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GOVERNMENT GAZETTE

STAATSKOERANT

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1311. 25 June 1980.

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

No. 87 of 1980: Wine and Spirits Amendment Act, 1980.

No. 1311. 25 Junie 1980.

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

No. 87 van 1980: Wysigingswet op Wyn en Spiritualieë, 1980.

Wet No. 87, 1980

WYSIGINGSWET OP WYN EN SPIRITUALIEË, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

- [** **]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Beheer oor Wyn en Spiritus, 1970, ten einde die vandiehandsetting van spiritus vir drinkdoeleindes verder te reël; voorsiening te maak vir die vasstelling van die sterkte van wyn met betrekking tot die persentasie alkohol volgens volume; verdere voorsiening te maak vir die byvoeging van bedrae by die prys van wyn onder sekere omstandighede; sekere dienste in verband met die vandiehandsetting van wyn wat nie vir distilleringsdoeleindes bestem is nie, te verbied; 'n sekere heffing ook ten opsigte van die verkoop van druiwe op te lê en die bevoegdhede van die „Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt” met betrekking tot die oplegging van heffings op wyn uit te brei; die bepalings van daardie Wet met betrekking tot die verkryging en vandiehandsetting van druiwe deur die Sagtevrugteraad te herroep; en die aanwending van die geld in die Wynnavorsing- en Reklamerekening verder te reël; en tot wysiging van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, ten einde 'n sekere uitdrukking te omskrywe en 'n ander te heromskrywe, en ander voorsiening te maak betreffende die vervaardiging of verkoop van sekere klasse spiritualieë; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 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 47 van 1970, soos gewysig deur artikel 1 van Wet 70 van 1972 en artikel 1 van Wet 74 van 1974.

1. Artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „alkohol volgens volume” deur die volgende omskrywing te vervang:

„alkohol volgens volume”, met betrekking tot wyn of spiritus, die persentasie alkohol volgens volume wat in sodanige wyn of spiritus bevat is **[en bepaal is ooreenkomstig die piknometer-metode en omrekeningstabelle, wat van tyd tot tyd deur die Minister goedgekeur en deur hom by die Sekretaris van Landbou-ekonomie en -bemarking ingelewer is];**”.

Vervanging van artikel 9 van Wet 47 van 1970, soos vervang deur artikel 3 van Wet 70 van 1972 en gewysig deur artikel 7 van Wet 74 van 1974.

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

„Vandiehandsetting van spiritus vir drinkdoeleindes in Republiek.

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

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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 and Spirit Control Act, 1970, so as to further regulate the disposal of spirit for potable purposes; to provide for the determination of the strength of wine with reference to the percentage of alcohol by volume; to provide further for the addition of amounts to the price of wine in certain circumstances; to prohibit certain services in connection with the disposal of wine not intended for distillation purposes; to impose a certain levy also in respect of the sale of grapes and to extend the powers of the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt" relating to the imposition of levies on wine; to repeal the provisions of that Act relating to the acquisition and disposal of grapes by the Deciduous Fruit Board; and to further regulate the utilization of the moneys in the Wine Research and Publicity Account; and to amend the Wine, Other Fermented Beverages and Spirits Act, 1957, so as to define a certain expression and to redefine another, and to make different provision relating to the manufacture or sale of certain classes of spirits; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 12 June 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 and Spirit Control Act, 1970 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "alcohol by volume" of the following definition:

"alcohol by volume", in relation to wine or spirit, means the percentage of alcohol by volume contained in such wine or spirit **[determined in accordance with the pycnometer method and conversion tables, which may from time to time be approved by the Minister and lodged by him with the Secretary for Agricultural Economics and Marketing];**"
2. The following section is hereby substituted for section 9 of the principal Act:

9. (1) No person shall for potable purposes in the Republic sell or otherwise dispose of any spirit manufactured in the Republic from the produce of the vine (except for redistillation or rectification **[or for**

Amendment of section 1 of Act 47 of 1970, as amended by section 1 of Act 70 of 1972 and section 1 of Act 74 of 1974.

Substitution of section 9 of Act 47 of 1970, as substituted by section 3 of Act 70 of 1972 and amended by section 7 of Act 74 of 1974.

"Disposal of spirit for potable purposes in Republic.

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die Regeringsbrandewynraad goedgekeur]), tensy daardie spiritus—

(a) **brandewyn** potketelbrandewyn is wat—

- (i) in 'n potketel onder aksynstoesig by hoogstens 75 persent alkohol volgens volume gedistilleer is, geheel en al van suiwer wyn **[of mos]**, die produk van vars duiwe, **[wat deur die Regeringsbrandewynraad goedgekeur is]** en welke wyn voldoen aan die standaard wat deur die Regeringsbrandewynraad met die goedkeuring van die Minister bepaal en in die *Staatskoerant* gepubliseer is; en 5 10
- (ii) deur die Regeringsbrandewynraad goedgekeur is en deur hom as **[suiwer wynbrandewyn]** brandewyn uitsluitlik van wyn vervaardig, gesertifiseer is; en 15
- (iii) vir 'n tydperk van minstens drie jaar deur opberging verouder is in 'n pakhuis in hout wat deur die **[Sekretaris]** Kommissaris 20 van Docane en Aksyns of 'n skriftelik deur hom daartoe gemagtigde persoon goedgekeur is; of

(b) brandewyn is wat bestaan uit 'n mengsel van minstens 30 persent (bereken op die grondslag van absolute alkohol) potketelbrandewyn in paragraaf (a) beskryf en hoogstens 70 persent (bereken op die grondslag van absolute alkohol)— 25

- (i) wynspiritus wat gedistilleer is uit suiwer wyn **[of mos]**, die produk van vars duiwe, by minstens **[60] 95** persent alkohol volgens volume **[gedistilleer]** en wat deur die Regeringsbrandewynraad goedgekeur is en deur hom as **[suiwer wynspiritus]** spiritus uitsluitlik van wyn vervaardig, gesertifiseer is **[en met minstens 25 persent (bereken op die grondslag van absolute alkohol) van die brandewyn in paragraaf (a) beskryf, vermeng is];** of 30 35 40
- (ii) druifspiritus in paragraaf (e) beskryf; of
- (iii) wynspiritus in paragraaf (d) beskryf; of

(c) wynspiritus is in paragraaf (b) (i) beskryf **[by minstens 60 persent alkohol volgens volume gedistilleer en deur die Regeringsbrandewynraad goedgekeur en deur hom as suiwer wynspiritus gesertifiseer is]** en 'n jenever, wodka of 'n likeur is of bestem is vir gebruik— 45

- (i) deur 'n menger vir doeleindes van vermen- ging ooreenkomstig paragraaf (b); of 50
- (ii) vir die versterking van wyn of vir die vervaardiging van jenever, wodka of likeur; of

(d) by minstens 60 en hoogstens 92 persent alkohol volgens volume uit suiwer wyn, die produk van vars duiwe, gedistilleer en deur die Regeringsbrandewynraad goedgekeur is en deur hom as spiritus uitsluitlik van wyn vervaardig, gesertifiseer is en 'n likeur is of bestem is vir gebruik— 55

- (i) deur 'n menger vir doeleindes van vermen- ging ooreenkomstig paragraaf (b); of 60
- (ii) vir die versterking van wyn; of
- (iii) vir die vervaardiging van likeur; of

(e) druifspiritus is—

- (i) wat in 'n kontinuestookketel soos by regulasie voorgeskryf onder aksynstoesig by minstens 75 en hoogstens 92 persent alkohol volgens volume gedistilleer is, geheel en al van suiwer wyn, die produk van vars 65

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such purposes as the Government Brandy Board may approve]), unless such spirit—

(a) is pot still brandy which—

(i) has been distilled in a pot still under excise supervision, at not higher than 75 per cent of alcohol by volume, wholly from pure wine **[or must]**, the produce of fresh grapes, **[which has been approved by the Government Brandy Board]** and which wine complies with the standards laid down by the Government Brandy Board with the approval of the Minister and published in the *Gazette*; and

(ii) has been approved by the Government Brandy Board and certified by it to be **[pure wine brandy]** brandy manufactured solely from wine; and

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

(b) is brandy which is a blend of not less than 30 per cent (calculated on the basis of absolute alcohol) of pot still brandy described in paragraph (a) and not more than 70 per cent (calculated on the basis of absolute alcohol)—

(i) **[has been]** of wine spirit which has been distilled from pure wine **[or must]**, the produce of fresh grapes, at not lower than **[60]** 95 per cent of alcohol by volume and **[which]** has been approved by the Government Brandy Board and certified by it to be **[pure wine]** spirit manufactured solely from wine **[and is blended with not less than 25 per cent (calculated on the basis of absolute alcohol) of brandy described in paragraph (a)]**; or

(ii) of grape spirit described in paragraph (e); or

(iii) wine spirit described in paragraph (d); or

(c) is wine spirit described in paragraph (b) (i) **[has been distilled at not lower than 60 per cent of alcohol by volume and has been approved by the Government Brandy Board and certified by it to be pure wine spirit]** and is a gin, vodka or a liqueur or is intended for use—

(i) by a blender for purposes of blending in accordance with paragraph (b); or

(ii) in the fortification of wine or in the manufacture of gin, vodka or liqueur; or

(d) has been distilled at not lower than 60 and not higher than 92 per cent of alcohol by volume from pure wine, the produce of fresh grapes, and has been approved by the Government Brandy Board and certified by it to be spirit manufactured solely from wine, and is a liqueur or intended for use—

(i) by a blender for purposes of blending in accordance with paragraph (b); or

(ii) in the fortification of wine; or

(iii) in the manufacture of liqueur; or

(e) is grape spirit—

(i) which has been distilled under excise supervision at not lower than 75 and not higher than 92 per cent of alcohol by volume in a continuous still prescribed by regulation, wholly from pure wine, the produce of fresh

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- druive, en wat voldoen aan die standaard wat deur die Regeringsbrandewynraad met die goedkeuring van die Minister bepaal en in die *Staatskoerant* gepubliseer is; en 5
- (ii) wat deur die Regeringsbrandewynraad goedgekeur is en deur hom as spiritus uitsluitlik van wyn vervaardig, gesertifiseer is; en
- (iii) waarby geen kleurstof gevoeg is nie; of
- (f) deur die Regeringsbrandewynraad goedgekeur is en bestem is vir die doeleindes wat die Minister van tyd tot tyd met die instemming van die vereniging magtig. 10
- (2) (a) Die Regeringsbrandewynraad kan met die goedkeuring van die Minister van tyd tot tyd vereistes voorskryf waaraan enige spiritus in subartikel (1) bedoel, moet voldoen, en genoemde vereistes in die *Staatskoerant* publiseer. 15
- (b) Sodanige vereistes kan verskil ooreenkomstig die wyse van distillering of alkohol-inhoud van sodanige spiritus of die doeleindes waarvoor dit bestem is. 20
- [(2)] (3)** Iemand wat die bepalings van subartikel (1) oortree of versuim om aan enige vereiste kragtens subartikel (2) voorgeskryf, te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[twee honderd]** duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met sowel sodanige boete as sodanige gevangenisstraf." 30

Wysiging van artikel 14 van Wet 47 van 1970, soos gewysig deur artikel 4 van Wet 70 van 1972 en artikel 11 van Wet 74 van 1974.

3. Artikel 14 van die Hoofwet word hierby gewysig—

- (a) deur die omskrywing van „groothandelshoeveelheid” deur die volgende omskrywing te vervang: 35
- „groothandelshoeveelheid”, met betrekking tot iemand wat op 1 November 1940 geregtig was om in wyn handel te dryf, en behoudens die bepalings van subartikel (2), minstens 'n hoeveelheid wyn gelykstaande met **[1 400] 1 600** hektoliter van 'n sterkte van **[20] tien** persent alkohol volgens volume, en met betrekking tot iemand wat nie aldus geregtig was nie, minstens dubbel daardie hoeveelheid;” en
- (b) deur die omskrywing van „sterkte” deur die volgende omskrywing te vervang: 45
- „sterkte”, met betrekking tot wyn, **[die hoeveelheid alkohol daarin bevat, uitgedruk as 'n persentasie en bepaal deur die alkohol volgens volume van daardie wyn om te reken na die gelykstaande persentasie sterkte ooreenkomstig die tabelle vir sodanige omrekening wat van tyd tot tyd deur die Minister goedgekeur en deur hom by die Sekretaris van Landbou-ekonomie en -bemarking ingelewer is]** die persentasie alkohol volgens volume daarin, plus die **[hoeveelheid]** 55
- potensiële alkohol in sodanige wyn, verteenwoordig deur die suiker daarin **[in sodanige wyn]** bevat, uitgedruk as 'n persentasie alkohol volgens volume **[en bereken teen die koers van een persent sterkte per graad suiker aldus bevat, soos met Balling se saccharometer bepaal, ooreenkomstig die tabelle vir gebruik by bedoelde saccharometer, wat van tyd tot tyd deur die Minister goedgekeur en deur hom by bedoelde Sekretaris ingelewer is];”** 60
- 65

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- grapes, and which complies with the standards laid down by the Government Brandy Board with the approval of the Minister and published in the *Gazette*; and
- 5 (ii) which has been approved by the Government Brandy Board and certified by it to be spirit manufactured solely from wine; and
- (iii) to which no colouring-matter has been added; or
- 10 (f) has been approved by the Government Brandy Board and is intended for the purposes authorized from time to time by the Minister with the concurrence of the vereniging.
- 15 (2) (a) The Government Brandy Board may with the approval of the Minister from time to time prescribe and publish in the *Gazette* certain requirements with which any spirit referred to in subsection (1) shall comply.
- 20 (b) Such requirements may vary according to the method of distillation or alcohol content of such spirit or the purposes for which it may be intended.

25 **[(2)] (3)** Any person who contravenes the provisions of subsection (1) or fails to comply with any requirement prescribed under subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding **[two hundred]** one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such

30 imprisonment.

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

- (a) by the substitution for the definition of "strength" of the following definition:

35 "strength", in relation to wine, means **[the quantity of alcohol contained therein, expressed as a percentage and ascertained by converting the alcohol by volume of such wine to the equivalent percentage of strength in accordance with the tables for such conversion which may from time to time be approved by the Minister and lodged by him with the Secretary for Agricultural Economics and Marketing]** the percentage of

40 alcohol by volume therein, plus the **[quantity of]** potential alcohol in such wine represented by the sugar contained therein **[in such wine]**, expressed as a percentage of alcohol by volume

45 **[and calculated at the rate of one per cent of strength per degree of sugar so contained, as ascertained by Balling's saccharometer, in accordance with the tables to be used with such saccharometer, which may from time to time be approved by the Minister and lodged by him with such Secretary];**

- 50 (b) by the substitution for the definition of "wholesale quantity" of the following definition:

55 "wholesale quantity" means, in relation to any person entitled to deal in wine on 1 November 1940, and subject to the provisions of subsection (2), a quantity of wine not less than the equivalent of

60 **[1 400] 1 600** hectolitres of a strength of **[20] ten per cent of alcohol by volume**, and in relation to any person not so entitled, not less than double that quantity."

Amendment of section 14 of Act 47 of 1970, as amended by section 4 of Act 70 of 1972 and section 11 of Act 74 of 1974.

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Wysiging van
artikel 18 van
Wet 47 van 1970,
soos gewysig deur
artikel 7 van
Wet 70 van 1972,
artikel 16 van
Wet 74 van 1974
en artikel 2 van
Wet 47 van 1978.

4. Artikel 18 van die Hoofwet word hierby gewysig—
- (a) deur subparagraaf (iii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- „(iii) die bedrag wat by so 'n prys gevoeg moet word **[as sodanige wyn gekoop word deur of verkoop word aan 'n persoon in bottels, flesse of ander houers met 'n inhoud van 25 liter of minder]**, watter bedrag kan verskil **[na gelang dié bottels, flesse of ander houers se inhoud—**
- (aa) **meer as 5 liter maar hoogstens 25 liter;** 10
- (bb) **4,5 liter tot 5 liter; of**
- (cc) **minder as 4,5 liter,**
- is]** ooreenkomstig die houers of verpakkingsmateriaal wat gebruik word ten opsigte van enige aankoop of verkoop van sodanige wyn;”;
- (b) deur die volgende paragraaf by subartikel (1) te voeg:
- „(e) (i) Wanneer die vereniging voornemens is om gedurende enige jaar 'n bedrag in paragraaf (a) (iii) bedoel wat kragtens hierdie subartikel ten opsigte van daardie jaar vasgestel is, te wysig, moet die vereniging so gou doenlik aan die Minister 'n staat ten opsigte van bedoelde voorgenome wysiging voorlê, en die bepalings van paragraaf (b) betreffende optrede deur die Minister by ontvangs van die staat in daardie paragraaf bedoel, en die bepalings van paragraaf (c), is *mutatis mutandis* van toepassing met betrekking tot genoemde voorgenome wysiging asof dit 'n voorgenome vasstelling in paragraaf (b) bedoel, was.
- (ii) Enige bedrag wat uit hoofde van die bepalings van subparagraaf (i) vasgestel word, word geag die bedrag te wees wat kragtens paragraaf (a), (b) en (c) ten opsigte van die betrokke jaar vasgestel is.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) Niemand wat gelisensieer is om in drank handel te dryf en geen distilleerder (behalwe die vereniging) mag gedurende 'n jaar ten opsigte waarvan 'n minimum prys kragtens subartikel (1) vasgestel is, wyn van iemand verkry nie, en geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar wyn aan iemand wat aldus gelisensieer is of so 'n distilleerder van die hand sit nie, behalwe teen 'n prys wat nie laer is nie as daardie minimum prys, indien die wyn voor versterking van 'n sterkte van hoogstens **[20] tien persent alkohol volgens volume** is, of nie laer is nie as daardie minimum prys plus 'n bedrag per hektoliter wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir 'n hektoliter wyn van 'n sterkte van **[20] tien persent alkohol volgens volume** vir distilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige eersgenoemde wyn voor versterking hoër is as **[20] tien**, staan tot **[20] tien**, indien sodanige laasgenoemde sterkte hoër as **[20] tien** persent alkohol volgens volume is: Met dien verstande dat, in die geval van wyn wat versterk is met spiritus wat nie deur die koper op eie koste voorsien is nie, die prys betaalbaar, soos voormeld, vermeerder word met die waarde van die spiritus by daardie wyn gevoeg, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie versterkte wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van **[20] tien persent alkohol volgens volume** vir distilleringsdoeleindes, wat nodig

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4. Section 18 of the principal Act is hereby amended—

Amendment of
section 18 of
Act 47 of 1970,
as amended by
section 7 of
Act 70 of 1972,
section 16 of
Act 74 of 1974
and section 2 of
Act 47 of 1978.

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

“(iii) the amount which shall be added to any such price **[if such wine is purchased by or sold to any person in bottles, jars or other containers of a capacity of 25 litres or less]**, which amount may vary according **[as the capacity of those bottles, jars or other containers—**

(aa) exceeds 5 litres but is not more than 25 litres;

(bb) is 4,5 litres up to 5 litres; or

(cc) is less than 4,5 litres] to the containers or packaging material used in respect of any purchase or sale of such wine;”;

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

“(e) (i) Whenever the vereniging proposes to amend

during any year any amount referred to in paragraph (a) (iii) which has been fixed under this subsection in respect of that year, the vereniging shall as soon as practicable submit to the Minister a statement in respect of such proposed amendment, and the provisions of paragraph (b) regarding action by the Minister upon receipt of the statement referred to in that paragraph, and the provisions of paragraph (c), shall *mutatis mutandis* apply in relation to such proposed amendment as if it were a proposed fixing referred to in paragraph (b).

(ii) Any amount fixed by virtue of the provisions of subparagraph (i) shall be deemed to be the amount fixed under paragraphs (a), (b) and (c) in respect of the year concerned.”;

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

“(2) No person licensed to deal in liquor and no distiller (other than the vereniging) shall, during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine from any person, and no winegrower or co-operative society shall during such year dispose of any wine to any person so licensed or any such distiller, except at a price which is not less than such minimum price, if prior to fortification the wine is of a strength not exceeding **[20] ten** per cent of alcohol by volume, or not less than such minimum price plus an amount per hectolitre which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such wine is sold, for one hectolitre of wine of a strength of **[20] ten** per cent of alcohol by volume for distillation purposes, as the number by which the percentage figure of the strength of such first-mentioned wine prior to fortification exceeds **[20] ten**, bears to **[20] ten**, if such last-mentioned strength exceeds **[20] ten** per cent of alcohol by volume: Provided that in the case of wine which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid shall be increased by the value of the spirit added to such wine, calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such fortified wine is sold, for the quantity of wine of a strength of **[20] ten** per cent of alcohol by volume for distillation purposes,

- sou wees om daardie spiritus te distilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te distilleer.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang: 5
- „(3) Geen wynboer of koöperatiewe vereniging mag gedurende so 'n jaar wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) verkoop aan iemand wat nie gelisensieer is om in drank handel te dryf of nie 'n distilleerder is nie, teen 'n prys wat laer is as die prys in subartikel (2) voorgeskryf (uitgesonderd die toeslag, opbergingsgelde en ander gelde in subartikel (1) bedoel), plus 'n toeslag bereken teen die persentasie van laasgenoemde prys wat die Minister, indien hy dit goedvind, van tyd tot tyd vir die doeleindes van hierdie subartikel by kennisgewing in die *Staatskoerant* voorskryf, plus 'n verdere bedrag wat gelykstaan met die reg betaal of betaalbaar deur sodanige wynboer of koöperatiewe vereniging ingevolge die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), ten opsigte van sodanige wyn, plus 'n verdere bedrag bereken teen **[20 sent]** die tarief per hektoliter van sodanige wyn soos van tyd tot tyd ingevolge artikel 22 bepaal, plus die vervoerkoste wat die Minister, indien hy dit goedvind, van tyd tot tyd vir die doeleindes van hierdie subartikel by kennisgewing in die *Staatskoerant* voorskryf, indien sodanige wyn deur 'n wynboer of koöperatiewe vereniging gelewer word op 'n ander plek as die plek waar sodanige wyn geproduseer of vervaardig is, of die naaste spoorwegstasie of -halte aan daardie plek: Met dien verstande dat 'n toeslag aldus voorgeskryf nie van toepassing is nie in die geval van 'n verkoping van sodanige wyn aan 'n *bona fide*-boer slegs vir gebruik op sy plaas.”; en 25
- (e) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang: 30
- „(a) Elke groothandelaar (behalwe die vereniging) moet, gedurende elke jaar ten opsigte waarvan kragtens subartikel (1) 'n persentasie vasgestel is, 'n hoeveelheid wyn deur aankoop verkry wat nie minder as daardie persentasie is nie, in die geval van wyn van 'n sterkte van hoogstens **[20] tien** persent alkohol volgens volume voor versterking, teen 'n prys wat nie laer is nie as die kwaliteitsprys aldus ten opsigte van daardie jaar vasgestel, en in die geval van wyn van 'n hoër sterkte as **[20] tien** persent alkohol volgens volume voor versterking, teen eersgenoemde prys plus 'n bedrag per hektoliter wat in dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin daardie wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir 'n hektoliter wyn van 'n sterkte van **[20] tien** persent alkohol volgens volume vir destilleringsdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige eersgenoemde wyn hoër is as **[20] tien**, staan tot **[20] tien**: Met dien verstande dat, in die geval van wyn wat versterk is met spiritus wat nie deur die koper op eie koste voorsien is nie, die prys betaalbaar, soos voormeld, vermeerder word met die waarde van die spiritus by daardie wyn gevoeg, bereken teen die vasgestelde minimum prys wat die vereniging in die jaar waarin daardie versterkte wyn verkoop word, kragtens Hoofstuk I groothandelaars vra vir die hoeveelheid wyn van 'n sterkte van **[20] tien** persent alkohol volgens volume vir destilleringsdoel- 55 60 65

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which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.”;

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

10 “(3) No winegrower or co-operative society shall during any such year sell any wine (in terms of paragraph (a) of the definition of ‘wine’) to any person who is not licensed to deal in liquor or is not a distiller, at a price which is less than the price prescribed in subsection (2) (except the surcharge, storage, charges and other charges referred to in subsection (1)), plus a surcharge calculated at the rate of such percentage of the last-mentioned price as the Minister may, if he thinks fit, from time to time by notice in the *Gazette* prescribe for the purposes of this subsection, plus a further amount equivalent to the duty paid or payable by such winegrower or co-operative society in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in respect of such wine, plus a further amount calculated at **[the] such rate [of 20 cents]** per hectolitre of such wine as may be determined from time to time in terms of section 22, plus such cost of transport as the Minister, if he thinks fit, may from time to time prescribe for the purposes of this subsection by notice in the *Gazette*, if such wine is delivered by a winegrower or co-operative society at a place other than the place where such wine was produced or manufactured, or the railway station or siding nearest to such place: Provided that any surcharge so prescribed shall not be applicable in the case of a sale of such wine to a *bona fide* farmer for use only on his farm.”; and

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

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

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eindes, wat nodig sou wees om daardie spiritus te distilleer, plus die koste (deur die vereniging bepaal te word) om daardie spiritus te distilleer.”

Wysiging van artikel 18A van Wet 47 van 1970, soos ingevoeg deur artikel 17 van Wet 74 van 1974.

5. Artikel 18A van die Hoofwet word hierby gewysig—

- (a) deur die woord „en” aan die einde van subparagraaf (ii) 5
van paragraaf (a) van subartikel (3) deur die woord „of” te vervang; en
(b) deur die volgende subparagraaf by paragraaf (a) van genoemde subartikel (3) te voeg:
„(iii) behalwe met die toestemming van die vereniging 10
en ooreenkomstig die voorwaardes deur hom bepaal, ’n diens in verband met die bottelering van sodanige wyn aan of ten behoeve van daardie persoon of distilleerder lewer of laat lewer nie; 15
en”.

Wysiging van artikel 20 van Wet 47 van 1970, soos gewysig deur artikel 9 van Wet 70 van 1972, artikel 19 van Wet 74 van 1974 en artikel 3 van Wet 69 van 1976.

6. Artikel 20 van die Hoofwet word hierby gewysig deur paragrawe (a) en (b) van subartikel (2) deur onderskeidelik die volgende paragrawe te vervang:

- „(a) in die geval van druïwe, ’n bedrag per metrieke ton van sodanige druïwe gelykstaande met die minimum prys 20 aldus vasgestel vir **[6,364] 7,3186** hektoliter wyn van ’n sterkte van **[20] tien persent alkohol volgens volume**, plus, indien die sterkte van sodanige druïwe meer as **[20] tien persent alkohol volgens volume** is, ’n bedrag per metrieke ton van sodanige druïwe wat in 25 dieselfde verhouding staan tot die vasgestelde minimum prys wat die vereniging, in die jaar waarin sodanige druïwe aldus gekoop of verkry word, kragtens Hoofstuk I groothandelaars vra vir **[6,364] 7,3186** hektoliter wyn van ’n sterkte van **[20] tien persent alkohol 30 volgens volume** vir distilleringdoeleindes, as wat die getal waarby die persentasiesyfer van die sterkte van sodanige druïwe hoër is as **[20] tien**, staan tot **[20] tien**, plus ’n verdere bedrag wat bereken word teen die 35 tarief per hektoliter soos van tyd tot tyd ingevolge artikel 22 bepaal, op die hoeveelheid wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) van ’n sterkte van tien persent alkohol volgens volume wat van sodanige druïwe gemaak sou kon word;
- (b) in die geval van druïwesap, moskonfyt, rosyne of 40 sultanas, ’n bedrag bereken kragtens paragraaf (a) vir die gelykstaande massa druïwe van ’n sterkte van **[20] tien persent alkohol volgens volume**, bepaal ooreenkomstig die bepalinge van artikel 54, plus ’n 45 verdere bedrag wat bereken word teen die tarief per hektoliter soos van tyd tot tyd ingevolge artikel 22 bepaal op die hoeveelheid wyn (ingevolge paragraaf (a) van die omskrywing van „wyn”) van ’n sterkte van tien persent alkohol volgens volume wat van die hoeveelheid druïwe wat nodig is om daardie druïwesap, moskonfyt, 50 rosyne of sultanas te maak, gemaak sou kon word.”

Wysiging van artikel 22 van Wet 47 van 1970, soos vervang deur artikel 21 van Wet 74 van 1974.

7. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te 55
vervang:
„(2) ’n Wynboer of koöperatiewe vereniging wat wyn **[(ingevolge paragraaf (a) van die omskrywing van „wyn”)]** verkoop aan iemand wat nie gelisensieer is om in drank handel te dryf of nie ’n distilleerder is nie, moet aan die vereniging ’n bedrag 60 betaal wat bereken word **[teen die tarief per hektoliter wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal, op die hoeveelheid wyn aldus verkoop]**—

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would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.”.

5. Section 18A of the principal Act is hereby amended—
- 5 (a) by the substitution for the word “and” at the end of subparagraph (ii) of paragraph (a) of subsection (3) of the word “or”; and
- (b) by the addition of the following subparagraph to paragraph (a) of the said subsection (3):
- 10 “(iii) except with the consent of the vereniging and in accordance with such conditions as it may determine, render or cause to be rendered any service in connection with the bottling of such wine to or on behalf of such person or distiller; and”.
- 15 6. Section 20 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively:
- 20 “(a) in the case of grapes, an amount per metric ton of such grapes equivalent to the minimum price so fixed for **[6,364] 7,3186** hectolitres of wine of a strength of **[20] ten** per cent of alcohol by volume plus, if the strength of such grapes exceeds **[20] ten** per cent of alcohol by volume, an amount per metric ton of such grapes which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such grapes are so purchased or acquired, for **[6,364] 7,3186** hectolitres of wine of a strength of **[20] ten** per cent of alcohol by volume for distillation purposes, as the number by which the percentage figure of the strength of such grapes exceeds **[20] ten**, bears to **[20] ten**, plus a further amount calculated at the rate per hectolitre as determined from time to time in terms of section 22, on the quantity of wine (in terms of paragraph (a) of the definition of ‘wine’) of a strength of ten per cent of alcohol by volume which could be made from such grapes;
- 25 (b) in the case of grape juice, moskonfyt, raisins or sultanas, an amount calculated under paragraph (a) for the equivalent in mass of grapes of a strength of **[20] ten** per cent of alcohol by volume determined in accordance with the provisions of section 54, plus a further amount calculated at the rate per hectolitre as determined from time to time in terms of section 22 on the quantity of wine (in terms of paragraph (a) of the definition of ‘wine’) of a strength of ten per cent of alcohol by volume which could be made from the quantity of grapes required to make such grape juice, moskonfyt, raisins or sultanas.”.
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- 50 7. Section 22 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for the words preceding the proviso of the following words:
- 55 “(2) Every winegrower who or co-operative society which sells wine **[(in terms of paragraph (a) of the definition of ‘wine’)]** to any person who is not licensed to deal in liquor or is not a distiller, shall pay to the vereniging an amount calculated **[at the rate per hectolitre determined by the Minister from time to time by notice in the Gazette, on the quantity of wine so sold]**—
- 60

Amendment of section 18A of Act 47 of 1970, as inserted by section 17 of Act 74 of 1974.

Amendment of section 20 of Act 47 of 1970, as amended by section 9 of Act 70 of 1972, section 19 of Act 74 of 1974 and section 3 of Act 69 of 1976.

Amendment of section 22 of Act 47 of 1970, as substituted by section 21 of Act 74 of 1974.

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- (a) in die geval van ander wyn as wyn in paragraaf (b) of (c) bedoel, teen die tarief per hektoliter wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal op die hoeveelheid wyn aldus verkoop; of 5
- (b) in die geval van druiwe, teen die kragtens paragraaf (a) bepaalde tarief op die hoeveelheid wyn van 'n sterkte van tien persent alkohol volgens volume wat van sodanige druiwe gemaak sou kon word; of 10
- (c) in die geval van druiwesap, moskonfyt, rosyne of sultanas, teen die kragtens paragraaf (a) bepaalde tarief, op die hoeveelheid wyn van 'n sterkte van tien persent alkohol volgens volume wat van die hoeveelheid druiwe wat nodig is om daardie druiwesap, moskonfyt, rosyne of sultanas te maak, 15
gemaak sou kon word; en
- (b) deur na subartikel (2) die volgende subartikel in te voeg:
„(2A) Elke wynboer of koöperatiewe vereniging moet aan die vereniging enige heffing, uitgesonderd die heffing in artikel 4 beoog, betaal wat deur die vereniging 20
ingevolge sy regulasies opgelê word ten opsigte van wyn wat deur die wynboer of koöperatiewe vereniging geproduseer of verkoop of andersins van die hand gesit is.”

Herroeping van
Hoofstuk III van
Wet 47 van 1970.

8. Hoofstuk III van die Hoofwet word hierby herroep. 25

Wysiging van
artikel 49 van
Wet 47 van 1970.

9. Artikel 49 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

- „(a) in die geval van wyn (behalwe druiwe, moskonfyt, rosyne en sultanas) van 'n ander sterkte as 'n sterkte van 30
[20] tien persent alkohol volgens volume, teen 'n koers wat tot die koers van sodanige heffing in dieselfde verhouding staan as wat die sterkte van sodanige wyn tot [20] tien staan;”

Wysiging van
artikel 51 van
Wet 47 van 1970.

10. Artikel 51 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 35

- „(2) Die vereniging kan [(a)] soveel van die geld in daardie rekening as wat die Minister, na oorweging van 'n beraming bevattende alle besonderhede deur die Minister van tyd tot tyd bepaal en aan hom voorgelê deur die vereniging, 40
van tyd tot tyd goedkeur, aanwend, op die wyse en op die tyd wat die vereniging goed ag, om in die Republiek of elders—
- (a) navorsing te steun of te bevorder en voorligting te verstrek ten opsigte van die verbouing van wingerdstokke van wyndruifvariëteite, met inbegrip van onder- 45
stokke gebruik by die verbouing van sodanige wingerdstokke, ten opsigte van die produksie van wyn, ander gegiste of gedistilleerde druiweprodukte of druiwesap, of ten opsigte van aangeleenthede wat daarmee in verband staan [te steun of te bevorder of te onder- 50
neem]; en
- (b) [soveel van die geld in daardie rekening as wat die Minister van tyd tot tyd goedkeur, aldus aanwend om] reklame, en navorsing ten opsigte van ekonomiese aangeleenthede, te steun of te onderneem en voorligting 55
betreffende sodanige navorsing te verstrek, [in die Republiek of elders] in verband met die produksie en bemarking van wyn, ander gegiste of gedistilleerde druiweprodukte of druiwesap geproduseer of vervaardig deur die vereniging of deur ander produsente of 60
vervaardigers in die Republiek [te steun of te onderneem].”

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- (a) in the case of wine other than wine referred to in paragraph (b) or (c), at the rate per hectolitre determined by the Minister from time to time by notice in the *Gazette* on the quantity of wine so sold; or
- 5 (b) in the case of grapes, at the rate determined under paragraph (a) on the quantity of wine of a strength of ten per cent of alcohol by volume which could be made from such grapes; or
- 10 (c) in the case of grape juice, moskonfyt, raisins or sultanas, at the rate determined under paragraph (a), on the quantity of wine of a strength of ten per cent of alcohol by volume which could be made from the quantity of grapes required to make such grape juice, moskonfyt, raisins or sultanas; and
- 15 (b) by the insertion after subsection (2) of the following subsection:
- “(2A) Every winegrower or co-operative society shall pay to the vereniging any levy, other than the levy contemplated in section 4, imposed by the vereniging in terms of its regulations in respect of any wine produced or sold or otherwise disposed of by such winegrower or co-operative society.”.
- 20

8. Chapter III of the principal Act is hereby repealed.

Repeal of
Chapter III of
Act 47 of 1970.

25 9. Section 49 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

Amendment of
section 49 of
Act 47 of 1970.

- “(a) in the case of wine (other than grapes, moskonfyt, raisins and sultanas) of a strength other than a strength of **[twenty]** ten per cent of alcohol by volume, at a rate which bears the same ratio to the rate of such levy as the strength of such wine bears to **[twenty]** ten.”.
- 30

10. Section 51 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 51 of
Act 47 of 1970.

- 35 “(2) The vereniging may **[(a)]** use so much of the moneys in such account as the Minister may from time to time approve, after consideration of an estimate containing all particulars determined from time to time by the Minister and submitted to him by the vereniging, in such manner and
- 40 at such times as it may deem fit—
- (a) for aiding or promoting **[or undertaking]** research and furnishing information, in the Republic or elsewhere, in respect of the cultivation of vines of wine-grape varieties, including rootstocks used in the cultivation of such vines, in respect of the production of wine, other
- 45 fermented or distilled products of the grape or grape juice, or in respect of matters incidental thereto; and
- (b) **[so use so much of the moneys in such account, as the Minister may from time to time approve]** for aiding or undertaking publicity, and research in respect of economic matters and furnishing information regard-
- 50 ing such research, in the Republic or elsewhere, in connection with the production and marketing of wine, other fermented or distilled products of the grape or grape juice produced or manufactured by the vereniging or by other producers or manufacturers in the Republic.”.
- 55

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Wysiging van
artikel 54 van
Wet 47 van 1970,
soos ingevoeg deur
artikel 29 van
Wet 74 van 1974.

11. Artikel 54 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) By die toepassing van **[artikels 18 (5) (b), 19, 20 (2) (b), 22 (1), 32 (2) en (5), en 49 (2)]** hierdie Wet—

- (a) word 1 metrieke ton druiwe teen 20 grade (soos bepaal deur Balling se saccharometer) geag gelyk te staan met **[6,364] 7,3186** hektoliter wyn van 'n sterkte van **[20]** tien persent alkohol volgens volume bereken ooreenkomstig die tabelle bedoel in paragraaf (c); **[en]**
- (b) word 'n hoeveelheid druiwesap, moskonfyt, rosyne of sultanas geag gelyk te staan in massa met 'n hoeveelheid druiwe wat in dieselfde massaverhouding tot daardie hoeveelheid druiwesap, moskonfyt, rosyne of sultanas staan as wat die syfer wat die persentasie (massa per massa) suiker in daardie hoeveelheid druiwesap, moskonfyt, rosyne of sultanas verteenwoordig, tot 20 staan;
- (c) word potensiële alkohol verteenwoordig deur die suiker in wyn, uitgedruk as 'n persentasie alkohol volgens volume, bereken ooreenkomstig die tabelle wat van tyd tot tyd deur die Minister goedgekeur en deur hom by die Direkteur-generaal van Landbou en Visserie ingelewer is; en
- (d) word alkohol volgens volume in wyn of spiritus bepaal ooreenkomstig die piknometer-metode en omrekenings-tabelle wat van tyd tot tyd deur die Minister goedgekeur en deur hom by die Direkteur-generaal van Landbou en Visserie ingelewer is of sodanige ander metode as wat die Minister by kennisgewing in die *Staatskoerant* mag voorskryf.”

Vervanging
van sekere
uitdrukkings in
Wet 47 van 1970.

12. Die Hoofwet word hierby gewysig deur die uitdrukkings „twintig persent” en „20 persent” waar dit ook al voorkom deur die uitdrukking „tien persent alkohol volgens volume” te vervang.

Wysiging van
artikel 8 van
Wet 25 van 1957,
soos vervang deur
artikel 7 van
Wet 62 van 1970
en gewysig deur
artikel 6 van
Wet 68 van 1976.

13. Artikel 8 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, word hierby gewysig—

- (a) deur die volgende omskrywing na die omskrywing van „druibebrandewyn” in te voeg:
„druifspiritus’ 'n distillaat met 'n alkoholgehalte van minstens 43 persent alkohol volgens volume, wat uitsluitlik deur die distillering van wyn, gedistilleer by minstens 75 persent en hoogstens 92 persent alkohol volgens volume, verkry is, en waarby geen kleurstof gevoeg is nie;” en
- (b) deur die omskrywing van „wynbrandewyn (konjak-tipe)” deur die volgende omskrywing te vervang:
„wynbrandewyn (konjak-tipe)’ 'n distillaat met 'n alkoholgehalte van minstens 43 persent alkohol volgens volume, wat uitsluitlik deur die distillering van wyn, gedistilleer by hoogstens **[70] 75** persent alkohol volgens volume, verkry is, en waarvan die ander vlugtige bestanddele as water van bedoelde wyn afkomstig is, en minstens 125 gram hoër alkohole, bereken as amielalkohol, en 300 gram totale sekondêre bestanddele per 100 000 milliliter absolute alkohol bevat;”

Vervanging van
artikel 9 van
Wet 25 van 1957,
soos vervang deur
artikel 6 van
Wet 30 van 1968.

14. Artikel 9 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, word hierby deur die volgende artikel vervang:

„Vereistes
ten aansien
van sekere
klasse
spiritualieë.

9. Niemand mag onder die naam **[brandewyn, druibebrandewyn (konjak-tipe), whisky, ver- mengde whisky, moutwhisky, jenewer, likeur, rum, vermengde rum, spiritusaperitief, spiritus- mengeldrank, gerektifiseerde spiritus, rietspirit, wodka of wynspiritus]** van enigeen van die spiritu- alieë in artikel 8 omskryf, 'n artikel vervaardig of

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11. Section 54 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 54 of Act 47 of 1970, as inserted by section 29 of Act 74 of 1974.

“(1) For the purposes of **[sections 18 (5) (b), 19, 20 (2) (b), 22 (1), 32 (2) and (5), and 49 (2)]** this Act—

- 5 (a) one metric ton of grapes at 20 degrees (as ascertained by Balling's saccharometer) shall be deemed to be the equivalent of **[6,364] 7,3186** hectolitres of wine of a strength of **[20] ten** per cent of alcohol by volume calculated in accordance with the tables referred to in
- 10 paragraph (c); **[and]**
- (b) any quantity of grape juice, moskonfyt, raisins or sultanas shall be deemed to be the equivalent in mass to a quantity of grapes which bears the same mass ratio to that quantity of grape juice, moskonfyt, raisins or
- 15 sultanas, as the figure representing the percentage (mass by mass) of sugar in that quantity of grape juice, moskonfyt, raisins or sultanas, bears to 20;
- (c) potential alcohol represented by the sugar contained in wine expressed as a percentage of alcohol by volume, shall be calculated in accordance with the tables approved by the Minister from time to time and lodged by him with the Director-General of Agriculture and Fisheries; and
- 20 (d) the alcohol by volume in wine or spirits shall be determined in accordance with the pycnometer method and conversion tables which may from time to time be approved by the Minister and lodged by him with the Director-General of Agriculture and Fisheries, or such other method as the Minister may prescribe by notice in
- 25 the Gazette.”.
- 30

12. The principal Act is hereby amended by the substitution for the expressions “twenty per cent” and “20 per cent”, wherever they occur, of the expression “ten per cent of alcohol by volume”.

Substitution of certain expressions in Act 47 of 1970.

35 13. Section 8 of the Wine, Other Fermented Beverages and Spirits Act, 1957, is hereby amended—

Amendment of section 8 of Act 25 of 1957, as substituted by section 7 of Act 62 of 1970 and amended by section 6 of Act 68 of 1976.

(a) by the insertion of the following definition after the definition of “grape brandy”:

40 “‘grape spirit’ means a distillate of an alcoholic strength not lower than 43 per cent of alcohol by volume, resulting from the distillation solely of wine distilled at not lower than 75 per cent and not higher than 92 per cent of alcohol by volume, and to which no colouring matter has been added;” and

45 (b) by the substitution for the definition of “wine brandy (cognac type)” of the following definition:

50 “‘wine brandy (cognac type)’ means a distillate of an alcoholic strength not lower than 43 per cent of alcohol by volume, resulting solely from the distillation of wine distilled at not higher than **[70] 75** per cent of alcohol by volume, and whereof the volatile constituents, other than water, are derived from such wine, and include not less than 125 grammes of higher alcohols calculated as amyl alcohol and 300 grammes of total secondary constituents per 100 000 millilitres of absolute

55 alcohol.”.

14. The following section is hereby substituted for section 9 of the Wine, Other Fermented Beverages and Spirits Act, 1957:

Substitution of section 9 of Act 25 of 1957, as substituted by section 6 of Act 30 of 1968.

60 “Require-
ments
in respect of
certain
classes of
spirits.
65 9. No person shall manufacture or sell under the name of **[brandy, grape brandy, wine brandy (cognac type), whisky, blended whisky, malt whisky, gin, liqueur, rum, blended rum, spirit aperitif, spirit cocktail, rectified spirit, cane spirit, vodka or wine spirit]** any of the spirits defined in

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verkoop wat nie aan die beskrywing van die artikel onder daardie naam in genoemde artikel **[8]** omskryf, voldoen nie."

Kort titel en
inwerkingtreding.

15. (1) Hierdie Wet heet die Wysigingswet op Wyn en Spiritualieë, 1980, en tree in werking op 'n datum wat die 5 Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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

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section 8, any article which does not conform to the description of the article defined under that name in the said section **[8]**.”.

15. (1) This Act shall be called the Wine and Spirits Amendment Act, 1980, and 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 under subsection (1) in respect of different provisions of this Act.

