheid daarvan wat aldus verkoop mag word.”.

Wysiging van artikel 6A van Wet 25 van 1957, soos ingevoeg deur artikel 7 van Wet 50 van 1966.

5. Artikel 6A van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) verkoop nie—

- (i) onder 'n naam of verwysing wat die woord „wyn’ insluit;

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

Amendment of
section 4 of
Act 25 of 1957,
as substituted
by section 4 of
Act 62 of 1970.

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

“(1A) Save as provided in subsection (2), no person shall sell in or export from the Republic any wine under a name (other than the appropriate name therefor mentioned in this Act or any regulation) consisting wholly or partly of an expression defined in section 8.”; and

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

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

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

Substitution of
section 4A of
Act 25 of 1957,
as substituted
by section 4 of
Act 62 of 1972.

“Labelling
of ginger
wine, perlé
wine, spark-
ling wine,
vermouth,
wine ape-
ritif and
wine
cocktail.

4A. No person shall sell any ginger wine, perlé wine, sparkling wine, vermouth, wine aperitif or wine cocktail in a receptacle of a capacity of twenty-five litres or less unless there is affixed to such receptacle a label setting forth in such letters and in such manner as may be prescribed by regulation that it is ginger wine, perlé wine, sparkling wine, vermouth, wine aperitif or wine cocktail.”.

4. Section 5 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

Amendment of
section 5 of
Act 25 of 1957,
as substituted
by section 5 of
Act 62 of 1970
and amended by
section 5 of
Act 62 of 1972
and section 1 of
Act 75 of 1974.

“(6) Notwithstanding the provisions of subsection (1) the Wine and Spirit Board referred to in section 19 may, on application made to it in writing, authorize the sale of any specific wine or wine of a particular type, which contains 30 grammes or more of sugar per litre and less than 16.5 per cent of alcohol by volume, provided such conditions for the sale of such wine, including conditions in connection with the certification of such wine by the said Board, supervision over the production or manufacture thereof, the name to be used in connection with such sale and the quantity thereof that may be so sold, as may be prescribed by regulation or from time to time determined by the said Board, have been complied with.”.

5. Section 6A of the principal Act is hereby amended—

Amendment of
section 6A of
Act 25 of 1957
as inserted by
section 7 of Act
50 of 1966.

- (a) by the substitution for paragraph (c) of the following paragraph:

“(c) sell any other fermented beverage—

- (i) under any name or reference which includes the word ‘wine’;

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- (ii) onder 'n naam of verwysing wat, in die algemeen of in 'n besondere geval, gebruik word vir of ter beskrywing van—

- (aa) wyn of spiritualieë;

- (bb) enige druifvariëteit, en wat die Minister by kennisgewing in die *Staatskoerant* verbied het as 'n naam of verwysing vir gebruik vir of in verband met die verkoop van ander gegiste drank;"; en

(b) deur die volgende paragraaf by te voeg:

„(e) in 'n houer met 'n inhoudsmaat van vyf-en-twintig liter of minder verkoop nie, tensy sodanige houer voorsien is van 'n etiket waarop, in letters en op 'n wyse wat by regulasie voorgeskryf is, die by regulasie voorgeskrewe naam van daardie ander gegiste drank aangedui word.”.

Wysiging van artikel 8 van Wet 25 van 1957, soos vervang deur artikel 7 van Wet 62 van 1970.

6. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur die omskrywing van „likeur” deur die volgende omskrywing te vervang:

„likeur’ 'n drank met 'n alkoholgehalte van minstens 30 persent alkohol volgens volume en wat minstens 30 gram suiker per liter bevat, vervaardig—

(a) deur vars of gedroogde vrugte of skille van aromatiese plante, blare, kruie, wortels of sade in enige soort spiritualieë met 'n alkoholgehalte van minstens 43 persent alkohol volgens volume te week;

(b) deur egte ekstrak van aromatiese plante, blare, kruie, wortels of sade by enige soort spiritualieë met 'n alkoholgehalte bedoel in paragraaf (a) te voeg; of

(c) deur 'n produk berei soos in paragraaf (a) of (b) beskryf, te herdistilleer,

en daarna 'n stroop gemaak van suiwer rietsuiker of heuning en, waar van toepassing, 'n kleurstof, daarby te voeg;”;

- (b) deur die omskrywing van „moutwhisky” deur die volgende omskrywing te vervang:

„„moutwhisky’ whisky wat uitsluitlik deur distillering van mout in 'n potstookketel verkry is, waarvan die ander vlugtige bestanddele as water uitsluitlik van sodanige mout afkomstig is, en wat minstens twee van die volgende bestanddele bevat, en wel in die hoeveelheid wat ten opsigte van elke sodanige bestanddeel bepaal word, te wete—

(a) vlugtige esters, bereken as etielasetaat, minstens 45 gram per 100 000 milliliter absolute alkohol;

(b) furfural, minstens 3,5 gram per 100 000 milliliter absolute alkohol; en

(c) hoër alkohole, bereken as amielalkohol, minstens 180 gram per 100 000 milliliter absolute alkohol,

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- (ii) under any name or reference which, in general or in any particular case, is used for or to describe—

- (aa) wine or spirits;

- (bb) any grape variety, and which the Minister has by notice in the *Gazette* prohibited as a name or reference for use for or in connection with the sale of other fermented beverages;” and

- (b) by the addition of the following paragraph:

“(e) sell any other fermented beverage in a receptacle of a capacity of twenty-five litres or less, unless there is affixed to such receptacle a label setting forth in such letters and in such manner as may be prescribed by regulation, the name of that other fermented beverage as prescribed by regulation.”.

6. Section 8 of the principal Act is hereby amended—

Amendment of
section 8 of
Act 25 of 1957
as substituted
by section 7 of
Act 62 of 1970.

- (a) by the substitution for the definition of “blended rum” of the following definition:

“‘blended rum’ means a blend of rum and cane spirit which contains at least 25 per cent rum, calculated at absolute alcohol and not less than 30 grammes of volatile esters, calculated as ethyl acetate, per 100 000 millilitres of absolute alcohol;”;

- (b) by the substitution for the definition of “blended whisky” of the following definition:

“‘blended whisky’ means whisky containing not less than 25 per cent of malt whisky and not less than 30 grammes of volatile esters, calculated as ethyl acetate, 0.85 grammes of furfural, and 120 grammes of higher alcohols, calculated as amyl alcohol, per 100 000 millilitres of absolute alcohol;”;

- (c) by the substitution for the definition of “liqueur” of the following definition:

“‘liqueur’ means a beverage of an alcoholic strength not lower than 30 per cent of alcohol by volume, and which contains not less than 30 grammes of sugar per litre, produced—

- (a) by maceration in any class of spirits of an alcoholic strength not less than 43 per cent of alcohol by volume, of fresh or dried fruit or peels of aromatic plants, leaves, herbs, roots or seeds;

- (b) by adding to any class of spirits of an alcoholic strength referred to in paragraph (a), real essence of aromatic plants, leaves, herbs, roots or seeds; or

- (c) by redistillation of a product prepared as described in paragraph (a) or (b),

and by subsequently adding thereto a syrup made of pure cane sugar or honey and, where applicable, a colouring matter;”;

- (d) by the substitution for the definition of “malt whisky” of the following definition:

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en wat, waar die hoeveelheid furfural benede die in paragraaf (b) vermelde hoeveelheid is, nie minder daarvan bevat nie as een-tagtigste van die hoeveelheid hoër alkohole, en waar die hoeveelheid furfural nie minder as die aldus vermelde hoeveelheid is nie, nie 'n kleiner hoeveelheid hoër alkohole as veertig maal die hoeveelheid furfural bevat nie;";

- (c) deur die omskrywing van „rum” deur die volgende omskrywing te vervang:

„rum’ ’n ongerektifiseerde distillaat met ’n alkoholgehalte van minstens 43 persent alkohol volgens volume, en hoogstens 83 persent alkohol volgens volume, wat deur die distillering van die gegiste sap van suikerriet of van melasse verkry is, en waarvan die ander vlugtige bestanddele as water uitsluitlik van die gemelde stowwe afkomstig is, en minstens 120 gram vlugtige esters, bereken as etielasetaat, per 100 000 milliliter absolute alkohol bevat;”;

- (d) deur die omskrywing van „vermengde rum” deur die volgende omskrywing te vervang:

„vermengde rum’ ’n versnit van rum en rietspiritus wat minstens 25 persent rum, bereken teen absolute alkohol, en minstens 30 gram vlugtige esters, bereken as etielasetaat, per 100 000 milliliter absolute alkohol bevat;”;

- (e) deur die omskrywing van „vermengde whisky” deur die volgende omskrywing te vervang:

„vermengde whisky’ whisky wat minstens 25 persent moutwhisky en minstens 30 gram vlugtige esters, bereken as etielasetaat, 0,85 gram furfural en 120 gram hoër alkohole, bereken as amielalkohol, per 100 000 milliliter absolute alkohol bevat;”.

Vervanging van artikel 14 van Wet 25 van 1957, soos vervang deur artikel 7 van Wet 30 van 1968.

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

„Etiket op brandewyn, whisky, rum, ens. 14. Niemand mag enige soort brandewyn, whisky, rum, jenewer, likeur, spiritusaperitief, spiritusmengeldrank of wodka in ’n houer met ’n inhoudsmaat van vyf-en-twintig liter of minder verkoop nie, tensy sodanige houer voorsien is van ’n etiket waarop, in letters en op ’n wyse wat by regulasie voorgeskryf is, aangedui word, in die geval van brandewyn, of dit brandewyn, wynbrandewyn (konjaktipe) of druiwebrandewyn is, of, in die geval van whisky, of dit whisky, vermengde whisky of moutwhisky is, of, in die geval van rum, of dit rum of vermengde rum is, of in die geval van jenewer, likeur, spiritusaperitief, spiritusmengeldrank of wodka, dat dit jenewer, likeur, spiritusaperitief, spiritusmengeldrank of wodka is.”.

Vervanging van artikel 15 van Wet 25 van 1957.

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

„Etiket op gemengde spiritualieë. 15. Niemand mag gemengde spiritualieë in ’n houer met ’n inhoudsmaat van vyf-en-twintig liter of minder verkoop nie, tensy sodanige houer voorsien is van ’n etiket waarop, in letters en op ’n wyse

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“‘malt whisky’ means whisky derived solely from malt by pot still distillation, the volatile constituents whereof, other than water, are derived solely from such malt, and containing at least two of the following constituents, and in the quantity specified in respect of each such constituent, namely—

- (a) volatile esters, calculated as ethyl acetate, not less than 45 grammes per 100 000 millilitres of absolute alcohol;
- (b) furfural, not less than 3,5 grammes per 100 000 millilitres of absolute alcohol; and
- (c) higher alcohols, calculated as amyl alcohol, not less than 180 grammes per 100 000 millilitres of absolute alcohol,

and, where the quantity of furfural falls below the quantity specified in paragraph (b), containing such a quantity thereof as is not less than one-eighth of the quantity of higher alcohols, and, where the quantity of furfural is not less than the quantity so specified, containing a quantity of higher alcohols not less than forty times the quantity of furfural;” and

- (e) by the substitution for the definition of “rum” of the following definition:

“‘rum’ means an unrectified distillate of an alcoholic strength not lower than 43 per cent of alcohol by volume, and not higher than 83 per cent of alcohol by volume, resulting from the distillation of the fermented juice of sugar cane or of molasses, and whereof the volatile constituents, other than water, are derived solely from those materials, and include not less than 120 grammes of volatile esters, calculated as ethyl acetate, per 100 000 millilitres of absolute alcohol;”.

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

Substitution of section 14 of Act 25 of 1957, as substituted by section 7 of Act 30 of 1968.

“Labelling of brandy, whisky, rum, etc.

14. No person shall sell brandy, whisky, rum, gin, liqueur, spirit aperitif, spirit cocktail or vodka of any description in a receptacle of a capacity of twenty-five litres or less, unless there is affixed to such receptacle a label showing in such letters and in such manner as may be prescribed by regulation, in the case of brandy, whether it is brandy, wine brandy (cognac type) or grape brandy, or, in the case of whisky, whether it is whisky, blended whisky or malt whisky, or, in the case of rum, whether it is rum or blended rum, or, in the case of gin, liqueur, spirit aperitif, spirit cocktail or vodka that it is gin, liqueur, spirit aperitif, spirit cocktail or vodka.”.

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

Substitution of section 15 of Act 25 of 1957

“Labelling of mixed spirits.

15. No person shall sell mixed spirits in a receptacle of a capacity of twenty-five litres or less, unless there is affixed to such receptacle a label showing in such letters and in such a manner as may be pre-

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wat by regulasie voorgeskryf is, die besondere spiritualieë wat vir die mengsel gebruik is, vermeld word.”.

Vervanging van artikel 15A van Wet 25 van 1957, soos ingevoeg deur artikel 15 van Wet 50 van 1966.

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

„Etiket op gerektifiseerde spiritus en sekere ander spiritualieë.

15A. Niemand mag gerektifiseerde spiritus of enige ander spiritualieë wat nie in artikel 14 of 15 genoem word nie, in 'n houer met 'n inhoudsmaat van vyf-en-twintig liter of minder verkoop om gedrink te word nie, tensy sodanige houer voorsien is van 'n etiket waarop in letters en op 'n wyse wat by regulasie voorgeskryf is, aangedui word die naam van die grondstof waarvan dit afkomstig, verkry of gedistilleer is voorafgegaan deur die woorde „Afkomstig van“, „Verkry van“ of „Gedistilleer van“, of die woorde „Derived from“, „Obtained from“ of „Disstilled from“, na gelang van die geval.”.

Wysiging van artikel 19 van Wet 25 van 1957, soos vervang deur artikel 3 van Wet 75 van 1974.

10. Artikel 19 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) wyn, ander gegiste drank of spiritualieë vir verkoop in die Republiek bestem, kan klassifiseer of gradeer op die wyse, en met inagneming van die vereistes betreffende oorsprong, oesjaar, aanduiding van druifcultivar of gehalte, wat van tyd tot tyd by regulasie voorgeskryf word, en die beherende amptenaar kan gelas om sertifikate, merke, seëls of ander stukke in verband daarmee uit te reik op die wyse aldus voorgeskryf;”.

Vervanging van artikel 21 van Wet 25 van 1957, soos ingevoeg deur artikel 6 van Wet 62 van 1972 en gewysig deur artikel 5 van Wet 75 van 1974.

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

„Aanduiding van druifcultivars en oesjaar.

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

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

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

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

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

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scribed by regulation the specific spirits which have been used for the mixture.”.

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

“Labelling of rectified spirit and certain other spirits.

15A. No person shall sell for potable purposes rectified spirit or any other spirits not mentioned in section 14 or 15 in a receptacle of a capacity of twenty-five litres or less, unless there is affixed to such receptacle a label showing in such letters and in such manner as may be prescribed by regulation, the name of the raw material from which it has been derived, obtained or distilled, preceded by the words ‘Derived from’, ‘Obtained from’ or ‘Distilled from’ or the words ‘Afkomstig van’, ‘Verkry van’ or ‘Gedistilleer van’, as the case may be.”.

Substitution of section 15A of Act 25 of 1957, as inserted by section 15 of Act 50 of 1966.

10. Section 19 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) may classify or grade wine, other fermented beverages or spirits intended for sale in the Republic, in such manner, and subject to such requirements as to origin, vintage year, indication of vine cultivar or quality, as may from time to time be prescribed by regulation, and may direct the administering officer to issue certificates, marks, seals or other documents in connection therewith in such manner as may be so prescribed.”.

Amendment of section 19 of Act 25 of 1957, as substituted by section 3 of Act 75 of 1974.

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

“Indication of vine cultivars and vintage year.

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

- (a) of any wine or brandy or any specified class, type or grade of wine or brandy or any wine or brandy produced or manufactured in any area of production defined in terms of section 22, under the name of any specified vine cultivar or under a name popularly or commercially used as a designation for that vine cultivar; or
- (b) of any wine or brandy designated as having been produced or manufactured from grapes harvested in any particular year,

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

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

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

Substitution of section 21 of Act 25 of 1957, as inserted by section 6 of Act 62 of 1972 and amended by section 5 of Act 75 of 1974.

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Wysiging van
artikel 22 van
Wet 25 van 1957,
soos vervang deur
artikel 7 van
Wet 62 van 1972
en gewysig deur
artikel 6 van
Wet 75 van 1974.

12. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan vir die doeleindes van die verkoop of uitvoer van wyn of brandewyn met 'n aanduiding van die landgoed waarop of die produksiegebied waarin dit geproduseer of vervaardig is, by kennisgewing in die *Staatskoerant* en nadat 'n toepaslike aansoek ingevolge subartikel (4) toegestaan is, 'n landgoed of produksiegebied omskryf en 'n naam aan so 'n produksiegebied toewys.”;

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

„(2) (a) So 'n kennisgewing kan betrekking hê op wyn of brandewyn in die algemeen of op slegs 'n vermelde klas, tipe of graad wyn of brandewyn, en 'n produksiegebied wat vir die een of ander doel aldus omskryf word, kan 'n produksiegebied insluit wat vir 'n ander doel aldus omskryf is, of 'n gedeelte van so 'n laasgenoemde produksiegebied, of uit so 'n gedeelte bestaan.

- (b) 'n Produksiegebied kan ingevolge subartikel (1) omskryf word op die wyse wat die Minister goedvind, en kan aldus omskryf word met verwysing na 'n gebied wat onder wingerdstokke is.”;

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

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

- (d) deur paragraaf (aB) van subartikel (3) deur die volgende paragraaf te vervang:

„(aB) So 'n kennisgewing moet die besonderhede van genoemde aansoek bevat wat aldus bepaal word, en almal wat beswaar maak dat die betrokke landgoed of produksiegebied omskryf word, of beswaar maak teen die naam van daardie landgoed of teen die voorgestelde naam vir daardie produksiegebied, aansê om hul besware skriftelik by genoemde Raad in te dien binne die tydperk wat aldus bepaal word.”;

- (e) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

„(b) Genoemde Raad moet nadat daardie tydperk verstryk het genoemde aansoek en besonderhede wat hy ingevolge paragraaf (a) ontvang het, asook enige beswaar deur hom ingevolge paragraaf (aB) ontvang, tesame met sy aanbeveling daaromtrent, met inbegrip van 'n aanbeveling dat oorweging van die aansoek vir 'n bepaalde tydperk uitgestel word, so gou doenlik aan die Minister voorlê.”;

- (f) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die Minister kan 'n aansoek wat ingevolge subartikel (3) (b) aan hom voorgelê is, toestaan of weier of na genoemde Raad vir nadere ondersoek terugverwys of, ooreenkomstig 'n aanbeveling van genoemde Raad te dien effekte, oorweging daarvan uitstel, en kan daarna die aansoek toestaan of weier, en heroorweeg nie 'n toegestane of geweierde aansoek nie.”;

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12. Section 22 of the principal Act is hereby amended—

Amendment of
section 22 of
Act 25 of 1957,
as substituted
by section 7 of
Act 62 of 1972
and amended by
section 6 of
Act 75 of 1974.

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

“(1) The Minister may for the purpose of the sale or export of any wine or brandy with an indication of the estate upon or the area of production in which it was produced or manufactured, by notice in the *Gazette* and after a relevant application has been granted in terms of subsection (4), define any estate or area of production and assign a name to any such area of production.”;

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

“(2) (a) Any such notice may relate to wine or brandy in general or to any specified class, type or grade of wine or brandy only, and any area of production so defined for any purpose may include any area of production so defined for any other purpose, or any portion of such last-mentioned area of production or consist of such a portion.

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

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

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

- (d) by the substitution for paragraph (aB) of subsection (3) of the following paragraph:

“(aB) Such notice shall contain such details of the said application as may be so stipulated, and call upon all persons who object to the estate or area of production concerned being defined, or to the name of such estate or the proposed name for such area of production, to lodge their objections in writing with the said Board within such period as may be so stipulated.”;

- (e) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) The said Board shall as soon as possible after such period has expired submit the said application and particulars received by it in terms of paragraph (a), as well as any objection received by it in terms of paragraph (aB), to the Minister together with its recommendation thereon, including any recommendation that consideration of the application be postponed for a specified period.”;

- (f) by the substitution for subsection (4) of the following subsection:

“(4) The Minister may grant or refuse an application submitted to him in terms of subsection (3) (b) or refer it back to the said Board for further investigation or, in accordance with a recommendation of the said Board to that effect, postpone consideration thereof, and may thereafter grant or refuse the application, and shall not reconsider any application granted or refused.”;

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- (g) deur die volgende subartikel na subartikel (4) in te voeg:

„(4A) Indien die Minister die oorweging van 'n aansoek ingevolge die bepalings van subartikel (4) uitstel, maak hy dié feit by kennisgewing in die *Staatskoerant* bekend en vanaf die datum van bedoelde kennisgewing tot 'n datum wat die Minister in daardie kennisgewing vermeld, of tot die latere datums wat hy van tyd tot tyd aldus vermeld—

(a) mag niemand wyn of brandewyn onder die naam van die betrokke landgoed, of onder 'n naam wat identies is met of soortgelyk is aan of tot verwarring kan lei met sodanige naam, verkoop of uitvoer nie of daardie naam of 'n naam wat identies is met of soortgelyk is aan of tot verwarring kan lei met daardie naam in verband met die verkoop of uitvoer van wyn of brandewyn gebruik nie; en

(b) word geen aansoek om die omskrywing ingevolge subartikel (1) van 'n ander landgoed as die landgoed waarop eersgenoemde aansoek betrekking het, onder 'n naam identies met of soortgelyk aan of wat tot verwarring kan lei met die naam beoog in eersgenoemde aansoek, toegestaan nie,

tensy die applikant in eersgenoemde aansoek sy aansoek terugtrek of eersgenoemde aansoek voor die jongste aldus vermelde datum deur die Minister geweier word.”;

- (h) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Vanaf 'n datum vermeld in 'n kennisgewing kragtens subartikel (1) met betrekking tot 'n landgoed of produksiegebied wat in dié kennisgewing omskryf word, mag niemand wyn of brandewyn of 'n klas, tipe of graad wyn of brandewyn in die kennisgewing met betrekking tot dié landgoed of produksiegebied vermeld, onder die naam van die betrokke landgoed, of die naam wat aan daardie produksiegebied in die kennisgewing toegewys is, verkoop of uitvoer nie, om aan te dui dat dit op daardie landgoed of in daardie produksiegebied geproduseer of vervaardig is, behalwe met magtiging van die Minister in daardie kennisgewing verleen, en gedurende die tydperk daarin vermeld en op die voorwaardes daarin voorgeskryf.”; en

- (i) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die voorwaardes beoog in subartikel (5) kan verskil ten opsigte van verskillende produksiegebiede en kan voorwaardes insluit waarby 'n vermelde sertifikaat deur genoemde Raad vereis word, en waarvan die uitreiking na goeë dunde van genoemde Raad kan geskied, asook voorwaardes betreffende nakoming van die vereistes wat genoemde Raad na goeë dunde bepaal.”.

Wysiging van artikel 23 van Wet 25 van 1957, soos vervang deur artikel 14 van Wet 62 van 1970 en gewysig deur artikel 7 van Wet 75 van 1974.

13. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Niemand mag wyn, ander gegiste drank, alkoholiese drank bedoel in artikel 7 (2) of spiritualieë wat in die Republiek geproduseer en gebottel is, in 'n houer met 'n inhoudsmaat van vyf-en-twintig liter of minder verkoop nie—

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- (g) by the insertion after subsection (4) of the following subsection:

“(4A) If the Minister postpones, in terms of the provisions of subsection (4), consideration of an application, he shall publish the fact by notice in the *Gazette* and as from the date of such notice to a date specified by the Minister in that notice, or to such later dates as he may from time to time so specify—

- (a) no person shall sell or export wine or brandy under the name of the estate concerned, or under a name identical with or similar to or which may be confused with such name, or use that name or a name identical with or similar to or which may be confused with that name, in connection with the sale or export of wine or brandy; and
- (b) no application for the definition in terms of subsection (1) of any estate other than the estate to which the first-mentioned application relates, under a name identical or similar to or which may be confused with the name contemplated in the first-mentioned application, shall be granted,

unless the applicant in such first-mentioned application withdraws his application or such first-mentioned application is refused by the Minister before the latest date so specified.”;

- (h) by the substitution for subsection (5) of the following subsection:

“(5) As from a date specified in a notice under subsection (1) in relation to any estate or area of production defined in such notice, no person shall sell or export any wine or brandy or any class, type or grade of wine or brandy specified in such notice in relation to such estate or area of production, under the name of the estate in question or the name assigned to that area of production in such notice, to indicate that it was produced or manufactured on such estate or in such area of production, except on the authorization of the Minister granted in such notice and during such period as may be specified, and subject to such conditions as may be prescribed, therein.”; and

- (i) by the substitution for subsection (6) of the following subsection:

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

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

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

“(1) No person shall sell wine, other fermented beverages, any alcoholic beverage referred to in section 7 (2) or spirits, produced and bottled in the Republic, in a receptacle of a capacity of twenty-five litres or less—

Amendment of section 23 of Act 25 of 1957, as substituted by section 14 of Act 62 of 1970 and amended by section 7 of Act 75 of 1974.

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(a) tensy sodanige houer voorsien is van 'n etiket waarop daar op 'n wyse wat by regulasie voorgeskryf is, voorkom—

(i) (in letters wat aldus voorgeskryf is) die naam en volledige sake-adres van die persoon ten behoeve van wie die betrokke intappery geskied het; of

(ii) (in syfers wat aldus voorgeskryf is) die nommer wat 'n beherende amptenaar vir die doel aan laasgenoemde persoon op aansoek toegewys het,

asook die woorde 'Geproduseer en Gebottel in die Republiek van Suid-Afrika' of die woorde 'Produced and Bottled in the Republic of South Africa', of die ander woorde wat 'n beherende amptenaar vooraf op aansoek vir gebruik in die plek van voormelde woorde goedkeur;

(b) behalwe in die geval van spiritualieë, indien sodanige houer voorsien is van 'n etiket waarop die woord 'Superieur' of die woord 'Superior' voorkom, tensy bedoelde woord aldus voorkom ingevolge magtiging vervat in 'n sertifikaat bedoel in artikel 22 (6), uitgereik deur die Wyn-en-spiritusraad bedoel in artikel 19."; en

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

„(2) Die bepalings van hierdie artikel word nie uitgelê nie asof dit vereis dat wyn, ander gegiste drank, alkoholiese drank bedoel in artikel 7 (2) of spiritualieë wat op 'n gelisensieerde perseel verkoop en werklik aldaar verbruik word, verkoop moet word in 'n houer wat, soos in subartikel (1) bepaal, van 'n etiket voorsien is.”.

Wysiging van artikel 27 van Wet 25 van 1957, soos vervang deur artikel 17 van Wet 62 van 1970 en gewysig deur artikel 9 van Wet 75 van 1974.

14. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikel (2) mag niemand—

(a) onder enige naam wyn, ander gegiste drank of spiritualieë in die Republiek invoer of wyn, ander gegiste drank of spiritualieë wat in die Republiek ingevoer is, onder enige naam verkoop nie, tensy dit wat betref die aard, wese en gehalte daarvan ooreenstem met die artikel wat deur bedoelde naam in hierdie Wet of 'n regulasie aangedui word;

(b) wyn, ander gegiste drank of spiritualieë wat in die Republiek ingevoer is, in 'n houer met 'n inhoudsmaat van vyf-en-twintig liter of minder verkoop nie tensy sodanige houer voorsien is van 'n etiket waarop daar op 'n wyse wat by regulasie voorgeskryf is, aangedui word—

(i) (in letters wat aldus voorgeskryf is) die naam van die land waar dit geproduseer, vervaardig of gedistilleer is, voorafgegaan deur die woorde 'Geproduseer en Gebottel in' of die woorde 'Produced and Bottled in' of die ander woorde wat 'n beherende amptenaar vooraf op aansoek vir gebruik in die plek van voormelde woorde goedkeur; en

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- (a) unless there is affixed to such receptacle a label showing in such manner as may be prescribed by regulation—

- (i) (in letters so prescribed) the name and full business address of the person on whose behalf the bottling concerned was done; or
- (ii) (in figures so prescribed) the number assigned for the purpose to the last-mentioned person by an administering officer on application,

as well as the words 'Produced and Bottled in the Republic of South Africa' or the words 'Geproduseer en Gebottel in die Republiek van Suid-Afrika', or such other words as an administering officer on application approves beforehand for use instead of the aforementioned words;

- (b) except in the case of spirits, if there is affixed to such receptacle a label on which the word 'Superior' or the word 'Superieur' appears, unless such word so appears in terms of an authorization contained in a certificate, referred to in section 22 (6), issued by the Wine and Spirit Board referred to in section 19."; and

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

"(2) Nothing in this section contained shall be construed as requiring wine, other fermented beverages, any alcoholic beverage referred to in section 7 (2) or spirits sold and actually consumed on licensed premises to be sold in a receptacle labelled as provided in subsection (1)."

14. Section 27 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 27 of Act 25 of 1957, as substituted by section 17 of Act 62 of 1970 and amended by section 9 of Act 75 of 1974.

- "(1) Subject to the provisions of subsection (2) no person shall—

- (a) import, under any name, into the Republic any wine, other fermented beverages or spirits, or sell under any name any wine, other fermented beverages or spirits imported into the Republic unless it is of the nature, substance and quality of the article indicated by such name in this Act or any regulation;
- (b) sell any wine, other fermented beverages or spirits imported into the Republic, in a receptacle of a capacity of twenty-five litres or less, unless there is affixed to such receptacle a label showing in such manner as may be prescribed by regulation—
 - (i) (in such letters as may be so prescribed) the name of the country where it was produced, made or distilled, preceded by the words 'Produced and Bottled in' or the words 'Geproduseer en Gebottel in' or such other words as an administering officer on application approves beforehand for use instead of the aforementioned words; and

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- (ii) òf (in letters wat by regulasie voorgeskryf is) die naam en volledige sake-adres van die persoon deur wie dit ingevoer is òf (in syfers wat by regulasie voorgeskryf is) die nommer wat 'n beherende amptenaar vir die doel aan laasgenoemde persoon op aansoek toegewys het:

Met dien verstande dat in die geval waar sodanige wyn, ander gegiste drank of spiritualieë aldus ingevoer is in houters met 'n inhoudsmaat van meer as vyf-en-twintig liter en in die Republiek gebottel is in houters met 'n inhoudsmaat van vyf-en-twintig liter of minder, die woorde „en Gebottel” of, na gelang van die geval, „and Bottled”, weggelaat moet word uit die woorde bedoel in subparagraaf (1) maar die woorde „Gebottel in die Republiek van Suid-Afrika” of die woorde „Bottled in the Republic of South Africa” op bedoelde etiket moet voorkom.”.

Wysiging van artikel 27A van Wet 25 van 1957, soos ingevoeg deur artikel 18 van Wet 62 van 1970 en gewysig deur artikel 10 van Wet 75 van 1974.

15. Artikel 27A van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wyn, ander gegiste drank of spiritualieë wat in die Republiek ingevoer is, uitgesonderd dié wat vir Staatshoofde of diplomatieke of ander buitelandse verteenwoordigers, bedoel in Item 406.00 van Bylae 4 by die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), aldus ingevoer is, bly in die bewaring van 'n beampte van die Departement van Doeane en Aksyns totdat daar aan so 'n beampte 'n sertifikaat voorgelê word wat deur 'n beherende amptenaar uitgereik is en waarin verklaar word dat sodanige wyn, ander gegiste drank of spiritualieë verwyder kan word.”;

- (b) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Iemand wat so 'n sertifikaat wil bekom, moet op die wyse en vorm wat by regulasie voorgeskryf is by 'n beherende amptenaar daarom aansoek doen, en so 'n aansoek moet vergesel wees van die monsters, sertifikaat van ontleding en ander dokumente wat aldus voorgeskryf is of wat so 'n amptenaar verlang, asook die gelde wat aldus voorgeskryf is ten opsigte van sodanige aansoek.”;

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

„(2) 'n Beherende amptenaar kan, na oorweging van 'n aansoek gedoen ingevolge subartikel (1A)—

- (a) weier om so 'n sertifikaat uit te reik indien—

- (i) hy van oordeel is dat die bepalings van hierdie Wet of die „Beperking op de Invoer van Wijn en Spiritualiën Wet, 1921” (Wet No. 14 van 1921), of van 'n regulasie nie nagekom is nie met betrekking tot die invoer van sodanige wyn, ander gegiste drank of spiritualieë; of

- (ii) die wyn, ander gegiste drank of spiritualieë bestem is vir verkoop in die Republiek met 'n aanduiding van die betrokke druifcultivar,

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- (ii) either (in such letters as may be prescribed by regulation) the name and full business address of the person by whom it was imported or (in such figures as may be prescribed by regulation) the number assigned for the purpose to the last-mentioned person by an administering officer on application:

Provided that in a case where such wine, other fermented beverages or spirits were so imported in receptacles of a capacity of more than twenty-five litres and bottled in the Republic in receptacles of a capacity of twenty-five litres or less, the words 'and Bottled' or, as the case may be, 'en Gebottel', shall be omitted from the words referred to in subparagraph (1) but the words 'Bottled in the Republic of South Africa' or the words 'Gebottel in die Republiek van Suid-Afrika' shall appear on such label."

15. Section 27A of the principal Act is hereby amended—

Amendment of section 27A of Act 25 of 1957, as inserted by section 18 of Act 62 of 1970 and amended by section 10 of Act 75 of 1974.

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

"(1) Any wine, other fermented beverages or spirits imported into the Republic, other than those so imported for Heads of State or diplomatic or other foreign representatives referred to in Item 406.00 of Schedule 4 to the Customs and Excise Act, 1964 (Act No. 91 of 1964), shall remain in the custody of an officer of the Department of Customs and Excise until there is produced to such an officer a certificate, issued by an administering officer and stating that such wine, other fermented beverages or spirits may be removed.";

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

"(1A) Any person desiring to obtain any such certificate shall apply therefor to an administering officer in the manner and on the form prescribed by regulation, and such application shall be accompanied by the samples, certificate of analysis and other documents so prescribed or which such an officer may require, as well as the fees so prescribed in respect of such an application.";

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

"(2) An administering officer may, after consideration of an application made in terms of subsection (1A)—

- (a) refuse to issue any such certificate if—

- (i) he is of opinion that the provisions of this Act or the Restriction on the Importation of Wine and Spirits Act, 1921 (Act No. 14 of 1921), or of any regulation have not been complied with in regard to the importation of such wine, other fermented beverages or spirits; or

- (ii) the wine, other fermented beverages or spirits is intended for sale in the Republic with an indication, in respect thereof, of the vine

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oesjaar of oorsprong ten opsigte daarvan, en die persoon wat om die sertifikaat aansoek doen, in gebreke bly om, wanneer hy daarom versoek word, die beherende amptenaar te voorsien van 'n sertifikaat wat, ten genoë van dié amptenaar, bewys van daardie druifcultivar, oesjaar of oorsprong lewer;

- (b) so 'n sertifikaat uitreik onderworpe aan enige voorwaarde by regulasie voorgeskryf of deur hom bepaal."; en
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
 - „(3) (a) Indien 'n beherende amptenaar ingevolge subartikel (2) (a) weier om so 'n sertifikaat ten opsigte van wyn, ander gegiste drank of spiritualieë uit te reik, word dié wyn, ander gegiste drank of spiritualieë, na gelang van die keuse van die invoerder daarvan—
 - (i) op koste van bedoelde invoerder deur hom uit die Republiek verwyder binne die tydperk wat die beherende amptenaar bepaal; of
 - (ii) aan die Staat verbeur en vernietig,
 en indien bedoelde invoerder versuim om sodanige wyn, ander gegiste drank of spiritualieë binne die tydperk bedoel in subparagraaf (i) ingevolge die bepalings van daardie subparagraaf te verwyder, word dit aan die Staat verbeur en vernietig.
 - (b) Enige koste deur die Staat aangegaan in verband met die vernietiging van wyn, ander gegiste drank of spiritualieë ingevolge die bepalings van paragraaf (a), kan op die betrokke invoerder verhaal word.”.

Wysiging van artikel 39 van Wet 25 van 1957, soos gewysig deur artikel 29 van Wet 50 van 1966, artikel 9 van Wet 30 van 1968, artikel 24 van Wet 62 van 1970 en artikel 13 van Wet 75 van 1974.

16. Artikel 39 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (hA) van subartikel (1) deur die volgende paragraaf te vervang:
 - „(hA) betreffende die produksie of vervaardiging, alkoholgehalte en verkoop van alkoholiese drank bedoel in artikel 7 (2), die hou van aantekeninge in verband met sodanige produksie of vervaardiging en sodanige verkoop, en betreffende die houers en etikettering van houers waarin sodanige alkoholiese drank bevat word;”;
- (b) deur paragraaf (iC) van subartikel (1) deur die volgende paragraaf te vervang:
 - „(iC) wat 'n verbod plaas op die gebruik, ten opsigte van wyn, ander gegiste drank of spiritualieë, van 'n bepaalde naam, beskrywing, verklaring of voorstelling wat oorsprong, druifcultivar, oesjaar of gehalte aandui of heet aan te dui, behalwe op gesag van 'n sertifikaat deur die beherende amptenaar op gesag van genoemde Raad uitgereik op aansoek by hom gedoen, en onderworpe aan die voorwaardes in so 'n sertifikaat vermeld;”;
- (c) deur paragraaf (iD) van subartikel (1) deur die volgende paragraaf te vervang:
 - „(iD) wat 'n verbod plaas op die uitvoer van wyn, ander gegiste drank, alkoholiese drank bedoel in artikel 7 (2) of spiritualieë, of 'n bepaalde soort of tipe daarvan, of in die algemeen of na 'n bepaalde land

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cultivar, vintage year or origin in question, and the person who applies for the certificate fails to furnish the administering officer, when requested to do so, with a certificate which, to the satisfaction of such officer, furnishes proof of such vine cultivar, vintage year or origin;

- (b) issue such a certificate subject to any condition prescribed by regulation or determined by him.”; and

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

“(3) (a) If an administering officer refuses in terms of subsection (2) (a) to issue such a certificate in respect of any wine, other fermented beverages or spirits, such wine, other fermented beverages or spirits shall, at the option of the importer thereof—

- (i) at the expense of such importer be removed by him from the Republic within such period as the administering officer may determine; or

- (ii) be forfeited to the State and destroyed,

and if the said importer fails to remove such wine, other fermented beverages or spirits in terms of the provisions of subparagraph (i) within the period referred to in that subparagraph, it shall be forfeited to the State and destroyed.

- (b) Any costs incurred by the State in connection with the destruction of any wine, other fermented beverages or spirits in terms of the provisions of paragraph (a), may be recovered from the importer concerned.”.

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

Amendment of section 39 of Act 25 of 1957, as amended by section 29 of Act 50 of 1966, section 9 of Act 30 of 1968, section 24 of Act 62 of 1970 and section 13 of Act 75 of 1974.

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

“(hA) as to the production or manufacture, alcoholic strength and sale of any alcoholic beverage referred to in section 7 (2), the keeping of records in connection with such production or manufacture and such sale, and as to the receptacles and labelling of receptacles in which such alcoholic beverage is contained;”;

- (b) by the substitution for paragraph (iC) of subsection (1) of the following paragraph:

“(iC) prohibiting the use, in respect of wine, other fermented beverages or spirits, of any particular name, description, statement or representation indicating or purporting to indicate origin, vine cultivar, vintage year or quality, except under the authority of a certificate issued by the administering officer on the authority of the said Board on application made to it, and subject to such conditions as may be specified in such certificate;”;

- (c) by the substitution for paragraph (iD) of subsection (1) of the following paragraph:

“(iD) prohibiting the export of wine, other fermented beverages, any alcoholic beverage referred to in section 7 (2) or spirits or any particular kind or

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- of bepaalde lande, behalwe ooreenkomstig die voorwaardes by sodanige regulasies voorgeskryf en tensy die vereistes wat aldus voorgeskryf is, nagekom is;";
- (d) deur die volgende paragraaf na paragraaf (iJ) van subartikel (1) in te voeg:
„(iK) aangaande aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;";
en
- (e) deur die volgende subartikel na subartikel (1A) in te voeg:
„(1B) Regulasies uitgevaardig kragtens subartikel (1) (iJ) wat gelde voorskryf wat betaalbaar is ten opsigte van 'n aansoek ingevolge artikel 27A (iA), kan verskil ten opsigte van verskillende kategorieë invoere.”.

Kort titel en
inwerkingtreding.

17. (1) Hierdie Wet heet die Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1976, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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

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type thereof, either generally or to any particular country or countries, except in accordance with such conditions as may be prescribed by such regulations and unless such requirements as may be so prescribed have been complied with;";

- (d) by the insertion after paragraph (iJ) of subsection (1) of the following paragraph:

"(iK) as to any matters which by this Act are required or permitted to be prescribed by regulation;"; and

- (e) by the insertion after subsection (1A) of the following subsection:

"(1B) Regulations made under subsection (1) (iJ) prescribing fees payable in respect of any application in terms of section 27A (iA), may differ in respect of different categories of imports.".

17. (1) This Act shall be called the Wine, Other Fermented Beverages and Spirits Amendment Act, 1976, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

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

