



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 569.

28 Maart 1980.

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

No. 7 van 1980: Wysigingswet op Wyn, Ander Gegiste Drank en Spiritueel, 1980.

DEPARTMENT OF THE PRIME MINISTER

No. 569.

28 March 1980.

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

No. 7 of 1980: Wine, Other Fermented Beverages and Spirits Amendment Act, 1980.

Wet No. 7, 1980

WYSIGINGSWET OP WYN, ANDER GEGISTE DRANK EN
SPIRITUALIEË, 1980**ALGEMENE VERDUIDELIKENDE NOTA:****[]**

Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, ten einde die omskrywing van 'n sekere uitdrukking te skrap en sekere uitdrukkings nader te omskryf; verdere voorsiening te maak vir die reëling van die produksie, vervaardiging en verkoop van wyn en spiritualieë; die verlening van funksionele hulp aan die Wyn-en-spiritusraad verder te reël; die gebruik van sekere name en beskrywings in verband met die verkoop of uitvoer van wyn en brandewyn verder te reël; nuwe voorsiening te maak aangaande die omskryf van 'n landgoed en produksiegebied in verband met die verkoop of uitvoer van wyn of brandewyn; die etikettering van houers verder te reël; sekere beperkings op die instel van sekere vervolgings af te skaf; sekere voorgeskrewe strawwe te verhoog; en verdere voorsiening vir die uitvaardiging van regulasies te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Maart 1980.)

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, artikel 1 van Wet 62 van 1972 en artikel 1 van Wet 68 van 1976.

1. Artikel 1 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (hieronder die Hoofwet genoem), word hierby 5 gewysig—

- (a) deur die omskrywing van „adverteer” deur die volgende omskrywing te vervang:
„adverteer” enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, 10 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 verkrygingsvoor- 15 waardes]**;” en
- (b) deur die omskrywing van „produksiegebied” te skrap.

Wysiging van artikel 2 van Wet 25 van 1957, soos vervang deur artikel 3 van Wet 50 van 1966 en gewysig deur artikel 2 van Wet 62 van 1970 en artikel 2 van Wet 62 van 1972.

2. Artikel 2 van die Hoofwet word hierby gewysig deur paragraaf (c) van die omskrywing van „wyn” te skrap.

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GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Wine, Other Fermented Beverages and Spirits Act, 1957, so as to delete the definition of a certain expression and to further define certain expressions; to make further provision for the regulation of the production, manufacture and sale of wine and spirits; to further regulate the rendering of functional assistance to the Wine and Spirit Board; to further regulate the use of certain names and descriptions in connection with the sale or export of wine and brandy; to make new provision as to the defining of an estate and area of production in connection with the sale or export of wine or brandy; to further regulate the labelling of containers; to do away with certain restrictions on the institution of certain prosecutions; to increase certain prescribed penalties; and to provide further for the making of regulations; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 March 1980.)

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 substitution for the definition of “advertise” 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 deletion of the definition of “area of production”.

2. Section 2 of the principal Act is hereby amended by the deletion of paragraph (c) of the definition of “wine”.

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, section 1 of Act 62 of 1972 and section 1 of Act 68 of 1976.

Amendment of section 2 of Act 25 of 1957, as substituted by section 3 of Act 50 of 1966 and amended by section 2 of Act 62 of 1970 and section 2 of Act 62 of 1972.

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Wysiging van
artikel 3 van
Wet 25 van 1957,
soos vervang deur
artikel 3 van
Wet 62 van 1972.

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

„(a) 'n artikel wat nie afkomstig is nie van druive van
die druifcultivars wat van tyd tot tyd by regulasie 5
vir die **[doeleindes van hierdie paragraaf]** pro-
duksie of vervaardiging van wyn aangewys is;” en

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

„(3) Niemand mag vir drinkdoeleindes **[wyn as]** 'n 10
bepaalde klas, tipe of graad wyn by regulasie aangewys,
verkoop nie indien dit nie **[gegis het nie in die mate]**
aan die vereistes by regulasie voorgeskryf ten opsigte
van daardie bepaalde klas, tipe of graad wyn voldoen 15
nie, of indien daarby gevoeg of daaruit geëkstraheer is
'n ander bestanddeel as 'n bestanddeel wat by regulasie
verklaar is tot 'n bestanddeel wat by daardie bepaalde
klas, tipe of graad wyn gevoeg of daaruit geëkstraheer
mag word.”

Wysiging van
artikel 7 van
Wet 25 van 1957,
soos vervang deur
artikel 8 van
Wet 50 van 1966
en gewysig deur
artikel 3 van
Wet 30 van 1968.

4. Artikel 7 van die Hoofwet word hierby gewysig deur die 20
volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat die bepalings van hierdie subartikel
nie van toepassing is nie ten opsigte van enige alkoholiese
drank met 'n alkoholgehalte van 2 persent alkohol volgens
volume of laer.” 25

Vervanging van
artikel 11 van
Wet 25 van 1957,
soos vervang deur
artikel 9 van
Wet 62 van 1970.

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

„Beperking
op byvoe-
ging van
sekere
bestanddele
by spiri-
tualieë.

11. Niemand mag vir drinkdoeleindes spiritualieë
verkoop nie—

- (a) waarby 'n ander bestanddeel gevoeg is as 'n 30
bestanddeel wat by regulasie verklaar is tot 'n
bestanddeel wat by spiritualieë gevoeg mag
word;

- (b) indien 'n bestanddeel wat by spiritualieë gevoeg 35
mag word, daarby gevoeg is anders as ooreen-
komstig die wyse of voorwaardes wat by regula-
sie voorgeskryf is; of

- (c) tensy, in die geval van brandewyn wat gegeur is
ten einde 'n uitgesproke bepaalde geur daaraan te 40
verleen, die naam van die geursel wat gebruik is
op die etikette wat aan die houers van sodanige
brandewyn geheg is, aangedui is op die wyse by
regulasie voorgeskryf.”

Wysiging van
artikel 19 van
Wet 25 van 1957,
soos ingevoeg deur
artikel 12 van
Wet 62 van 1970,
vervang deur
artikel 3 van
Wet 75 van 1974
en gewysig deur
artikel 10 van
Wet 68 van 1976.

6. Artikel 19 van die Hoofwet word hierby gewysig deur in
subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die 45
volgende woorde te vervang:

„Die Minister stel 'n raad aan wat die Wyn-en-spiritusraad
heet, wat, behoudens die bepalings van artikel 20 (1)—”.

Wysiging van
artikel 20 van
Wet 25 van 1957,
soos ingevoeg deur
artikel 4 van
Wet 75 van 1974.

7. Artikel 20 van die Hoofwet word hierby gewysig deur
subartikel (1) deur die volgende subartikel te vervang: 50

„(1) Die Minister kan met iemand 'n ooreenkoms aangaan
ingevolge waarvan so iemand onderneem om bepaalde
werkzaamhede wat die Wyn-en-spiritusraad by of ingevolge
of uit hoofde van artikel 19 (1) opgedra word, namens
daardie Raad te verrig **[ten einde die Wyn-en-spiritusraad, 55**
vermeld in artikel 19, in staat te stel om sy bevoegdhede
en pligte ingevolge hierdie Wet uit te oefen en uit te
voer], en om aan genoemde Raad, soos deur dié Raad

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3. Section 3 of the principal Act is hereby amended—

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

Amendment of section 3 of Act 25 of 1957, as substituted by section 3 of Act 62 of 1972.

5 “(a) any article not derived from grapes of such vine cultivars as are designated from time to time by regulation for the **[purpose of this paragraph]** production or manufacture of wine;” and

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

10 “(3) No person shall sell, for drinking purposes, **[any wine as]** a particular class, type or grade of wine designated by regulation, if it **[has not fermented to the extent]** does not comply with the requirements prescribed by regulation in respect of that particular class, type or grade of wine, or if there has been added thereto or extracted therefrom any substance other than a substance which has by regulation been declared to be a substance which may be added to or extracted from that particular class, type or grade of wine.”

20 4. Section 7 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

“Provided that the provisions of this subsection shall not apply in respect of any alcoholic beverage with an alcoholic strength of 2 per cent of alcohol by volume or lower.”

Amendment of section 7 of Act 25 of 1957, as substituted by section 8 of Act 50 of 1966 and amended by section 3 of Act 30 of 1968.

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

Substitution of section 11 of Act 25 of 1957, as substituted by section 9 of Act 62 of 1970.

“Restriction on addition of certain substances to spirits.”

11. No person shall sell for drinking purposes any spirits—

30 (a) to which has been added any substance other than a substance which has by regulation been declared to be a substance which may be added to spirits;

(b) if any substance which may be added to spirits has been added thereto otherwise than in accordance with such methods or conditions as may be prescribed by regulation;

35 (c) unless, in the case of brandy which is flavoured so as to impart to it a pronounced specific flavour, the designation of the flavouring used is indicated in the manner prescribed by regulation on labels affixed to the containers of such brandy.”

45 6. Section 19 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister shall appoint a board to be known as the Wine and Spirit Board, which, subject to the provisions of section 20 (1)—”

Amendment of section 19 of Act 25 of 1957, as inserted by section 12 of Act 62 of 1970, substituted by section 3 of Act 75 of 1974 and amended by section 10 of Act 68 of 1976.

50 7. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may enter into an agreement with any person in terms of which such person undertakes to perform on behalf of the Wine and Spirit Board specified functions assigned to that Board by or in terms of or in pursuance of section 19 (1) [to enable the Wine and Spirit Board mentioned in section 19 to exercise its powers and to perform its duties in terms of this Act], and to report and

Amendment of section 20 of Act 25 of 1957, as inserted by section 4 of Act 75 of 1974.

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verlang, verslag en by hom aanbevelings te doen oor **['n aansoek wat by hom gedoen is om 'n sertifikaat, merk, seël, stuk of magtiging bedoel in artikel 19, 21 of 22] genoemde werksaamhede.**”

Vervanging van artikel 21 van Wet 25 van 1957, soos ingevoeg deur artikel 6 van Wet 62 van 1972 en vervang deur artikel 11 van Wet 68 van 1976.

8. Artikel 21 van die Hoofwet word hierby deur die volgende 5 artikel vervang:

„Beheer van aanduiding van sekere aangeleenthede in verband met verkoop of uitvoer van wyn en brandewyn.

21. (1) Niemand mag in verband met die verkoop of uitvoer van wyn—

- (a) die naam van 'n druifcultivar of 'n naam wat in so 'n mate met sodanige naam ooreenstem dat dit 10 waarskynlik misleidend kan wees, gebruik nie;
- (b) aandui dat die wyn in 'n bepaalde jaar of van druiwe wat in 'n bepaalde jaar geoes is, geproduseer of vervaardig is nie;
- (c) die naam van 'n landgoed of 'n produksiegebied 15 soos in artikel 22 (1) bedoel, of die woorde of uitdrukkings „landgoed”, „estate”, „landgoedwyn”, „estate wine”, „oorsprong”, „origin”, „wyn van oorsprong” of „wine of origin”, of gelykluidende woorde of uitdrukkings 20 of woorde of uitdrukkings wat 'n soortgelyke of verwante betekenis het, gebruik nie; of
- (d) die woorde of uitdrukkings „oesjaar”, „vintage”, „laat-oes”, „late harvest”, „late vintage”, „spesiale laat-oes”, „special late harvest”, „special late vintage”, „edel laat-oes”, 25 „noble late harvest”, „noble late vintage”, „superieur” of „superior”, of gelykluidende woorde of uitdrukkings of woorde of uitdrukkings wat 'n soortgelyke of verwante betekenis 30 het, gebruik nie,

behalwe onder die omstandighede en op die voorwaardes wat by regulasie voorgeskryf is.

(2) Die Staatspresident kan, indien hy dit dienstig ag, by proklamasie in die *Staatskoerant* die bepaling 35 van subartikel (1) wat in die proklamasie vermeld word, vanaf 'n datum insgelyks vermeld, *mutatis mutandis* van toepassing verklaar op die verkoop of uitvoer van brandewyn.

(3) Die omstandighede en voorwaardes in subartikel (1) beoog, kan verskil ten opsigte van verskillende druifcultivars, verskillende kategorieë produksiegebiede, verskillende klasse, tipes of grade wyn of in die ander opsigte wat die Minister bepaal, en kan 40 voorwaardes insluit waarby 'n vermelde sertifikaat deur die Wyn-en-spiritusraad vermeld in artikel 19 vereis word en waarvan die uitreiking na goeddunke van genoemde Raad kan geskied, asook voorwaardes 45 betreffende nakoming van die vereistes wat genoemde Raad na goeddunke bepaal. 50

(4) Iemand wat 'n bepaling van subartikel (1), of van subartikel (1) soos deur subartikel (2) van toepassing verklaar, oortree, is aan 'n misdryf skuldig.”

Wysiging van artikel 22 van Wet 25 van 1957, soos ingevoeg deur artikel 13 van Wet 62 van 1970, vervang deur artikel 7 van Wet 62 van 1972 en gewysig deur artikel 6 van Wet 75 van 1974 en artikel 12 van Wet 68 van 1976.

9. Artikel 22 van die Hoofwet word hierby gewysig— 55

(a) deur subartikels (1), (2), (3) en (4) deur onderskeidelik die volgende subartikels te vervang:

„(1) Die Minister kan vir die doeleindes van die gebruik van die naam van 'n landgoed of 'n produksiegebied in verband met die verkoop of uitvoer van wyn 60 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, so 'n landgoed of produksiegebied omskryf **[en 'n naam aan so produksiegebied** 65

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make recommendations to the said Board, as required by that Board, on **[any application made to it for any certificate, mark, seal, document or authorization referred to in sections 19, 21 and 22]** the said functions."

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

"Control of
indicating
of certain
matters in
connection
with sale
or export
of wine
and brandy.

21. (1) No person shall in connection with the sale or export of wine—

(a) use the name of any vine cultivar or a name which so nearly resembles such name as to be calculated to deceive;

(b) indicate that the wine has been produced or manufactured in any particular year or from grapes harvested in any particular year;

(c) use the name of any estate or any area of production as referred to in section 22 (1), or the words or expressions "estate", "landgoed", "estate wine", "landgoedwyn", "origin", "oorsprong", "wine of origin" or "wyn van oorsprong", or homonymous words or expressions or words or expressions having a similar or related meaning;

(d) use the words or expressions "vintage", "oesjaar", "late harvest", "late vintage", "laat-oes", "special late harvest", "special late vintage", "spesiale laat-oes", "noble late harvest", "noble late vintage", "edel laat-oes", "superior" or "superieur", or homonymous words or expressions or words or expressions having a similar or related meaning,

except in such circumstances and subject to such conditions as may be prescribed by regulation.

(2) The State President may, if he deems it expedient, by proclamation in the *Gazette* declare such provisions of subsection (1) as may be specified in the proclamation, applicable, *mutatis mutandis*, to the sale or export of brandy, as from a date likewise specified.

(3) The circumstances and conditions contemplated in subsection (1) may differ in respect of different vine cultivars, different categories of areas of production, different classes, types or grades of wine or in such other respects as the Minister may determine, and 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.

(4) Any person who contravenes any provision of subsection (1), or of subsection (1) as declared applicable by subsection (2), 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 substituted
by section 11 of
Act 68 of 1976.

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

(a) by the substitution for subsections (1), (2), (3) and (4) of the following subsections, respectively:

"(1) The Minister may for the purpose of the use of the name of an estate or an area of production in connection with 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]** such estate or area of production **[and assign a name to any such area of**

Amendment of
section 22 of
Act 25 of 1957,
as inserted
by section 13 of
Act 62 of 1970,
substituted by
section 7 of
Act 62 of 1972
and amended
by section 6 of
Act 75 of 1974
and section 12 of
Act 68 of 1976.

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toewys], met vermelding van die naam daarvan soos in die betrokke aansoek opgegee.

(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 **daarin vermeld**, 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. 5 10

(b) **['n Produksiegebied]** Verskillende kategorieë produksiegebiede kan ingevolge subartikel (1) omskryf word op die wyse wat die Minister goedgevind **[en kan aldus omskryf word met verwysing na 'n gebied wat onder wingerd- 15 stokke is].**

(c) Behalwe indien die Minister in 'n besondere geval anders bepaal, word 'n landgoed slegs ingevolge subartikel (1) omskryf indien dit aan die vereistes voldoen wat by regulasie ten opsigte daarvan **voorgeskryf is.** 20

(3) (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 so 'n aansoek **moet die besonderhede [in verband met sy 25 aansoek verstrek] bevat** wat genoemde Raad vereis.

(aA) So iemand moet so gou doenlik nadat **[sy aansoek by] hy** deur genoemde Raad **[ingedien is, daar- 30 van kennis gee, in die Staatskoerant en in die nuusblad of nuusblaai wat genoemde Raad bepaal]** daartoe gelas is, die besonderhede van sy aansoek wat by regulasie vereis word op die wyse publiseer wat by regulasie voorgeskryf is. 35

(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 40 beswaar maak teen die naam van daardie landgoed of] het** teen die **[voorgestelde naam vir daardie produksiegebied, aansê om] toestaan** van so 'n aansoek, moet hul besware skriftelik by genoemde Raad **[in te dien] indien** binne die tydperk wat **[aldus bepaal word] by regulasie 45 voorgeskryf is.**

(b) Genoemde Raad moet so gou doenlik nadat daardie tydperk verstryk het genoemde aansoek en **[beson- 50 derhede 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. 55

(4) Die Minister kan 'n aansoek wat ingevolge subartikel (3) (b) aan hom voorgelê is, **[toestaan of] weier of op die voorwaardes deur hom bepaal, toestaan, 60 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 toegestaande of geweierde aansoek nie] vir 'n tydperk deur hom bepaal, en kan daarna die aansoek toestaan of weier.** 65

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production], stating the name thereof as specified in the application concerned.

(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 **specified therein 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]** Different categories of areas 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) Except if the Minister determines otherwise in any particular case, an estate shall only be defined in terms of subsection (1) if it complies with the requirements prescribed by regulation in respect thereof.

(3) (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]** and such application shall contain such particulars **[in connection with his application]** as may be required by the said Board.

(aA) Such person shall, as soon as possible after **[his application has been lodged with]** having been directed thereto by the said Board, **[give notice thereof in the Gazette and in such newspaper or newspapers as may be stipulated by the said Board]** publish, in the manner prescribed by regulation, such particulars of his application as may be required by regulation.

(aB) **[Such notice shall contain such details of the said application as may be so stipulated, and call upon]** All persons who **[object]** have objection 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]** grant of such application; shall lodge their objections in writing with the said Board within such period as may be **[so stipulated]** prescribed by regulation.

(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 be postponed for a specified period]**.

(4) The Minister may **[grant or]** refuse an application submitted to him in terms of subsection (3) (b) or, subject to such conditions as he may determine, grant it, 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]** for such period as he may determine, and may thereafter grant or refuse the application.”;

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- (b) deur subartikels (5), (6) en (7) te skrap; en
 (c) deur subartikel (8) deur die volgende subartikel te vervang:

„(8) Iemand wat die bepalings van subartikel **[(5)]**
 (4A) (a) oortree, is aan 'n misdryf skuldig.”

5

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
 en artikel 13 van
 Wet 68 van 1976.

10. Artikel 23 van die Hoofwet word hierby gewysig—

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

„(b) **[(behalwe)]** tensy, in die geval van **[(spiritualieë, indien)]** wyn of brandewyn ten opsigte van die 10
verkoop of uitvoer waarvan artikel 21 van toepas-
sing is, 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 ser-
tifikaat bedoel in artikel 22 (6), uitgereik] wat 15
aan die vereistes wat by regulasie voorgeskryf is,
voldoen en waarvan die gebruik deur die Wyn- en
spiritusraad bedoel in artikel 19 goedgekeur is;”
 en

20

- (b) deur die volgende paragraaf by subartikel (1) te voeg:

„(c) indien die alkoholinhoud daarvan in grade proef
aangedui word.”

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
 en artikel 14 van
 Wet 68 van 1976.

11. Artikel 27 van die Hoofwet word hierby gewysig deur in subartikel (1) die volgende paragraaf na paragraaf (b) in te voeg: 25

„(c) 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 indien die
alkoholinhoud daarvan in grade proef op 'n etiket wat
aan so 'n houer geheg is, aangedui word:”

30

Herroeping van
 artikel 36 van
 Wet 25 van 1957,
 soos vervang deur
 artikel 22 van
 Wet 62 van 1970.

12. Artikel 36 van die Hoofwet word hierby herroep.

Wysiging van
 artikel 38 van
 Wet 25 van 1957,
 soos gewysig deur
 artikel 28 van
 Wet 50 van 1966
 en artikel 12 van
 Wet 75 van 1974.

13. Artikel 38 van die Hoofwet word hierby gewysig—

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

„(1) Iemand wat weens 'n misdryf kragtens 'n 35
 bepaling van hierdie Wet **[(behalwe artikel 23)]** of 'n
 regulasie skuldig bevind word, is strafbaar—

- (a) by 'n eerste skuldigbevinding ingevolge artikel 21,
 22, 23 (1) (b), 23A, 25 of 27A of ingevolge 'n
 kragtens artikel 39 (1) (a), (b), (c), (iA), (iB), (iC), 40
[(of) (iD) of (iF)] uitgevaardigde regulasie, met 'n
 boete van hoogstens **[(duisend)]** tienduisee rand of
 met gevangenisstraf vir 'n tydperk van hoogstens
[(ses maande)] twee jaar, of met sowel daardie
 boete as daardie gevangenisstraf; 45

- (b) by skuldigbevinding ingevolge 'n in paragraaf (a)
 bedoelde bepaling, na 'n vorige skuldigbevinding
 ingevolge dieselfde of 'n ander sodanige bepaling,
 met 'n boete van hoogstens **[(tweeduisee)]** vyf-
 en-twintigduisee rand of met gevangenisstraf vir 50
 'n tydperk van hoogstens **[(een)]** vyf jaar, of met
 sowel daardie boete as daardie gevangenisstraf;

- (c) by 'n eerste skuldigbevinding ingevolge 'n bepaling
 wat nie in paragraaf (a) vermeld word nie, met 'n
 boete van hoogstens **[(honderd)]** driehonderd 55
 of **[(by wanbetaling)]** met gevangenisstraf vir 'n
 tydperk van hoogstens drie maande;

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- (b) by the deletion of subsections (5), (6) and (7); and
(c) by the substitution for subsection (8) of the following subsection:

5 “(8) Any person who contravenes the provisions of subsection **[(5)] (4A) (a)** shall be guilty of an offence.”.

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

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

10 “(b) **[except]** unless, in the case of **[spirits, if]** wine or brandy in respect of the sale or export of which section 21 applies, 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]** complying with the requirements prescribed by regulation and of which the use has been approved by the Wine and Spirit Board referred to in section 19;”; and

- 20 (b) by the addition to subsection (1) of the following paragraph:

 “(c) if the alcohol content thereof is indicated in degrees proof.”.

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 and section 13 of Act 68 of 1976.

25 11. Section 27 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (b) of the following paragraph:

30 “(c) sell any wine, other fermented beverages or spirits imported into the Republic, in a receptacle of a capacity of twenty-five litres or less, if the alcohol content thereof is indicated in degrees proof on a label affixed to such receptacle:”.

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 and section 14 of Act 68 of 1976.

12. Section 36 of the principal Act is hereby repealed.

Repeal of section 36 of Act 25 of 1957, as substituted by section 22 of Act 62 of 1970.

13. Section 38 of the principal Act is hereby amended—

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

 “(1) Any person who is convicted of an offence under any provision of this Act **[(other than section 23)]** or any regulation, shall be liable—

- 40 (a) on a first conviction under section 21, 22, 23 (1) (b), 23A, 25 or 27A or under any regulation made under section 39 (1) (a), (b), (c), (iA), (iB), (iC), **[or] (iD) or (iF)**, to a fine not exceeding **[one]** ten thousand rand or to imprisonment for a period not exceeding **[six months]** two years, or to both such fine and such imprisonment;

- 45 (b) on conviction under any provision referred to in paragraph (a), after any prior conviction under the same or any other such provision, to a fine not exceeding **[two]** twenty-five thousand rand or to imprisonment for a period not exceeding **[one year]** five years, or to both such fine and such imprisonment;

- 50 (c) on a first conviction under any provision not referred to in paragraph (a), to a fine not exceeding **[one]** three hundred rand or **[in default of payment]** imprisonment for a period not exceeding three months;

Amendment of section 38 of Act 25 of 1957, as amended by section 28 of Act 50 of 1966 and section 12 of Act 75 of 1974.

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- (d) by skuldigbevinding ingevolge 'n bepaling wat nie in paragraaf (a) vermeld word nie, na 'n vorige skuldigbevinding ingevolge dieselfde of 'n ander sodanige bepaling **[van hierdie Wet of van 'n regulasie]**, met 'n boete van hoogstens **[tweehonderd]** seshonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel daardie boete as daardie gevangenisstraf, en wanneer iemand of sy dienaar of agent ingevolge 'n in paragraaf (a) bedoelde bepaling skuldig bevind is, kan die Minister enige permit kragtens artikel 25 aan of ten voordele van so iemand uitgereik, intrek of skors.”; en
- (b) deur subartikel (2) te skrap.

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, artikel 13 van Wet 75 van 1974 en artikel 16 van Wet 68 van 1976.

14. Artikel 39 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (iA) van subartikel (1) deur die volgende 15 paragraaf te vervang:

„(iA) wat voorsiening maak vir die **[klassifisering of gradering]** aanwysing van verskillende klasse, tipes of grade wyn [ander gegiste drank of spiritualieë], hetsy bestem vir uitvoer of nie, en die eienskappe wat elke klas, tipe of graad moet hê of die vereistes waaraan dit moet voldoen **[die klassifisering of gradering van wyn, ander gegiste drank of spiritualieë deur die Wyn- en -spiritusraad bedoel in artikel 19, die uitreiking van sertifikate, ander stukke, merke of seëls in verband daarmee, en die vorm van sodanige sertifikate, stukke, merke of seëls, en wat die gebruik van sodanige stukke, merke of seëls op 'n ander wyse as wat genoemde Raad gelas, verbied]**”; 20

- (b) deur paragraaf (iB) van subartikel (1) deur die volgende paragraaf te vervang:

„(iB) wat voorsiening maak vir die **[aanwysing van verskillende klasse of grade wyn, ander gegiste drank en spiritualieë op etikette, sertifikate of ander stukke wat in verband met die verkoop of uitvoer van wyn, ander gegiste drank of spiritualieë gebruik of uitgereik word, en die]** omstandighede waaronder en die voorwaardes waarop **[so]** 'n aanwysing in paragraaf (iA) bedoel, ten opsigte van wyn **[ander gegiste drank of spiritualieë]** gebruik moet of mag word;”; en 40

- (c) deur paragraaf (iC) van subartikel (1) deur die volgende paragraaf te vervang: 45

„(iC) wat **[’n verbod plaas op]** voorsiening maak vir die omstandighede waaronder en die voorwaardes onderworpe waaraan die gebruik, ten opsigte van wyn [ander gegiste drank of spiritualieë] of brandewyn, 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] naam, woord, uitdrukking of aanduiding in artikel 21 bedoel, toelaatbaar is;”. 50

Kort titel en inwerkingtreding.

15. (1) Hierdie Wet heet die Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1980, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 60

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

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(d) on conviction under any provision not referred to in paragraph (a), after any prior conviction under the same or any other such provision **[of this Act or of any regulation]**, to a fine not exceeding **[two]** six hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment,

and whenever any person or the servant or agent of any person has been convicted under any provision referred to in paragraph (a), the Minister may cancel or suspend any permit issued to or for the benefit of such person under section 25,"; and

(b) by the deletion of subsection (2).

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

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

"(iA) providing for the **[classification or grading]** designation of different classes, types or grades of wine, **[other fermented beverages or spirits]** whether or not intended for export, and the properties which each class, type or grade shall have or the requirements with which it shall comply **[the classification or grading of wine, other fermented beverages or spirits by the Wine and Spirit Board referred to in section 19, the issue of certificates, other documents, marks or seals in connection therewith, and the form of such certificates, documents, marks or seals, and prohibiting the use of such documents, marks or seals in any manner other than a manner directed by such Board]**,";

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

"(iB) providing for the **[designation of different classes or grades of wine, other fermented beverages and spirits on labels, certificates or other documents used or issued in connection with the sale or export of wine, other fermented beverages or spirits, and the]** circumstances in which and the conditions subject to which any **[such]** designation referred to in paragraph (iA) shall or may be used in respect of wine **[other fermented beverages or spirits]**,"; and

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

"(iC) **[prohibiting]** providing for the circumstances in which and the conditions subject to which the use, in respect of wine **[other fermented beverages or spirits]** or brandy, 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]** name, word, expression or indication referred to in section 21, is permissible,".

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, section 13 of Act 75 of 1974 and section 16 of Act 68 of 1976.

15. (1) This Act shall be called the Wine, Other Fermented Beverages and Spirits Amendment Act, 1980, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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

Short title and commencement.

