



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1051. 30 May 1989

No. 1051. 30 Mei 1989

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

No. 60 of 1989: Liquor Products Act, 1989.

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

No. 60 van 1989: Wet op Drankprodukte, 1989.

Act No. 60, 1989

LIQUOR PRODUCTS ACT, 1989

**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 provide for control over the sale and production for sale of certain alcoholic products, the composition and properties of such products and the use of certain particulars in connection with the sale of such products; for the establishment of schemes; for control over the import and export of certain alcoholic products; and for matters connected therewith.**

*(Afrikaans text signed by the State President.)  
(Assented to 17 May 1989.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Definitions**

- 1.** In this Act, unless the context otherwise indicates—
- (i) “administering officer” means the administering officer who has been designated under section 3; (v) 5
  - (ii) “advertisement”, in relation to a liquor product, means any written, illustrated, visual or other descriptive matter or oral statement, communication, representation or reference which is distributed among members of the public or otherwise brought to their notice, and which is or purports to be intended to promote the sale of a liquor product or to encourage the use thereof or otherwise to draw attention thereto; and “advertise” has a corresponding meaning; (i) 10
  - (iii) “alcohol content”, in relation to any product, means a percentage of ethyl alcohol per volume of the product; (iii) 15
  - (iv) “alcoholic fruit beverage” means a product which complies with the requirements referred to in section 6; (ii)
  - (v) “analyst” means a person designated under section 20 as an analyst or who is deemed to have been so designated; (xvii)
  - (vi) “board” means the Wine and Spirit Board established by section 2; (xviii) 20
  - (vii) “class designation”—
    - (a) in relation to wine, an alcoholic fruit beverage, a spirit, a grape-based liquor or a spirit-based liquor, means the prescribed designation for a class thereof;
    - (b) in relation to a specially authorized liquor, means the designation specified in a notice published under section 10; and 25
    - (c) in relation to any other liquor product in respect of which an import certificate has been issued, means the designation specified in such import certificate; (xv)
  - (viii) “container” means a receptacle with a capacity not exceeding 5 litres; (xiii) 30
  - (ix) “department” means the Department of Agricultural Economics and Marketing; (vi)

**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.
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# WET

Om voorsiening te maak vir beheer oor die verkoop en produksie vir verkoop van sekere alkoholieuse produkte, die samestelling en eienskappe van sodanige produkte en die gebruik van sekere besonderhede in verband met die verkoop van sodanige produkte; vir die instelling van skemas; vir beheer oor die invoer en uitvoer van sekere alkoholieuse produkte; en vir aangeleentehede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 17 Mei 1989.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Woordomskrivings**

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- 5 (i) “advertensie”, met betrekking tot ’n drankprodukt, enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, mededeling, voorstelling of verwysing wat onder lede van die publiek versprei of andersins onder hul aandag gebring word, en wat bedoel is of
- 10 heet bedoel te wees om die verkoop van ’n drankprodukt te bevorder of die gebruik daarvan aan te moedig of andersins die aandag daarop te vestig; en het “adverteer” ’n ooreenstemmende betekenis; (ii)
- (ii) “alkoholieuse vrugtedrank” ’n produk wat voldoen aan die vereistes in artikel 6 bedoel; (iv)
- (iii) “alkoholinhoud”, met betrekking tot enige produk, ’n persentasie etiel-  
15 alkohol per volume van die produk; (iii)
- (iv) “beampte” ’n beampte soos omskryf in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984), en ook ’n werknemer soos aldus omskryf; (xviii)
- 20 (v) “beherende amptenaar” die beherende amptenaar wat kragtens artikel 3 aangewys is; (i)
- (vi) “departement” die Departement van Landbou-ekonomie en -bemarking; (ix)
- (vii) “Direkteur-generaal” die Direkteur-generaal van die departement; (x)
- (viii) “drankprodukt”—
- 25 (a) wyn;  
(b) ’n alkoholieuse vrugtedrank;  
(c) ’n spiritus;  
(d) ’n druifbasisdrank;  
(e) ’n spiritusbasisdrank;
- 30 (f) ’n spesiaal gemagtigde drank; en  
(g) ’n ander drank as ’n produk in paragraaf (a), (b), (c), (d), (e) of (f) vermeld, ten opsigte waarvan ’n invoersertifikaat uitgereik is; (xvi)

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- (x) "Director-General" means the Director-General of the department; (vii)
- (xi) "export certificate" means an export certificate referred to in section 17, or a document which is in terms of the said section deemed to be an export certificate; (xxiv)
- (xii) "grape-based liquor" means a product which complies with the requirements referred to in section 8; (ix) 5
- (xiii) "grapes" means fruit of plants of *Vitis vinifera*; (x)
- (xiv) "import certificate" means an import certificate referred to in section 16, or a document which is in terms of the said section deemed to be an import certificate; (xiv) 10
- (xv) "label", in relation to a container, means any printing or writing appearing on the container or attached thereto; (xi)
- (xvi) "liquor product" means—
- (a) wine;
- (b) an alcoholic fruit beverage; 15
- (c) a spirit;
- (d) a grape-based liquor;
- (e) a spirit-based liquor;
- (f) a specially authorized liquor; and
- (g) any liquor other than a product mentioned in paragraph (a), (b), (c), (d), (e) or (f), in respect of which an import certificate has been issued; (viii) 20
- (xvii) "Minister" means the Minister of Agriculture; (xvi)
- (xviii) "officer" means an officer as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984), and includes an employee as so defined; (iv)
- (xix) "prescribed" means prescribed by regulation; (xxvi) 25
- (xx) "regulation" means a regulation made under section 27; (xix)
- (xxi) "scheme" means a scheme which has been established under section 14; (xx)
- (xxii) "sell" includes agree to sell, or offer, advertise, keep, expose, transmit, send, convey or deliver for sale, or to exchange or to dispose of in any way for any consideration; and "sale" and "sold" have corresponding meanings; (xxv) 30
- (xxiii) "specially authorized liquor" means a product in respect of which an authority which has been granted under section 10, or which is deemed to have been so granted, is in force; (xxi)
- (xxiv) "spirit" means a product which complies with the requirements referred to in section 7; (xxii) 35
- (xxv) "spirit-based liquor" means a product which complies with the requirements referred to in section 9; (xxiii)
- (xxvi) "this Act" includes the regulations; (xii)
- (xxvii) "wine" means a product which complies with the requirements referred to in section 5. (xxvii) 40

**Wine and Spirit Board**

2. (1) There is hereby established a board to be known as the Wine and Spirit Board, and which shall be a juristic person.
- (2) (a) The members of the board shall be appointed by the Minister and shall consist of— 45
- (i) four persons nominated by the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt";
- (ii) four persons nominated by the Cape Wine and Spirit Institute;
- (iii) two officers of the department;
- (iv) not more than two officers appointed by virtue of their involvement in oenological and viticultural research; and 50
- (v) a person determined by the Minister after consultation with the bodies mentioned in subparagraphs (i) and (ii).
- (b) The Minister shall, subject to the provisions of the relevant subparagraph, appoint an alternate member for each of the members referred to in subparagraphs (i), (ii), (iii) and (iv) of paragraph (a). 55
- (c) An alternate member may in the absence of the member for whom he was so appointed, attend any meeting of the board, and act thereat in the place of that member.
- (d) Whenever it becomes necessary, the Director-General shall request the bodies mentioned in paragraph (a) (i) and (ii) in writing to submit the applicable nominations to him in writing within the period specified in the request. 60

- (ix) "druifbasisdrank" 'n produk wat voldoen aan die vereistes in artikel 8 bedoel; (xii)
- (x) "druife" vrugte van plante van *Vitis vinifera*; (xiii)
- 5 (xi) "etiket", met betrekking tot 'n houer, enige druk- of skryfwerk wat op die houer verskyn of daaraan geheg is; (xv)
- (xii) "hierdie Wet" ook die regulasies; (xxvi)
- (xiii) "houer" 'n houer met 'n inhoudsvermoë van hoogstens 5 liter; (viii)
- (xiv) "invoersertifikaat" 'n invoersertifikaat in artikel 16 bedoel, of 'n stuk wat ingevolge genoemde artikel geag word 'n invoersertifikaat te wees; (xiv)
- 10 (xv) "klasbenaming"—
- (a) met betrekking tot wyn, 'n alkoholiese vrugtedrank, 'n spiritus, 'n druifbasisdrank of 'n spiritusbasisdrank, die voorgeskrewe benaming vir 'n klas daarvan;
- (b) met betrekking tot 'n spesiaal gemagtigde drank, die benaming vermeld in 'n kennisgewing kragtens artikel 10 gepubliseer; en
- 15 (c) met betrekking tot 'n ander drankprodukt ten opsigte waarvan 'n invoersertifikaat uitgereik is, die benaming in so 'n invoersertifikaat vermeld; (vii)
- (xvi) "Minister" die Minister van Landbou; (xvii)
- 20 (xvii) "ontleder" iemand wat kragtens artikel 20 as ontleder aangewys is of wat geag word aldus aangewys te wees; (v)
- (xviii) "raad" die Wyn- en Spiritusraad by artikel 2 ingestel; (vi)
- (xix) "regulasie" 'n regulasie kragtens artikel 27 uitgevaardig; (xx)
- (xx) "skema" 'n skema wat kragtens artikel 14 ingestel is; (xxi)
- 25 (xxi) "spesiaal gemagtigde drank" 'n produk ten opsigte waarvan 'n magtiging van krag is wat kragtens artikel 10 verleen is of wat geag word aldus verleen te wees; (xxiii)
- (xxii) "spiritus" 'n produk wat voldoen aan die vereistes in artikel 7 bedoel; (xxiv)
- 30 (xxiii) "spiritusbasisdrank" 'n produk wat voldoen aan die vereistes in artikel 9 bedoel; (xxv)
- (xxiv) "uitvoersertifikaat" 'n uitvoersertifikaat in artikel 17 bedoel, of 'n stuk wat ingevolge genoemde artikel geag word 'n uitvoersertifikaat te wees; (xi)
- (xxv) "verkoop" ook ooreenkom om te verkoop, of vir verkoop aanbied, adverteer, hou, uitstal, versend, stuur, vervoer of lewer, of om te verruil of op enige wyse vir 'n teenprestasie van die hand te sit; en het "verkoop", wanneer as 'n naamwoord gebruik, 'n ooreenstemmende betekenis; (xxii)
- 35 (xxvi) "voorgeskrewe" of "voorgeskryf" by regulasie voorgeskryf; (xix)
- (xxvii) "wyn" 'n produk wat voldoen aan die vereistes in artikel 5 bedoel. (xxvii)

#### 40 Wyn- en Spiritusraad

2. (1) Daar word hierby 'n raad ingestel wat die Wyn- en Spiritusraad heet, en wat 'n regspersoon is.
- (2) (a) Die lede van die raad word deur die Minister aangestel en bestaan uit—
- 45 (i) vier persone deur die "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt", benoem;
- (ii) vier persone deur die Kaapse Wyn- en Spiritualieë-instituut benoem;
- (iii) twee beamptes van die departement;
- (iv) hoogstens twee beamptes aangestel uit hoofde van hulle betrokkenheid by wyn- en wingerdkundige navorsing; en
- 50 (v) iemand wat die Minister na oorlegpleging met die liggame in subparagrafe (i) en (ii) vermeld, bepaal.
- (b) Die Minister stel, behoudens die bepalinge van die betrokke subparagraaf, vir elkeen van die lede in subparagrafe (i), (ii), (iii) en (iv) van paragraaf (a) bedoel, 'n plaasvervangende lid aan.
- 55 (c) 'n Plaasvervangende lid kan in die afwesigheid van die lid vir wie hy aldus aangestel is enige vergadering van die raad bywoon, en aldaar in die plek van daardie lid optree.
- (d) Wanneer dit nodig word, moet die Direkteur-generaal die liggame in paragraaf (a) (i) en (ii) vermeld, skriftelik versoek om binne die tydperk in die versoek vermeld die toepaslike benoemings skriftelik aan hom voor te lê.
- 60

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- (e) If such body fails to submit the nominations concerned within the period determined in terms of paragraph (d), the Minister may appoint such persons as he may deem fit in the place of the persons required to be nominated by that body.
- (3) No person shall be appointed as a member or alternate member of the board— 5
- (a) unless he is a South African citizen permanently resident in the Republic;
- (b) if he is an unrehabilitated insolvent;
- (c) if he has more than once been convicted of an offence under this Act; or
- (d) if he has been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine. 10
- (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 not exceeding five years, as the Minister may determine at the time of appointment of that member or alternate member, and such member or alternate member shall after the expiration of the said period continue in office for a further period, but not exceeding three months, until his successor has been appointed. 15
- (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 place for the unexpired period of his term of office. 20
- (c) Any person whose term of office as a member or an alternate member of the board has expired, shall be eligible for reappointment. 25
- (5) (a) A member or an alternate member of the board shall vacate his office—
- (i) if he becomes subject to any disability mentioned in subsection (3);
- (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; 30  
or
- (iv) if, in the case of a member or an alternate member nominated by a body specified in subsection (2) (a) (i) or (ii), 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. 35
- (b) 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.
- (6) (a) The member referred to in subsection (2) (a) (v) shall be the chairman of the board. 40
- (b) The members of the board shall at the first meeting of the board, and thereafter whenever necessary, elect a vice-chairman from among the members referred to in subsection (2) (a) (i), (ii), (iii) and (iv).
- (c) If both the chairman and the vice-chairman are absent from a meeting of the board, the members present shall from among their number elect a 45  
person to preside at that meeting.
- (7) (a) The first meeting of the board shall be held at a time and place determined by the chairman, and thereafter at such times and places as the board may from time to time determine.
- (b) Notwithstanding the provisions of paragraph (a) the chairman of the board 50  
may at his discretion call a special meeting of the board at such time and place as he may determine, with a view to dealing with special or urgent matters, and he shall call a special meeting within 14 days of the date on which he has received a written request to this effect from the Minister or at least four members of the board. 55
- (c) The majority of the members of the board shall constitute a quorum for a meeting of the board.
- (d) The decision of the majority of the members of the board present at a meeting thereof shall constitute a decision of the board, and in the event of an equality of votes on any matter, the person presiding at the meeting in 60  
question shall have a casting vote in addition to his deliberative vote.

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- (e) Indien so 'n liggaam in gebreke bly om die betrokke benoemings binne die tydperk ingevolge paragraaf (d) bepaal, voor te lê, kan die Minister die persone wat hy geskik ag, aanstel in die plek van die persone wat deur daardie liggaam benoem moes word.
- 5 (3) Niemand word as lid of plaasvervangende lid van die raad aangestel nie—
- (a) tensy hy 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is;
- (b) indien hy 'n ongerehabiliteerde insolvent is;
- 10 (c) indien hy meer as een keer skuldig bevind is aan 'n misdryf kragtens hierdie Wet; of
- (d) indien hy skuldig bevind is aan enige misdryf waarvoor hy tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is.
- (4) (a) 'n Lid of 'n plaasvervangende lid van die raad beklee sy amp, behoudens die bepalings van subartikel (5)—
- 15 (i) in die geval van 'n beampte, solank dit die Minister behaag; en
- (ii) in enige ander geval, vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van die aanstelling van daardie lid of plaasvervangende lid bepaal, en so 'n lid of plaasvervangende lid behou na verstryking van genoemde tydperk sy amp vir 'n verdere tydperk, maar
- 20 hoogstens drie maande, totdat sy opvolger aangestel is.
- (b) Indien 'n lid of 'n plaasvervangende lid van die raad om die een of ander rede ophou om sy amp te beklee, kan die Minister, behoudens die bepalings van subartikel (2), iemand in sy plek vir die onverstreke tydperk van sy ampstermyn aanstel.
- 25 (c) Iemand wie se ampstermyn as lid of plaasvervangende lid van die raad verstryk het, kan weer aangestel word.
- (5) (a) 'n Lid of 'n plaasvervangende lid van die raad ontruim sy amp—
- (i) indien hy onderworpe raak aan 'n onbevoegdheid in subartikel (3) vermeld;
- 30 (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; of
- (iv) indien, in die geval van 'n lid of 'n plaasvervangende lid wat deur 'n
- 35 liggaam in subartikel (2) (a) (i) of (ii) 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 Minister kan te eniger tyd 'n lid of 'n plaasvervangende lid van die raad van sy amp onthef indien daar na die oordeel van die Minister gegronde redes daarvoor bestaan.
- (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 uit die geledere van die lede in
- 45 subartikel (2) (a) (i), (ii), (iii) en (iv) bedoel.
- (c) Indien die voorsitter sowel as die ondervoorsitter van 'n vergadering van die raad afwesig is, kies die aanwesige lede iemand uit hul geledere om op daardie vergadering voor te sit.
- (7) (a) Die eerste vergadering van die raad word gehou op 'n tyd en plek deur die voorsitter bepaal, en daarna op die tye en plekke wat die raad van tyd tot
- 50 tyd bepaal.
- (b) Ondanks die bepalings van paragraaf (a) kan die voorsitter van die raad na goeëddunke 'n buitengewone vergadering van die raad belê op 'n tyd en plek wat hy bepaal, met die oog op die behandeling van spesiale of dringende aangeleenthede, en moet hy 'n buitengewone vergadering belê binne 14
- 55 dae na die datum waarop hy 'n skriftelike versoek te dien effekte van die Minister of minstens vier lede van die raad ontvang het.
- (c) Die meerderheid van die lede van die raad maak 'n kworum vir 'n vergadering van die raad uit.
- 60 (d) Die beslissing van die meerderheid van die lede van die raad wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor 'n aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.

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- (e) No decision taken by the board or act performed on the authority of the board shall be invalid merely by reason of a vacancy on the board or because a person who was not entitled to sit as a member, sat as such member at the time when the decision was taken or the act was authorized, if the decision was taken or act authorized by the majority of the members present at the time and who were entitled to sit as members of the board. 5
- (8) (a) The board may, either from among its number or in such other manner determined by the board, appoint one or more committees to perform, subject to the directions of the board, such functions of the board as the board may determine, or to advise the board on any matter in respect of which a function is assigned to the board. 10
- (b) The board may at any time dissolve or reconstitute such a committee.
- (c) The Government Brandy Board referred to in section 8A of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), as it exists immediately prior to the commencement of this section shall, as from the date of commencement of this section, be deemed to be a committee appointed by the board in terms of paragraph (a), and shall from such date be known as the Brandy Evaluation Committee. 15
- (d) The board shall not be divested of any function performed in terms of the provisions of this subsection by any committee of the board. 20
- (e) Any decision of a committee may be withdrawn or amended by the board or referred back to such committee and shall, until it has been so withdrawn or amended, except for the purposes of this paragraph, be deemed to be a decision of the board.
- (9) There may be paid to a member and an alternate 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, from the funds of the board such allowances as the Minister may with the concurrence of the Minister of Finance determine in general or in any particular case. 25
- (10) (a) In addition to such functions as may be assigned to the board by or under this Act or in terms of a scheme or under any other law, the board may— 30
- (i) hire, purchase or otherwise acquire such movable or immovable property as the board may deem necessary for the performance of its functions, and may rent, sell or otherwise dispose of property so acquired; 35
- (ii) from time to time raise money by way of loan for the purpose of performing its functions; .
- (iii) hypothecate its immovable property as security for a loan referred to in subparagraph (ii);
- (iv) insure itself against any loss, damage, risk or liability which it may suffer or incur; 40
- (v) enter into agreements for the performance of specific acts or functions or the rendering of specific services;
- (vi) from time to time make recommendations to the Minister concerning any matter to which this Act relates; and 45
- (vii) in general perform such acts as it may deem necessary or expedient for the efficient performance of its functions.
- (b) The work incidental to the performance of the functions of the board shall be performed by—
- (i) persons appointed by the board on such conditions and at such remuneration as the Minister may with the concurrence of the Minister of Finance determine; and 50
- (ii) persons with whom the board entered into agreements in terms of paragraph (a) (v).
- (c) An agreement entered into under section 20 of the Wine, Other Fermented Beverages and Spirits Act, 1957, prior to the date of commencement of this section and in terms of which a person undertook to perform specified functions on behalf of the Wine and Spirit Board referred to in section 19 of the said Act shall, if still in force immediately prior to such date, be deemed to be an agreement under paragraph (a) (v) between the board and such person. 60



## WET OP DRANKPRODUKTE, 1989

## Wet No. 60, 1989

- (e) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat iemand wat nie geregtig was om as lid sitting te neem nie, as so 'n lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die meerderheid van die lede wat toe aanwesig was en wat geregtig was om as lede van die raad sitting te neem.
- 5
- (8) (a) Die raad kan, hetsy uit eie geleedere of op die ander wyse wat die raad bepaal, een of meer komitees aanstel om, onderworpe aan die voorskrifte van die raad, die werksaamhede van die raad te verrig wat die raad bepaal, of om die raad te adviseer oor 'n aangeleentheid ten opsigte waarvan 'n werksaamheid aan die raad opgedra is.
- 10
- (b) Die raad kan te eniger tyd so 'n komitee ontbind of hersaamstel.
- (c) Die Regeringsbrandewynraad bedoel in artikel 8A van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), soos hy onmiddellik voor die inwerkingtreding van hierdie artikel bestaan, word met ingang van die datum van inwerkingtreding van hierdie artikel geag 'n komitee te wees wat ingevolge paragraaf (a) deur die raad aangestel is, en heet vanaf sodanige datum die Brandewynbeoordelingskomitee.
- 15
- (d) Die raad word nie ontdoen van 'n werksaamheid wat uit hoofde van die bepalinge van hierdie subartikel deur 'n komitee van die raad verrig word nie.
- 20
- (e) 'n Besluit van 'n komitee kan deur die raad ingetrek of gewysig word of terugverwys word na so 'n komitee en word, totdat dit aldus ingetrek of gewysig is, behalwe by die toepassing van hierdie paragraaf, geag 'n besluit van die raad te wees.
- 25
- (9) Daar kan aan 'n lid en 'n plaasvervangende lid van die raad en 'n lid van 'n komitee in subartikel (8) bedoel wat nie in die heelydse diens van die Staat is nie, 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.
- 30
- (10) (a) Benewens die werksaamhede wat by of kragtens hierdie Wet of ingevolge 'n skema of kragtens enige ander wet aan die raad opgedra word, kan die raad—
- (i) die roerende of onroerende goed wat hy vir die verrigting van sy werksaamhede nodig ag, huur, koop of andersins verkry, en goed wat aldus verkry is, verhuur, verkoop of andersins daarvoor beskik;
- 35
- (ii) van tyd tot tyd geld by wyse van lening opneem ten einde sy werksaamhede te verrig;
- (iii) sy onroerende goed met verband beswaar as sekerheid vir 'n lening in subparagraaf (ii) bedoel;
- 40
- (iv) homself verseker teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oloop;
- (v) ooreenkomste aangaan vir die verrigting van besondere handeling of werksaamhede of die lewering van besondere dienste;
- 45
- (vi) van tyd tot tyd aanbevelings by die Minister doen betreffende 'n aangeleentheid waarop hierdie Wet betrekking het; en
- (vii) in die algemeen die handeling verrig wat hy nodig of dienstig ag vir die doeltreffende verrigting van sy werksaamhede.
- (b) Die werk verbonde aan die verrigting van die werksaamhede van die raad word verrig deur—
- 50
- (i) persone wat die raad aanstel op die voorwaardes en teen die besoldiging wat die Minister met die instemming van die Minister van Finansies bepaal; en
- (ii) persone met wie die raad ooreenkomste ingevolge paragraaf (a) (v) aangegaan het.
- 55
- (c) 'n Ooreenkoms wat voor die datum van inwerkingtreding van hierdie artikel kragtens artikel 20 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, aangegaan is en ingevolge waarvan iemand onderneem het om bepaalde werksaamhede namens die Wyn- en Spiritusraad bedoel in artikel 19 van genoemde Wet te verrig, word, indien dit onmiddellik voor bedoelde datum steeds van krag is, geag 'n ooreenkoms kragtens paragraaf (a) (v) tussen die raad en so iemand te wees.
- 60

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- (11) (a) The funds of the board shall consist of—
- (i) money paid to the board in terms of this Act or a scheme; and
  - (ii) money which accrues to the board from any other source.
- (b) The board shall utilize its funds for the defrayal of the expenses incurred by the board in the performance of its functions. 5
- (c) The board shall open an account with an institution registered as a bank in terms of the Banking Act, 1965 (Act No. 23 of 1965), and shall deposit in that account all money received in terms of paragraph (a).
- (d) The board may invest any of its money not required for immediate use.
- (12) (a) The financial year of the board shall terminate on such date in each year 10 as the board may determine.
- (b) The board shall—
- (i) cause adequate records to be kept of money received or expended by it, and of its assets, liabilities and financial transactions; and
  - (ii) as soon as possible, but not later than three months after the end of 15 each financial year, cause annual financial statements to be prepared showing, with the appropriate particulars, money received and expenditure incurred by it during, and its assets and liabilities at the end of, the said financial year.
- (c) The records and annual financial statements referred to in paragraph (b) 20 shall be audited by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951).
- (13) (a) The board shall within six months of the end of each financial year submit to the Minister a copy of the audited annual financial statements referred to 25 in subsection (12) (c), together with a report on the activities of the board during that financial year.
- (b) Copies of the annual financial statements and of the report referred to in paragraph (a) shall—
- (i) be open to public inspection at the office of the board during office 30 hours; and
  - (ii) be obtainable from the board against payment of the amount determined therefor by the board.

**Administering officer**

3. (1) The Minister shall designate an officer in the department as administering 35 officer, who shall, subject to the control and instructions of the Minister, exercise the powers and carry out the duties conferred or imposed upon the administering officer by or under this Act.

- (2) (a) The administering officer may in writing delegate or transfer to any officer 40 under his control any such power or duty, or in writing authorize any such officer to exercise such power or carry out such duty.
- (b) Any decision made or order given by such officer may be withdrawn or amended by the administering officer and shall, until it has been so withdrawn or amended, except for the purposes of this paragraph, be 45 deemed to have been made or given by the administering officer.

**Restriction on sale of certain alcoholic products**

4. (1) No person shall sell or produce for sale any product with an alcohol content of more than one per cent for drinking purposes, unless that product is a liquor product.

- (2) The provisions of subsection (1) shall not apply to— 50
- (a) beer and sorghum beer as defined in section 1 of the Liquor Act, 1989 (Act No. 27 of 1989); and
  - (b) medicine as defined in section 1 (1) of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965).

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- (11) (a) Die fondse van die raad bestaan uit—  
 (i) geld ingevolge hierdie Wet of 'n skema aan die raad betaal; en  
 (ii) geld wat die raad uit 'n ander bron toeval.
- (b) Die raad wend sy fondse aan ter bestryding van die uitgawes wat die raad  
 5 by die verrigting van sy werksaamhede aangaan.
- (c) Die raad moet 'n rekening open by 'n instelling wat ingevolge die Bankwet,  
 1965 (Wet No. 23 van 1965), as 'n bank geregistreer is, en moet in daardie  
 rekening alle geld stort wat ingevolge paragraaf (a) ontvang is.
- (d) Die raad kan enige van sy geld wat nie vir onmiddellike gebruik nodig is  
 10 nie, belê.
- (12) (a) Die boekjaar van die raad eindig op 'n datum in elke jaar wat die raad  
 bepaal.
- (b) Die raad moet—  
 (i) doelmatige aantekeninge laat hou van geld deur hom ontvang en  
 15 bestee, en van sy bates, laste en finansiële transaksies; en  
 (ii) so gou doenlik, maar hoogstens drie maande na die einde van elke  
 boekjaar, finansiële jaarstate laat opmaak wat, met die gepaste  
 besonderhede, geld deur hom ontvang en uitgawes deur hom aange-  
 gaan gedurende, en sy bates en laste aan die einde van, bedoelde  
 20 boekjaar, aantoon.
- (c) Die aantekeninge en finansiële jaarstate in paragraaf (b) bedoel, word  
 geouditeer deur iemand wat ingevolge die Wet op Openbare Reken-  
 meesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en  
 25 ouditeur geregistreer is.
- (13) (a) Die raad moet binne ses maande na die einde van elke boekjaar 'n afskrif  
 van die geouditeerde finansiële jaarstate in subartikel (12) (c) bedoel,  
 tesame met 'n verslag oor die werksaamhede van die raad gedurende  
 daardie boekjaar, aan die Minister voorlê.
- (b) Afskrifte van die finansiële jaarstate en van die verslag in paragraaf (a)  
 30 bedoel—  
 (i) lê by die kantoor van die raad ter insae van die publiek gedurende  
 kantoorure; en  
 (ii) is van die raad verkrygbaar teen betaling van die bedrag wat die raad  
 daarvoor bepaal.

35 **Beherende amptenaar**

3. (1) Die Minister wys 'n beampte in die departement as beherende amptenaar  
 aan, wat, onderworpe aan die beheer en opdragte van die Minister, die bevoegdhede  
 uitoefen en die pligte uitvoer wat by of kragtens hierdie Wet aan die beherende  
 amptenaar verleen of hom opgelê word.
- 40 (2) (a) Die beherende amptenaar kan so 'n bevoegdheid of plig skriftelik aan 'n  
 beampte onder sy beheer delegeer of oordra, of so 'n beampte skriftelik  
 magtig om so 'n bevoegdheid of plig uit te oefen of uit te voer.
- (b) 'n Beslissing of opdrag deur so 'n beampte geneem of gegee, kan ingetrek  
 of gewysig word deur die beherende amptenaar en word, totdat dit aldus  
 45 ingetrek of gewysig is, behalwe by die toepassing van hierdie paragraaf,  
 geag deur die beherende amptenaar geneem of gegee te gewees het.

**Beperking op verkoop van sekere alkoholiese produkte**

4. (1) Niemand mag 'n produk met 'n alkoholinhoud van meer as een persent vir  
 drinkdoeleindes verkoop of vir verkoop produseer nie, tensy daardie produk 'n  
 50 drankprodukt is.
- (2) Die bepalinge van subartikel (1) is nie van toepassing nie op—  
 (a) bier en sorghumbier soos omskryf in artikel 1 van die Drankwet, 1989 (Wet  
 No. 27 van 1989); en  
 55 (b) medisyne soos omskryf in artikel 1 (1) van die Wet op Beheer van  
 Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965).

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**Requirements regarding wine**

5. (1) Wine shall—
- (a) be produced from fresh 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; 5
  - (b) be produced by—
    - (i) the alcoholic fermentation, in accordance with generally accepted cellar practices, of the juice of such fresh grapes; and
    - (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; and 10
  - (c) be produced in such a manner that it complies with the prescribed requirements for wine or a particular prescribed class thereof.
- (2) Wine shall not contain a particular prescribed substance to a greater extent than that prescribed. 15
- (3) No person shall, either before, during or after completion or termination of the alcoholic fermentation referred to in subsection (1) (b)—
- (a) add to or remove from the juice of fresh grapes or the wine produced therefrom, any substance other than a substance prescribed for this purpose; and 20
  - (b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

**Requirements regarding alcoholic fruit beverages**

6. (1) An alcoholic fruit beverage shall—
- (a) be produced from the juice of fresh fruit that is in such a condition that alcoholic fermentation can occur therein without diluting that juice; 25
  - (b) except where expressly provided otherwise by regulation—
    - (i) be produced from the juice of a single kind of fruit only; and
    - (ii) not be produced from the juice of grapes;
  - (c) be produced by the alcoholic fermentation of such juice, or of reconstituted juice obtained from a concentrate of such juice, or of a mixture of such juice and such reconstituted juice; 30
  - (d) be produced by completing or terminating such alcoholic fermentation;
  - (e) be produced by the application of the prescribed production processes only; and 35
  - (f) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.
- (2) An alcoholic fruit beverage shall not contain a particular prescribed substance to a greater extent than that prescribed.
- (3) No person shall, either before, during or after completion or termination of the alcoholic fermentation referred to in subsection (1) (c)— 40
- (a) add to or remove from the juice of fresh fruit or the alcoholic fruit beverage produced therefrom, any substance other than a substance prescribed for this purpose; and
  - (b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions. 45

**Requirements regarding spirits**

7. (1) A spirit shall—
- (a) be produced by the distillation or redistillation, in accordance with the prescribed requirements, of a fermented vegetable article or the distillate obtained therefrom; and 50
  - (b) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.
- (2) A spirit shall not contain a particular prescribed substance to a greater extent than that prescribed. 55

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**Vereistes betreffende wyn**

5. (1) Wyn moet—
- (a) geproduseer wees van vars duiwe van 'n voorgeskrewe cultivar wat in so 'n toestand is dat, nadat dit gepars is, alkoholiese gisting in die onverdunde sap daarvan kan plaasvind;
- (b) geproduseer wees deur—
- (i) die alkoholiese gisting, ooreenkomstig algemeen aanvaarde kelderpraktyke, van die sap van sodanige vars duiwe; en
- (ii) sodanige alkoholiese gisting te voltooi of te beëindig; of
- (iii) die byvoeging van 'n voorgeskrewe spiritus wat van duiwe verkry is, by die sap van sodanige vars duiwe; en
- (c) op so 'n wyse geproduseer wees dat dit aan die voorgeskrewe vereistes vir wyn of 'n bepaalde voorgeskrewe klas daarvan voldoen.
- (2) Wyn mag nie 'n bepaalde voorgeskrewe stof in 'n groter mate as wat voorgeskryf is, bevat nie.
- (3) Niemand mag, hetsy voor, gedurende of na voltooiing of beëindiging van die alkoholiese gisting in subartikel (1) (b) bedoel—
- (a) enige ander stof as 'n stof wat vir dié doel voorgeskryf is, by die sap van vars duiwe of die wyn wat daarvan geproduseer is, voeg of daaruit verwyder nie; en
- (b) 'n stof aldus voorgeskryf, anders as ooreenkomstig die voorgeskrewe wyse of voorwaardes aldus byvoeg of verwyder nie.

**Vereistes betreffende alkoholiese vrugtedranke**

6. (1) 'n Alkoholiese vrugtedrank moet—
- (a) geproduseer wees van die sap van vars vrugte wat in so 'n toestand is dat alkoholiese gisting daarin kan plaasvind sonder om daardie sap te verdun;
- (b) behalwe waar uitdruklik by regulasie anders bepaal—
- (i) slegs van die sap van 'n enkele soort vrugte geproduseer wees; en
- (ii) nie van die sap van duiwe geproduseer wees nie;
- (c) geproduseer wees deur die alkoholiese gisting van sodanige sap, of van gerekonstitueerde sap verkry van 'n konsentraat van sodanige sap, of van 'n mengsel van sodanige sap en sodanige gerekonstitueerde sap;
- (d) geproduseer wees deur sodanige alkoholiese gisting te voltooi of te beëindig;
- (e) slegs deur die toepassing van die voorgeskrewe produksieprosesse geproduseer wees; en
- (f) op so 'n wyse geproduseer wees dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.
- (2) 'n Alkoholiese vrugtedrank mag nie 'n bepaalde voorgeskrewe stof in 'n groter mate as wat voorgeskryf is, bevat nie.
- (3) Niemand mag, hetsy voor, gedurende of na voltooiing of beëindiging van die alkoholiese gisting in subartikel (1) (c) bedoel—
- (a) enige ander stof as 'n stof wat vir dié doel voorgeskryf is, by die sap van vars vrugte of die alkoholiese vrugtedrank wat daarvan geproduseer is, voeg of daaruit verwyder nie; en
- (b) 'n stof aldus voorgeskryf, anders as ooreenkomstig die voorgeskrewe wyse of voorwaardes aldus byvoeg of verwyder nie.

**Vereistes betreffende spiritualië**

7. (1) 'n Spiritus moet—
- (a) geproduseer wees deur die distillering of herdistillering, ooreenkomstig die voorgeskrewe vereistes, van 'n gegiste plantaardige artikel of die distillaat daarvan verkry; en
- (b) op so 'n wyse geproduseer wees dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.
- (2) 'n Spiritus mag nie 'n bepaalde voorgeskrewe stof in 'n groter mate as wat voorgeskryf is, bevat nie.

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(3) No person shall—

- (a) add to a spirit any substance other than a substance prescribed for this purpose; and
- (b) so add a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

5

**Requirements regarding grape-based liquors**

8. (1) A grape-based liquor shall—

- (a) be produced from grapes of a prescribed cultivar of which the juice has undergone complete or partial alcoholic fermentation;
- (b) be produced by treating such juice or fermented product in the prescribed manner, or by adding thereto or removing therefrom a prescribed substance; and
- (c) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.

(2) A grape-based liquor shall not contain a particular prescribed substance to a greater extent than that prescribed. 15

(3) No person shall, either before, during or after completion or termination of the alcoholic fermentation referred to in subsection (1) (a)—

- (a) add to or remove from the product from which a grape-based liquor is produced, or a substance added in terms of subsection (1) (b), or a grape-based liquor, any substance other than a substance prescribed for this purpose; and
- (b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

**Requirements regarding spirit-based liquors**

25

9. (1) A spirit-based liquor shall—

- (a) be produced by the treatment of a spirit in the prescribed manner, or by the addition of a prescribed substance to a spirit; and
- (b) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.

(2) A spirit-based liquor shall not contain a particular prescribed substance to a greater extent than that prescribed. 30

(3) No person shall—

- (a) add to a spirit from which a spirit-based liquor is produced, or a substance added in terms of subsection (1) (a), or a spirit-based liquor, any substance other than a substance prescribed for this purpose; and
- (b) so add a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

**Authorizations regarding certain alcoholic products**10. (1) The Minister may by notice in the *Gazette* grant authority that a person specified in such notice— 40

- (a) may sell or produce for sale a sacramental beverage specified in such notice, for drinking purposes; or
- (b) may sell or produce for sale an alcoholic beverage obtained by the alcoholic fermentation of the juice of oranges together with cane-sugar, for drinking purposes.

(2) An application for such authorization shall be made in the prescribed manner and be accompanied by the prescribed application fee.

(3) Such an authorization—

- (a) shall, in the case of an alcoholic beverage referred to in subsection (1) (b), be granted only if—
  - (i) the person concerned is authorized in terms of a licence or authority issued or granted by or under the Liquor Act, 1989 (Act No. 27 of 1989), to sell liquor as defined in the said Act;

50

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- (3) Niemand mag—
- (a) enige ander stof as 'n stof wat vir dié doel voorgeskryf is, by 'n spiritus voeg nie; en
- (b) 'n stof aldus voorgeskryf, anders as ooreenkomstig die voorgeskrewe wyse of voorwaardes aldus byvoeg nie.

**Vereistes betreffende druifbasisdranke**

8. (1) 'n Druifbasisdrank moet—
- (a) geproduseer wees van druiwe van 'n voorgeskrewe cultivar waarvan die sap volledige of gedeeltelike alkoholiese gisting ondergaan het;
- (b) geproduseer wees deur sodanige sap of gegiste produk op die voorgeskrewe wyse te behandel, of om 'n voorgeskrewe stof daarby te voeg of daaruit te verwyder; en
- (c) op so 'n wyse geproduseer wees dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.
- 15 (2) 'n Druifbasisdrank mag nie 'n bepaalde voorgeskrewe stof in 'n groter mate as wat voorgeskryf is, bevat nie.
- (3) Niemand mag, hetsy voor, gedurende of na voltooiing of beëindiging van die alkoholiese gisting in subartikel (1) (a) bedoel—
- (a) enige ander stof as 'n stof wat vir dié doel voorgeskryf is, by die produk waarvan 'n druifbasisdrank geproduseer word, of by 'n stof wat ingevolge subartikel (1) (b) bygevoeg word, of by 'n druifbasisdrank, voeg of daaruit verwyder nie; en
- (b) 'n stof aldus voorgeskryf, anders as ooreenkomstig die voorgeskrewe wyse of voorwaardes aldus byvoeg of verwyder nie.

**25 Vereistes betreffende spiritusbasisdranke**

9. (1) 'n Spiritusbasisdrank moet—
- (a) geproduseer wees deur die behandeling van 'n spiritus op die voorgeskrewe wyse, of deur die byvoeging van 'n voorgeskrewe stof by 'n spiritus; en
- (b) op so 'n wyse geproduseer wees dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.
- 30 (2) 'n Spiritusbasisdrank mag nie 'n bepaalde voorgeskrewe stof in 'n groter mate as wat voorgeskryf is, bevat nie.
- (3) Niemand mag—
- (a) enige ander stof as 'n stof wat vir dié doel voorgeskryf is, by 'n spiritus waarvan 'n spiritusbasisdrank geproduseer word, of by 'n stof wat ingevolge subartikel (1) (a) bygevoeg word, of by 'n spiritusbasisdrank, voeg nie; en
- (b) 'n stof aldus voorgeskryf, anders as ooreenkomstig die voorgeskrewe wyse of voorwaardes aldus byvoeg nie.

**Magtigings betreffende sekere alkoholiese produkte**

- 40 10. (1) Die Minister kan by kennisgewing in die *Staatskoerant* magtiging verleen dat iemand in so 'n kennisgewing vermeld—
- (a) 'n sakramentele drank in dié kennisgewing vermeld, vir drinkdoeleindes mag verkoop of vir verkoop produseer; of
- (b) 'n alkoholiese drank wat verkry is deur die alkoholiese gisting van die sap van lemoene tesame met rietsuiker, vir drinkdoeleindes mag verkoop of vir verkoop produseer.
- 45 (2) 'n Aansoek om so 'n magtiging word op die voorgeskrewe wyse gedoen en gaan vergesel van die voorgeskrewe aansoekgeld.
- (3) So 'n magtiging—
- 50 (a) word, in die geval van 'n alkoholiese drank in subartikel (1) (b) bedoel, slegs verleen indien—
- (i) die betrokke persoon ingevolge 'n lisensie of magtiging uitgereik of verleen by of kragtens die Drankwet, 1989 (Wet No. 27 van 1989), gemagtig is om drank soos in genoemde Wet omskryf, te verkoop;

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- (ii) the person concerned is the successor in law of a person who was by notice under section 7 (2) (a) (ii) of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), permitted to sell the alcoholic product concerned or to produce it for sale, or is the successor in law of the first-mentioned person; and 5
- (iii) the predecessor in law to the person concerned has maintained the permission or authorization concerned as contemplated in subsection (6); and
- (b) shall be granted for the period specified in the notice concerned, and the continued validity thereof may be maintained as contemplated in subsection (6). 10
- (4) A notice referred to in subsection (1) may contain conditions and restrictions regarding—
- (a) the premises at which the alcoholic beverage concerned may be produced;
- (b) the volume of the alcoholic beverage concerned that may be produced annually; 15
- (c) the designation that shall apply as the class designation for the alcoholic beverage concerned;
- (d) the alcohol content of the alcoholic beverage concerned;
- (e) the processes which may or shall be applied in connection with the production of the alcoholic beverage concerned; 20
- (f) the substances that may either before, during or after the production of the alcoholic beverage concerned, be added thereto or removed therefrom, and the manner in which and the conditions subject to which such substances may be so added or removed; 25
- (g) the extent to which particular substances may occur in the alcoholic beverage concerned;
- (h) supervision over the production of the alcoholic beverage concerned;
- (i) the records that shall be kept and the returns that shall be furnished in connection with the production and sale of the alcoholic beverage concerned; and 30
- (j) any other matter which the Minister may, subject to the provisions of this Act, deem necessary or expedient in order to attain the objects of this section, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection. 35
- (5) (a) Subject to the provisions of paragraph (b), a notice under section 7 (2) (a) of the Wine, Other Fermented Beverages and Spirits Act, 1957, in terms of which a person is permitted to sell or to produce for sale an alcoholic beverage specified in such notice, and which is in force immediately prior to the commencement of this section, shall be deemed to be a notice referred to in subsection (1). 40
- (b) The validity of a permission granted in a notice referred to in paragraph (a) shall expire on a date 90 days after the date of commencement of this section, unless the person mentioned in such notice has before or on such date of expiry lodged a written application for the continuation of the validity thereof with the administering officer. 45
- (6) A person authorized or deemed to be authorized in terms of this section, shall annually at the prescribed time and in the prescribed manner pay the amount prescribed in respect of the maintenance of that authority.
- (7) (a) An authorization granted or deemed to be granted in terms of this section shall lapse if— 50
- (i) the amount payable in terms of subsection (6) has not been paid as contemplated in that subsection; or
- (ii) the licence or authority referred to in subsection (3) (a) in respect of the person concerned, has lapsed or has been withdrawn. 55
- (b) If an authorization has lapsed as contemplated in paragraph (a), the Minister shall make it known by notice in the *Gazette*.

**Use of certain particulars in connection with the sale of liquor products**

11. (1) No person shall sell any liquor product in a container, unless the prescribed particulars are indicated in the prescribed manner on the label thereof. 60



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- (ii) die betrokke persoon die regsopvolger is van iemand wat by kennisgewing kragtens artikel 7 (2) (a) (ii) van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), toegelaat is om die betrokke alkoholiese drank te verkoop of vir verkoop te vervaardig, of die regsopvolger van eersbedoelde persoon is; en
- (iii) die regsvoorganger van die betrokke persoon die betrokke toestemming of magtiging in stand gehou het soos in subartikel (6) beoog; en
- (b) word verleen vir die tydperk in die betrokke kennisgewing vermeld, en die voortdurende geldigheid daarvan kan in stand gehou word soos in subartikel (6) beoog.
- (4) 'n Kennisgewing in subartikel (1) bedoel, kan voorwaardes en beperkings bevat betreffende—
- (a) die perseel waar die betrokke alkoholiese drank geproduseer mag word;
- (b) die volume van die betrokke alkoholiese drank wat jaarliks geproduseer mag word;
- (c) die benaming wat as die klasbenaming vir die betrokke alkoholiese drank sal geld;
- (d) die alkoholinhoud van die betrokke alkoholiese drank;
- (e) die prosesse wat in verband met die produksie van die betrokke alkoholiese drank toegepas kan of moet word;
- (f) die stowwe wat, hetsy voor, gedurende of na die produksie van die betrokke alkoholiese drank, daarby gevoeg of daaruit verwyder mag word, en die wyse waarop en die voorwaardes waaronder sodanige stowwe aldus bygevoeg of verwyder mag word;
- (g) die mate waarin bepaalde stowwe in die betrokke alkoholiese drank mag voorkom;
- (h) toesig oor die produksie van die betrokke alkoholiese drank;
- (i) die aantekeninge wat gehou en die opgawes wat verstrek moet word in verband met die produksie en verkoop van die betrokke alkoholiese drank; en
- (j) enige ander aangeleentheid wat die Minister, behoudens die bepalinge van hierdie Wet, nodig of dienstig ag om die oogmerke van hierdie artikel te bereik, en die algemeenheid van hierdie bepaling word nie deur die voorafgaande paragrawe van hierdie subartikel beperk nie.
- (5) (a) Behoudens die bepalinge van paragraaf (b), word 'n kennisgewing kragtens artikel 7 (2) (a) van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, ingevolge waarvan iemand toegelaat word om 'n alkoholiese drank in so 'n kennisgewing vermeld, te verkoop of vir verkoop te vervaardig, en wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is, geag 'n kennisgewing in subartikel (1) bedoel, te wees.
- (b) Die geldigheid van 'n toestemming wat in 'n kennisgewing bedoel in paragraaf (a) verleen is, verval op 'n datum 90 dae na die datum van die inwerkingtreding van hierdie artikel, tensy die persoon in so 'n kennisgewing vermeld voor of op sodanige vervaldatum 'n skriftelike aansoek om die voortsetting van die geldigheid daarvan by die beherende amptenaar ingedien het.
- (6) Iemand wat ingevolge hierdie artikel gemagtig is of geag word gemagtig te wees, moet jaarliks op die voorgeskrewe tyd en wyse die bedrag wat ten opsigte van die instandhouding van daardie magtiging voorgeskryf is, betaal.
- (7) (a) 'n Magtiging wat ingevolge hierdie artikel verleen is of geag word verleen te wees, verval indien—
- (i) die bedrag wat ingevolge subartikel (6) betaalbaar is, nie betaal is soos in daardie subartikel beoog nie; of
- (ii) die lisensie of magtiging in subartikel (3) (a) bedoel, ten opsigte van die betrokke persoon verval het of ingetrek is.
- (b) Indien 'n magtiging verval het soos in paragraaf (a) beoog, moet die Minister dit by kennisgewing in die *Staatskoerant* bekend maak.

**Gebruik van sekere besonderhede in verband met die verkoop van drankprodukte**

11. (1) Niemand mag 'n drankprodukt in 'n houër verkoop nie, tensy die voorgeskrewe besonderhede op die voorgeskrewe wyse op die etiket daarvan aangedui is.

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- (2) No person shall in connection with the sale of a liquor product—
- (a) use the word “wine” or “wyn”, unless it forms part of a class designation for the liquor product concerned, or that liquor product is wine;
  - (b) use the word “spirit” or “spiritus”, unless it forms part of a class designation for the liquor product concerned, or that liquor product is a spirit; 5
  - (c) use the word or expression “alcoholic fruit beverage”, “alkoholiese vrugtedrank”, “grape-based liquor”, “druifbasisdrank”, “spirit-based liquor”, “spiritusbasisdrank”, “specially authorized liquor” or “spesiaal gemagtigde drank”, unless it forms part of a class designation for the liquor product concerned; 10
  - (d) use a class designation, or any word or expression that so resembles a class designation that it will deceive or is likely to deceive, unless it is the applicable class designation for the liquor product concerned;
  - (e) indicate the alcohol content of the liquor product concerned in any way other than by means of a percentage per volume; and 15
  - (f) use the name of any country, or a word or expression containing such name or partially consisting thereof, in a manner which indicates or purports to indicate that such liquor product is a product of a country other than the country of origin thereof. 20
- (3) (a) Unless authorized thereto in terms of a scheme, no person shall use in connection with the sale of wine—
- (i) the name under which an area or a piece of land or a portion of a piece of land is defined by virtue of provision included in a scheme in terms of section 15 (1) (d), or deemed in terms of section 15 (2) (a) to have been so defined; 25
  - (ii) the name under which an area in the Republic where viticulture is practised is generally known, irrespective of whether the boundaries of such area can readily be determined or not;
  - (iii) the designation of any vine cultivar, or any word or expression that so resembles such designation that it will deceive or is likely to deceive; 30
  - (iv) any particulars that indicate or purport to indicate that the wine concerned was produced in a particular year or from grapes harvested in a particular year; and 35
  - (v) the word “estate”, “landgoed”, “vineyard”, “wingerd”, “origin”, “oorsprong”, “vintage”, “oesjaar”, “superior” or “superieur”, or a translation of any of the said words in any language whatsoever, or any word or expression that so resembles any of the said words or a translation thereof that it will deceive or is likely to deceive. 40
- (b) The Minister may, on the recommendation of the board, by notice in the *Gazette* publish lists of the names and designations referred to in paragraph (a) (ii) and (iii).
- (c) The Minister may by notice in the *Gazette* declare the provisions of paragraph (a), or so many thereof as he may deem expedient in a particular case, applicable to a liquor product other than wine, or a particular class thereof. 45
- (4) (a) The Minister may by notice in the *Gazette* prohibit or reserve, under such circumstances and on such conditions as may be set out in the notice, the use of any word, expression or representation in connection with the sale of a particular liquor product, or a particular class thereof. 50
- (b) A notice published in terms of section 4 or 10 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and in force immediately prior to the date of commencement of this section, shall be deemed to be a notice referred to in paragraph (a). 55
- (5) Notwithstanding anything to the contrary contained in this section, the Minister may by regulation—
- (a) prescribe the words or expressions that are permissible additions to or transformations of specified class designations of particular liquor products; and 60

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- (2) Niemand mag in verband met die verkoop van 'n drankprodukt—
- (a) die woord "wyn" of "wine" gebruik nie, tensy dit deel van 'n klasbenaming vir die betrokke drankprodukt uitmaak, of daardie drankprodukt wyn is;
  - (b) die woord "spiritus" of "spirit" gebruik nie, tensy dit deel van 'n klasbenaming vir die betrokke drankprodukt uitmaak, of daardie drankprodukt 'n spiritus is;
  - (c) die woord of uitdrukking "alkoholiese vrugtedrank", "alcoholic fruit beverage", "druifbasisdrank", "grape-based liquor", "spiritusbasisdrank", "spirit-based liquor", "spesiaal gemagtigde drank" of "specially authorized liquor" gebruik nie, tensy dit deel van 'n klasbenaming vir die betrokke drankprodukt uitmaak;
  - (d) 'n klasbenaming, of 'n woord of uitdrukking wat in so 'n mate met 'n klasbenaming ooreenkom dat dit sal mislei of waarskynlik kan mislei, gebruik nie, tensy dit die toepaslike klasbenaming vir die betrokke drankprodukt is;
  - (e) die alkoholinhoud van die betrokke drankprodukt op enige ander wyse aandui as by wyse van 'n persentasie per volume nie; en
  - (f) die naam van 'n land, of 'n woord of uitdrukking wat so 'n naam bevat of gedeeltelik daaruit bestaan, op 'n wyse wat aandui of heet aan te dui dat die drankprodukt 'n produk is van 'n ander land as die land van herkoms daarvan, gebruik nie.
- (3) (a) Tensy ingevolge 'n skema daartoe gemagtig, mag niemand in verband met die verkoop van wyn—
- (i) die naam waaronder 'n gebied of 'n stuk grond of 'n gedeelte van 'n stuk grond omskryf is uit hoofde van voorsiening ingevolge artikel 15 (1) (d) in 'n skema ingesluit, of ingevolge artikel 15 (2) (a) geag word aldus omskryf te wees, gebruik nie;
  - (ii) die naam waaronder 'n gebied in die Republiek waar wingerdbou beoefen word algemeen bekend is, ongeag of die grense van sodanige gebied geredelik bepaal kan word of nie, gebruik nie;
  - (iii) die benaming van 'n druifcultivar, of 'n woord of uitdrukking wat in so 'n mate met sodanige benaming ooreenkom dat dit sal mislei of waarskynlik kan mislei, gebruik nie;
  - (iv) besonderhede wat aandui of heet aan te dui dat die betrokke wyn geproduseer is in 'n bepaalde jaar of van duiwe wat in 'n bepaalde jaar geoes is, gebruik nie; en
  - (v) die woord "landgoed", "estate", "wingerd", "vineyard", "oorsprong", "origin", "oesjaar", "vintage", "superieur" of "superior", of 'n vertaling van enige van genoemde woorde in enige taal hoegenaamd, of enige woord of uitdrukking wat in so 'n mate met enige van genoemde woorde of 'n vertaling daarvan ooreenkom dat dit sal mislei of waarskynlik kan mislei, gebruik nie.
- (b) Die Minister kan op aanbeveling van die raad lyste van die name en benamings in paragraaf (a) (ii) en (iii) bedoel, by kennisgewing in die *Staatskoerant* publiseer.
- (c) Die Minister kan by kennisgewing in die *Staatskoerant* die bepalinge van paragraaf (a), of soveel daarvan as wat hy in 'n bepaalde geval doenlik ag, op 'n ander drankprodukt as wyn, of 'n bepaalde klas daarvan, van toepassing verklaar.
- (4) (a) Die Minister kan by kennisgewing in die *Staatskoerant* die gebruik van 'n woord, uitdrukking of voorstelling in verband met die verkoop van 'n bepaalde drankprodukt, of 'n bepaalde klas daarvan, verbied of voorbehou onder die omstandighede en op die voorwaardes in die kennisgewing uiteengesit.
- (b) 'n Kennisgewing wat ingevolge artikel 4 of 10 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), gepubliseer is en wat onmiddellik voor die datum van inwerkingtreding van hierdie artikel van krag is, word geag 'n kennisgewing in paragraaf (a) bedoel, te wees.
- (5) Ondanks enige andersluidende bepalinge in hierdie artikel, kan die Minister by regulasie—
- (a) die woorde of uitdrukkings voorskryf wat toelaatbare byvoegings by of vervormings van vermelde klasbenaminge van bepaalde drankprodukte is; en

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(b) grant exemption, under such circumstances and subject to such conditions as may be prescribed, from a prohibition referred to in subsection (2) or (3).

(6) The provisions of this section shall not be construed as restricting the use of—

- (a) a trade mark as defined in section 2 (1) of the Trade Marks Act, 1963 (Act No. 62 of 1963), which is used or is intended for use in connection with the sale of a liquor product;
- (b) the name of a company as defined in section 1 (1) of the Companies Act, 1973 (Act No. 61 of 1973);
- (c) the name of a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970); or
- (d) the name of a corporation as defined in section 1 of the Close Corporations Act, 1984 (Act No. 69 of 1984),

that was registered, used or established on the date of commencement of this section, except if the word "estate", "landgoed", "vineyard" or "wingerd" is contained in, or forms part of, such trade mark or name.

(7) The board and the administering officer shall for the purposes of any proceedings in terms of any applicable law, be deemed to be an interested party who may lawfully lodge an objection against the continued registration, or an application for the registration of, a trade mark or name referred to in subsection (6) in so far as such objection relates to any word, expression or other particulars referred to in subsection (2), (3) or (4).

#### Prohibition of false or misleading descriptions for liquor products

12. (1) No person shall use any name, word, expression, reference, particulars or indication in any manner, either by itself or in coherence with any other verbal, written, printed, illustrated or visual material, in connection with the sale of a liquor product in a manner that conveys or creates or is likely to convey or create a false or misleading impression as to the nature, substance, quality, composition or other properties, or the class, cultivar, origin, age, identity, or manner or place of production, of the liquor product.

(2) If—

- (a) the administering officer or the board, as the case may be, is of the opinion that a person has contravened the provisions of subsection (1); and
- (b) such person has declared himself prepared thereto in writing,

the administering officer or the board, as the case may be, may refer the alleged contravention for investigation and decision to an appeal board referred to in section 22.

#### Filing of labels

13. (1) Subject to the provisions of subsection (2), every person who affixes labels to containers in which he intends to sell a liquor product shall within the prescribed period after such labels were used for the first time in connection with the sale of the liquor product concerned, file two specimens of each such label in the prescribed manner with the administering officer.

(2) Specimens of labels approved by the board in terms of a scheme after the date of commencement of this section shall be filed by the board as contemplated in subsection (1).

(3) Any label used in connection with the sale of a liquor product on the date of commencement of this section shall be deemed to have been so used for the first time on such date.

(4) The provisions of subsections (1) and (2) shall apply *mutatis mutandis* to a label that is amended in any manner whatsoever or is replaced after having been filed as contemplated in those subsections.

#### Establishment of schemes

14. (1) The Minister may on the recommendation of the board by notice in the *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, with a view to further regulating particular matters relating to

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- (b) vrystelling, onder die omstandighede en op die voorwaardes wat voorgeskryf is, van 'n verbod in subartikel (2) of (3) bedoel, verleen.
- (6) Die bepalings van hierdie artikel word nie uitgelê nie as sou dit 'n beperking plaas op die gebruik van—
- 5 (a) 'n handelsmerk soos omskryf in artikel 2 (1) van die Wet op Handelsmerke, 1963 (Wet No. 62 van 1963), wat gebruik word of bestem is vir gebruik in verband met die verkoop van 'n drankprodukt;
- (b) die naam van 'n maatskappy soos omskryf in artikel 1 (1) van die Maatskappywet, 1973 (Wet No. 61 van 1973);
- 10 (c) die naam van 'n koöperatiewe vereniging soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970); of
- (d) die naam van 'n korporasie soos omskryf in artikel 1 van die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984),
- wat op die datum van inwerkingtreding van hierdie artikel geregistreer, gebruik of
- 15 gevestig is, behalwe indien die woord "landgoed", "estate", "wingerd" of "vineyard" vervat is in, of deel vorm van, so 'n handelsmerk of naam.
- (7) Die raad en die beherende amptenaar word vir die doeleindes van enige verrigtinge ingevolge 'n toepaslike wet geag 'n belanghebbende party te wees wat regtens beswaar kan aanteken teen die voortgesette registrasie van, of 'n aansoek om
- 20 die registrasie van, 'n handelsmerk of naam in subartikel (6) bedoel, vir sover sodanige beswaar betrekking het op 'n woord, uitdrukking of ander besonderhede in subartikel (2), (3) of (4) bedoel.

**Verbod op valse of misleidende beskrywings vir drankprodukte**

12. (1) Niemand mag 'n naam, woord, uitdrukking, verwysing, besonderhede of
- 25 aanduiding op enige wyse, hetsy alleenstaande of in samehang met enige ander mondelinge, skriftelike, gedrukte, geïllustreerde of visuele materiaal, in verband met die verkoop van 'n drankprodukt gebruik nie op 'n wyse wat 'n valse of misleidende indruk aangaande die aard, wese, kwaliteit, samestelling of ander eienskappe, of die klas, cultivar, oorsprong, ouderdom, identiteit, of wyse of plek
- 30 van produksie, van die drankprodukt, weergee of skep of waarskynlik kan weergee of skep.
- (2) Indien—
- (a) die beherende amptenaar of die raad, na gelang van die geval, van oordeel is dat iemand die bepalings van subartikel (1) oortree het; en
- 35 (b) so iemand homself skriftelik daartoe bereid verklaar,
- kan die beherende amptenaar of die raad, na gelang van die geval, die beweerde oortreding na 'n appèlraad in artikel 22 bedoel, vir ondersoek en beslissing verwys.

**Liassering van etikette**

13. (1) Behoudens die bepalings van subartikel (2), moet elke persoon wat etikette
- 40 aanbring op houers waarin hy beoog om 'n drankprodukt te verkoop, binne die voorgeskrewe tydperk nadat sodanige etikette vir die eerste keer in verband met die verkoop van die betrokke drankprodukt gebruik is, twee eksemplare van elke sodanige etiket op die voorgeskrewe wyse by die beherende amptenaar liasseer.
- (2) Eksemplare van etikette wat na die datum van inwerkingtreding van hierdie
- 45 artikel ingevolge 'n skema deur die raad goedgekeur is, word deur die raad geliasseer soos in subartikel (1) beoog.
- (3) 'n Etiket wat op die datum van inwerkingtreding van hierdie artikel gebruik word in verband met die verkoop van 'n drankprodukt, word geag op sodanige datum vir die eerste keer aldus gebruik te gewees het.
- 50 (4) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing op 'n etiket wat op enige wyse hoegenaamd gewysig of vervang word nadat dit geliasseer is soos in daardie subartikels beoog.

**Instelling van skemas**

14. (1) Die Minister kan op aanbeveling van die raad by kennisgewing in die
- 55 *Staatskoerant* 'n skema ten opsigte van wyn, brandewyn bedoel in artikel 9 (1) (a) of (b) van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), of 'n druifbasisdrank instel, met die oog daarop om bepaalde aangeleenthede betreffende

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the production and sale of such liquor products, including the granting of authorizations for the use of particulars referred to in section 11 (3) (a) and (4) in connection with the sale of the said liquor products.

(2) The provisions of different schemes may differ to such extent as the Minister may determine on the recommendation of the board. 5

(3) A scheme so established shall be administered by the board.

### Provisions of schemes

15. (1) A scheme may—
- (a) set out the objects of the scheme;
  - (b) indicate the liquor product or class of liquor product to which the scheme 10 applies;
  - (c) indicate the particulars referred to in section 11 (3) (a) and (4) of which the use in connection with the sale of a liquor product may be authorized in terms of such scheme;
  - (d) provide authority for the defining of areas and pieces of land and portions 15 of pieces of land under particular names, for the amendment or withdrawal of such definitions, and for the imposition of conditions applicable to any such definition, withdrawal or amendment;
  - (e) indicate the requirements to be complied with before an authorization 20 referred to in paragraph (c) may be granted;
  - (f) contain directives regarding the raw materials to be used in connection with the production of the liquor product or class of liquor product concerned, the place or time of production and the composition thereof;
  - (g) provide for the applications to be made, the notices to be furnished, the 25 approvals to be obtained and the records to be kept in connection with the processes applied during the production of the liquor product or class of liquor product concerned;
  - (h) contain directives relating to the addition of substances to, the removal of 30 substances from and the application of processes to the liquor product or class of liquor product concerned, whether before, during or after the production thereof;
  - (i) indicate the requirements and conditions to be complied with during the production of the liquor product or class of liquor product concerned;
  - (j) set out the circumstances and conditions under which a person may 35 terminate his participation in such scheme;
  - (k) provide for the control to which the liquor product or class of liquor product concerned shall be subject before an authorization referred to in paragraph (c) may be granted;
  - (l) indicate the type of container in which the liquor product or class of liquor 40 product concerned shall or may be contained, as well as the maximum capacity of such containers;
  - (m) indicate the requirements relating to the labels on and the labelling of such containers, including the approval of labels;
  - (n) provide that an authorization referred to in paragraph (c), in respect of a 45 particular quantity of the liquor product or class of liquor product concerned may be refused if the board is satisfied that—
    - (i) any other provision of such scheme has not been complied with in respect of such quantity; or
    - (ii) such quantity does not comply with the quality standards determined 50 by the board;
  - (o) require that a seal or other mark determined by the board for this purpose shall, in a manner determined by the board, be affixed to or indicated on every container of the liquor product or class of liquor product concerned, or on a specified label on any such container;
  - (p) determine the fees, levies or charges payable in respect of services rendered 55 or approvals required in terms of such scheme, or authorize the board to determine such fees, levies or charges;
  - (q) determine that the rendering of any service in terms of such scheme may be 60 refused to a person who is indebted to the board in any amount in respect of fees, levies or charges referred to in paragraph (p);

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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.

(2) Die bepalinge van verskillende skemas kan verskil in die mate wat die Minister op aanbeveling van die raad bepaal.

(3) 'n Skema wat aldus ingestel is, word deur die raad toegepas.

**Bepalings van skemas**

15. (1) 'n Skema kan—
- (a) die oogmerke van die skema uiteensit;
- 10 (b) die drankprodukt of klas drankprodukt waarop die skema van toepassing is, aandui;
- (c) die besonderhede bedoel in artikel 11 (3) (a) en (4) waarvan die gebruik in verband met die verkoop van 'n drankprodukt ingevolge so 'n skema gemagtig kan word, aandui;
- 15 (d) magtiging verleen vir die omskrywing van gebiede en stukke grond en gedeeltes van stukke grond onder bepaalde name, vir die wysiging of intrekking van sodanige omskrywings, en vir die oplegging van voorwaardes wat op so 'n omskrywing, intrekking of wysiging van toepassing is;
- (e) die vereistes aandui wat nagekom moet word alvorens 'n magtiging in paragraaf (c) bedoel, verleen kan word;
- 20 (f) voorskrifte bevat betreffende die grondstowwe wat gebruik moet word in verband met die produksie van die betrokke drankprodukt of klas drankprodukt, die plek of tyd van produksie en die samestelling daarvan;
- (g) voorsiening maak vir die aansoeke wat gedoen, die kennisgewings wat verstrekk, die goedkeurings wat verkry en die aantekeninge wat gehou moet word in verband met die prosesse wat tydens die produksie van die betrokke drankprodukt of klas drankprodukt toegepas word;
- 25 (h) voorskrifte bevat betreffende die byvoeging van stowwe by, die verwydering van stowwe uit en die toepassing van behandelinge op die betrokke drankprodukt of klas drankprodukt, hetsy voor, gedurende of na die produksie daarvan;
- (i) die vereistes en voorwaardes aandui wat nagekom moet word tydens die produksie van die betrokke drankprodukt of klas drankprodukt;
- (j) die omstandighede en voorwaardes uiteensit waaronder iemand sy deelname aan so 'n skema kan beëindig;
- 35 (k) voorsiening maak vir die beheer waaraan die betrokke drankprodukt of klas drankprodukt onderworpe is voordat 'n magtiging in paragraaf (c) bedoel, verleen kan word;
- (l) die tipe houers waarin die betrokke drankprodukt of klas drankprodukt bevat moet of kan word, asook die maksimum inhoudsvermoë van sodanige houers, aandui;
- 40 (m) die vereistes betreffende die etikette op en die etikettering van sodanige houers, met inbegrip van die goedkeuring van etikette, aandui;
- (n) bepaal dat 'n magtiging in paragraaf (c) bedoel, ten opsigte van 'n bepaalde hoeveelheid van die betrokke drankprodukt of klas drankprodukt geweier kan word indien die raad oortuig is dat—
- 45 (i) enige ander bepaling van so 'n skema nie met betrekking tot so 'n hoeveelheid nagekom is nie; of
- (ii) so 'n hoeveelheid nie aan die gehaltstandaarde deur die raad bepaal, voldoen nie;
- 50 (o) vereis dat 'n seël of ander merk wat vir dié doel deur die raad bepaal is, op 'n wyse deur die raad bepaal, geheg moet word aan of aangedui moet word op elke houers van die betrokke drankprodukt of klas drankprodukt, of op 'n vermeldte etiket op sodanige houers;
- 55 (p) die gelde, heffings of vorderings bepaal wat betaalbaar is ten opsigte van dienste gelewer of goedkeurings verlang ingevolge so 'n skema, of aan die raad die bevoegdheid verleen om sodanige gelde, heffings of vorderings te bepaal;
- (q) bepaal dat die lewering van enige diens ingevolge so 'n skema aan iemand wat enige bedrag ten opsigte van gelde, heffings of vorderings bedoel in paragraaf (p) aan die raad verskuldig is, geweier kan word;
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- (r) determine that any person who refuses or fails to comply with any provision of such scheme or a condition determined thereunder, may be fully or partially excluded by the board from further participation in such scheme;
- (s) provide generally for any other matter which, subject to the provisions of this Act, in the opinion of the Minister is necessary or expedient in order to further or better achieve the objects of such scheme, the generality of the power conferred by this paragraph not being limited by the preceding paragraphs of this subsection. 5
- (2) (a) The definition of a particular area or piece of land under a particular name in terms of section 22 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and which is in force immediately prior to the repeal of that section, shall remain in force, and shall, if it is in force immediately prior to the establishment of a scheme for wine, when such a scheme for wine is established, be deemed to be the definition of that area or piece of land by virtue of provision included in such scheme in terms of subsection (1) (d). 10 15
- (b) Any other act performed in terms of the regulations under the Wine, Other Fermented Beverages and Spirits Act, 1957, with regard to wine and in respect of which an authority referred to in subsection (1) (c) could have been granted if a scheme for wine was established before the act concerned was performed, shall on the repeal of the empowering provision in respect of such regulations remain in force, and shall, when such scheme for wine is established, be deemed to be an act performed in terms of the relevant scheme. 20

**Restriction on the importation of certain alcoholic products**

25

16. (1) (a) No person shall import any product with an alcohol content of more than one per cent into the Republic for drinking purposes, except on the authority of an import certificate issued by the administering officer.
- (b) The provisions of paragraph (a) shall not apply to—
- (i) beer, sorghum beer and medicine referred to in section 4 (2); 30
- (ii) a product referred to in that paragraph that is imported by or for a Head of State, or by or for a diplomatic or other foreign representative referred to in Item 406.00 of Schedule 4 of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and
- (iii) a product referred to in that paragraph that is imported for a prescribed purpose, or of which a consignment does not exceed the prescribed volume. 35
- (2) An application for an import certificate shall be made in the prescribed manner, and the prescribed application fee shall be payable in respect thereof.
- (3) (a) Subject to the provisions of paragraph (b), an import certificate shall be issued only if— 40
- (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 on those containers comply with the applicable requirements of this Act. 45
- (b) An import certificate may also be issued in respect of a product other than a product referred to in paragraph (a) (i) if—
- (i) that product does not contain a particular prescribed substance to a greater extent than prescribed; 50
- (ii) that product is imported in the fully labelled containers in which it is to be sold in the Republic;
- (iii) the labels on those containers comply with the applicable requirements of this Act; and
- (iv) the board recommends that the application for the import certificate concerned be granted. 55



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- (r) bepaal dat iemand wat weier of versuim om enige bepaling van so 'n skema of 'n voorwaarde daarkragtens opgelê, na te kom of daaraan te voldoen; in die geheel of gedeeltelik deur die raad uitgesluit kan word van verdere deelname aan so 'n skema;
- 5 (s) oor die algemeen voorsiening maak vir enige ander aangeleentheid wat, behoudens die bepalings van hierdie Wet, na die oordeel van die Minister nodig of dienstig is ten einde die oogmerke van so 'n skema te bevorder of beter te verwesenlik, en die algemeenheid van die bevoegdheid deur hierdie paragraaf verleen, word nie deur die voorafgaande paragrawe van
- 10 hierdie subartikel beperk nie.
- (2) (a) Die omskrywing van 'n bepaalde gebied of stuk grond onder 'n bepaalde naam ingevolge artikel 22 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), en wat onmiddellik voor die herroeping van daardie artikel van krag is, bly van krag, en word, indien dit
- 15 onmiddellik voor die instelling van 'n skema vir wyn van krag is, wanneer so 'n skema vir wyn ingestel word, geag die omskrywing van daardie gebied of stuk grond uit hoofde van voorsiening ingevolge subartikel (1) (d) in so 'n skema ingesluit, te wees.
- (b) Enige ander handeling wat ingevolge die regulasies kragtens die Wet op
- 20 Wyn, Ander Gegiste Drank en Spiritualieë, 1957, uitgevaardig, verrig is met betrekking tot wyn en ten opsigte waarvan 'n magtiging bedoel in subartikel (1) (c) verleen sou kon word indien 'n skema vir wyn ingestel was voordat die betrokke handeling verrig is, bly by die herroeping van die magtigende bepaling ten opsigte van sodanige regulasies van krag, en word,
- 25 wanneer so 'n skema vir wyn ingestel word, geag 'n handeling te wees wat ingevolge die betrokke skema verrig is.

**Beperking op die invoer van sekere alkoholiese produkte**

16. (1) (a) Niemand mag 'n produk met 'n alkoholinhoud van meer as een persent vir drinkdoeleindes in die Republiek invoer nie, behalwe op gesag van 'n
- 30 invoersertifikaat deur die beherende amptenaar uitgereik.
- (b) Die bepalings van paragraaf (a) is nie van toepassing nie op—
- (i) bier, sorghumbier en medisyne in artikel 4 (2) bedoel;
- (ii) 'n produk in daardie paragraaf bedoel wat deur of vir 'n Staatshoof, of
- 35 deur of vir 'n diplomatieke of ander buitelandse verteenwoordiger bedoel in Item 406.00 van Bylae 4 van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), ingevoer word; en
- (iii) 'n produk in daardie paragraaf bedoel wat vir 'n voorgeskrewe doel ingevoer word, of waarvan 'n besending nie die voorgeskrewe volume oorskry nie.
- 40 (2) 'n Aansoek om 'n invoersertifikaat word op die voorgeskrewe wyse gedoen, en die voorgeskrewe aansoekgeld is ten opsigte van so 'n aansoek betaalbaar.
- (3) (a) Behoudens die bepalings van paragraaf (b), word 'n invoersertifikaat slegs uitgereik indien—
- (i) die betrokke produk wyn, 'n alkoholiese vrugtedrank, 'n spiritus, 'n
- 45 druifbasisdrank 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 op daardie houers aan die toepaslike vereistes van hierdie Wet voldoen.
- (b) 'n Invoersertifikaat kan ook ten opsigte van 'n ander produk as 'n produk
- 50 bedoel in paragraaf (a) (i) uitgereik word indien—
- (i) daardie produk nie 'n bepaalde voorgeskrewe stof in 'n groter mate as wat voorgeskryf is, bevat nie;
- (ii) daardie produk ingevoer word in die volledig geëtiketteerde houers waarin dit in die Republiek verkoop staan te word;
- 55 (iii) die etikette op daardie houers aan die toepaslike vereistes van hierdie Wet voldoen; en
- (iv) die raad aanbeveel dat die aansoek om die betrokke invoersertifikaat toegestaan word.

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- (4) (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.
- (b) The further disposal of a product that is imported in bulk shall be subject to compliance with the prescribed directions. 5
- (5) (a) A product that is imported into the Republic contrary to the provisions of subsection (1) or a condition determined under subsection (4) (a), or in respect of which the prescribed directions referred to in subsection (4) (b) have not been complied with, shall, at the option of the importer thereof—
- (i) at the expense of such importer be removed by him from the Republic within such period as the administering officer may determine; 10
- (ii) with the approval of the administering officer and subject to such conditions as he may determine, be treated or dealt with so that the product concerned thereafter complies with the applicable provisions of this Act; or 15
- (iii) be forfeited to the State, and thereafter be destroyed.
- (b) If an importer fails to remove such product from the Republic within the period determined in terms of paragraph (a) (i), or to comply with a condition determined in terms of paragraph (a) (ii), that product shall be forfeited to the State, and thereafter be destroyed. 20
- (c) The State may recover any expenses incurred by it in connection with the destruction of a product in terms of paragraph (a) (iii) or (b) from the importer concerned.
- (6) A certificate of removal issued in terms of section 27A of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and in force immediately prior to the date of commencement of this section, shall be deemed to be an import certificate which has been issued in terms of this section. 25

**Restriction on the exportation of liquor products**

17. (1) (a) No person shall export any product with an alcohol content of more than one percent for drinking purposes, except on the authority of an export certificate issued by the administering officer. 30
- (b) The provisions of paragraph (a) shall not apply to—
- (i) beer, sorghum beer and medicine referred to in section 4 (2); and
- (ii) a liquor product exported for a prescribed purpose or to a prescribed country, or of which a consignment does not exceed the prescribed volume. 35
- (2) An application for an export certificate shall be made in the prescribed manner, and the prescribed application fee shall be payable in respect thereof.
- (3) An export certificate shall only be issued if—
- (a) the product concerned is a liquor product or, in the case of another product, the exporter thereof satisfies the administering officer that such other product may be sold for drinking purposes in the country to which it is to be exported; and 40
- (b) when required by regulation, the board has in the prescribed manner found the product concerned to be suitable for export. 45
- (4) The export of a product on the authority of an export certificate shall be subject to compliance with the prescribed directions.
- (5) An export certificate issued in terms of the regulations made under the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and which is in force immediately prior to the date of commencement of this section, shall be deemed to be an export certificate issued in terms of this section. 50

**Powers of entry, investigation and sampling**

18. (1) (a) The administering officer and an officer acting under a delegation or direction of the administering officer may, whenever he deems it necessary in the exercising or carrying out by him of any power or duty which is granted to or imposed upon the administering officer by or under this Act, 55

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- (4) (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.
- (b) Die verdere beskikking oor 'n produk wat in stortmaat ingevoer is, is onderworpe aan nakoming van die voorgeskrewe voorskrifte.
- (5) (a) 'n Produk wat in stryd met die bepalings van subartikel (1) of 'n voorwaarde kragtens subartikel (4) (a) bepaal, in die Republiek ingevoer is, of ten opsigte waarvan die voorgeskrewe voorskrifte in subartikel (4) (b) bedoel, nie nagekom is nie, word, na gelang van die keuse van die invoerder daarvan—
- (i) op koste van bedoelde invoerder deur hom uit die Republiek verwyder binne die tydperk wat die beherende amptenaar bepaal;
- (ii) met die goedkeuring van die beherende amptenaar en op die voorwaardes deur hom bepaal, behandel of mee gehandel sodat die betrokke drankprodukt daarna aan die toepaslike vereistes van hierdie Wet voldoen; of
- (iii) aan die Staat verbeur, en word daarna vernietig.
- (b) Indien 'n invoerder versuim om so 'n produk binne die tydperk ingevolge paragraaf (a) (i) bepaal, uit die Republiek te verwyder, of om 'n voorwaarde ingevolge paragraaf (a) (ii) bepaal, na te kom, word daardie produk aan die Staat verbeur, en daarna vernietig.
- (c) Die Staat kan enige koste deur hom aangegaan in verband met die vernietiging van 'n produk ingevolge paragraaf (a) (iii) of (b), op die betrokke invoerder verhaal.
- (6) 'n Verwyderingsertifikaat wat ingevolge artikel 27A van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), uitgereik is en wat onmiddellik voor die datum van inwerkingtreding van hierdie artikel van krag is, word geag 'n invoersertifikaat te wees wat ingevolge hierdie artikel uitgereik is.

**Beperkings op die uitvoer van drankprodukte**

17. (1) (a) Niemand mag 'n produk met 'n alkoholinhoud van meer as een persent vir drinkdoeleindes uitvoer nie, behalwe op gesag van 'n uitvoersertifikaat deur die beherende amptenaar uitgereik.
- (b) Die bepalings van paragraaf (a) is nie van toepassing nie op—
- (i) bier, sorghumbier en medisyne in artikel 4 (2) bedoel; en
- (ii) 'n drankprodukt wat vir 'n voorgeskrewe doel of na 'n voorgeskrewe land uitgevoer word, of waarvan 'n besending nie die voorgeskrewe volume oorskry nie.
- (2) 'n Aansoek om 'n uitvoersertifikaat word op die voorgeskrewe wyse gedoen, en die voorgeskrewe aansoekgeld is ten opsigte daarvan betaalbaar.
- (3) 'n Uitvoersertifikaat word slegs uitgereik indien—
- (a) die betrokke produk 'n drankprodukt is of, in die geval van 'n ander produk, die uitvoerder daarvan die beherende amptenaar tevrede stel dat so 'n ander produk vir drinkdoeleindes verkoop mag word in die land waarheen dit uitgevoer staan te word; en
- (b) wanneer by regulasie vereis, die raad die betrokke produk op die voorgeskrewe wyse as geskik vir uitvoer bevind het.
- (4) Die uitvoer van 'n produk op gesag van 'n uitvoersertifikaat is onderworpe aan die nakoming van die voorgeskrewe voorskrifte.
- (5) 'n Uitvoersertifikaat wat ingevolge die regulasies uitgevaardig kragtens die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), uitgereik is en wat onmiddellik voor die datum van inwerkingtreding van hierdie artikel van krag is, word geag 'n uitvoersertifikaat te wees wat ingevolge hierdie artikel uitgereik is.

**Betredings-, ondersoek- en monsternemingsbevoegdhede**

18. (1) (a) Die beherende amptenaar en 'n beampte wat kragtens 'n delegasie of lasgewing van die beherende amptenaar optree, kan, wanneer hy dit nodig ag by die uitoefening of uitvoering deur hom van enige bevoegdheid of plig wat die beherende amptenaar by of kragtens hierdie Wet verleen of

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at any reasonable time without prior notice enter upon any place, premises or conveyance.

- (b) The provisions of paragraph (a) shall in connection with the exercise of a function conferred on the board by or under this Act or in terms of a scheme, apply *mutatis mutandis* to— 5
- (i) a person employed by the board;
  - (ii) any person with whom the board has entered into an agreement in terms of section 2 (10) (a) (v); and
  - (iii) any person employed by a person referred to in subparagraph (ii).
- (c) A person who enters upon any place, premises or conveyance in terms of this subsection shall show proof of his identity and authority when requested thereto by the person in charge of the place, premises or conveyance concerned. 10

(2) A person referred to in subsection (1) may, when acting under that subsection— 15

- (a) take with him such assistants, appliances, instruments, tools or other things as he may deem necessary for the relevant purpose;
- (b) demand from the owner or person in charge of the place, premises or conveyance concerned all reasonable assistance that such person may deem necessary in order to enable him to exercise, carry out or perform his powers, duties or functions in connection with that place, premises or conveyance; 20
- (c) examine or test any liquor product, material, substance or other article in respect of which this Act or a scheme applies and which is, or which is suspected to be, produced, processed, treated, prepared, graded, classified, packed, marked, labelled, held, bottled, removed, transported, exhibited or sold there; 25
- (d) inspect the operations or processes in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the liquor product, material, substance or other article concerned, or from the person supervising such operations or processes, any information or an explanation regarding the operation, process, liquor product, material, substance or other article concerned; 30
- (e) take such samples of the liquor product, material, substance or other article concerned as he may deem necessary, and for such purpose open any container in which that liquor product, material, substance or other article is contained; and 35
- (f) examine and make copies of or take extracts from any book or document in respect of which he on reasonable grounds suspects that it relates to such product, material, substance or other article, irrespective of whether it is kept on or at the place, premises or conveyance concerned or at any other place, and demand from the owner or custodian of such book or document an explanation of any record or entry therein. 40

(3) The provisions of subsection (2) (d) and (f) shall not be construed as authorizing a person referred to in subsection (1) to demand information by which he may acquire knowledge of any secret formula for the production or blending of a liquor product. 45

(4) A sample taken in terms of subsection (2) (e) shall with the least possible delay be submitted to an analyst for testing, examination or analysis.

(5) A person referred to in subsection (1) shall in respect of each sample taken of a liquor product contained in a labelled container, issue a receipt of sampling to the custodian of the liquor product concerned. 50

### Seizures

19. (1) A person referred to in section 18 (1) may at any reasonable time and in any manner deemed fit by him, without prior notice to any person, seize any liquor product, material, substance or other article, or any book or document, that— 55

- (a) is concerned or is on reasonable grounds believed by him to be concerned in the commission or suspected commission of any offence under this Act;
- (b) may afford evidence of the commission or suspected commission of any such offence; or 60
- (c) is intended or is on reasonable grounds believed by him to be intended to be used in the commission of any such offence.

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opgelê is, te eniger redelike tyd sonder voorafgaande kennisgewing enige plek, perseel of vervoermiddel betree.

- (b) Die bepalings van paragraaf (a) is in verband met die verrigting van 'n werksaamheid wat by of kragtens hierdie Wet of ingevolge 'n skema aan die raad opgedra word, *mutatis mutandis* van toepassing op—
- 5 (i) iemand in diens van die raad;
- (ii) iemand met wie die raad 'n ooreenkoms ingevolge artikel 2 (10) (a) (v) aangegaan het; en
- (iii) iemand in diens van 'n persoon in subparagraaf (ii) bedoel.
- 10 (c) Iemand wat 'n plek, perseel of vervoermiddel ingevolge hierdie subartikel betree, moet bewys van sy identiteit en magtiging toon wanneer hy deur die persoon in beheer van die betrokke plek, perseel of vervoermiddel daartoe versoek word.
- (2) Iemand in subartikel (1) bedoel, kan, wanneer hy kragtens daardie subartikel
- 15 optree—
- (a) die helpers, toestelle, instrumente, gereedskap of ander goed wat hy vir die betrokke doel nodig ag, met hom saamneem;
- (b) van die eienaar of persoon in beheer van die betrokke plek, perseel of vervoermiddel alle redelike bystand eis wat so iemand nodig ag om hom in staat te stel om sy bevoegdhede, pligte of werksaamhede ten opsigte van daardie plek, perseel of vervoermiddel uit te oefen, uit te voer of te verrig;
- 20 (c) enige drankprodukt, materiaal, stof of ander artikel ten opsigte waarvan hierdie Wet of 'n skema van toepassing is en wat wel of na vermoede daar geproduseer, verwerk, behandel, berei, gegradeer, geklassifiseer, verpak, gemerk, geëtiketteer, gehou, gebottelleer, verwyder, vervoer, uitgestal of verkoop word, ondersoek of toets;
- (d) die werksaamhede of prosesse in verband met enige handeling in paragraaf (c) bedoel, ondersoek, en van die eienaar van die betrokke drankprodukt, materiaal, stof of ander artikel, of van iemand wat dit in sy bewaring het, of van die persoon wat oor sodanige werksaamhede of prosesse toesig hou, inligting of 'n verduideliking aangaande die betrokke werksaamheid, proses, drankprodukt, materiaal, stof of ander artikel eis;
- 30 (e) die monsters van die betrokke drankprodukt, materiaal, stof of ander artikel neem wat hy nodig ag, en vir dié doel enige houër oopmaak waarin daardie drankprodukt, materiaal, stof of ander artikel bevat is; en
- (f) enige boek of stuk ten opsigte waarvan hy op redelike gronde vermoed dat dit op so 'n produkt, materiaal, stof of ander artikel betrekking het, nagaan en afskrifte van of uittreksels daaruit maak, ongeag of dit op of by die betrokke plek, perseel of vervoermiddel of by 'n ander plek gehou word, en van die eienaar van so 'n boek of stuk of die persoon wat dit in sy bewaring het, 'n verduideliking van 'n aantekening of inskrywing daarin eis.
- (3) Die bepalings van subartikel (2) (d) en (f) word nie uitgelê as sou dit iemand bedoel in subartikel (1) magtig om inligting te eis waardeur hy kennis van 'n geheime formule vir die produksie of vermenging van 'n drankprodukt kan verkry nie.
- 45 (4) 'n Monster ingevolge subartikel (2) (e) geneem, word met die minste moontlike vertraging aan 'n ontleder voorgelê vir toetsing, ondersoek of ontleding.
- (5) 'n Persoon in subartikel (1) bedoel, moet ten opsigte van elke monster geneem van 'n drankprodukt wat in 'n geëtiketteerde houër bevat is, 'n bewys van monsterneming aan die persoon in wie se bewaring die betrokke drankprodukt is, uitreik.

## 50 Beslagleggings

19. (1) 'n Persoon in artikel 18 (1) bedoel, kan te eniger redelike tyd en op enige wyse wat hy geskik ag, sonder voorafgaande kennisgewing aan enige persoon, beslag lê op enige drankprodukt, materiaal, stof of ander artikel, of op enige boek of stuk, wat—

- 55 (a) betrokke is of op redelike gronde deur hom vermoed word betrokke te wees by die pleging of vermeende pleging van 'n misdryf kragtens hierdie Wet;
- (b) tot bewys kan strek van die pleging of vermeende pleging van so 'n misdryf; of
- 60 (c) wat bestem is of op redelike gronde deur hom vermoed word bestem te wees om by die pleging van so 'n misdryf gebruik te word.

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(2) Such person may remove any quantity of a liquor product, material, substance or other article, or any book or document, so seized, from the place, premises or conveyance where he seized it, or leave it thereon and, if he deems it necessary, attach such identification mark or seal as he may deem necessary on such liquor product, material, substance or other article or the container thereof, or on such book or document. 5

- (3) (a) The administering officer or the board, as the case may be, may—
- (i) grant authority that a liquor product, material, substance or other article seized in terms of subsection (1), may within the period and in the manner specified in such authorization, be treated or dealt with; 10
  - (ii) if the said officer or the board is satisfied that the cause for the seizure concerned has been removed by such treatment or action, return the liquor product, material, substance or other article to the person from whom it was seized.
- (b) If no criminal proceedings are instituted in connection with a liquor product, material, substance or other article seized in terms of subsection (1), or if it appears that such liquor product, material, substance or other article is not required at the trial for purposes of evidence or an order of court, that liquor product, material, substance or other article shall be returned to the person from whom it was seized. 20

**Analysis of samples**

20. (1) (a) The Director-General may designate a person qualified by technical training, possessing adequate knowledge, skill and experience, and having adequate facilities at his disposal, as an analyst for the purposes of the provisions of this Act or a scheme. 25
- (b) The designation of a person as an analyst in terms of section 28 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), shall, if in force immediately prior to the date of commencement of this section, be deemed to have been done in terms of paragraph (a).
- (2) Each sample submitted to an analyst in terms of section 18 (4) shall be tested, examined or analysed by him in accordance with the prescribed methods. 30
- (3) An analyst shall—
- (a) record the results of such test, examination or analysis on a certificate determined for this purpose by the administering officer or the board, as the case may be; and 35
  - (b) furnish the original of such certificate to the person referred to in section 18 (1) by whom the sample concerned was taken.
- (4) No person shall use a certificate referred to in subsection (3), or any results recorded on such certificate, in any manner whatsoever for the purposes of any advertisement. 40

**Secrecy**

21. (1) No person shall, except for the purpose of the performance of his functions under this Act or a scheme, or for the purpose of legal proceedings under this Act, or when required to do so by any competent court or under any law, or with the written consent of the Minister, disclose to any other person any information 45 acquired by him in the performance of his functions under this Act or a scheme and which relates to the business or affairs of any person, or use such information for self-gain or for the benefit of his employer.

(2) No person shall, except with the written consent of the Minister, give access to any person other than a person referred to in section 18 (1) or a person entitled 50 thereto in terms of any law, to any records or registers kept in terms of this Act or a scheme.

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(2) So 'n persoon kan enige hoeveelheid van 'n drankprodukt, materiaal, stof of ander artikel, of 'n boek of stuk, waarop aldus beslag gelê is, van die plek, perseel of vervoermiddel waar hy beslag daarop gelê het, verwyder of daarop laat en, indien hy dit nodig ag, enige identifikasiemerk of seël wat hy nodig ag, op so 'n drankprodukt, materiaal, stof of ander artikel, of die houer daarvan, of op so 'n boek of stuk, aanbring.

(3) (a) Die beherende amptenaar of die raad, na gelang van die geval, kan—

(i) magtiging verleen dat 'n drankprodukt, materiaal, stof of ander artikel waarop ingevolge subartikel (1) beslag gelê is, binne die tydperk en op die wyse in so 'n magtiging vermeld, behandel of mee gehandel mag word;

(ii) indien bedoelde amptenaar of die raad oortuig is dat die oorsaak vir die betrokke beslaglegging deur sodanige behandeling of handeling verwyder is, die drankprodukt, materiaal, stof of ander artikel teruggee aan die persoon van wie dit in beslag geneem is.

(b) Indien geen strafregtelike verrigtinge ingestel word in verband met 'n drankprodukt, materiaal, stof of ander artikel waarop ingevolge subartikel (1) beslag gelê is nie, of indien dit blyk dat so 'n drankprodukt, materiaal, stof of ander artikel nie by die verhoor vir doeleindes van bewyslewering of 'n hofbevel nodig is nie, word die drankprodukt, materiaal, stof of ander artikel teruggegee aan die persoon van wie dit in beslag geneem is.

**Ontleding van monsters**

20. (1) (a) Die Direkteur-generaal kan 'n persoon wat deur tegniese opleiding gekwalifiseer is, toereikende kennis, bekwaamheid en ondervinding besit en toereikende fasiliteite tot sy beskikking het, as ontleder vir die doeleindes van die bepalings van hierdie Wet of 'n skema aanwys.

(b) Die aanwysing van 'n persoon as ontleder ingevolge artikel 28 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), word, indien dit onmiddellik voor die datum van inwerkingtreding van hierdie artikel van krag is, geag ingevolge paragraaf (a) gedoen te gewees het.

(2) Elke monster wat ingevolge artikel 18 (4) aan 'n ontleder voorgelê word, word ooreenkomstig die voorgeskrewe metodes deur hom getoets, ondersoek of ontleed.

(3) 'n Ontleder moet—

(a) die uitslag van so 'n toets, ondersoek of ontleding aanteken op 'n sertifikaat wat vir dié doel deur die beherende amptenaar of die raad, na gelang van die geval, bepaal is; en

(b) die oorspronklike van sodanige sertifikaat aan die persoon in artikel 18 (1) bedoel deur wie die betrokke monster geneem is, voorsien.

(4) Niemand mag 'n sertifikaat in subartikel (3) bedoel, of enige uitslag wat op so 'n sertifikaat aangeteken is, op enige wyse hoegenaamd vir die doeleindes van enige advertensie gebruik nie.

**Geheimhouding**

21. (1) Niemand mag, behalwe vir die doeleindes van die verrigting van sy werksaamhede kragtens hierdie Wet of 'n skema, of vir die doeleindes van geregtelike verrigtinge kragtens hierdie Wet, of wanneer dit deur 'n bevoegde hof of kragtens 'n wet van hom vereis word, of met die skriftelike toestemming van die Minister, inligting wat deur hom by die verrigting van sy werksaamhede kragtens hierdie Wet of 'n skema verkry is en wat op die besigheid of sake van 'n persoon betrekking het, aan iemand anders openbaar nie, of sodanige inligting vir eie gewin of vir die voordeel van sy werkgewer gebruik nie.

(2) Niemand mag, behalwe met die skriftelike toestemming van die Minister, aan 'n ander persoon as 'n persoon in artikel 18 (1) bedoel of 'n persoon wat ingevolge die een of ander wet daartoe geregtig is, insae verleen in enige aantekeninge of registers wat ingevolge hierdie Wet of 'n skema gehou word nie.

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**Appeals**

22. (1) Any person whose interests are affected by any decision or direction of the administering officer or the board under this Act or a scheme, may appeal against such decision or direction to an appeal board appointed by the Director-General for this purpose. 5

(2) Such appeal shall be lodged in the prescribed manner within the prescribed period, and the prescribed amount shall be payable in respect thereof.

(3) (a) An appeal board referred to in subsection (1), shall consist of—

(i) a person appointed by reason of his knowledge of the law, and who shall act as chairman of the appeal board; and 10

(ii) two persons respectively nominated in the prescribed manner by the appellant and the administering officer or the board, as the case may be.

(b) An appellant, a person employed by the appellant, the administering officer, an officer performing his functions under the control of the administering officer, a member or an alternate member of the board, a member of a committee of the board and a person referred to in section 2 (10) (b) shall not be appointed as a member of an appeal board. 15

(4) All the members of an appeal board shall constitute a quorum for any meeting of the appeal board, and a decision of the majority of the members thereof shall be a decision of the appeal board. 20

(5) There may be paid to a member of an appeal board who is not in the full-time employment of the State, from moneys appropriated by Parliament for this purpose, such remuneration or allowances as may be determined by the Minister, with the concurrence of the Minister of Finance, in general or in any particular case. 25

(6) Such appeal board may—

(a) confirm, set aside or amend the decision or direction which is the subject of the appeal;

(b) refer the relevant matter back to the board or the administering officer for reconsideration; or 30

(c) make such order in connection therewith as it may deem fit.

(7) The administering officer or the board, as the case may be, shall be bound by a decision of an appeal board.

(8) The decision of an appeal board together with the reasons therefor shall be in writing, and copies thereof shall be furnished to the Director-General, the appellant 35 and the administering officer or the board, as the case may be.

(9) If a decision or direction which is the subject of an appeal—

(a) is set aside, the amount referred to in subsection (2) shall be refunded to the appellant concerned;

(b) is amended, or is referred back to the administering officer or the board for reconsideration, such portion of the amount referred to in subsection (2) as the appeal board concerned may determine, shall be refunded to the appellant concerned. 40

**Offences and penalties**

23. (1) Any person who— 45

(a) contravenes or fails to comply with a provision of section 4 (1), 5 (3) (a), 6 (3) (a), 7 (3) (a), 8 (3) (a), 9 (3) (a), 11 (1), (2) or (3), 12 (1), 16 (1) (a), 17 (1) (a) or 21 (1) or (2);

(b) contravenes or fails to comply with a provision of section 5 (3) (b), 6 (3) (b), 7 (3) (b), 8 (3) (b), 9 (3) (b), 13 (1), 13 (1) as applied by 13 (4), or 20 (4); 50

(c) contravenes or fails to comply with a condition, restriction, prohibition, reservation or direction imposed under section 10 (4), 11 (4) or (5) (b), 16 (4) or (5), 17 (4) or 28 (3) (a);

(d) after his application for participation in a scheme has been approved, refuses or fails to comply with the provisions of that scheme or a condition 55 determined in terms thereof;

(e) obstructs or hinders a person referred to in section 18 (1) in the exercise of his powers or the carrying out of his duties under this Act or a scheme;



**Appèlle**

22. (1) Iemand wie se belange geraak word deur 'n beslissing of lasgewing van die beherende amptenaar of die raad kragtens hierdie Wet of 'n skema, kan teen so 'n beslissing of lasgewing appelleer na 'n appèlraad wat vir dié doel deur die 5 Direkteur-generaal aangestel word.

(2) So 'n appèl moet binne die voorgeskrewe tydperk op die voorgeskrewe wyse aangeteken word, en die voorgeskrewe bedrag is ten opsigte daarvan betaalbaar.

(3) (a) 'n Appèlraad in subartikel (1) bedoel, bestaan uit—

10 (i) iemand wat op grond van sy kennis van die reg aangestel is, en wat as voorsitter van die appèlraad optree; en

(ii) twee persone wat op die voorgeskrewe wyse deur onderskeidelik die appellant en die beherende amptenaar of die raad, na gelang van die geval, benoem is.

15 (b) 'n Appellant, iemand in diens van die appellant, die beherende amptenaar, 'n beampte wat sy werksaamhede onder die beheer van die beherende amptenaar verrig, 'n lid of 'n plaasvervangende lid van die raad, 'n lid van 'n komitee van die raad en 'n persoon in artikel 2 (10) (b) bedoel, word nie as 'n lid van die appèlraad aangestel nie.

(4) Al die lede van 'n appèlraad maak 'n kworum vir 'n vergadering van die 20 appèlraad uit, en 'n beslissing van die meerderheid van die lede van 'n appèlraad maak 'n beslissing van die appèlraad uit.

(5) Daar kan aan 'n lid van 'n appèlraad wat nie in die heeltydse diens van die Staat is nie, die vergoeding of toelaes uit geld vir dié doel deur die Parlement bewillig, betaal word wat die Minister, met die instemming van die Minister van Finansies, in 25 die algemeen of in 'n besondere geval bepaal.

(6) So 'n appèlraad kan—

(a) die beslissing of lasgewing waarteen geappelleer word, bevestig, tersyde stel of wysig;

30 (b) die betrokke aangeleentheid na die beherende amptenaar of die raad terugverwys vir heroorweging; of

(c) die bevel in verband daarmee uitreik wat hy dienstig ag.

(7) Die beherende amptenaar of die raad, na gelang van die geval, is gebonde aan 'n beslissing van 'n appèlraad.

(8) Die beslissing van 'n appèlraad tesame met die gronde daarvoor moet op skrif 35 wees, en afskrifte daarvan moet aan die Direkteur-generaal, die appellant en die beherende amptenaar of die raad, na gelang van die geval, voorsien word.

(9) Indien 'n beslissing of lasgewing waarteen geappelleer word—

(a) tersyde gestel word, word die bedrag in subartikel (2) bedoel, aan die betrokke appellant terugbetaal;

40 (b) gewysig word, of na die beherende amptenaar of die raad vir heroorweging terugverwys word, word dié gedeelte van die bedrag in subartikel (2) bedoel wat die betrokke appèlraad bepaal, aan die betrokke appellant terugbetaal.

**Misdrywe en strawwe**

45 23. (1) Iemand wat—

(a) 'n bepaling van artikel 4 (1), 5 (3) (a), 6 (3) (a), 7 (3) (a), 8 (3) (a), 9 (3) (a), 11 (1), (2) of (3), 12 (1), 16 (1) (a), 17 (1) (a) of 21 (1) of (2) oortree of versuim om daaraan te voldoen;

50 (b) 'n bepaling van artikel 5 (3) (b), 6 (3) (b), 7 (3) (b), 8 (3) (b), 9 (3) (b), 13 (1), 13 (1) soos toegepas by 13 (4), of 20 (4) oortree of versuim om daaraan te voldoen;

(c) 'n voorwaarde, beperking, verbod, voorbehoud of voorskrif kragtens artikel 10 (4), 11 (4) of (5) (b), 16 (4) of (5), 17 (4) of 28 (3) (a) opgelê, oortree of versuim om daaraan te voldoen;

55 (d) nadat sy aansoek om deelname aan 'n skema goedgekeur is, weier of versuim om aan die bepalings van daardie skema te voldoen of 'n voorwaarde ingevolge daarvan bepaal, na te kom;

60 (e) 'n persoon in artikel 18 (1) bedoel, by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens hierdie Wet of 'n skema dwarsboom of hinder;

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- (f) refuses or fails to render the reasonable assistance that a person referred to in section 18 (1) demands from him in terms of section 18 (2) (b) in the exercising of his powers or the carrying out of his duties under this Act or a scheme;
- (g) refuses or fails to furnish information or give an explanation or to answer to the best of his ability to a question lawfully demanded from or put to him by a person referred to in section 18 (1) in the exercising of his powers or the carrying out of his duties under this Act or a scheme, or furnishes information, an explanation or an answer to such person which is false or misleading, knowing that it is false or misleading;
- (h) tampers with a sample taken in terms of section 18 (2) (e), or the identification or seal of such sample;
- (i) sells, removes or tampers with a liquor product, material, substance or other article, or a book or document seized in terms of section 19, or tampers with an identification mark or other seal attached thereto in terms of that section;
- (j) falsely holds himself out to be an analyst;
- (k) effects any unauthorized alteration, deletion or entry on any certificate which has been issued in terms of this Act,
- shall be guilty of an offence.
- (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 two years or to both that fine and that 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 four years or to both that fine and that 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 six months or to both that fine and that 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 one year or to both that fine and that imprisonment.

**Presumptions and evidence**

24. In any prosecution under this Act—
- (a) it shall be presumed, unless the contrary is proved, that the applicable provisions of this Act or a scheme apply to the product in respect of which the offence concerned has allegedly been committed;
- (b) any quantity of a liquor product, material, substance or other article in or upon any place, premises or conveyance when a sample thereof is taken in accordance with the provisions of this Act shall, unless the contrary is proved, be deemed to be of the same composition as that sample, and to possess in all other respects the same properties as that sample;
- (c) a certificate referred to in section 20 (3) in which the result of a test, examination or analysis carried out in terms of section 20 (2) is recorded, and which purports to be signed by the analyst who carried out that test, examination or analysis, shall be accepted as *prima facie* proof of the facts mentioned therein;
- (d) any statement or entry contained in any book or document kept by any person or the manager, agent or employee of such person, or found in or upon any place or premises occupied by, or any vehicle used in the business of, such person, shall be admissible in evidence against him as an admission

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- (f) weier of versuim om die redelike bystand te verleen wat iemand in artikel 18 (1) bedoel, ingevolge artikel 18 (2) (b) by die uitoefening van sy bevoegdheids of die uitvoering van sy pligte kragtens hierdie Wet of 'n skema van hom vereis;
- 5 (g) weier of versuim om inligting te verstrek of 'n verduideliking te gee of na sy beste vermoë te antwoord op 'n vraag wat regtens deur 'n persoon in artikel 18 (1) bedoel, by die uitoefening van sy bevoegdheids of die uitvoering van sy pligte kragtens hierdie Wet of 'n skema van hom eis of aan hom stel, of aan so 'n persoon inligting, 'n verduideliking of antwoord
- 10 verstrek wat vals of misleidend is terwyl hy weet dat dit vals of misleidend is;
- (h) met 'n monster ingevolge artikel 18 (2) (e) geneem, of die identifikasie of seël van so 'n monster, peuter;
- (i) 'n drankprodukt, materiaal, stof of ander artikel, of 'n boek of stuk waarop
- 15 ingevolge artikel 19 beslag gelê is, verkoop, verwyder of daarmee peuter, of met 'n identifikasiemerk of ander seël wat ingevolge daardie artikel daarop aangebring is, peuter;
- (j) valslik voorgee 'n ontleder te wees;
- (k) enige ongemagtigde verandering, uitwissing of inskrywing aanbring op 'n
- 20 sertifikaat wat ingevolge hierdie Wet uitgereik is,
- is aan 'n misdryf skuldig.
- (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),
- 25 (f) of (g) van subartikel (1) bedoel, met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf;
- (b) by 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf (a) vermeld, hetsy dit dieselfde misdryf of enige ander misdryf in daardie paragraaf vermeld, is, met 'n boete van hoogstens R16 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar of met daardie boete sowel as daardie gevangenisstraf;
- 30 (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 of met gevangenisstraf van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf; en
- 35 (d) by 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf (c) vermeld, hetsy dit dieselfde misdryf of enige ander misdryf in daardie paragraaf vermeld, is, met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete
- 40 sowel as daardie gevangenisstraf.

**Vermoedens en bewys****24. By 'n vervolging kragtens hierdie Wet—**

- (a) word daar vermoed, tensy die teendeel bewys word, dat die toepaslike
- 45 bepalings van hierdie Wet of 'n skema van toepassing is op die produk ten opsigte waarvan die betrokke misdryf na bewering gepleeg is;
- (b) word enige hoeveelheid van 'n drankprodukt, materiaal, stof of ander artikel wat in of op 'n plek, perseel of vervoermiddel is wanneer 'n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, geag
- 50 van dieselfde samestelling as daardie monster te wees, en in alle ander opsigte dieselfde eienskappe as daardie monster te besit, tensy die teendeel bewys word;
- (c) word 'n sertifikaat in artikel 20 (3) bedoel waarin die uitslag van 'n toets, ondersoek of ontleding wat ingevolge artikel 20 (2) uitgevoer is,
- 55 aangeteken is, en wat heet onderteken te wees deur die ontleder wat daardie toets, ondersoek of ontleding uitgevoer het, aanvaar as *prima facie*-bewys van die daarin vermelde feite;
- (d) is 'n verklaring of inskrywing wat bevat is in 'n boek of stuk wat deur iemand of die bestuurder, agent of werknemer van so iemand, gehou word,
- 60 of wat gevind word, op of in 'n plek of perseel geokkupeer deur, of 'n vervoermiddel gebruik in die besigheid van, so iemand, toelaatbaar as

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of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his work as manager or in the course of his agency or employment; and

- (e) it shall be presumed, unless the contrary is proved, that a permit, authorization, consent, approval, certificate or other document has not been issued, given or granted to any person who in terms of this Act or a scheme is required to be in possession thereof. 5

**Forfeitures**

25. The court convicting any person of an offence under this Act shall, when requested thereto by the public prosecutor, in addition to any other penalty imposed in respect of that offence, order that a relevant quantity of a liquor product, material, substance or other article which is the subject of the charge against such person, be forfeited to the State, after which the property so forfeited shall be destroyed. 10

**Vicarious liability**

15

26. (1) When a manager, representative, agent, employee or member of the family of a person (in this section called the principal) does or omits to do any act, and it would be an offence under this Act for the principal to do or omit to do such act himself, that principal shall be deemed himself to have done or omitted to do the act, unless he satisfies the court that— 20

- (a) he neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member concerned;
- (b) he took all reasonable steps to prevent the act or omission; and
- (c) an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under no circumstance fell within the scope of the authority or employment of the manager, representative, agent, employee or member concerned. 25

and the fact that such principal issued instructions whereby an act or omission of that nature is prohibited, shall in itself not be sufficient proof that he took all reasonable steps to prevent the act or omission. 30

(2) When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall also be liable therefor as if he were the principal concerned.

(3) The provisions of subsection (2) shall not release a manager, representative, agent, employee or member contemplated in that subsection from any other liability which he may have incurred apart from the liability which he shares with the principal concerned. 35

(4) In the application of this section in any prosecution, evidence that any article was at the time of the act or omission charged, in the possession or under the custody, supervision, control or care of any manager, representative, agent, employee or member of the family of the principal, shall be *prima facie* proof that the principal concerned is the owner of the article concerned. 40

**Regulations**

27. (1) The Minister may make regulations regarding— 45

- (a) any matter which in terms of this Act is required or permitted to be prescribed;
- (b) control of the receipt, keeping and use of particular substances which are or may be used, or shall not be used, in connection with the production of liquor products, at premises where the liquor products are produced; 50

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- getuienis teen so iemand as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy daar bewys word dat so 'n verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand, in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie; en
- 5 (e) word daar vermoed, tensy die teendeel bewys word, dat 'n permit, magtiging, toestemming, goedkeuring, sertifikaat of ander stuk nie uitgereik, gegee of verleen is nie aan iemand van wie daar ingevolge hierdie Wet of 'n skema vereis word om in besit daarvan te wees.

## 10 Verbeurings

25. Die hof wat iemand aan 'n misdryf kragtens hierdie Wet skuldig bevind, moet, wanneer deur die Staatsaanklaer daartoe versoek, benewens enige ander straf ten opsigte van daardie misdryf opgelê, beveel dat 'n betrokke hoeveelheid van 'n drankprodukt, materiaal, stof of ander artikel wat die voorwerp van die aanklag teen
- 15 dié persoon is, aan die Staat verbeur word, waarna die aldus verbeurde goed vernietig word.

**Middellike aanspreeklikheid**

26. (1) Wanneer 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van iemand (in hierdie artikel die prinsipaal genoem) enige handeling verrig of
- 20 versuim om dit te verrig, en dit 'n misdryf kragtens hierdie Wet sou wees indien die prinsipaal self so 'n handeling verrig of versuim om dit te verrig, word daardie prinsipaal geag self die handeling te verrig het of te versuim het om dit te verrig, tensy hy die hof oortuig dat—

- (a) hy die handeling of versuim van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid nòg veroorloof nòg oogluikend toegelaat het;
- 25 (b) hy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en
- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard op geen voorwaarde of onder geen omstandigheid binne die bestek
- 30 van die bevoegdhede of diens van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid geval het nie,

en die feit dat sodanige prinsipaal opdragte uitgereik het waarvolgens 'n handeling of versuim van daardie aard verbied word, is op sigself nie voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

- 35 (2) Wanneer 'n prinsipaal uit hoofde van subartikel (1) aanspreeklik is vir 'n handeling of versuim van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van sy gesin, is daardie bestuurder, verteenwoordiger, agent, werknemer of lid ook daarvoor aanspreeklik asof hy die betrokke prinsipaal is.

- (3) Die bepalinge van subartikel (2) onthef nie 'n bestuurder, verteenwoordiger, agent, werknemer of lid in daardie subartikel beoog, van enige ander aanspreeklikheid wat hy opgeloop het afgesien van die aanspreeklikheid wat hy met die betrokke prinsipaal deel nie.
- 40

- (4) By die toepassing van hierdie artikel in enige vervolging is getuienis dat enige artikel op die tydstip van die ten laste gelegde handeling of versuim in die besit of
- 45 onder die bewaring, toesig, beheer of versorging was van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van 'n prinsipaal, *prima facie*-bewys dat die betrokke prinsipaal eienaar van die betrokke artikel is.

**Regulasies**

27. (1) Die Minister kan regulasies uitvaardig betreffende—
- 50 (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (b) beheer oor die ontvangs, hou en gebruik van bepaalde stowwe wat in verband met die produksie van drankprodukte gebruik word of kan word, of nie gebruik mag word nie, by persele waar die drankprodukte geproduseer word;
- 55

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- (c) the designation of a person charged with the application of this Act, and regarding different such designations in relation to different provisions of this Act;
- (d) processes which shall or may be applied in the production of liquor products; 5
- (e) requirements for raw materials that may be used in or in connection with the production of a liquor product, and control which is to be exercised over such raw materials;
- (f) methods and procedures in connection with the taking of samples;
- (g) the registration of particulars in respect of persons for the purposes of section 11 (1); 10
- (h) the procedure at proceedings of an appeal board referred to in section 22;
- (i) prohibited practices in connection with the indication of particulars on containers in which liquor products are sold, and in connection with the use of certain particulars in connection with the sale of liquor products; 15
- (j) the keeping of records and the furnishing of returns in connection with the production and sale of liquor products;
- (k) the fees payable in respect of anything done under this Act, or which is required to be so done;
- (l) the permissible tolerances with regard to prescribed requirements, specifications or other directions, 20

and, generally, with regard to any matter which he considers it necessary or expedient to prescribe in order to achieve or to promote the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection. 25

(2) Different regulations which differ in the respects deemed expedient by the Minister, may, subject to the provisions of this Act, be made under this section, in relation to different areas in the Republic or of different liquor products or classes thereof.

(3) A regulation may for any contravention thereof or failure to comply therewith, prescribe a penalty which shall not exceed a fine of R2 000 or imprisonment for a period of six months or both that fine and that imprisonment. 30

(4) A regulation prescribing fees shall be made with the concurrence of the Minister of Finance.

**Discretionary powers**

35

28. (1) When the administering officer or the board considers any application or request made under or by virtue of this Act or a scheme, he or the board may make any investigation or inquiry in connection therewith which may be deemed necessary, and for the purposes of such investigation or inquiry demand that such documents, information or samples as may be specified, be submitted to him or the board. 40

(2) Whenever a regulation or a scheme specifies any period within which anything is to be done or performed, the administering officer or the board, as the case may be, may extend the period concerned, either before or after the period has expired.

(3) Any approval, authorization or consent given or granted under or by virtue of this Act or a scheme may, except where expressly provided otherwise— 45

(a) be made subject to such conditions as the administering officer or the board, as the case may be, may in each case determine; and

(b) be amended or withdrawn by the administering officer or the board, as the case may be, if he deems it expedient. 50

(4) If the administering officer or the board, by virtue of a power vested in him or the board by or under this Act or a scheme—

(a) refuses to approve an application or a request which was submitted to him in writing; or

(b) amends or withdraws an approval, authorization or consent as contemplated in subsection (3) (b), 55

he shall notify the applicant concerned in writing of his decision and of the grounds on which it is based.

**Delegation of powers**

29. (1) The Minister may, subject to such conditions as he may impose, in writing 60

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- (c) die aanwysing van 'n persoon wat belas is met die toepassing van hierdie Wet, en betreffende verskillende sodanige aanwysings met betrekking tot verskillende bepalings van hierdie Wet;
- 5 (d) prosesse wat toegepas moet of mag word by die produksie van drankprodukte;
- (e) vereistes vir grondstowwe wat by of in verband met die produksie van 'n drankprodukt gebruik mag word, en beheer wat oor sodanige grondstowwe uitgeoefen moet word;
- 10 (f) metodes en prosedures in verband met die neem van monsters;
- (g) die registrasie van besonderhede ten opsigte van persone vir die doeleindes van artikel 11 (1);
- (h) die prosedure by verrigtinge van 'n appèlraad in artikel 22 bedoel;
- 15 (i) verbode praktyke in verband met die aanduiding van besonderhede op houers waarin drankprodukte verkoop word, en in verband met die gebruik van sekere besonderhede in verband met die verkoop van drankprodukte;
- (j) die hou van aantekeninge en die verstrekking van opgawes in verband met die produksie en verkoop van drankprodukte;
- (k) die gelde wat betaalbaar is ten opsigte van enigiets wat kragtens hierdie Wet gedoen word, of wat verlang word om aldus gedoen te word;
- 20 (l) die toelaatbare toleransies met betrekking tot voorgeskrewe vereistes, spesifikasies of ander voorskrifte,

en, in die algemeen, met betrekking tot enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik of te bevorder, en die algemeenheid van hierdie bepaling word nie deur die voorafgaande 25 paragrawe van hierdie subartikel beperk nie.

(2) Verskillende regulasies wat verskil in die opsigte wat die Minister dienstig ag, kan, behoudens die bepalings van hierdie Wet, kragtens hierdie artikel uitgevaardig word met betrekking tot verskillende gebiede in die Republiek of verskillende drankprodukte of klasse daarvan.

30 (3) 'n Regulasie kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf wat 'n boete van hoogstens R2 000 of gevangenisstraf van hoogstens ses maande of daardie boete sowel as daardie gevangenisstraf nie te bowe gaan nie.

(4) 'n Regulasie waarby gelde voorgeskryf word, word met die instemming van die 35 Minister van Finansies uitgevaardig.

**Diskresionêre bevoegdhede**

28. (1) Wanneer die beherende amptenaar of die raad enige aansoek of versoek wat kragtens of uit hoofde van hierdie Wet of 'n skema gedoen is, oorweeg, kan hy of die raad enige ondersoek of navraag in verband daarmee doen wat nodig geag 40 word, en vir die doeleindes van sodanige ondersoek of navraag vereis dat vermeldde stukke, inligting of monsters aan hom of die raad voorgelê word.

(2) Wanneer 'n regulasie of 'n skema 'n tydperk vermeld waarbinne iets verrig of gedoen moet word, kan die beherende amptenaar of die raad, na gelang van die geval, die betrokke tydperk verleng, hetsy voordat of nadat die tydperk verstrik het.

45 (3) 'n Goedkeuring, magtiging of toestemming gegee of verleen kragtens of uit hoofde van hierdie Wet of 'n skema kan, tensy uitdruklik anders bepaal—

(a) onderworpe gemaak word aan die voorwaardes wat die beherende amptenaar of die raad, na gelang van die geval, in elke geval bepaal; en

50 (b) deur die beherende amptenaar of die raad, na gelang van die geval, gewysig of ingetrek word indien hy dit dienstig ag.

(4) Indien die beherende amptenaar of die raad uit hoofde van 'n bevoegdheid hom of die raad by of kragtens hierdie Wet of 'n skema verleen—

(a) weier om 'n aansoek of versoek wat skriftelik aan hom voorgelê is, goed te keur; of

55 (b) 'n goedkeuring, magtiging of toestemming wysig of intrek soos in subartikel (3) (b) beoog,

moet hy die betrokke aansoeker skriftelik van sy beslissing en van die gronde waarop dit gebaseer is, in kennis stel.

**Delegering van bevoegdhede**

60 29. (1) Die Minister kan, onderworpe aan die voorwaardes wat hy oplê, 'n

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delegate any power conferred on him by this Act, excluding a power referred to in sections 14 and 27, to an officer employed by the department, but shall not be divested of any power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power.

(2) The Director-General may, subject to such conditions as he may impose, in writing delegate any power conferred on him by this Act to an officer employed by the department, but shall not be divested of any power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power.

**Defects in form**

30. A defect in the form of any document which in terms of any law is required to be executed in a particular manner, or in a document issued in terms of this Act or a scheme, shall, if the document substantially complies with the applicable legal requirements, not render unlawful any administrative act performed in terms of this Act or a scheme in respect of the matter to which such document relates, and shall not be a ground for exception to any legal procedure which may be taken in respect of such matter.

**Limitation of liability**

31. No person, including the State, shall be liable in respect of anything done or omitted in good faith in the exercise of a power or the carrying out of a duty or the performance of a function under or by virtue of this Act or a scheme, or in the rendering of any service in terms of this Act or a scheme, or in respect of anything that may result therefrom.

**Repeal and amendment of laws**

32. Subject to the provisions of sections 2 (8) (c) and (10) (c), 10 (5) (a), 11 (4) (b), 15 (2), 16 (6), 17 (5) and 20 (1) (b), the laws mentioned in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof.

**Short title and commencement**

33. (1) This Act shall be called the Liquor Products Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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

**SCHEDULE****LAWS REPEALED OR AMENDED  
(Section 32)**

No. and year of law	Short title	Extent of repeal or amendment
Act No. 14 of 1921	Restriction on the Importation of Wine and Spirits Act, 1921	The repeal of the whole.
Act No. 25 of 1957	Wine, Other Fermented Beverages and Spirits Act, 1957	The repeal of the whole.
Act No. 91 of 1964	Customs and Excise Act, 1964	<p>1. The amendment of section 1—</p> <p>(a) by the deletion in subsection (1) of the definition of "Government Brandy Board"; and</p> <p>(b) by the insertion in subsection (1) after the definition of "vehicle" of the following definition:</p> <p><u>"Wine and Spirit Board" means the board referred to in section 2 of the Liquor Products Act, 1989."</u></p> <p>2. The amendment of section 30 by the substitution in subsection (1) for the expression "Government Brandy Board", where it appears in the words preceding the proviso, of the expression "Wine and Spirit Board".</p>



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bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd 'n bevoegdheid bedoel in artikels 14 en 27, skriftelik aan 'n beamppte in diens van die departement delegeer, maar is nie ontdoen van 'n bevoegdheid aldus gedelegeer nie en kan 'n beslissing van die gedelegeerde geneem by die uitoefening van so 'n bevoegdheid wysig of tersyde 5 stel.

(2) Die Direkteur-generaal kan onderworpe aan die voorwaardes wat hy oplê, 'n bevoegdheid by hierdie Wet aan hom verleen skriftelik aan 'n beamppte in diens van die departement delegeer, maar is nie ontdoen van 'n bevoegdheid aldus gedelegeer nie en kan 'n beslissing van die gedelegeerde by die uitoefening van so 'n 10 bevoegdheid wysig of tersyde stel.

**Vormgebreke**

30. 'n Vormgebrek in 'n dokument wat ingevolge die een of ander wet op 'n besondere wyse verly moet word, of in 'n dokument wat ingevolge hierdie Wet of 'n skema uitgereik is, maak, indien die dokument wesentlik aan die toepaslike 15 regsvereistes voldoen, nie 'n administratiewe handeling wat ingevolge hierdie Wet of 'n skema verrig word ten opsigte van die aangeleentheid waarop die dokument betrekking het, ongeldig nie, en is nie 'n grond vir eksepsie teen enige regsprosedure wat ten opsigte van so 'n aangeleentheid ingestel word nie.

**Beperking van aanspreeklikheid**

20 31. Niemand, met inbegrip van die Staat, is aanspreeklik ten opsigte van enigiets wat te goeder trou gedoen of gelaat is by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig of die verrigting van 'n werksaamheid kragtens of uit hoofde van hierdie Wet of 'n skema, of by die lewering van 'n diens ingevolge hierdie Wet of 'n skema, of ten opsigte van enigiets wat daaruit mag voortspruit nie.

**Herroeping en wysiging van wette**

32. (1) Behoudens die bepalings van artikels 2 (8) (c) en (10) (c), 10 (5) (a), 11 (4) (b), 15 (2), 16 (6), 17 (5) en 20 (1) (b), word die wette in die Bylae vermeld, hierby herroep of gewysig in die mate in die derde kolom daarvan aangedui.

**Kort titel en inwerkingtreding**

30 33. (1) Hierdie Wet heet die Wet op Drankprodukte, 1989, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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

## BYLAE

WETTE HERROEP OF GEWYSIG  
(Artikel 32)

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 14 van 1921	Beperking op de Invoer van Wijn en Spiritualiën Wet, 1921	Die herroeping van die geheel.
Wet No. 25 van 1957	Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957	Die herroeping van die geheel.
Wet No. 91 van 1964	Docane- en Aksynswet, 1964	1. Die wysiging van artikel 1— (a) deur in subartikel (1) die omskrywing van "Regeringsbrandewynraad" te skrap; en (b) deur die volgende omskrywing by subartikel (1) te voeg: "Wyn- en Spiritusraad" die raad bedoel in artikel 2 van die Wet op Drankprodukte, 1989." 2. Die wysiging van artikel 30 deur in subartikel (1) die uitdrukking "Regeringsbrandewynraad", waar dit in die woorde wat die voorbehoud voorafgaan, voorkom, deur die uitdrukking "Wyn- en Spiritusraad" te vervang.

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No. and year of law	Short title	Extent of repeal or amendment
Act No. 50 of 1966	Wine, Spirits and Vinegar Amendment Act, 1966	The repeal of the whole.
Act No. 30 of 1968	Wine, Other Fermented Beverages and Spirits Amendment Act, 1968	The repeal of the whole.
Act No. 47 of 1970	Wine and Spirit Control Act, 1970	1. The amendment of section 1— (a) by the deletion of the definition of "Government Brandy Board"; and (b) by the insertion after the definition of "wine" of the following definition: <u>"Wine and Spirit Board" means the board referred to in section 2 of the Liquor Products Act, 1989.</u> 2. The amendment of section 2 by the substitution in the proviso to paragraph (a) of subsection (4) for the expression "Government Brandy Board", of the expression "Wine and Spirit Board". 3. The amendment of section 9 by the substitution for the expression "Government Brandy Board", wherever it appears, of the expression "Wine and Spirit Board".
Act No. 62 of 1970	Wine, Other Fermented Beverages and Spirits Amendment Act, 1970	The repeal of the whole.
Act No. 62 of 1972	Wine, Other Fermented Beverages and Spirits Amendment Act, 1972	The repeal of the whole.
Act No. 75 of 1974	Wine, Other Fermented Beverages and Spirits Amendment Act, 1974	The repeal of the whole.
Act No. 68 of 1976	Wine, Other Fermented Beverages and Spirits Amendment Act, 1976	The repeal of the whole.
Act No. 7 of 1980	Wine, Other Fermented Beverages and Spirits Amendment Act, 1980	The repeal of the whole.
Act No. 87 of 1980	Wine and Spirits Amendment Act, 1980	The repeal of sections 13 and 14.
Act No. 63 of 1984	Wine and Spirits Amendment Act, 1984	The repeal of sections 6 to 10, inclusive.
Act No. 97 of 1986	Transfer of Powers and Duties of the State President Act, 1986	The repeal in the First Schedule of the item relating to the Restriction on the Importation of Wine and Spirits Act, 1921 (Act No. 14 of 1921), and in the Second Schedule of the item relating to the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957).
Act No. 36 of 1988	Wine and Spirit Amendment Act, 1988	The repeal of sections 12 and 13.
Act No. 27 of 1989	Liquor Act, 1989	1. The amendment of section 2— (a) by the insertion of the following definition before the definition of "beer": <u>"alcoholic fruit beverage" means—</u> (a) an alcoholic fruit beverage as defined in section 1 of the Liquor Products Act, 1989; and (b) a specially authorized liquor as defined in section 1 of the Liquor Products Act, 1989, obtained by the alcoholic fermentation of the juice of oranges together with cane-sugar;" (b) by the substitution for the definition of "brandy" of the following definition: <u>"brandy" means the spirit which complies with the requirements [of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), for that spirit to be] prescribed by or under the Liquor Products Act, 1989, for the class of spirit manufactured or sold under the name of brandy;"</u> (c) by the amendment of the definition of "liquor"— (i) by the substitution for paragraph (a) of the following paragraph: <u>"(a) any [spirit, wine] beer or sorghum beer;"</u> ; and

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No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 50 van 1966	Wysigingswet op Wyn, Spiritualieë en Asyn, 1966	Die herroeping van die geheel.
Wet No. 30 van 1968	Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1968	Die herroeping van die geheel.
Wet No. 47 van 1970	Wet op Beheer oor Wyn en Spiritus, 1970	<p>1. Die wysiging van artikel 1—</p> <p>(a) deur die omskrywing van “Regeringsbrandewynraad” te skrap; en</p> <p>(b) deur die volgende omskrywing by te voeg:</p> <p>“Wyn- en Spiritusraad’ die raad bedoel in artikel 2 van die Wet op Drankprodukte, 1989.”.</p> <p>2. Die wysiging van artikel 2 deur in die voorbehoud by paragraaf (a) van subartikel (4) die uitdrukking “Regeringsbrandewynraad” deur die uitdrukking “Wyn- en Spiritusraad” te vervang.</p> <p>3. Die wysiging van artikel 9 deur die uitdrukking “Regeringsbrandewynraad”, waar dit ook al voorkom, deur die uitdrukking “Wyn- en Spiritusraad” te vervang.</p>
Wet No. 62 van 1970	Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1970	Die herroeping van die geheel.
Wet No. 62 van 1972	Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1972	Die herroeping van die geheel.
Wet No. 75 van 1974	Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1974	Die herroeping van die geheel.
Wet No. 68 van 1976	Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1976	Die herroeping van die geheel.
Wet No. 7 van 1980	Wysigingswet op Wyn, Ander Gegiste Drank en Spiritualieë, 1980	Die herroeping van die geheel.
Wet No. 87 van 1980	Wysigingswet op Wyn en Spiritualieë, 1980	Die herroeping van artikels 13 en 14.
Wet No. 63 van 1984	Wysigingswet op Wyn en Spiritualieë, 1984	Die herroeping van artikels 6 tot en met 10.
Wet No. 97 van 1986	Wet op die Oordrag van Bevoegdhede en Pligte van die Staatspresident, 1986	Die herroeping in die Eerste Bylae van die item wat betrekking het op die “Beperking op die Invoer van Wijn en Spiritualiën Wet, 1921” (Wet No. 14 van 1921), en in die Tweede Bylae van die item wat betrekking het op die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957).
Wet No. 36 van 1988	Wysigingswet op Wyn en Spiritus, 1988	Die herroeping van artikels 12 en 13.
Wet No. 27 van 1989	Drankwet, 1989	<p>1. Die wysiging van artikel 2—</p> <p>(a) deur die volgende omskrywing na die omskrywing van “aangewese polisiebeampte” in te voeg:</p> <p>“alkoholiese vrugtedrank”—</p> <p>(a) ’n alkoholiese vrugtedrank soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989; en</p> <p>(b) ’n spesiaal gemagtigde drank soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989, wat verkry is deur die alkoholiese gisting van die sap van vars lemoene tesame met rietsuiker;”;</p> <p>(b) deur die omskrywing van “ander gegiste drank” te skrap;</p> <p>(c) deur die omskrywing van “brandewyn” deur die volgende omskrywing te vervang:</p> <p>“brandewyn’ die spiritus wat voldoen aan die vereistes [van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), vir daardie spiritus om] wat by of kragtens die Wet op Drankprodukte, 1989, voorgeskryf is vir die klas spiritus wat onder die naam brandewyn vervaardig of verkoop [te] word;”;</p> <p>(d) deur die omskrywing van “drank” te wysig—</p> <p>(i) deur paragraaf (a) deur die volgende paragraaf te vervang:</p>

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		<p>(ii) by the substitution for paragraph (b) of the following paragraph:  “(b) any liquor product as defined in section 1 of the Liquor Products Act, 1989;”;</p> <p>(d) by the deletion of the definition of “other fermented beverage”;</p> <p>(e) by the substitution for the definition of “spirit” of the following definition:  “‘spirit’ means a spirit and a spirit-based liquor, as defined in section 1 of the Liquor Products Act, 1989;”;  and</p> <p>(f) by the substitution for the definition of “wine” of the following definition:  “‘wine’ means wine as defined in section 1 of the Liquor Products Act, 1989.”</p> <p>2. The amendment of section 3—</p> <p>(a) by the substitution in paragraph (j) of subsection (1) for the words preceding subparagraph (i), of the following words:  “a person who bona fide engages in viticulture, with regard to the sale of wine [as defined in section 2] or brandy [as defined in section 8, of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957)] which—”; and</p> <p>(b) by the substitution for paragraph (l) of subsection (1) of the following paragraph:  “(l) a person referred to in a notice under section [7 (2) (a)(i)] 10 of the [Wine, Other Fermented Beverages and Spirits Act, 1957] Liquor Products Act, 1989, with regard to the sale of any sacramental [or temperance] beverage under such a notice;”.</p> <p>3. The amendment of section 49 by the substitution for paragraph (a) of the following paragraph:  “(a) under a name given or a description contained in the [Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957)] Liquor Products Act, 1989, the regulations made thereunder or any other law, which does not as to its constituents comply with the requirements of that Act or the said regulations or other law;”.</p> <p>4. The amendment of section 59—</p> <p>(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:  “(b) ‘estate’ means an estate defined under that section, or in terms of a scheme established under section 14 of the Liquor Products Act, 1989;”;</p> <p>(b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:  “(c) ‘table wine’ means [the liquor obtained solely by the alcoholic fermentation of the juice of fresh grapes] wine containing not more than 14 per cent by volume of alcohol and sold under the name of the estate concerned;”;</p> <p>(c) by the deletion of paragraph (d) of subsection (2).</p>

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No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		<p>“(a) enige <b>[spiritus, wyn,]</b> bier of sorghumbier;”; en</p> <p>(ii) deur paragraaf (b) deur die volgende paragraaf te vervang: “(b) enige drankprodukt soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989;”;</p> <p>(e) deur die omskrywing van “spiritus” deur die volgende omskrywing te vervang: “‘spiritus’ ’n spiritus en ’n spiritus-basisdrank, soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989;”; en</p> <p>(f) deur die omskrywing van “wyn” deur die volgende omskrywing te vervang: “‘wyn’ wyn soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989.”</p> <p>2. Die wysiging van artikel 3—</p> <p>(a) deur in paragraaf (j) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan, deur die volgende woorde te vervang: “enigiemand wat wynbou bona fide beoefen, met betrekking tot die verkoop van wyn <b>[soos omskryf in artikel 2]</b> of brandewyn <b>[soos omskryf in artikel 8 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957)]</b> wat—”; en</p> <p>(b) deur paragraaf (l) van subartikel (1) deur die volgende paragraaf te vervang: “(l) iemand in ’n kennisgewing kragtens artikel <b>[7 (2) (a) (i)]</b> 10 van die Wet op <b>[Wyn, Ander Gegiste Drank en Spiritualieë, 1957]</b> Drankprodukte, 1989, vermeld, met betrekking tot die verkoop van enige sakramentele drank <b>[of matigheidsdrank]</b> kragtens so ’n kennisgewing;”.</p> <p>3. Die wysiging van artikel 49 deur paragraaf (a) deur die volgende paragraaf te vervang: “(a) onder ’n naam wat aangegee word of ’n beskrywing wat vervat is in die Wet op <b>[Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957)]</b> Drankprodukte, 1989, die regulasies daarkragtens uitgevaardig, of enige ander wet, wat nie wat betref die bestanddele daarvan voldoen aan die vereistes van daardie Wet of bedoelde regulasies of ander wet nie;”.</p> <p>4. Die wysiging van artikel 59—</p> <p>(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang: “(b) ‘landgoed’ ’n landgoed wat kragtens daardie artikel, of ingevolge ’n skema kragtens artikel 14 van die Wet op Drankprodukte, 1989, ingestel, omskryf is;”;</p> <p>(b) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang: “(c) ‘tafelwyn’ <b>[die drank wat verkry is uitsluitlik deur die alkoholiese gisting van die sap van vars druiwe]</b> wyn wat hoogstens 14 persent volgens volume alkohol bevat en verkoop word onder die naam van die betrokke landgoed;”; en</p> <p>(c) deur paragraaf (d) van subartikel (2) te skrap.</p>

## Act No. 60, 1989

## LIQUOR PRODUCTS ACT, 1989

No. and year of law	Short title	Extent of repeal or amendment
		<p>5. The amendment of section 88 by the substitution for subsection (2) of the following subsection:</p> <p>“(2) In the application of subsection (1) “table wine” means <b>the liquor obtained solely by the alcoholic fermentation of the juice of fresh grapes and</b> wine containing not more than 14 per cent by volume of alcohol <b>but does not include “flavoured wine” and “ginger wine” as defined in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957)</b>.”</p> <p>6. The amendment of section 91 by the substitution for the words preceding paragraph (a) of the following words:</p> <p>“The holder of a wine farmer’s licence shall not sell liquor other than wine <b>as defined in section 59 (2) (d)</b> which—”.</p> <p>7. The amendment of section 101—</p> <p>(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:</p> <p>“(b) where he manufactures any <b>other fermented beverage</b> alcoholic fruit beverage, only sell such beverage which has been manufactured from fruit <b>other than grapes,</b> produced on such land, or from <b>such other</b> fruit or the juice thereof purchased or otherwise procured by the holder or such a member, or from <b>such other fruit or</b> the juice of oranges together with cane-sugar;” and</p> <p>(b) by the deletion of subsection (2).</p>

## WET OP DRANKPRODUKTE, 1989

Wet No. 60, 1989

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		<p>5. Die wysiging van artikel 88 deur subartikel (2) deur die volgende subartikel te vervang:</p> <p>“(2) By die toepassing van subartikel (1) beteken ‘tafelwyn’ <b>[die drank wat verkry is uitsluitlik deur die alkoholiese gisting van vars duiwe en]</b> wyn wat hoogstens 14 persent volgens volume alkohol bevat <b>[, maar nie ook ‘gegeurde’ wyn en ‘gemmerwyn’ soos omskryf in artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritu-alieë, 1957 (Wet No. 25 van 1957), nie].</b>”.</p> <p>6. Die wysiging van artikel 91 deur die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:</p> <p>“Die houër van ’n wynboerlisensie verkoop nie ander drank nie as wyn <b>[soos omskryf in artikel 59 (2) (d)]</b> wat—”.</p> <p>7. Die wysiging van artikel 101—</p> <p>(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(b) waar hy enige <b>[ander gegiste drank]</b> alkoholiese vrugtedrank vervaardig, slegs sodanige drank verkoop wat vervaardig is van <b>[ander]</b> vrugte <b>[as duiwe,]</b> wat op sodanige grond geproduseer is, of van <b>[sodanige ander]</b> vrugte of die sap daarvan wat deur die houër of so ’n lid gekoop of andersins verkry is, of van <b>[sodanige ander vrugte of]</b> die sap van vars lemoene saam met rietsukker,”; en</p> <p>(b) deur subartikel (2) te skrap.</p>

