

**REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA**

Vol. 521

Cape Town,
Kaapstad, 24 November 2008

No. 31637

THE PRESIDENCY

No. 1262

24 November 2008

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

No. 32 of 2008: Liquor Products Amendment Act, 2008.

DIE PRESIDENSIE

No. 1262

24 November 2008

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

No. 32 van 2008: Wysigingswet op Drankprodukte, 2008.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the President.)
(Assented to 17 November 2008.)*

ACT

To amend the Liquor Products Act, 1989, so as to insert definitions and to amend and delete others; to provide for the composition of the Wine and Spirit Board; to amend the requirements regarding wine; to extend the particulars required in connection with the sale of liquor products in containers; to empower the Minister to prohibit the use of geographical names under certain circumstances; to make other provisions for the establishment of schemes; to curtail the board's power regarding the import and export of liquor products; to provide for compliance with international obligations; and to extend the Minister's power to make regulations; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 60 of 1989

1. Section 1 of the Liquor Products Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of “**container**” of the following definition:
“‘**container**’ means a [receptacle] container with a capacity not exceeding [5] five litres;”;
- (b) by the substitution for the definition of “**department**” of the following definition:
“‘**department**’ means the Department of [Agricultural Economics and Marketing] Agriculture;”;
- (c) by the substitution for the definition of “**grapes**” of the following definition:
“‘**grapes**’ means fruit of plants of *Vitis* [vinifera],”; and
- (d) by the insertion after the definition of “**import certificate**” of the following definition:
“international obligations’ includes the Trade-Related Intellectual Property Rights or the Wine and Spirit Agreement.”.
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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hakies dui skrappings uit bestaande verordenings aan.
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- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.
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*(Engelse teks deur die President geteken.)
(Goedgekeur op 17 November 2008.)*

WET

Tot wysiging van die Wet op Drankprodukte, 1989, ten einde omskrywings in te voeg en ander te wysig en te skrap; om voorseening te maak vir die samestelling van die Wyn- en Spiritusraad; om die vereistes betreffende wyn te wysig; om die besonderhede vereis in verband met die verkoop van drankprodukte in houers uit te brei; om die Minister te bemagtig om die gebruik van geografiese name onder bepaalde omstandighede te verbied; om ander bepalings te maak vir die instelling van skemas; om die raad se bevoegdheid betreffende die invoer en uitvoer van drankprodukte te beperk; om voorseening te maak vir nakoming van internasionale verpligte; en om die Minister se bevoegdheid om regulasies uit te vaardig, uit te brei; en voorseening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 60 van 1989

1. Artikel 1 van die Wet op Drankprodukte, 1989 (hierna die Hoofwet genoem), word hierby gewysig.—

- (a) deur die omskrywing van “departement” deur die volgende omskrywing te vervang:
“‘departement’ die Departement van [Landbou-ekonomies en -bemarking] Landbou;”;
- (b) deur die omskrywing van “druive” deur die volgende omskrywing te vervang:
“‘druive’ vrugte van plante van *Vitis [vinifera]:*”;
- (c) deur die omskrywing van “houer” deur die volgende omskrywing te vervang:
“‘houer’ ‘n houer met ‘n inhoudsvermoë van hoogstens [5] vyf liter;’;
en
- (d) deur na die omskrywing van “houer” die volgende omskrywing in te voeg:
“‘internasionale verpligte’ ook die Handelsverwante Intellekuele-eiendomsregte of die Wyn- en Spiritusooreenkoms;”.

Amendment of section 2 of Act 60 of 1989, as amended by section 1 of Act 11 of 1993**2. Section 2 of the principal Act is hereby amended—****(a) by the substitution for subsection (2) of the following subsection:****“(2) (a) The board consists of—**

- (i) at least eight persons with the relevant knowledge, skills or expertise in viticulture, oenology, distilling, regulatory environment of the liquor industry, liquor production, food safety or microbiology;**
- (ii) three officers of the Department nominated by the Department;**
- (iii) one person nominated by the Agricultural Research Council; and**
- (iv) one person designated by the Minister.**

(b) The Minister shall appoint the members of the board contemplated in paragraph (a)(i) subject to paragraph (d), and shall designate one of the members of the board as chairperson.

(c) The Minister shall notify Parliament in writing of the appointment of the members of the board within 30 days after such an appointment.

(d) The process for the appointment of the members of the board shall be as follows:

- (i) The Minister shall, by notice in the *Gazette* and in any national newspaper circulating in every province of the Republic, invite persons, stakeholders and the industry to submit to the Minister, within a period mentioned in the notice, the names of persons who comply with the criteria referred to in paragraph (a)(i);**
- (ii) the Minister shall establish a selection committee consisting of at least four persons and designate a chairperson for the committee; and**
- (iii) the selection committee shall, from the nominations submitted to it, compile a short-list of eligible candidates and submit its recommendation to the Minister for the appointment of members to the board.”;**

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

“(3) No person shall be appointed as a member [or alternate member] of the board—

- (a) unless he or she is a South African citizen permanently resident in the Republic;**
- (b) if he or she is an unrehabilitated insolvent;**
- (c) if he or she has [more than once] been convicted of an offence under this Act; or**
- (d) if he or she has been convicted of any offence for which he or she has been sentenced to imprisonment without the option of a fine.”;**

(c) by substitution for subsection (4) of the following subsection:

“(4) (a) A member [or an alternate member] of the board shall hold [his] office, subject to [the provisions of] subsection (5).”—

- (i) in the case of an officer, at the Minister’s pleasure; and**
- (ii) in any other case, for such period, but] for a period not exceeding [five years, as the Minister may determine at the time of appointment of that member or alternate member] three years, and such member [or alternate member] shall after the expiration of [the said] such period, continue in office [for a further period, but not exceeding three months,] until his or her successor has been appointed.**

(b) If a member [or an alternate member] of the board ceases to hold office for any reason, the Minister may, subject to [the provisions of] subsection (2), appoint any person in his or her place for the unexpired period of his or her term of office.

(c) Any person whose term of office as a member [or alternate member] of the board has expired, shall immediately thereafter be eligible for reappointment without complying with the process contemplated in subsection (2)(d).

(d) A member of the board may not serve more than two consecutive terms.”;

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Wysiging van artikel 2 van Wet 60 van 1989, soos gewysig deur artikel 1 van Wet 11 van 1993

2. Artikel 2 van die Hoofwet word hierby gewysig—

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

<p>“(2) (a) Die raad bestaan uit—</p> <ul style="list-style-type: none"> (i) minstens agt persone met die toepaslike kennis, vaardighede of vakkundigheid in wingerdbou, wynkunde, distillering, regulatorese omgewing van die drankbedryf, drankproduksie, voedselveiligheid of mikrobiologie; (ii) drie beampes van die Departement deur die Departement genomineer; (iii) een persoon deur die Landbounavorsingsraad genomineer; en (iv) een persoon deur die Minister aangewys. <p>(b) Die Minister moet die lede van die raad beoog in paragraaf (a)(i) behoudens paragraaf (d) aanstel, en moet een van die lede van die raad as voorsitter aanwys.</p> <p>(c) Die Minister moet die Parlement skriftelik van die aanstelling van die lede van die raad verwittig binne 30 dae na sodanige aanstelling.</p> <p>(d) Die proses vir die aanstelling van die lede van die raad is soos volg:</p> <ul style="list-style-type: none"> (i) Die Minister moet, by kennisgewing in die <i>Staatskoerant</i> en in enige nasionale koerant wat in elke provinsie van die Republiek sirkuleer, persone, belanghebbers en die bedryf nooi om binne 'n tydperk genoem in die kennisgewing die name van persone wat voldoen aan die kriteria bedoel in paragraaf (a)(i) aan die Minister voor te lê; (ii) die Minister moet 'n keurkomitee instel wat bestaan uit minstens vier persone, en 'n voorsitter vir die komitee aanwys; en (iii) die keurkomitee moet, van die nominasies wat by hom ingedien is, 'n kortlyks van verkiesbare kandidate saamstel en die aanbevelings <u>by die Minister indien vir die aanstelling van lede van die raad.</u>”. 	<p>5 10 15 20 25 30 35 40 45 50 55 60</p>
<p>(b) deur subartikel (3) deur die volgende subartikel te vervang:</p> <p>“(3) Niemand word as lid [of plaasvervangende lid] van die raad aangestel nie—</p> <ul style="list-style-type: none"> (a) tensy hy <u>of sy</u> 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is; (b) indien hy <u>of sy</u> 'n ongerehabiliteerde insolvent is; (c) indien hy <u>of sy</u> [meer as een keer] skuldig bevind is aan 'n misdryf kragtens hierdie Wet; of (d) indien hy <u>of sy</u> skuldig bevind is aan enige misdryf waarvoor hy <u>of sy</u> tot gevangenisstraf sonder die keuse van 'n boete gevonnis is.”; 	<p>30 35 40</p>
<p>(c) deur subartikel (4) deur die volgende subartikel te vervang:</p> <p>“(4) (a) 'n Lid [of 'n plaasvervangende lid] van die raad beklee <u>die amp, behoudens [bepalings van]</u> subartikel (5), [<u>—</u>]</p> <ul style="list-style-type: none"> (i) in die geval van 'n beampte, solank dit die Minister behaag; en (ii) in enige ander geval, vir die tydperk, maar vir 'n tydperk van hoogstens [vyf jaar, wat die Minister ten tyde van die aanstelling van daardie lid of plaasvervangende lid bepaal] drie jaar, en so 'n lid [of plaasvervangende lid] behou na verstryking van [genoemde] sodanige tydperk sy of haar amp [vir 'n verdere tydperk, maar hoogstens drie maande,] totdat sy <u>of haar</u> opvolger aangestel is. 	<p>45 50</p>
<p>(b) Indien 'n lid [of 'n plaasvervangende lid] van die raad om die een of ander rede ophou om sy <u>of haar</u> amp te beklee, kan die Minister, behoudens [die bepalings van] subartikel (2), iemand in sy <u>of haar</u> plek vir die onverstreke tydperk van sy <u>of haar</u> ampstermyn aanstel.</p>	<p>55</p>
<p>(c) Iemand wie se ampstermyn as lid [of plaasvervangende lid] van die raad verstryk het, kan <u>onmiddellik</u> weer aangestel word sonder om aan die proses beoog in subartikel (2)(d) te voldoen.</p>	<p>60</p>
<p>(d) 'n Lid van die raad mag nie langer as twee opeenvolgende termyne dien nie.”;</p>	

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

- “(5) (a) A member [or an alternate member] of the board shall vacate [his] office if he or she—
 (i) [if he becomes subject to any disability mentioned in] becomes disqualified in terms of subsection (3); 5
 (ii) [if he] becomes of unsound mind;
 (iii) [if, in the case of a member, he] has been absent from more than two consecutive meetings of the board without the leave of the [chairman] chairperson
 [(iv) if, in the case of a member or an alternate member nominated by a body specified in subsection (2)(a)(i), (ii) or (iv), the body concerned notifies the Director-General in writing that such member or alternate member shall no longer serve on the board as nominee of that body]. 10

(b) [The] Subject to the Promotion of Administrative Justice Act, 2000 15
 (Act No. 3 of 2000), the Minister may at any time remove a member [or an alternate member] of the board from [his] office if in the opinion of the Minister, sound reasons exist for doing so.”;

(e) by the substitution for subsection (6) of the following subsection:

- “(6) [(a) The member referred to in subsection (2)(a)(v) shall be 20 the chairman of the board.]

(b) The members of the board shall at the first meeting of the board, and thereafter whenever necessary, elect a [vice-chairman] deputy chairperson from [among the members referred to in subsection (2) (a)(i), (ii), (iii) and (iv)] amongst themselves. 25

(c) If both the [chairman] chairperson and the [vice-chairman] deputy chairperson are absent from a meeting of the board, the members present shall from [among their number] amongst themselves elect a [person] member to preside at [that] such meeting.”; and

(f) by the substitution for subsection 9 of the following subsection: 30

“(9) [There may be paid to a member and an alternate member of the board and] A member of the board and a member of a committee referred to in subsection (8) who are not in the full-time employment of the State, shall be paid from the funds of the board such allowances as the Minister may, with the concurrence of the Minister of Finance, determine 35 in general or in any particular case.”.

Amendment of section 4 of Act 60 of 1989

3. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) No person shall sell or produce for sale any product—
 (a) with an alcohol content of more than one per cent for drinking purposes [,]; 40
 or
 (b) including but not limited to a powder form, which, combined with any substance or liquid, will have an alcohol content of more than one per cent and is intended for drinking purposes, 45 unless that product is a liquor product.”.

Amendment of section 5 of Act 60 of 1989

4. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) Wine shall be produced—
 (a) [be produced from fresh] from grapes of a prescribed cultivar [that are in such a condition that, after having been pressed, alcoholic fermentation can occur in the undiluted juice thereof]; 50
 (b) [be produced] by—
 (i) the alcoholic fermentation, in accordance with generally accepted cellar practices, of the juice of [such fresh] grapes contemplated in paragraph (a) or the reconstituted juice obtained from a concentrate of the juice of such grapes or of a mixture of such juice and such reconstituted juice; 55

- (d) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) (a) ’n Lid [of ’n plaasvervangende lid] van die raad ontruim die [sy] amp indien hy of sy—
- (i) [indien hy onderworpe raak aan ’n onbevoegdheid in] onbevoeg raak ingevolge subartikel (3) [vermeld];
 - (ii) [indien hy] geestelik versteurd raak;
 - (iii) [indien, in die geval van ’n lid, hy] sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die raad afwesig was
 - (iv) indien, in die geval van ’n lid of ’n plaasvervangende lid wat deur ’n liggaam in subartikel (2)(a)(i), (ii) of (iv) vermeld, benoem is, die betrokke liggaam die Direkteur-generaal skriftelik in kennis stel dat so ’n lid of plaasvervangende lid nie meer as benoemde van daardie liggaam in die raad sal dien nie].
- (b) [Die] Behoudens die ‘Promotion of Administrative Justice Act, 2000’, Wet No. 3 van 2000, kan die Minister [kan] te eniger tyd ’n lid [of ’n plaasvervangende lid] van die raad van [sy] die amp onthef indien daar na die oordeel van die Minister gegrondte redes daarvoor bestaan.”;
- (e) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) [(a) Die lid in subartikel (2)(a)(v) bedoel, is die voorsitter van die raad.]
- (b) Die lede van die raad kies op die eerste vergadering van die raad, en daarna wanneer ook al nodig, ’n [ondervoorsitter] adjunkvoorsitter uit eie geledere [van die lede in subartikel (2)(a)(i), (ii), (iii) en (iv) bedoel].
- (c) Indien die voorsitter sowel as die [ondervoorsitter] adjunkvoorsitter van ’n vergadering van die raad afwesig is, kies die aanwesige lede [iemand] ’n lid uit eie geledere om op daardie vergadering voor te sit.”; en
- (f) deur subartikel 9 deur die volgende subartikel te vervang:
- “(9) [Daar kan aan ’n lid en ’n plaasvervangende lid van die raad en] ’n Lid van die raad en ’n lid van ’n komitee in subartikel (8) bedoel wat nie in die heeltydse diens van die Staat is nie, moet die toelaes uit die fondse van die raad betaal word wat die Minister in die algemeen of in ’n besondere geval met die instemming van die Minister van Finansies bepaal.”.

Wysiging van artikel 4 van Wet 60 van 1989

3. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Niemand mag ’n produk—
- (a) met ’n alkoholinhoud van meer as een persent vir drinkdoeleindes verkoop of vir verkoop produseer nie[.]; of
 - (b) insluitend maar nie beperk nie tot ’n poeievorm, verkoop of vir verkoop produseer wat, na kombinasie met ’n stof of vloeistof, ’n alkoholinhoud van meer as een persent sal hê en vir drinkdoeleindes bedoel is nie, tensy daardie produk ’n drankproduk is.”.

Wysiging van artikel 5 van Wet 60 van 1989

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

- “(1) Wyn moet geproduseer wees—
- (a) [geproduseer wees van vars] van druwe van ’n voorgeskrewe cultivar [wat in so ’n toestand is dat, nadat dit gepars is, alkoholieuse gisting in die onverdunde sap daarvan kan plaasvind];
 - (b) [geproduseer wees] deur—
 - (i) die alkoholieuse gisting, ooreenkomsdig algemeen aanvaarde kelder-prakteke, van die sap van [sodanige vars] druwe beoog in paragraaf (a) of die hersaamgestelde sap verkry van ’n konsentraat van die sap van sodanige druwe of ’n mengsel van sodanige sap en sodanige hersaamgestelde sap;

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- (ii) completing or terminating such alcoholic fermentation; or
 (iii) the addition of a prescribed spirit derived from grapes[,] to [the] juice of such [fresh] grapes or such fermented juice; and
 (c) [be produced] in such a manner that it complies with the prescribed requirements for wine or a particular prescribed class thereof.”.

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Amendment of section 11 of Act 60 of 1989

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

“(1) No person shall sell any liquor product in a container, unless the prescribed particulars of such liquor product are indicated in the prescribed manner on the 10 label [thereof] of such container and on the package of such container.”.

Insertion of section 13A in Act 60 of 1989

6. The following section is hereby inserted in the principal Act before section 14:

“Restriction on use of geographical names

13A. (1) The Minister may, taking into account the Republic's 15 international obligations or agreements with other countries, by notice in the *Gazette* restrict the use of specified geographical names in connection with the sale or export of a specified liquor product, on such conditions as may be specified in such notice.

(2) A notice issued in terms of subsection (1) shall also apply where the 20 geographical name concerned—

- (a) is used in conjunction with an indication of the true origin of the liquor product;
 (b) is translated; or
 (c) is accompanied by an expression such as ‘kind’, ‘type’, ‘style’, 25 ‘imitation’ or any similar expression.”.

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Amendment of section 14 of Act 60 of 1989

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

“(1) The Minister may, on the recommendation of the board, by notice in the 30 *Gazette*, establish a scheme in respect of [wine, brandy referred to in section 9(1)(a) or (b) of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), or a grape-based liquor] a liquor product derived from grapes, with a view to further regulating particular matters relating to the production and sale of such liquor products, including the granting of [authorizations] authorisations for the use of 35 particulars referred to in section 11(3)(a) and (4) in connection with the sale of the said liquor products.”.

Amendment of section 16 of Act 60 of 1989

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

(a) by the substitution in subsection (3) for paragraph (a) of the following 40 paragraph:

“(a) Subject to [the provisions of] paragraph (b) and the international obligations of the Republic, an import certificate shall be issued only if—

- (i) the product concerned is wine, an alcoholic fruit beverage, a spirit, a grape-based liquor or a spirit-based liquor; and
 (ii) in the case of a product imported in the containers in which it is to be sold in the Republic, the [labels] particulars on those containers and on the package of such containers comply with the applicable requirements of this Act.”;

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(b) by the deletion in subsection (3)(b) of subparagraph (iv); and

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- (ii) sodanige alkoholieke gisting te voltooi of te beëindig; of
 (iii) die byvoeging van 'n voorgeskrewe spiritus wat van druwe verkry is[,]
 by [die] sap van sodanige [vars] druwe of sodanige gegiste sap; en
 (c) op so 'n wyse [geproduseer wees] dat dit aan die voorgeskrewe vereistes vir
 wyn of 'n bepaalde voorgeskrewe klas daarvan voldoen.”.

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Wysiging van artikel 11 van Wet 60 van 1989

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

“(1) Niemand mag 'n drankproduk in 'n houer verkoop nie, tensy die voorgeskrewe besonderhede van sodanige drankproduk op die voorgeskrewe wyse 10 op die etiket [daarvan] van sodanige houer en op die verpakking van sodanige houer aangedui is.”.

Invoeging van artikel 13A in Wet 60 van 1989

6. Die volgende artikel word hierby in die Hoofwet voor artikel 14 ingevoeg:

“Beperking op gebruik van geografiese name

13A. (1) Die Minister kan, met inagneming van die Republiek se internasionale verpligte van ooreenkoms met ander lande, by kennisgewing in die Staatskoerant die gebruik van gespesifiseerde geografiese name in verband met die verkoop of uitvoer van 'n gespesifiseerde drankproduk beperk, op sodanige voorwaardes as wat in sodanige kennisgewing gespesifiseer word.

(2) 'n Kennisgewing uitgerek ingevolge subartikel (1) is ook van toepassing waar die betrokke geografiese naam—

- (a) gebruik word in samehang met 'n aanduiding van die ware oorsprong van die drankproduk;
 (b) vertaal is; of
 (c) vergesel gaan van 'n uitdrukking soos 'soort', 'tipe', 'styl', 'nabootsing' of enige soortgelyke uitdrukking.”.

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Wysiging van artikel 14 van Wet 60 van 1989

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

“(1) Die Minister kan op aanbeveling van die raad by kennisgewing in die Staatskoerant 'n skema instel ten opsigte van [wyn, brandewyn bedoel in artikel 9(1)(a) of (b) van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet 47 van 1970), of 'n druibasisdrank instel] 'n drankproduk afkomstig van druwe, met die oog daarop om bepaalde aangeleenthede betreffende die produksie en verkoop van sodanige drankprodukte verder te reël, met inbegrip van die verlening van magtigings vir die gebruik van besonderhede in artikel 11(3)(a) en (4) bedoel in verband met die verkoop van genoemde drankprodukte.”.

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Wysiging van artikel 16 van Wet 60 van 1989

8. Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) Behoudens [die bepalings van] paragraaf (b) en die internasionale verpligte van die Republiek, word 'n invoersertifikaat slegs uitgerek indien—

- (i) die betrokke produk wyn, 'n alkoholieke vrugtedrank, 'n spiritus, 'n druibasisdrank of 'n spiritusbasisdrank is; en
 (ii) in die geval van 'n produk wat ingevoer word in die houers waarin dit in die Republiek verkoop staan te word, die [etikette] besonderhede op daardie houers en op die verpakking van sodanige 50 houers aan die toepaslike vereistes van hierdie Wet voldoen.”;

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(b) deur in subartikel (3)(b) subparagraaf (iv) te skrap; en

(c) by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) An import certificate shall be issued on the conditions determined by the administering officer [or, in the case of a product referred to in subsection (3)(b), the board].”.

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Amendment of section 17 of Act 60 of 1989

9. Section 17 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (b) of the following paragraph:

“(b) in the case of a liquor product derived from grapes and when required by regulation, the board has in the prescribed manner found the product concerned to be suitable for export.”.

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Amendment of section 23 of Act 60 of 1989, as amended by section 4 of Act 11 of 1993

10. Section 23 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who is convicted of an offence under this Act shall—

(a) on a first conviction of an offence referred to in paragraph (a), (c), (d), (e), (f) or (g) of subsection (1), be liable to a fine [not exceeding R8 000] or to imprisonment for a period not [exceeding] less than two years or to both [that] a fine and [that] such imprisonment;

(b) on a second or subsequent conviction of an offence mentioned in paragraph (a), whether it be the same offence or some other offence mentioned in that paragraph, be liable to a fine [not exceeding R16 000] or to imprisonment for a period not [exceeding] less than four years or to both [that] a fine and [that] such imprisonment;

(c) on a first conviction of an offence referred to in paragraph (b), (h), (i), (j), or (k) of subsection (1), be liable to a fine [not exceeding R2 000] or to imprisonment for a period not [exceeding] less than six months or to both [that] a fine and [that] such imprisonment; and

(d) on a second or subsequent conviction of an offence mentioned in paragraph (c), whether it be the same offence or some other offence mentioned in that paragraph, be liable to a fine [not exceeding R4 000] or to imprisonment for a period not [exceeding] less than one year or to both [that] a fine and [that] such imprisonment.”.

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Amendment of section 27 of Act 60 of 1989

11. Section 27 of the principal Act is hereby amended by the addition of the following paragraphs:

“(m) the quantity and marking of tanks, casks and other receptacles used in the production and storage of liquor products;

(n) the circumstances and conditions under which the administering officer or the board, as the case may be, may allow for a relaxation of a requirement in terms of a regulation or a scheme.”.

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Transitional provision

12. Any member of the board in office immediately prior to the commencement of this Act, shall remain in office until the appointment of the members of the board in terms of the Liquor Products Act, 1989 (Act No. 60 of 1989), as amended by this Act.

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Short title and commencement

13. This Act is called the Liquor Products Amendment Act, 2008, and comes to operation on a date fixed by the President by proclamation in the *Gazette*.

- (c) deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang:
 “(a) ‘n Invoersertifikaat word uitgereik op die voorwaardes wat die beherende amptenaar [of, in die geval van ‘n produk beoog in subartikel (3)(b), die raad] bepaal.”.

Wysiging van artikel 17 van Wet 60 van 1989

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- 9.** Artikel 17 van die Hoofwet word hierby gewysig deur in subartikel (3) paragraaf (b) deur die volgende paragraaf te vervang:
 “(b) in die geval van ‘n drankproduk afkomstig van druwe en wanneer by regulasie vereis, die raad die betrokke produk op die voorgeskrewe wyse as geskik vir uitvoer bevind het.”.

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Wysiging van artikel 23 van Wet 60 van 1989, soos gewysig deur artikel 4 van Wet 11 van 1993

- 10.** Artikel 23 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) Iemand wat aan ‘n misdryf kragtens hierdie Wet skuldig bevind word, is strafbaar—
 (a) by ‘n eerste skuldigbevinding aan ‘n misdryf in paragraaf (a), (c), (d), (e), (f) of (g) van subartikel (1) bedoel, met ‘n boete [van hoogstens R8 000 van] of met gevangenisstraf vir ‘n tydperk van minstens twee jaar [van] of met [daardie] ‘n boete sowel as [daardie] sodanige gevangenisstraf;
 (b) by ‘n tweede of daaropvolgende skuldigbevinding aan ‘n misdryf in paragraaf (a) vermeld, het sy dit dieselfde misdryf [van] of enige ander misdryf in daardie paragraaf vermeld, is, met ‘n boete [van hoogstens R16 000 van] of met gevangenisstraf vir ‘n tydperk van minstens vier jaar [van] of met [daardie] ‘n boete sowel as daardie gevangenisstraf;
 (c) by ‘n eerste skuldigbevinding aan ‘n misdryf in paragraaf (b), (h), (i), (j) of (k) van subartikel (1) bedoel, met ‘n boete [van hoogstens R2 000 van] of met gevangenisstraf van [hoogstens] minstens ses maande [van] of met [daardie] ‘n boete sowel as [daardie] sodanige gevangenisstraf; en
 (d) by ‘n tweede of daaropvolgende skuldigbevinding aan ‘n misdryf in paragraaf (c) vermeld, het sy dit dieselfde misdryf of enige ander misdryf in daardie paragraaf vermeld, is, met ‘n boete [van hoogstens R4 000 van] of met gevangenisstraf vir ‘n tydperk van [hoogstens] minstens een jaar [van] of met [daardie] ‘n boete sowel as [daardie] sodanige gevangenisstraf.”.

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Wysiging van artikel 27 van Wet 60 van 1989

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- 11.** Artikel 27 van die Hoofwet word hierby gewysig deur die volgende paragrawe by te voeg:

- “(m) die hoeveelheid tenks, vate en ander houers gebruik in die produksie en beringing van drankprodukte, en die merk daarvan;
 (n) die omstandighede waarin en voorwaardes waarop die administrasiebeampte of die raad, na gelang van omstandighede, ‘n verslapping van ‘n vereiste ingevolge ‘n regulasie of ‘n skema kan toelaat.”.

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Oorgangsbeplanning

- 12.** ‘n Lid van die raad in die amp onmiddellik voor die inwerkingtreding van hierdie Wet, bly in die amp tot die aanstelling van lede van die raad ingevolge die Wet op Drankprodukte, 1989 (Wet No. 60 van 1989), soos gewysig deur hierdie Wet.

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Kort titel en inwerkingtreding

- 13.** Hierdie Wet heet die Wysigingswet op Drankprodukte, 2008, en tree in werking op ‘n datum deur die President by proklamasie in die Staatskoerant bepaal.