

REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE AMENDMENTS
TO

**WINE AND SPIRIT CONTROL
AMENDMENT BILL**

[B 115-97]

*(As agreed to by the Portfolio Committee on Agriculture, Water Affairs and Forestry
(National Assembly))*

[B 115A-97]

REPUBLIEK VAN SUID-AFRIKA

PORTEFEULJEKOMITEE-AMENDEMENTE
OP

**WYSIGINGSWETSONTWERP
OP BEHEER OOR WYN EN
SPIRITUS**

[W 115-97]

(Soos goedgekeur deur die Portefeuljekomitee oor Landbou, Waterwese en Bosbou)

[W 115A-97]

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AMENDMENTS AGREED TO

WINE AND SPIRIT CONTROL AMENDMENT BILL [B 11 5-97]

CLAUSE 1

1. On page 4, from line 1, to omit paragraph (d) and to substitute:

(d) by the insertion after the definition of “distiller” of the following definitions:

“‘interest group’ means any group of persons who take part in the production, purchase, sale, processing or consumption of wine or spirit, and includes labour employed in the production and processing of wine and spirit;

‘KWV’ means KWV Co-operative Limited, and any juristic person in which it has the controlling share;”;

CLAUSE 2

1. On page 4, in line 20, to omit “from the [vereniging] KWV” and to substitute “[from **the vereniging**]”.

CLAUSE 4

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 3:

Amendment of section 51 of Act 47 of 1970, as amended by section 10 of Act 87 of 1980 and substituted by section 31 of Act 87 of 1990

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

“(2) The [vereniging] management authority may use or transfer to a juristic person for such use so much of the moneys in such account as the Minister may from time to time approve, after consideration of an estimate containing all particulars determined from time to time by the Minister and submitted to him by the [vereniging] management authority, in such manner and at such times as it may deem fit for aiding or promoting research, **[and]** furnishing information, developing and transferring technology, provision of training and improving the general competitive advantage, in the Republic or elsewhere, in respect of—

- (a) the cultivation of vines of wine-grape varieties, including rootstock used in the cultivation of such vines;
- (b) the production of wine, other fermented or distilled products of the grape or grape juice; or

(c) economic and other matters incidental thereto.”.

CLAUSE 6

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 5:

Insertion of sections 58A, 58B, 58C and 58D in Act 47 of 1970

6. The following sections are hereby inserted in the principal Act after section 58:

‘Transitional measure

58A. As from the date of commencement of the Wine and Spirit Control Amendment Act, 1998, this Act shall be deemed to have been amended by and shall be administered in accordance with Schedule 2.

Saving

58B. Notwithstanding the amendments effected to this Act by the Wine and Spirit Control Amendment Act, 1998, anything done, agreed to or undertaken in terms of this Act prior to those amendments, by the Minister or the KWV as agreed to by the Minister, shall not be rendered invalid merely as a result of those amendments.

Repeal of sections

58C. Sections 3, 17, 18(7) and 27 shall be repealed simultaneously on 30 June 1999, or on a date determined by the Minister in the Gazette, whichever date may occur first.

Lapsing of this Act

58D. This Act shall lapse and the laws mentioned in Schedule 3 be repealed to the extent indicated in the third column of Schedule 3—

- (a) on a date determined by the Minister in the *Gazette* in consultation with the management authority; or
 (b) on 30 June 1999,
whichever date may occur first.”.

CLAUSE 7

1. On page 6, from line 22, to omit paragraphs (a) and (b) and to substitute:
 - (a) the substitution for the word “vereniging”, wherever it occurs in sections 3, 17, 18 (7) and 27, of the expression “KWV”; and
 - (b) subject to paragraph (a), the substitution for the word “vereniging”, wherever it occurs, of the words “management authority“.

CLAUSE 8

1. On page 6, from line 44, to omit paragraphs (a) and (b) and to substitute:
 - (a) in the case of the constitution of the management authority where assignees have not been designated in terms of this Act, subject to subitem (3), appoint not more than nine persons from those nominations and not more than three persons in the discretion of the Minister, as members of the management authority; or
 - (b) in the case of the constitution of the management authority where assignees have been designated in terms of this Act, appoint not more than three persons as additional members of the management authority from those nominations.

2. On page 8, from line 7, to omit subitem (3) and to substitute:
 - (3) The Minister shall include representation of small-scale and historically disadvantaged farmers on the management authority.

3. On page 8, from line 31, to omit subitem (6).

4. On page 8, in line 38, to omit “If the provisions of subitem (6) have been complied with,”.

5. On page 10, in line 44, after “17” to insert:
 - , and subject to the repeal of these sections contemplated in section 58C

6. On page 12, from line 12, to omit Annexures A and B.

LONG TITLE

1. On page 2, in the second line, after “definitions” to insert:
 - ; to authorise the utilisation of the research levy for additional purposes