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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 878. 21 May 1976.

No. 878. 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 geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 69 of 1976: Wine and Spirit Control Amendment Act, 1976.

No. 69 van 1976: Wysigingswet op Beheer oor Wyn en Spiritus, 1976.

WET

Tot wysiging van die Wet op Beheer oor Wyn en Spiritus, 1970, ten einde dit toelaatbaar te maak om die maksimum hoeveelheid druiwe te beperk wat gedurende 'n bepaalde jaar deur lisensiehouers en distilleerders van wynboere en koöperatiewe verenigings met die toestemming van die „Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt” gekoop of verkry kan word; om sekere voorbehoudsbepalings te skrap wat betrekking het op die betaling van die koopprys van wyn deur lisensiehouers en distilleerders aan genoemde vereniging vir wynboere en koöperatiewe verenigings; om vir gevalle voorsiening te maak waarin genoemde vereniging sy toestemming moet weier vir die koop of verkryging van wyn van wynboere en koöperatiewe verenigings deur persone wat nie lisensiehouers of distilleerders is nie; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse 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 16 van
Wet 47 van 1970.

1. Artikel 16 van die Wet op Beheer oor Wyn en Spiritus, 1970 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (2) deur die volgende subartikels te vervang:

„(2) Die vereniging is, behoudens die bepaling van subartikel (2A), verplig om die kragtens subartikel (1) vereiste toestemming te verleen vir die koop of verkryging deur so 'n persoon of distilleerder van wyn van een of meer wynboere of koöperatiewe verenigings, indien daardie persoon of distilleerder die vereniging oortuig dat hy gedurende die jaar waarin daardie wyn gekoop of verkry gaan word, van die vereniging of een of meer wynboere of koöperatiewe verenigings 'n hoeveelheid wyn wat 'n groot-handelshoeveelheid is, gekoop of verkry het of onderneem het om so 'n hoeveelheid wyn aldus te koop of te verkry, en bevredigende reëlins getref het of in staat is om bevredigende reëlins te tref ten opsigte van betaling vir die wyn wat aldus gekoop of verkry is of gekoop of verkry gaan word, met inbegrip van die wyn ten opsigte waarvan bedoelde toestemming vereis word.

(2A) (a) Die vereniging kan op of voor die twintigste September in 'n bepaalde jaar skriftelik by die Minister aanbeveel dat hy 'n maksimum hoeveelheid druiwe vasstel wat persone wat gelisensieer is om in drank handel te dryf en distilleerders in totaal van wynboere en koöperatiewe verenigings mag koop of verkry gedurende die jaar wat op die aanbeveling volg, en kan in sodanige aanbeveling 'n maksimum hoeveelheid vir dié doel voorstel, waarop die Minister by kennisgewing in die *Staatskoerant* besonderhede van die aanbeveling publiseer, met inbegrip van die

ACT

To amend the Wine and Spirit Control Act, 1970, so as to make it permissible to limit the maximum quantity of grapes which may be purchased or acquired during any particular year by licensees and distillers from winegrowers and co-operative societies with the consent of the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt"; to delete certain provisos relating to the payment of the purchase price of wine by licensees and distillers to the said "vereniging" for winegrowers and co-operative societies; to provide for instances in which the said "vereniging" shall refuse its consent for the purchase or acquisition of wine by persons who are not licensees or distillers from winegrowers and co-operative societies; and to provide for incidental matters.

(English 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 16 of the Wine and Spirit Control Act, 1970 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsections:

Amendment of
section 16 of
Act 47 of 1970.

"(2) The vereniging shall, subject to the provisions of subsection (2A), be bound to give the consent required under subsection (1) for the purchase or acquisition by such person or distiller of wine from any one or more winegrowers or co-operative societies, if such person or distiller satisfies the vereniging that during the year in which such wine is to be purchased or acquired he has purchased or acquired or undertaken to purchase or acquire from the vereniging or one or more winegrowers or co-operative societies a quantity of wine which is a wholesale quantity, and has made or is in a position to make satisfactory arrangements as regards payment for the wine so purchased or acquired or to be purchased or acquired, including the wine in respect of which such consent is required.

(2A) (a) The vereniging may on or before the twentieth September in any particular year in writing recommend to the Minister that he fix a maximum quantity of grapes which persons licensed to deal in liquor and distillers may in the aggregate purchase or acquire from winegrowers and co-operative societies during the year following on the recommendation, and may in such recommendation propose a maximum quantity for this purpose, whereupon the Minister shall by notice in the *Gazette* publish particulars of the re-

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- maksimum hoeveelheid deur die vereniging voorgestel, en belanghebbendes aansê om binne 'n tydperk van veertien dae vanaf die datum van die kennisgewing enige beswaar teen die aanvaarding van die aanbeveling of teen die maksimum hoeveelheid deur die vereniging voorgestel, skriftelik by hom in te dien.
- (b) Die Minister moet die aanbeveling van die vereniging, asook elke beswaar ingevolge paragraaf (a) ingedien, oorweeg en kan, volgens goeddunke, 'n maksimum hoeveelheid druiwe vasstel wat persone wat gelisensieer is om in drank handel te dryf en distilleerders in totaal gedurende die betrokke jaar van wynboere en koöperatiewe verenigings mag koop of verkry, of hy kan weier om so 'n maksimum hoeveelheid vas te stel.
- (c) Indien die Minister 'n maksimum hoeveelheid vasstel soos in paragraaf (b) beoog, moet hy sodanige maksimum hoeveelheid op of voor dertig November van die jaar wat die jaar waarop die vasstelling betrekking het onmiddellik voorafgaan, by kennisgewing in die *Staatskoerant* bekend maak, waarop die vereniging 'n deel van sodanige maksimum hoeveelheid, ooreenkomstig die grondslag by regulasie voorgeskryf, toewys aan elke persoon wat gelisensieer is om in drank handel te dryf en elke distilleerder wat behoort tot 'n by regulasie voorgeskrewe klas of kategorie persone wat aldus gelisensieer is en distilleerders.
- (d) Die vereniging gee nie ten opsigte van 'n jaar met betrekking waartoe die Minister 'n maksimum hoeveelheid druiwe ingevolge paragraaf (b) vasgestel het, sy toestemming kragtens subartikel (1) nie—
- (i) vir die koop of verkryging van 'n hoeveelheid druiwe wat groter is as die deel aan die betrokke persoon ooreenkomstig die bepalings van paragraaf (c) toegewys; of
- (ii) aan iemand aan wie 'n deel nie ten opsigte van daardie jaar ooreenkomstig die bepalings van paragraaf (c) toegewys is nie.”

Vervanging van artikel 19 van Wet 47 van 1970, soos vervang deur artikel 18 van Wet 74 van 1974.

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

„Koopprys van wyn aan vereniging betaal te word.

19. 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 oorbetal: Met dien verstande dat die vereniging van geld wat kragtens hierdie artikel aan 'n wynboer of koöperatiewe vereniging betaalbaar is, die bedrae kan aftrek wat deur sodanige wynboer of koöperatiewe vereniging aan die vereniging verskuldig is.”

Wysiging van artikel 20 van Wet 47 van 1970, soos gewysig deur artikel 9 van Wet 70 van 1972 en artikel 19 van Wet 74 van 1974.

3. Artikel 20 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Die vereniging is verplig om die kragtens subartikel (1) vereiste toestemming te weier indien hy van oordeel is—

- (a) dat die persoon wat voornemens is om die wyn te koop of te verkry—
- (i) voornemens is om dit vir die voordeel van iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder te doen; of
- (ii) 'n wesenlike geldelike belang, regstreeks of onregstreeks, in die besigheid het van iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder;

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- commendation, including the maximum quantity proposed by the vereniging, and call upon interested persons to lodge with him, within a period of fourteen days from the date of the notice, any objection in writing to the adoption of the recommendation or to the maximum quantity proposed by the vereniging.
- (b) The Minister shall consider the recommendation of the vereniging as well as any objection lodged under paragraph (a) and may, in his discretion, fix a maximum quantity of grapes which persons licensed to deal in liquor and distillers may in the aggregate purchase or acquire from winegrowers and co-operative societies during the year in question, or he may decline to fix any such maximum quantity.
- (c) If the Minister fixes a maximum quantity as contemplated in paragraph (b), he shall, on or before the thirtieth November of the year immediately preceding the year to which the fixing relates, by notice in the *Gazette* make such maximum quantity known, whereupon the vereniging shall allot a share in such maximum quantity, on the basis prescribed by regulation, to every person licensed to deal in liquor and every distiller who belongs to a class or category of persons so licensed and distillers, as is prescribed by regulation.
- (d) The vereniging shall not in respect of a year in relation to which the Minister has fixed a maximum quantity of grapes under paragraph (b), give its consent under subsection (1)—
- (i) for the purchase or acquisition of a quantity of grapes which is larger than the share allotted to the person concerned under the provisions of paragraph (c); or
 - (ii) to any person to whom a share has not been allotted under the provisions of paragraph (c) in respect of that year."

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

"Purchase price of wine to be paid to vereniging.

19. 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 the vereniging may deduct from any moneys payable to any winegrower or co-operative society under this section any amounts due to the vereniging by such winegrower or society."

Substitution of section 19 of Act 47 of 1970, as substituted by section 18 of Act 74 of 1974.

3. Section 20 of the principal Act is hereby amended by the insertion of the following subsection after subsection (1):

"(1A) The vereniging shall be bound to refuse the consent required under subsection (1) if it is of the opinion—

- (a) that the person who intends to purchase or acquire the wine—
 - (i) intends to do so for the benefit of a person licensed to deal in liquor or a distiller; or
 - (ii) has a substantial pecuniary interest, direct or indirect, in the business of a person licensed to deal in liquor or a distiller;

Amendment of section 20 of Act 47 of 1970, as amended by section 9 of Act 70 of 1972 and section 19 of Act 74 of 1974.

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- (b) dat iemand wat gelisensieer is om in drank handel te dryf of 'n distilleerder 'n wesenlike geldelike belang, regstreeks of onregstreeks, in enige besigheid het van die persoon wat voornemens is om sodanige wyn te koop of te verkry; of
- (c) dat iemand wat nie gelisensieer is om in drank handel te dryf of 'n distilleerder is nie, 'n wesenlike geldelike belang, regstreeks of onregstreeks, in enige besigheid het van die persoon wat voornemens is om sodanige wyn te koop of te verkry sowel as in enige besigheid van iemand wat aldus gelisensieer is of 'n distilleerder."

Wysiging van
artikel 25 van
Wet 47 van 1970,
soos gewysig deur
artikel 23 van
Wet 74 van 1974.

4. Artikel 25 (1) van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (d) in te voeg:

„(dA) die klas of kategorie persone wat gelisensieer is om in drank handel te dryf en distilleerders aan wie die maksimum hoeveelheid druiwe ooreenkomstig artikel 16 (2A) toegewys kan word, en die grondslag waarop dele van daardie maksimum hoeveelheid kragtens daardie artikel toegewys kan word aan persone en distilleerders wat aan bedoelde klas of kategorie behoort;”.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Beheer oor Wyn en Spiritus, 1976.

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- (b) that a person licensed to deal in liquor or a distiller has a substantial pecuniary interest, direct or indirect, in any business of the person who intends to purchase or acquire such wine; or
- (c) that a person who is not licensed to deal in liquor or a distiller has a substantial pecuniary interest, direct or indirect, in any business of the person who intends to purchase or acquire such wine as well as in any business of a person so licensed or a distiller.”.

4. Section 25 (1) of the principal Act is hereby amended by the insertion of the following paragraph after paragraph (d):

“(dA) the class or category of persons licensed to deal in liquor and distillers to whom the maximum quantity of grapes may be allotted under section 16 (2A), and the basis on which shares in that maximum quantity may be allotted under that section to persons and distillers who belong to such class or category;”.

Amendment of
section 25 of
Act 47 of 1970,
as amended by
section 23 of
Act 74 of 1974.

5. This Act shall be called the Wine and Spirit Control Short title.
Amendment Act, 1976.

