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[No. 2818.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1547.] [18 September 1970.

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

No. 47 van 1970: Wet op Beheer oor Wyn en Spiritus, 1970.

No. 1547.] [18th September, 1970.

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

No. 47 of 1970: Wine and Spirit Control Act, 1970.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

ACT

To consolidate the laws relating to the control and management of the wine and spirit industry; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 10th September, 1970.)*

CONTENTS.**CHAPTER I.**

Wine intended for distillation purposes. . . Sections 1 to 13.

CHAPTER II.

Wine not intended for distillation purposes. Sections 14 to 30.

CHAPTER III.

Acquisition of grapes for conversion into wine or spirit and the disposal thereof by the Deciduous Fruit Board Sections 31 to 42.

CHAPTER IV.

Insufficient production of wine Sections 43 to 45.

CHAPTER V.

Over-production of wine Section 46.

CHAPTER VI.

Levy on wine, spirit and brandy Sections 47 to 52.

CHAPTER VII.

Supplementary provisions Sections 53 and 54.

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

CHAPTER I.**WINE INTENDED FOR DISTILLATION PURPOSES.**

1. In this Chapter, unless the context otherwise indicates— Definitions.

- (i) "blender" means a person approved and registered by the Secretary for Customs and Excise as a blender of brandy and wine spirit; (viii)

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

- (ii) "co-operative society" means a co-operative society or co-operative company (other than the vereniging or a co-operative trading society or a central or federal co-operative trading company) which deals with products of winegrowers and has been registered under the law relating to co-operative societies and companies; (v)
- (iii) "distiller" means any person who conducts, works or carries on any distilling or distils or manufactures any spirit from the produce of the vine; (i)
- (iv) "gin" has the meaning assigned thereto in section 8 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), but does not include compounded gin as defined in that section; (iv)
- (v) "Government Brandy Board" means the board referred to in section 8A of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957); (xiv)
- (vi) "leaguer" means one hundred and twenty-seven gallons; (vi)
- (vii) "liqueur" has the meaning assigned thereto in section 8 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and includes any brandy sweetened and flavoured in the manner provided by any regulation made under that Act; (vii)
- (viii) "Minister" means the Minister of Agriculture; (ix)
- (ix) "proof" means the strength of proof as ascertained by Sikes' hydrometer; (xi)
- (x) "proof spirit" means spirit which at a temperature of fifty-one degrees Fahrenheit weighs twelve-thirteenth parts of an equal volume of distilled water; (xii)
- (xi) "proof strength" means a strength equal to the strength of proof spirit; (xiii)
- (xii) "vereniging" means the "Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika, Beperkt"; (xv)
- (xiii) "warehouse" means a customs and excise warehouse licensed under section 19 of the Customs and Excise Act, 1964 (Act No. 91 of 1964); (x)
- (xiv) "wholesale trader" means any person who buys during any one year and of any one vintage a wholesale quantity, in terms *mutatis mutandis* of the definition of "wholesale quantity" in section 14, of wine, as determined with reference to the date mentioned in the said definition, or the equivalent of such a quantity of wine in spirit; (ii)
- (xv) "wine" means wine or must of any description, and includes grapes, grape juice, moskonfyt, raisins, sultanas and lees of wine; (xvi)
- (xvi) "winegrower" means any person who grows grapes and manufactures the same into wine or brandy for the purpose of sale or sells grapes for manufacture into wine or brandy for sale, or manufactures moskonfyt intended to be added to wine for sale; (xvii)
- (xvii) "year" means a year ending on thirty-first December. (iii)

2. (1) No person shall—

- (a) produce wine for distillation purposes, except under the authority of a permit issued by the vereniging;
- (b) sell or otherwise dispose of, or purchase or otherwise acquire, wine for the purposes of distillation or the conversion thereof into spirit, except through or with the consent of the vereniging; or
- (c) distil wine or utilize wine for the purpose of converting it into spirit, except with the consent of the vereniging.

- (2) (a) No winegrower shall sell or otherwise dispose of any spirit or brandy obtained by him from the vereniging or distilled from wine which has been produced by

Production of wine for distillation purposes, and disposal of such wine or spirit or brandy.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970.

him or has been derived from grapes purchased or otherwise acquired by him, except through or with the consent of the vereniging.

- (b) No co-operative society shall sell or otherwise dispose of any spirit or brandy distilled from wine delivered to it by its members, except through or with the consent of the vereniging.

(3) Every winegrower who sells or otherwise disposes of any spirit or brandy referred to in subsection (2) (a) or any wine to which such spirit or brandy has been added for the purpose of fortification, and every co-operative society which sells or otherwise disposes of any spirit or brandy referred to in subsection (2) (b) or any wine to which such spirit or brandy has been added for the purpose of fortification, shall pay to the vereniging, in respect of the quantity of wine for distillation purposes required to produce such spirit or brandy, levies calculated in the same manner as the levies imposed by the vereniging in terms of its regulations on wine for distillation purposes during the year in which such spirit or brandy or wine is so sold or disposed of: Provided that no levies shall be so payable in respect of such spirit or brandy contained in fortified wine exported from the Republic by such winegrower or co-operative society.

- (4) (a) No co-operative society (including the vereniging) and no winegrower shall sell any spirit (including brandy), the produce of the vine, for use in the Republic for drinking purposes or the fortification of wine, at a price less than an amount equivalent to the value of such spirit, calculated at the rate of the fixed minimum price charged by the vereniging to wholesale traders, in the year in which such spirit is sold, for the quantity of wine of a strength of twenty per cent for distillation purposes which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit: Provided that in any case where a co-operative society or winegrower desires to sell spirit to a wholesale trader and such co-operative society or winegrower satisfies the vereniging that the Government Brandy Board has declined to approve and certify such spirit as provided for in section 9 and that such trader will be obliged to redistil such spirit in order to obtain such approval and certification, the vereniging may permit the sale of such spirit to such trader at a price which may exclude the cost of distilling such spirit.

- (b) For the purposes of paragraph (a) the cost of distilling spirit shall include the value of any losses sustained in the ordinary course of the process of distillation and, if such spirit is brandy, in addition to such value, the costs incurred and the value of any losses sustained in the ordinary course of the process of maturation of such brandy, and the expression "strength" shall bear the meaning assigned to it in section 14.

- (c) Any dispute as to such price may, with the consent of the Minister, be referred to a board of appeal constituted as provided in section 7.

(5) Every winegrower who sells or otherwise disposes of any wine for distillation purposes which has been derived from grapes purchased or otherwise acquired by him, and every co-operative society which sells or otherwise disposes of any wine for distillation purposes which has been derived from wine delivered to it by its members, shall pay to the vereniging in

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970.

respect thereof levies calculated in the same manner as the levies imposed by the vereniging in terms of its regulations on wine for distillation purposes during the year in which such wine is so sold or disposed of.

(6) The vereniging shall withhold any consent required under subsection (1) (b) or (c) or subsection (2) in the case of a winegrower who or a co-operative society which is not a member of the vereniging, unless that winegrower or co-operative society agrees to be subject, in respect of the act or transaction in relation to which such consent is required, to all the conditions and obligations to which he or such co-operative society, as the case may be, would have been subject if he or such co-operative society were such a member.

(7) Any permit issued under subsection (1) (a) shall expire on the thirty-first day of October next succeeding the date of issue thereof.

(8) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

3. (1) The vereniging shall, subject to the provisions of subsection (2), on demand supply any wine or any wine of a particular type or grown in a particular locality, which it has in stock or under its control, for the purpose of distillation or conversion into spirit, to any *bona fide* distiller or wholesale trader, association of distillers or wholesale traders or co-operative society in a position to make satisfactory arrangements as regards payment for such wine and willing to take the quantities usually supplied to distillers or wholesale traders.

Vereniging to supply wine for distillation in ordinary course of trade.

(2) The vereniging may within fourteen days after receipt of any demand for such wine, refer the matter to the Minister who may, after consideration of any representations made by the vereniging and by the person making such demand, authorize the vereniging to refuse to fulfil that demand or to supply such lesser quantity of wine in fulfilment thereof as the minister may direct, if he is satisfied that the demand is excessive, having regard to the available supplies, the estimated needs of the trade, the previous purchases of the person making the demand and the estimated requirements of the vereniging.

(3) Save as provided in subsection (4), the vereniging shall not supply or sell spirit or wine intended for distillation purposes—

(a) for use in the Republic, the territory of South-West Africa, Lesotho, Botswana or Swaziland—

(i) to any person who is not a distiller or wholesale trader or an association of distillers or wholesale traders or a co-operative society; or

(ii) in any quantity which is not a wholesale quantity, in terms *mutatis mutandis* of the definition of "wholesale quantity" in section 14, as determined with reference to the date mentioned in the said definition, except to a co-operative society or to a person who has in the year in which such spirit or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Republic a quantity of spirit or wine, being wine intended for distillation purposes or wine as defined in the said section, which is a wholesale quantity as so defined; or

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

(b) for use elsewhere in Africa south of the equator (hereinafter referred to as the "territory"), except to a co-operative society or to a person who has in the year in which such spirit or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Republic a quantity of spirit or wine, being wine intended for distillation purposes or wine as defined in section 14, which is a wholesale quantity as so defined: Provided that the Minister may, at any time and subject to such conditions as he may deem fair and equitable in the circumstances, authorize the vereniging to supply or sell spirit or wine intended for distillation purposes for use anywhere in the territory other than in Rhodesia, Zambia and Malawi to any other person or persons, and he may at any time withdraw such authorization or amend or alter any such condition as he may deem fit.

(4) Notwithstanding anything to the contrary contained in any law, the vereniging may during any year supply to any of its members—

(a) for his private use, in exchange for wine intended for distillation purposes, or wine as defined in section 14, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of brandy, gin and liqueur as in the aggregate, together with any quantity of wine supplied to that member during that year under section 17 (2) (a), is equivalent to not more than fifteen gallons of spirit at proof strength; and

(b) for the fortification of his own product, in exchange for wine intended for distillation purposes produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of spirit, not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, and on such conditions as may be determined by the vereniging: Provided that if the vereniging is satisfied that a member is in urgent need of spirit for the fortification of his own product and that such member reasonably requires an extension of time to deliver wine in exchange for such spirit, it may supply him with such quantity of spirit as it may deem proper under the circumstances and may allow him a period not exceeding four months to deliver such wine.

(5) The vereniging shall supply any wine as aforesaid in accordance with the custom of the trade to any such distiller, wholesale trader, association of distillers or wholesaler traders or co-operative society, without differentiation as to price between different purchasers, except that the price for wine purchased for the manufacture of spirit for maturation or denaturation purposes or for the manufacture of vinegar or for use in the preparation or manufacture of medicines or for any non-potable purpose or for export, may differ from the price for wine purchased for the manufacture of spirit for other potable purposes.

(6) If the vereniging contravenes or fails to comply with any provision of this section, it shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970 :

(7) The Minister shall make known in such manner as he may deem fit the terms of any authorization granted by him under the proviso to subsection (3) (b), the conditions, if any, subject to which such authorization has been granted, any amendment and alteration of such conditions and any withdrawal of such authorization.

4. Wine that is to be sold or otherwise disposed of for consumption in the form of wine shall be free from any levy by the vereniging towards the fund known as the "surplus contribution" Wine for consumption freed from levy.

5. (1) (a) Subject to the approval of the Minister and to the provisions of paragraphs (b) and (c), the vereniging shall in respect of each year determine the fixed minimum price to be charged by it during such year to wholesale traders for wine intended for distillation purposes, and may, in respect of any year, also determine the period within which the purchase price or any portion thereof shall be paid, and the interest or other charges which shall be added to such price in the circumstances so determined. Minimum price for wine intended for distillation purposes.
- (b) The vereniging shall on or before the twentieth January of each year submit to the Minister a statement in writing setting forth the minimum price and any period, interest, charges or circumstances it desires to determine in terms of paragraph (a) in respect of that year, and the Minister shall upon receipt of such statement by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with him in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the minimum price, period, interest, charges or circumstances specified in the notice.
- (c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the minimum price, period, interest, charges or circumstances in question or call upon the vereniging to submit to him another minimum price, period or interest, or other charges or circumstances, as the case may be, and the Minister may thereupon approve of such other price, period, interest, charges or circumstances.
- (d) Any minimum price, period, interest, charges or circumstances so determined with the approval of the Minister in terms of this subsection, shall forthwith be made known by the Minister by notice in the *Gazette*.
- (2) Any minimum price approved by the Minister in terms of subsection (1) in respect of any year shall be deemed to be the minimum price for all the produce of the vine fixed by the vereniging for such year in terms of its regulations and shall be effective for all purposes as if it had been so fixed.
- (3) (a) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine intended for distillation purposes from any person, and no winegrower or co-operative society shall during any such year dispose of any such wine to any person so licensed or any such distiller, except in pursuance of a contract of purchase and sale and at a price which is not less than such minimum price.
- (b) Paragraph (a) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

- (4) The amount payable in terms of subsection (3) (a)—
- (a) for grapes, shall be the amount which would be so payable for the quantity of wine of a strength of twenty per cent made from such grapes, less the costs (to be determined by the vereniging) of making such wine;
 - (b) for grape juice, moskonfyt, raisins, sultanas or lees of wine, shall be the amount which would be so payable for the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make such grape juice, moskonfyt, raisins, sultanas or lees of wine, less the costs (to be determined by the vereniging) of converting such grape juice, moskonfyt, raisins, sultanas or lees of wine into wine.
- (5) (a) Every person licensed to deal in liquor and every distiller referred to in subsection (3) (a), who purchases wine intended for distillation purposes from a winegrower or co-operative society shall pay the purchase price to the vereniging which shall deal therewith as provided in its regulations in force from time to time.
- (b) Paragraph (a) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members.
- (6) For the purposes of subsection (3) (a) the expression "minimum price" shall include any such price as increased by the addition of any interest or other charges determined in terms of subsection (1), and for the purposes of subsection (4) the expression "strength" shall bear the meaning assigned to it in section 14.

(7) Any person who contravenes or fails to comply with the provisions of subsection (3) (a) or (5) (a) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

6. (1) No winegrower or co-operative society shall acquire any wine intended for distillation purposes from any winegrower or co-operative society. Prohibition of acquisition of wine by winegrower from another winegrower.

(2) Subsection (1) shall not apply to any acquisition of wine in the ordinary course of dealing between a co-operative society and its members or to any acquisition of wine by the vereniging.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

7. (1) Any person whose interests are affected by any decision of the vereniging under this Chapter, other than a decision under section 5, may, with the consent of the Minister, appeal against that decision to a board of appeal consisting of three members to be appointed by the Minister, and of whom— Appeals.

- (a) one shall be nominated by the appellant;
- (b) one shall be nominated by the vereniging, and
- (c) one, who shall be chairman of the board, shall be nominated by the Minister.

(2) Whenever the Minister has consented to an appeal under subsection (1), he shall—

- (a) by notice in writing advise the appellant accordingly and call upon him to nominate, within a period specified in the notice, not being less than seven days after the date thereof, the member referred to in paragraph (a) of that subsection; and
- (b) by like notice simultaneously call upon the vereniging to nominate within the aforesaid period, the member referred to in paragraph (b) of that subsection.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

(3) If the appellant fails within the period specified in any notice to him under subsection (2) to advise the Minister of the name and address of the person nominated by him in pursuance of that notice, the appeal shall lapse.

(4) If the vereniging fails within the period specified in any notice to it under subsection (2) to advise the Minister of the name and address of the person nominated by it in pursuance of that notice, the Minister shall himself nominate a person, being either a director or an official of the vereniging, to be a member of the board in the stead of the person whom the vereniging should have nominated.

(5) The Minister may at any time appoint any person as an alternate to any member of the board, or cancel the appointment of any such alternate and appoint another person in his stead, and any alternate so appointed may attend any meeting of the board and shall, in the absence of the member as whose alternate he has been appointed, act in the place of that member.

(6) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings of the board shall be held at such times and places as the chairman may determine.

(7) The quorum for any meeting of the board shall be all the members thereof, and the decision of a majority of the members of the board shall be the decision of the board.

(8) The decision of the board, including any decision as to the costs of any appeal, together with the grounds for such decision, shall be reduced to writing, and copies thereof shall be lodged with the Minister, the appellant and the vereniging, and such decision shall be final and binding on the appellant and the vereniging.

(9) For the purposes of subsection (7) "member" includes an alternate of any member attending a meeting of the board in the absence of that member.

8. Whenever, in respect of any agreement between the vereniging and any distiller, wholesale trader or association of distillers or wholesale traders, it is alleged by either party that any transaction or arrangement entered into by either party with a third party constitutes unfair dealing or unjust treatment, such aggrieved party may, with the consent of the Minister, appeal to a board of appeal constituted as provided in section 7.

Appeal on question of alleged unfair dealing or unjust treatment.

9. No person shall for potable purposes in the Republic sell or otherwise dispose of any spirit manufactured in the Republic from the produce of the vine (except for redistillation or rectification or for such purposes as the Government Brandy Board may approve) unless such spirit—

Disposal of spirit for potable purposes in Republic.

(a) is brandy which—

(i) has been distilled in a pot still under excise supervision, at a strength not exceeding thirty per cent overproof, wholly from pure wine or must, the produce of fresh grapes, which has been approved by the Government Brandy Board; and

(ii) has been approved by the Government Brandy Board and certified by it to be pure wine brandy; and

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

(b) has been distilled from pure wine or must, the produce of fresh grapes, at a strength of not less than five per cent overproof and has been approved by the Government Brandy Board and certified by it to be pure wine spirit and is blended with not less than twenty-five

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

- per cent (calculated at proof) of brandy described in paragraph (a); or
- (c) has been distilled at a strength of not less than five per cent overproof and has been approved by the Government Brandy Board and certified by it to be pure wine spirit and is a gin or a liqueur or is intended for use—
- (i) by a blender for purposes of blending in accordance with paragraph (b); or
 - (ii) in the fortification of wine or in the manufacture of gin or liqueur.

10. Any officer of the Department of Customs and Excise authorized thereto in writing by the Secretary of that department, and any official of the veneniging so authorized by the veneniging, may at any time enter upon any premises occupied or used by any person who grows or acquires grapes for conversion into wine, or by any winegrower, co-operative society, distiller or person licensed to deal in liquor, and may examine and take stock of any product or articles whatsoever in or upon such premises: Provided that no such official shall be entitled to examine any book or document in the possession of any such winegrower, society, distiller or person, which contains information solely in connection with any formula for the making or blending of wine.

Authority to certain officers, and officials of the veneniging, to enter premises.

11. The State President may make regulations prescribing— Regulations.

- (a) the records to be kept and the returns to be rendered by any person for the more effective carrying out of this Chapter, and the form in which any such record shall be kept and the form and manner in which and the person to whom any such return shall be rendered;
 - (b) the conditions to be carried out by winegrowers and co-operative societies in respect of removals and sales of wine and spirit the produce of the vine;
 - (c) the conditions subject to which distillers and wholesale traders may receive, store and dispose of wine, spirit or brandy;
 - (d) the procedure for obtaining the consent of the Minister under section 7 and for the noting and prosecution of any appeal under that section, and the remuneration and allowances of the members of any board of appeal appointed under that section;
 - (e) the requirements to be complied with by any person in respect of the purchase or acquisition by him of wine, spirit or brandy from winegrowers or co-operative societies;
- and generally for the better carrying out of the objects and purposes of this Chapter.

12. (1) Any person who contravenes any provision of this Chapter for which no penalty is expressly provided, or any regulation made thereunder, or who fails to render any return required under this Chapter or any such regulation, or who renders any return which is false, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Offences and penalties.

(2) Any person who hinders or obstructs any excise officer or any official of the veneniging in the exercise of his powers or the performance of his functions under this Chapter shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

(3) The court convicting any person of a third or subsequent contravention of or failure to comply with the provisions of section 2 or 3 may cancel any licence to deal in or to distil liquor held by such person.

13. The State President may by proclamation in the *Gazette* declare that the provisions of this Chapter shall not apply in any district named in such proclamation, if he is satisfied, having regard to the geographical position of such district, that the exemption will not substantially affect the objects and purposes of this Chapter, and may by like proclamation repeal or amend any such proclamation.

Limitation of application of Chapter in respect of certain districts.

CHAPTER II.

WINE NOT INTENDED FOR DISTILLATION PURPOSES.

14. (1) In this Chapter, unless the context otherwise indicates— Definitions.

- (i) "levy" in relation to wine (as defined in section 1) intended for distillation purposes, includes any levy by the veneniging towards the fund known as the "surplus contribution" referred to in section 4; (ii)
- (ii) "minimum price" includes, in the case of a minimum price fixed under section 18, any such price as increased by the addition of any amount, surcharge, interest or other charges under the said section; (v)
- (iii) "quality price" includes any such price as increased by the addition of any amount, surcharge, interest or other charges under section 18; (iv)
- (iv) "strength" in relation to wine, means the percentage of proof spirit contained therein as ascertained by Sikes' hydrometer in accordance with the tables to be used with such hydrometer, which may from time to time be approved by the Minister of Finance and lodged by him with the Secretary for Customs and Excise, plus the percentage of potential proof spirit represented by the sugar contained therein and calculated at one per cent of proof spirit per degree of such sugar, as ascertained by Balling's saccharometer, in accordance with tables to be used with such saccharometer, which may from time to time be approved by the Minister and lodged by him with the said Secretary; (vi)
- (v) "wholesale quantity" means, in relation to any person entitled to deal in wine on first November, 1940, and subject to the provisions of subsection (2), a quantity of wine not less than the equivalent of two hundred and fifty leaguers of a strength of twenty per cent, and in relation to any person not so entitled, not less than double that quantity; (i)
- (vi) "wine"—

(a) means wine of any description, the produce of vines in the Republic, not intended for distillation purposes; and

(b) includes must, grapes, grape juice, moskonfy, raisins, sultanas and lees of wine, intended for use for or in the making of such wine; (vii)

(vii) "year" means any period commencing on first February in any year and ending on thirty-first January in the following year; (iii)

and any expression not defined in this Chapter, to which in Chapter I a meaning has been assigned, bears *mutatis mutandis* the same meaning.

(2) In the definition of "wholesale quantity" in subsection (1), "wine" includes, in addition to wine as defined in the said subsection, wine (as defined in section 1) intended for distillation

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

purposes and spirit: Provided that in the case of spirit, the quantity thereof shall for the purposes of the said definition be deemed to be the quantity of wine of a strength of twenty per cent required to produce such spirit.

15. (1) No person shall produce any wine except under the authority of a permit issued by the vereniging, and no wine-grower or co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging. Production, sale and disposal of wine.

(2) No such permit to produce wine (in terms of paragraph (a) of the definition of "wine") shall be issued to any winegrower unless the vereniging is satisfied that he has available suitable apparatus, cellar accommodation and fustage or tanks for the making of wine.

(3) Any such permit shall expire upon the thirty-first October next succeeding the date of issue thereof.

(4) The vereniging shall be bound to give the consent required under subsection (1) for the sale or disposal of wine to a person licensed to deal in liquor or to a distiller, if the vereniging has given or is bound to give its consent under section 16 (2), to the purchase or acquisition of such wine by such person or distiller.

(5) A winegrower who or a co-operative society which sells or disposes of any wine shall, if not a member of the vereniging, be subject in respect of such sale or disposal to all the conditions and obligations to which he or such co-operative society, as the case may be, would have been subject if he or such co-operative society were such a member.

16. (1) No person licensed to deal in liquor and no distiller shall purchase or acquire any wine from any winegrower or co-operative society except through or with the consent of the vereniging, or utilize any produce of vines in the Republic for or in the making of wine, except with the consent of the vereniging and on such conditions as it may determine, unless such produce has been purchased or acquired by that person or distiller through or with the consent of the vereniging for use for or in the making of wine. Purchase and acquisition of wine by licensees and distillers.

(2) The vereniging shall be bound to give the consent required under subsection (1) for the purchase or acquisition by such person or distiller of wine from any one or more winegrowers or co-operative societies, if such person or distiller satisfies the vereniging that during the year in which such wine is to be purchased or acquired he has purchased or acquired or undertaken to purchase or acquire from the vereniging or one or more winegrowers or co-operative societies a quantity of wine which is a wholesale quantity, and has made or is in a position to make satisfactory arrangements as regards payment for the wine so purchased or acquired or to be purchased or acquired, including the wine in respect of which such consent is required.

17. (1) Save as provided in subsection (2), the vereniging shall not supply or sell wine— Restriction upon sale of wine by vereniging.

(a) for consumption in the Republic, the territory of South-West Africa, Lesotho, Botswana or Swaziland—

(i) to any person who is not a wholesale trader, association of wholesale traders or a co-operative society; or

(ii) in any quantity which is not a wholesale quantity except to a co-operative society or to a person who has in the year in which that wine is so supplied or sold, purchased or acquired or under-

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970.

- taken to purchase or acquire from the vereniging or one or more winegrowers or co-operative societies a quantity of wine which is a wholesale quantity; or
- (iii) at a price which is less than the price payable by that person in terms of section 18 for the quantity of wine so supplied or sold; or
- (b) for consumption elsewhere in Africa south of the equator (hereinafter referred to as the "territory"), except to a co-operative society or to a person who has during the year in which such wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Republic a quantity of wine which is a wholesale quantity: Provided that the Minister may, at any time and subject to such conditions as he may deem fair and equitable in the circumstances, authorize the vereniging to supply or sell wine for consumption anywhere in the territory other than in Rhodesia, Zambia and Malawi to any other person or persons, and may at any time withdraw such authorization or amend or alter such conditions as he may deem fit.
- (2) Notwithstanding anything to the contrary contained in any law, the vereniging may during any year supply to any of its members—
- (a) for his private use, in exchange for wine as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of wine (in terms of paragraph (a) of the definition of "wine") as, together with the aggregate quantity of brandy, gin and liqueur supplied to that member during that year under section 3 (4) (a), is equivalent to not more than fifteen gallons of spirit at proof strength;
- (b) unfortified wine, in exchange for wine as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, delivered to it by such member during such year, on such conditions and in such quantities, not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, as may be approved by the Minister.
- (3) The Minister shall make known in such manner as he may deem fit the terms of any authorization granted by him under the proviso to subsection (1) (b), the conditions, if any, subject to which such authorization has been granted, any amendment and alteration of such conditions and any withdrawal of such authorization.

18. (1) (a) Subject to the provisions of paragraphs (b) and (c), the vereniging may, in respect of any year, with the approval of the Minister, fix—
- (i) a minimum price for wine;
- (ii) a quality price for wine;
- (iii) the amount which shall be added to any such price if such wine is purchased by or sold to any person in bottles, jars or other containers of a capacity of less than one gallon;
- (iv) the surcharge which shall be added to any such price if such wine is purchased by or sold to a person licensed to deal in liquor or a distiller (other than the vereniging) during the month of July of that year, and the corresponding surcharge for each of the remaining months of that year;
- Minimum prices
and quality prices.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

- (v) the period within which any such price or any portion thereof, any such amount or any portion thereof and any such surcharge or any portion thereof, shall be paid, the interest or other charges which shall be added to any such price and the circumstances in which such interest or other charges shall be so added; and
- (vi) the percentage of the total quantity of wine purchased or acquired by any wholesale trader during that year, which such trader shall purchase or acquire at a price which is not less than the price prescribed in subsection (4), and any minimum price, quality price, amount, surcharge, period, charges, circumstances or percentage so fixed, shall be made known by the Minister by notice in the *Gazette* on or before the twentieth March of that year:
- (b) Whenever the vereniging proposes to fix any price, amount, surcharge, period, charges, circumstances or percentage referred to in paragraph (a) in respect of any year, it shall, on or before the twentieth January immediately preceding the commencement of that year, submit to the Minister a statement in writing setting forth the said price, amount, surcharge, period, charges, circumstances or percentage, and the Minister shall, upon receipt of such statement, by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with him in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the price, amount, surcharge, period, charges, circumstances or percentage specified in the notice.
- (c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the price, amount, surcharge, period, charges, circumstances or percentage in question or call upon the vereniging to propose another price, amount, surcharge, period or percentage or other charges or circumstances, as the case may be, and the Minister may thereupon approve of such other price, amount, surcharge, period, charges, circumstances or percentage.
- (2) No person licensed to deal in liquor and no distiller (other than the vereniging) shall during any year in respect of which a minimum price has been fixed under subsection (1), acquire wine from any person and no winegrower or co-operative society shall during any such year dispose of any wine to any person so licensed or any such distiller, except in pursuance of a contract of purchase and sale and at a price which is not less than such minimum price, if prior to fortification the wine is of a strength not exceeding twenty per cent, or not less than such minimum price plus an amount per leaguer which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such wine is sold, for one leaguer of wine of a strength of twenty per cent for distillation purposes, as the number by which the percentage figure of the strength of such first-mentioned wine prior to fortification exceeds twenty, bears to twenty, if such last-mentioned strength exceeds twenty per cent: Provided that in the case of wine which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid shall be increased by the value of the spirit added to such wine, calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such fortified wine is sold, for the quantity of wine of a strength of twenty per cent for distillation purposes,

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

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

(3) No winegrower or co-operative society shall during any such year sell any wine (in terms of paragraph (a) of the definition of "wine") to any person who is not licensed to deal in liquor or is not a distiller, at a price which is less than the price prescribed in subsection (2), plus a surcharge calculated at the rate of such percentage of the last-mentioned price as the Minister may, if he thinks fit, from time to time by notice in the *Gazette* prescribe for the purposes of this subsection, plus a further amount equivalent to the duty paid or payable by such winegrower or co-operative society in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in respect of such wine, plus a further amount calculated at the rate of one rand per leaguer of such wine: Provided that any surcharge so prescribed shall not be applicable in the case of a sale of such wine to a *bona fide* farmer for use only on his farm.

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

(b) Whenever such a trader applies to the vereniging for its consent to the purchase by such trader of any wine, he shall, if he proposes to purchase such wine at a price which is not less than the price prescribed in paragraph (a), at the same time inform the vereniging in writing that the wine is to be purchased at such price.

(c) If any such trader fails, with reference to the purchase of any wine, to comply with the provisions of paragraph (b), that wine shall, for the purpose of ascertaining whether such trader has complied with the provisions of paragraph (a), be deemed not to have been purchased by him at the price aforesaid.

(5) The amount payable in terms of subsection (2) or (4)—

(a) for grapes, shall, if such grapes are converted into wine (in terms of paragraph (a) of the definition of "wine"), be the amount which would be so payable for the wine made from such grapes, less the costs (to be determined by the vereniging) of making such wine, or, if such grapes are converted into grape juice, moskonfyt, raisins or sultanas, the amount which, calculated in

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

the manner described in paragraph (b), would be so payable for the grape juice, moskonfyt, raisins or sultanas made from such grapes, less the costs referred to in that paragraph;

- (b) for grape juice, moskonfyt, raisins or sultanas, shall be the amount which would be so payable for the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make such grape juice, moskonfyt, raisins or sultanas, plus the costs (to be determined by the vereniging) of making such grape juice, moskonfyt, raisins or sultanas: Provided that in the case of grape juice or moskonfyt which has been fortified with spirit not supplied by the purchaser at his own expense, the price payable as aforesaid shall be increased by the value of the spirit added to such grape juice or moskonfyt, calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such fortified grape juice or moskonfyt is sold, for the quantity of wine of a strength of twenty per cent for distillation purposes which would be required to produce such spirit, plus the cost (to be determined by the vereniging) of distilling such spirit.

(6) Notwithstanding the provisions of this section, the vereniging may, with the approval of the Minister, during any year sell or authorize, subject to such conditions as it may determine, the purchase or sale of wine for export or for the making of moskonfyt or grape juice, or, in the case of unfortified wine, for such other purpose as it may determine, at a price which is less than the minimum price or quality price prescribed in respect of such wine under subsection (2) or (4).

(7) (a) All wine acquired by or disposed of to a winegrower or co-operative society licensed to deal in liquor or licensed as a distiller, shall, for the purposes of subsections (2), (5) and (6), be deemed to have been acquired by or to have been disposed of to a person so licensed.

(b) Paragraph (a) shall not apply in respect of any acquisition or disposal of wine in the ordinary course of dealing between a co-operative society and its members.

(8) (a) If a winegrower or co-operative society sells or disposes of any wine to a person licensed to deal in liquor or a distiller, such winegrower or society shall not effect delivery of the wine so sold or disposed of at any place other than the place where such wine was produced or manufactured, or the railway station or siding nearest to such place, or such other place or places as may be prescribed by or determined in terms of any regulation made under this Act in relation to such winegrower or society.

(b) The vereniging may, whenever it is satisfied that wine which is to be sold by a winegrower or co-operative society to a person licensed to deal in liquor or a distiller will, after delivery thereof to such person or distiller, be transported by him for the purposes of his business for a distance in excess of such distance as the Minister may from time to time by notice in the *Gazette* prescribe for the purposes of this paragraph, authorize, subject to such conditions as the Minister may from time to time approve, such winegrower or society to make a contribution, determined on such basis as may be so approved, towards the costs which

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

will be incurred by such person or distiller in so transporting such wine, for the distance in excess of the distance so prescribed, and if the vereniging refuses any application for authority to make such a contribution, the applicant may, within fourteen days after such refusal, appeal to the Minister who may, after consultation with the vereniging, either confirm such refusal or direct the vereniging to grant authority for making such a contribution.

- (c) Subject to the provisions of paragraphs (a) and (b), no winegrower who or co-operative society which sells or disposes of wine to any person licensed to deal in liquor or a distiller shall render or cause to be rendered any service in connection with the delivery or transport of such wine to or on behalf of such person or distiller or assume liability for or bear, directly or indirectly, any of the costs of or in connection with such delivery or transport, and such person or distiller shall not permit such winegrower or society so to render or to cause to be so rendered any such service or to assume liability for or bear, directly or indirectly, any such costs.

(9) For the purposes of subsections (2), (4) and (5) the cost of distilling spirit shall include the value of any losses sustained in the ordinary course of the process of distillation and, if such spirit is brandy, in addition to such value, the costs incurred and the value of any losses sustained in the ordinary course of the process of maturation of such brandy.

19. (1) Every person licensed to deal in liquor and every distiller who purchases wine from a winegrower or co-operative society, shall pay the purchase price to the vereniging, and the vereniging shall remit any moneys so paid to it to that winegrower or society: Provided that if such moneys have been paid in respect of grapes, grape juice, moskonfyt, raisins or sultanas purchased from a winegrower who is not a member of a co-operative society, the vereniging shall, instead of the moneys paid to it in respect of such grapes, grape juice, moskonfyt, raisins or sultanas, remit to that winegrower, for every ton of two thousand pounds of such grapes or for every quantity of grape juice, moskonfyt, raisins or sultanas which is the equivalent in weight in terms of subsection (2) of such ton of grapes, an amount calculated at the rate of the fixed minimum price charged by the vereniging under Chapter I to wholesale traders for one leaguer of wine for distillation purposes, of the same vintage as such grapes or the grapes from which such grape juice, moskonfyt, raisins or sultanas have been made, and at twenty per cent strength, plus the costs (to be determined by the vereniging) of making such grape juice, moskonfyt, raisins or sultanas, less the amount of levies imposed by the vereniging on such wine of that vintage: Provided further that, in respect of grapes purchased at the quality price fixed in terms of section 18 (1), the vereniging may remit to any winegrower an amount exceeding the amount determined in terms of the foregoing proviso, but not exceeding the amount paid to it as aforesaid: Provided further that the vereniging may deduct from any moneys payable to any winegrower or co-operative society under this subsection any amounts due to the vereniging by such winegrower or society.

Purchase price of wine to be paid to vereniging.

(2) For the purposes of the first proviso to subsection (1), any quantity of grape juice, moskonfyt, raisins or sultanas shall be deemed to be equivalent in weight to a quantity of grapes which bears the same ratio by weight to that quantity of grape juice, moskonfyt, raisins or sultanas, as the figure representing the percentage of sugar by weight in that quantity of grape juice, moskonfyt, raisins or sultanas, bears to twenty.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

20. (1) A person who is not licensed to deal in liquor and who is not a distiller shall not purchase or acquire any wine (in terms of paragraph (b) of the definition of "wine") from a winegrower or co-operative society except through or with the consent of the vereniging. Purchase and acquisition of wine by persons other than licensees or distillers.

(2) Subject to subsection (3), the purchase price of any such wine purchased or acquired by any such person from a winegrower or co-operative society during any year in respect of which a minimum price has been fixed under section 18 (1) shall not be less than an amount calculated as follows, namely—

- (a) in the case of grapes, an amount per ton of two thousand pounds of such grapes equivalent to the minimum price so fixed for one leaguer of wine of a strength of twenty per cent plus, if the strength of such grapes exceeds twenty per cent, an amount per ton of two thousand pounds of such grapes which bears the same ratio to the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such grapes are so purchased or acquired, for one leaguer of wine of a strength of twenty per cent for distillation purposes, as the number by which the percentage figure of the strength of such grapes exceeds twenty, bears to twenty;
- (b) in the case of grape juice, moskonfyt, raisins or sultanas, an amount calculated under paragraph (a) for the equivalent in weight of grapes of a strength of twenty per cent determined in accordance with the provisions of section 19 (2).

(3) (a) The vereniging may, with the approval of the Minister, and shall, if so directed by the Minister, in respect of any year fix an amount by which the amount prescribed by subsection (2) (a) shall be reduced, and any such amount so fixed shall be made known by the Minister by notice in the *Gazette* on or before the thirty-first January immediately preceding the commencement of that year.

(b) Whenever the vereniging proposes to fix, or has been directed by the Minister to fix, any amount in terms of paragraph (a) in respect of any year, it shall on or before the twentieth November immediately preceding the commencement of that year submit to the Minister a statement in writing setting forth the proposed reduction, and the Minister shall upon receipt of such statement by notice in the *Gazette* publish particulars thereof and call upon all interested persons to lodge with him in writing, within a period of fourteen days from the date of such notice, any objections which they may have to the reduction specified in the notice.

(c) After considering the objections, if any, lodged with him in pursuance of a notice under paragraph (b) the Minister may approve of the reduction in question or call upon the vereniging to propose another reduction, and the Minister may thereupon approve of such other reduction.

(4) Any such person who so purchases or acquires any such wine shall pay the purchase price to the vereniging, and the vereniging shall remit to the winegrower or co-operative society concerned any moneys so paid to it, less any amounts due to it by such winegrower or society.

(5) Subsections (1), (2), (3) and (4) shall not apply in respect of any purchase or acquisition of wine in the ordinary course of dealing between a co-operative society and its members.

(6) No person who is not licensed to deal in liquor and who is not a distiller shall acquire wine referred to in subsection (1) from a winegrower or co-operative society, and no winegrower

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

or co-operative society shall dispose of any such wine to any such person except at a price which is not less than the price determined in accordance with this section for that wine.

21. (1) No person licensed to deal in liquor and no distiller shall distil any wine except with the consent of the vereniging, and the vereniging shall be bound to give its consent to the distillation of wine which is proved to its satisfaction to have been fit for consumption in the form of wine (in terms of paragraph (a) of the definition of "wine") when it was delivered to such person or distiller and to have become unfit for that purpose subsequently.

Distillation of wine
by wholesalertrader.

(2) Such person or distiller shall, in respect of any wine distilled by him under subsection (1), pay to the vereniging an amount equal to the amount by which the fixed minimum price charged in the year in which such wine has been distilled, by the vereniging under Chapter I to wholesale traders for an equal quantity of wine for distillation purposes of an equal strength, exceeds—

- (a) the amount which would be payable by such person or distiller in that year for such first-mentioned wine in terms of subsection (2) of section 18; or
- (b) the purchase price of such wine, if such person or distiller purchased the wine in pursuance of the provisions of subsection (6) of the said section, at a price which is less than the minimum price prescribed in subsection (2) of the said section.

22. (1) Every person licensed to deal in liquor and every distiller who purchases or acquires wine from a winegrower or co-operative society or the vereniging shall pay to the vereniging an amount calculated—

Payment of levy by
licensees, distillers,
winegrowers and
co-operative
societies.

- (a) in the case of wine other than wine referred to in paragraph (b) or (c) at the rate of one rand per leaguer on the quantity of wine so purchased or acquired; or
- (b) in the case of grapes converted into wine (in terms of paragraph (a) of the definition of "wine"), at the rate of one rand per leaguer on the quantity of wine so obtained, or, in the case of grapes converted into grape juice, moskonfyt, raisins or sultanas, at the rate of one rand per leaguer on the quantity of wine (in terms of the said paragraph) of a strength of twenty per cent, which, calculated in the manner specified in paragraph (c), could be made from such grape juice, moskonfyt, raisins or sultanas; or
- (c) in the case of grape juice, moskonfyt, raisins or sultanas, at the rate of one rand per leaguer on the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make such grape juice, moskonfyt, raisins or sultanas.

(2) Every winegrower who or co-operative society which sells wine (in terms of paragraph (a) of the definition of "wine") to any person who is not licensed to deal in liquor or is not a distiller, shall pay to the vereniging an amount calculated at the rate of one rand per leaguer on the quantity of wine so sold: Provided that no winegrower shall be liable for any such payment in respect of wine produced and exported from the Republic by that winegrower and that no co-operative society shall be liable for any such payment in respect of wine produced by it or any of its members and exported from the Republic by that society.

- (3) (a) The vereniging shall pay one-quarter of any amount paid to it under subsection (1) or (2) to the Secretary for Customs and Excise.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

- (b) In any year an amount not exceeding the amount paid to the Secretary for Customs and Excise in terms of paragraph (a) during the immediately preceding year may, if appropriated by Parliament for the purpose, be paid out to the vereniging.

23. Any person whose interests are affected by any decision Appeals. of the vereniging under this Chapter may, with the consent of the Minister, appeal against that decision to the board of appeal referred to in section 7, and the provisions of that section and any regulations made under Chapter I in regard to any matter contemplated in the said section shall *mutatis mutandis* apply in respect of such appeal.

24. (1) Every holder of a permit referred to in section 15 and every person licensed to deal in liquor and every distiller, shall keep a correct record, in one or other of the official languages, of his transactions in wine, and shall on demand by the Secretary for Customs and Excise or any excise officer authorized thereto by him or any official of the vereniging acting on its written authority, at any time within a period of two years after any such transaction has taken place, submit the record of that transaction for examination to the said Secretary or such excise officer or official, as the case may be, at a time and place specified by him, and the said Secretary or such excise officer or official, as the case may be, may make copies of or extracts from any such record. Records by licensees, distillers and winegrowers, and authority to enter premises.

(2) Any excise officer authorized thereto in writing by the Secretary for Customs and Excise, and any official of the vereniging so authorized by the vereniging, may at any time enter upon any premises occupied or used by any such person, distiller or holder of a permit, and may examine and take stock of any article whatsoever on such premises: Provided that no such official shall be entitled to examine any book or document in the possession of any such person, distiller or holder of a permit, which contains information solely in connection with any formula for the making or blending of wine.

25. (1) The State President may make regulations pre- Regulations. scribing—

- (a) the records to be kept and returns to be rendered by any person for the more effective carrying out of the provisions of this Chapter, and the form in which any such record shall be kept and the form and manner in which and the person to whom any such return shall be rendered;
- (b) the conditions subject to which winegrowers or co-operative societies may produce, remove, sell or dispose of wine;
- (c) the conditions subject to which any person may purchase or acquire wine from winegrowers or co-operative societies, and the conditions subject to which distillers and wholesale dealers may receive, store, make, remove, sell or dispose of wine; and
- (d) generally all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Chapter may be achieved.

(2) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties referred to in section 26 (1) (iv).

26. (1) Any person who—

- (a) contravenes or fails to comply with the provisions of section 15 (1), 16 (1), 17, 18 (2), (3), (4) (a) or (8), 19 (1), 20 (1), (4) or (6), 21 (1), 22 or 24 (1); or Offences and penalties.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

- (b) during any year produces any quantity of wine, as defined in section 14, or wine (as defined in section 1) intended for distillation purposes, as the case may be, which is in excess of the maximum quantity of such wine which he may produce during that year under any permit issued to him under section 15 or 2; or
- (c) hinders or obstructs any excise officer or any official of the vereniging, in the exercise of his powers or the performance of his functions under this Chapter, shall be guilty of an offence, and liable on conviction—
- (i) of an offence under paragraph (b) of this subsection or of a contravention of or failure to comply with the provisions of section 18 (2), (3), 4 (a) or (8), if it is a first conviction, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year, and, if it is a subsequent conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment;
 - (ii) of a contravention of or failure to comply with the provisions of section 15 (1), 16 (1) or 21 (1), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment;
 - (iii) of a contravention of section 17, to a fine not exceeding one thousand rand; and
 - (iv) of an offence under paragraph (c) of this subsection or of a contravention of or failure to comply with the provisions of section 19 (1), 20 (1), (4) or (6), 22 or 24 (1), to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) The court convicting any person of a third or subsequent contravention of or failure to comply with the provisions of section 16 (1), 17, 18 (2) or (4) (a) or 21 (1), may cancel any licence to deal in or to distil liquor held by such person.

27. The provisions of the Liquor Act, 1928, shall not apply in respect of—

Exemption from certain provisions of Act 30 of 1928.

- (a) the sale by the vereniging to a licensee as defined in that Act, or to a co-operative society or distiller, of any wine or other intoxicating liquor, the produce of vines in the Republic;
- (b) the purchase or acquisition by the vereniging from any winegrower or any such licensee, society or distiller, of such wine or liquor; or
- (c) the conveyance of such wine or liquor for the purpose of delivery in pursuance of such sale, purchase or acquisition.

28. The State President may by proclamation in the *Gazette* declare that the provisions of this Chapter, other than the provisions of section 27, shall not apply in any area specified in such proclamation, and may by like proclamation repeal or amend any such proclamation.

Limitation of application of this Chapter in respect of certain areas.

29. (1) The operation of any of or all those provisions of—

- (a) section 15 (1), under which no co-operative society shall sell or dispose of any wine except through or with the consent of the vereniging;

Suspension of certain provisions of this Chapter in respect of certain co-operative societies.

WINE AND SPIRIT CONTROL ACT, 1970.

- (b) section 16 (1), under which no person licensed to deal in liquor and no distiller shall purchase or acquire any wine from any co-operative society except through or with the consent of the vereniging;
- (c) section 19 (1), under which every person licensed to deal in liquor and every distiller who purchases wine from a co-operative society, shall pay the purchase price to the vereniging; and
- (d) any regulation under this Chapter, under which a co-operative society is required to keep records or render returns,

in so far as they relate to a co-operative society which on the first November, 1940, was the holder of a wholesale liquor licence issued under the Liquor Act, 1928 (Act No. 30 of 1928), may at any time on the recommendation of the vereniging and subject to such conditions as the Minister may deem fit, be suspended by him by notice in the *Gazette*, whenever he is satisfied that notwithstanding such suspension the objects of this Chapter will be substantially attained if the conditions of suspension are observed.

(2) The Minister may withdraw or from time to time amend any notice referred to in subsection (1).

30. For the purposes of this Chapter every person to whom authority to sell liquor has been granted or whose authority to sell liquor has been renewed in terms of section 100 *bis* or 100 *sex* of the Liquor Act, 1928 (Act No. 30 of 1928), shall be deemed to be a person licensed to deal in liquor.

Certain persons deemed to be persons licensed to deal in liquor.

CHAPTER III.

ACQUISITION OF GRAPES FOR CONVERSION INTO WINE OR SPIRIT Definitions. AND THE DISPOSAL THEREOF BY THE DECIDUOUS FRUIT BOARD.

31. In this Chapter, unless the context otherwise indicates—

- (i) "Board" means the Deciduous Fruit Board referred to in section 3 of the Deciduous Fruit Scheme promulgated by Proclamation No. R 288 of 1962; (iii)
- (ii) "grapes" means grapes, the produce of the vine in the Province of the Cape of Good Hope, of such varieties as are designated by the Minister from time to time by notice in the *Gazette* as grapes for the purposes of this Chapter; (i)
- (iii) "port of export" means any place appointed in terms of section 6 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), through which goods may be exported; (iv)
- (iv) "wine" means wine as defined in section 1 and intended for distillation purposes; (v)
- (v) "year" means a year ending on thirty-first December; (ii)

and any expression not defined in this section, to which in section 1 or 14 a meaning has been assigned, bears the meaning so assigned thereto.

32. (1) The Board may, with the consent of the vereniging, acquire grapes from a winегrower for the purpose of conversion into wine or spirit.

Acquisition of grapes by Board for conversion into wine or spirit.

(2) The Board shall not acquire any grapes in terms of subsection (1) except in pursuance of a written contract of purchase and sale and at a price not exceeding the fixed minimum price charged by the vereniging under Chapter I to wholesale traders, in the year in which such grapes are acquired, for the quantity of wine, of a strength of twenty per cent, which could be made from those grapes, less levies calculated in the

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

same manner as the levies (including the levy towards the fund known as the "surplus contribution") imposed by the vereniging on such a quantity of wine during that year.

(3) Any grapes so purchased shall be delivered by the wine-grower concerned to such winery of the Board as it may direct, and the Board shall not render or cause to be rendered any service in connection with such delivery: Provided that the Board may, in the case of grapes intended for export and delivered at a port of export and purchased by it in terms of this section, take delivery thereof at such port of export.

(4) The Board shall pay the purchase price of such grapes less any amounts due to it by the winegrower concerned, to the vereniging, and the vereniging shall remit any moneys so paid to it, less any amount due to it by such winegrower, to that winegrower.

(5) A winegrower from whom the Board has purchased any grapes in terms of this section shall, for the purposes of section 2 and any regulations referred to in section 46, be deemed to have produced a quantity of wine of a strength of twenty per cent equivalent to the quantity of such wine which could be made from the grapes so purchased.

(6) For the purposes of subsections (2) and (5) one ton of two thousand pounds of grapes at twenty degrees (as ascertained by Balling's saccharometer) shall be deemed to be the equivalent of one leaguer of wine of a strength of twenty per cent.

33. (1) The Board may—

- (a) with the consent of the vereniging, convert grapes acquired by it in terms of section 32 into wine or spirit;
- (b) sell such wine or spirit, with such consent, to a distiller or wholesale trader carrying on business in the Republic, or to the vereniging.

Conversion of grapes into wine or spirit and sale thereof by the Board.

(2) The Board shall not sell any wine or spirit in terms of subsection (1) except under a written contract of purchase and sale and at a price—

- (a) in the case of wine, not less than the fixed minimum price which would be charged by the vereniging under Chapter I for that wine if sold by it to wholesale traders in the year in which the wine is sold by the Board; and
- (b) in the case of spirit, not less than the fixed minimum price charged (in the year in which the spirit is sold by the Board) by the vereniging under Chapter I to wholesale traders for the quantity of wine of a strength of twenty per cent which would be required to produce the spirit so sold, plus an amount which is not less than the cost (to be determined by the vereniging) of distilling such spirit.

(3) The Board shall, in respect of wine or spirit sold by it or delivered to the vereniging in pursuance of a request under section 34, pay to the vereniging levies (including the levy towards the fund known as the "surplus contribution") calculated—

- (a) in the case of wine, in the same manner as the levies imposed by the vereniging on wine during the year in which such wine is sold or such request is made;
- (b) in the case of spirit, in the same manner as the levies imposed by the vereniging (during the year in which such spirit is sold or such request is made) on the quantity of wine of a strength of twenty per cent which would be required to produce such spirit: Provided that if no payment for such spirit is made in terms of section 34 (2), no levy shall be paid in respect of that spirit.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970.

(4) A distiller or wholesale trader who purchases wine or spirit from the Board, shall pay the purchase price to the vereniging, and the vereniging shall remit to the Board any moneys so paid to it, after deduction therefrom of the levies referred to in subsection (3) and any other amounts due to it by the Board.

34. (1) The Board shall, upon request by the vereniging at any time after the first December in any year, forthwith deliver to the vereniging, at the nearest of its depots, all unsold wine and spirit in its possession or under its control which have been derived from grapes acquired by the Board in terms of section 32 during that year, or such lesser quantities thereof as the vereniging may in writing direct, against payment by the vereniging of an amount—

Delivery of unsold wine and spirit to vereniging by Board.

(a) in the case of wine, equal to the fixed minimum price which would be charged by the vereniging under Chapter I for that wine if sold by it to wholesale traders, in such year, less such deduction for defects, including volatile acidity, as the vereniging would have been entitled to make in terms of its constitution if such wine had been taken in by it as unsold wine from a member of the vereniging;

(b) in the case of spirit, approved and certified as pure wine spirit by the Government Brandy Board in terms of section 9 (c) and certified by the said Board as suitable for use in the manufacture of alcoholic beverages in terms of section 30 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), equal to the price which would be charged by the vereniging for that spirit if sold to wholesale traders in such year,

less the levies referred to in section 33 (3) and any other amounts due to it by the Board.

(2) No payment shall be made by the vereniging for spirit delivered in terms of subsection (1) which the Government Brandy Board refuses to approve or certify as contemplated in the said subsection.

35. Notwithstanding anything to the contrary in any law contained, the vereniging may at any time, in lieu of supplying any of its members with unfortified wine in terms of section 17 (2) (b), authorize the Board to effect such supply on its behalf on such conditions and in such quantities as may be approved by the Minister, and for the purpose of such supply may also authorize the Board to acquire, produce or manufacture such quantity of unfortified wine as may be requisite.

Supply of unfortified wine to members of the vereniging by Board.

36. (1) (a) The Board shall not—

(i) acquire grapes for conversion into wine or spirit except in accordance with the provisions of section 32, or acquire any wine other than grapes;

(ii) convert grapes into wine or spirit except in accordance with the provisions of section 33;

(iii) dispose of wine or spirit except in accordance with the provisions of section 33 or 34;

(iv) produce or manufacture any spirit except in accordance with the provisions of section 33, or produce or manufacture brandy, gin, liqueur or any other potable spirit.

(b) Save as provided in section 35, the Board shall not acquire, produce, manufacture or supply any wine as defined in section 14.

Prohibition of certain acts by Board.

(2) The Board shall give no consideration additional to the purchase price in connection with grapes acquired by it for conversion into wine or spirit.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970.

(3) Grapes and wine of any description, spirit, brandy, gin, liqueur or other potable spirit, acquired, produced or manufactured by the Board in contravention of subsection (1) shall be forfeited to and become the property of the vereniging without payment of compensation and shall be delivered to it on demand.

37. The Board shall pay any profits realized by it in the exercise of its powers or the performance of its duties under section 32, 33, 34 or 35 into any reserve fund established by it in pursuance of the powers conferred upon it by virtue of section 46 (1) (b) of the Marketing Act, 1968 (Act No. 59 of 1968). Disposal of profits by Board.

38. (1) If, in relation to any year, the vereniging makes payable a bonus of which any portion is to be distributed in respect of any of the amounts recovered by it as levies in terms of section 33 or 34 during such year, such portion shall be paid by the vereniging to the winegrowers from whom the Board acquired grapes for conversion into wine or spirit in terms of section 32 during that year, and each winegrower shall be entitled to payment of an amount which bears the same ratio to that portion as the quantity of wine of a strength of twenty per cent which could be made from the grapes so acquired from him by the Board bears to the total quantity of wine of such strength which could be made from the grapes so acquired by the Board from all winegrowers during that year: Provided that no payment to any winegrower shall exceed the difference between the total of all other moneys paid or credited to him in respect of the grapes so acquired from him by the Board during that year and the amount which would have been payable in respect of such grapes if such grapes had been delivered to the vereniging by a member of the vereniging and had been taken in by it as unsold wine in terms of its constitution during such year. Payment of bonuses by the vereniging.

(2) Section 32 (6) shall apply for the purposes of subsection (1) of this section.

39. Any excise officer authorized thereto in writing by the Secretary for Customs and Excise, and any official of the vereniging so authorized by the vereniging may— Powers of inspection.

- (a) at any time and at any place require from any person who has the custody or control of any book or document used by or in the possession of the Board in connection with the acquisition, conversion, storage or disposal by it of grapes, wine, unfortified wine or spirit, the production thereof then and there, or at a time and place fixed by such officer or official;
- (b) at any time enter upon any premises used by the Board in connection with the acquisition, conversion, storage or disposal of grapes, wine, unfortified wine or spirit and examine and take stock of any article whatsoever on such premises.

40. Notwithstanding anything to the contrary in any law contained, the Board shall be free from any obligation to take out a licence for the sale, delivery, supply or conveyance of any wine, unfortified wine or spirit produced, manufactured or acquired by it in terms of this Chapter. Board exempted from taking out certain licences.

41. (1) The State President may make regulations prescribing the records to be kept and the returns to be rendered by the Board, and the form in which any such record shall be kept and Regulations.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

the times at which and the form and manner in which and the person to whom any such return shall be rendered.

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of two hundred rand.

42. Any person who—

(a) contravenes or fails to comply with any provision of section 32, 33, 34, 36, 37 or 38; or Offences and penalties.

(b) refuses or fails to comply to the best of his ability with any requirement made by an excise officer or official of the vereniging in terms of section 39 or hinders or obstructs any such officer or official in the exercise of his powers under that section,

shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a), to a fine not exceeding one thousand rand; and

(ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

CHAPTER IV.

INSUFFICIENT PRODUCTION OF WINE.

43. In this Chapter, unless the context otherwise indicates— Definitions.

(i) "wine" means wine as defined in section 1 and intended for distillation purposes; (ii)

(ii) "year" means a year ending on thirty-first December;

(i) and any expression not defined in this section, to which in section 1 or 14 a meaning has been assigned, bears the meaning so assigned thereto.

44. (1) The State President shall by proclamation in the *Gazette* make regulations to control, in the circumstances and during the period contemplated in subsection (4), the acquisition of wine for purposes of trade or for conversion into spirit or brandy, and such conversion of wine, and such regulations may also— Insufficient production of wine.

(a) provide for the defraying of expenses incurred in connection with the exercise of such control out of the funds of the vereniging, and the recovery thereof by the vereniging from persons to whom distilling wine has been allocated;

(b) suspend, either generally or specially, the operation of any provision of any law in so far as it is inconsistent with or impedes the carrying into effect of the regulations or forbids any act which is reasonably necessary for or incidental to the effective application of the regulations or the attainment of the objects of such application, or prescribe any reservation in connection with such operation;

(c) provide for the indemnification of the vereniging or other persons against claims on the ground of any *bona fide* act or omission in the application of the regulations;

(d) provide for the issuing of orders or the giving of decisions by specified persons for the purposes of such control;

(e) prescribe penalties, not exceeding a fine of one thousand rand or imprisonment for a period of twelve months, for a contravention thereof or failure to comply

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

therewith, or for any specified act or omission which could frustrate the attainment of the objects of the application of the regulations.

- (2) Different regulations may under subsection (1) be made—
- (a) with reference to the vereniging, the Board and any defined class of persons;
 - (b) with reference to wine as defined in section 1, wine as defined in section 14, and any other specified kind of wine.
- (3) Regulations made under subsection (1) may apply to—
- (a) the vereniging, the Board or any defined class of persons only;
 - (b) wine as defined in section 1, wine as defined in section 14, or any other specified kind of wine only.
- (4) Whenever the Minister is of opinion that the quantity of wine produced or to be produced during any year will be insufficient to meet the estimated needs of the trade and the estimated requirements of the vereniging in respect of such wine, the State President may by proclamation in the *Gazette* declare any of or all the provisions of the regulations made under subsection (1) to be operative for such period, commencing not earlier than the first of February of that year and ending not later than the thirty-first of January of the year next following such year, as may be specified in the proclamation, and he may likewise at any time during such period amend or withdraw such proclamation.
- (5) Any proclamation issued under subsection (1) or (4) shall be laid upon the Table of the Senate and of the House of Assembly within fourteen days after the date of publication thereof if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

45. (1) Notwithstanding anything to the contrary contained in any law, whenever in terms of section 44 the regulations referred to therein are in operation, the vereniging may purchase or otherwise acquire outside and import into the Republic such quantities of wine (whether fortified or unfortified) intended for distillation purposes, as the Minister may approve. Importation of wine by vereniging.

(2) The vereniging may distil into spirit any wine imported by it and may, subject to the provisions of subsections (3) and (4), utilize, sell or otherwise dispose of any such wine or spirit as if it were the produce of vines in the Republic.

(3) Seventy-five per cent of any wine imported by the vereniging and received on its premises, and any additional percentage thereof which the vereniging may, in its discretion and at such times as it deems fit, make available for the purpose, shall be allocated for purposes of trade or for conversion into spirit or brandy in such manner and subject to such conditions as may be prescribed in the regulations referred to in subsection (1).

(4) Neither the vereniging nor any other person shall export from the Republic, for drinking purposes, any spirit derived from wine imported by the vereniging.

(5) Any wine imported by the vereniging and any spirit derived from such wine shall, for the purposes of Chapter I and Chapter II of this Act, the Customs and Excise Act, 1964 (Act No. 91 of 1964), and the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and any regulations made under any of the said Chapters or Acts, be deemed to be respectively wine and spirit which are the produce of vines in the Republic.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

CHAPTER V.

OVER-PRODUCTION OF WINE.

46. (1) The State President shall by proclamation in the *Gazette* make regulations to restrict, in the circumstances and during the period contemplated in subsection (4), the production of wine (as defined in section 1), and such regulations may also—

Over-production
of wine.

- (a) suspend, either generally or specially, the operation of any provision of any law in so far as it is inconsistent with or impedes the carrying into effect of the regulations or forbids any act which is reasonably necessary for or incidental to the effective application of the regulations or the attainment of the objects of such application, or prescribe any reservation in connection with such operation;
 - (b) provide for the indemnification of the veneniging or other persons against claims on the ground of any *bona fide* act or omission in the application of the regulations;
 - (c) provide for the forfeiture of wine or any amount of money in lieu thereof to the veneniging, or the destruction of wine, in the event of a contravention of the regulations, and the recovery of any such amount;
 - (d) provide for the issuing of orders or the giving of decisions by specified persons for the purposes of such restriction;
 - (e) provide for the payment of fees in respect of services rendered for the purposes of such restriction;
 - (f) prescribe penalties, not exceeding a fine of two hundred rand or imprisonment for a period of six months, for any contravention thereof or failure to comply therewith, or for any specified act or omission which could frustrate the attainment of the objects of the application of the regulations.
- (2) Different regulations may under subsection (1) be made—
- (a) with reference to different classes of persons;
 - (b) with reference to wine referred to in subsection (1) and intended for different purposes;
 - (c) with reference to different areas.
- (3) Regulations made under subsection (1) may apply to—
- (a) a defined class of persons only;
 - (b) wine referred to in subsection (1) and intended for defined purposes only;
 - (c) a defined area only.

(4) Whenever the Minister is of opinion that a state of over-production exists or is soon likely to exist in the wine farming industry, the State President may by proclamation in the *Gazette* declare the regulations made under subsection (1) to be operative from the date and for the period or an indefinite period, as specified in the proclamation, and he may likewise at any time during such period amend or withdraw such proclamation.

(5) Any proclamation issued under subsection (1) or (4) shall be laid upon the Table of the Senate and of the House of Assembly within fourteen days after the date of publication thereof if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

CHAPTER VI.

LEVY ON WINE, SPIRIT AND BRANDY.

47. In this Chapter, unless the context otherwise indicates— Definitions.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

“year” means a year ending on thirty-first December; and any other expression to which a meaning has been assigned in section 1 or 14, bears the meaning so assigned thereto.

48. (1) The vereniging may, with the approval of the Minister, in respect of any year impose a levy on—
- (a) wine as defined in section 14; and
- (b) wine as defined in section 1, intended for distillation purposes, and spirit and brandy (including spirit or brandy in fortified wine which was added thereto for the purpose of fortification),
- sold or disposed of during such year by a winegrower or a co-operative society to any person, including the vereniging, and such levy shall be fixed at a specified amount, in the case contemplated in paragraph (a) of this subsection, per leaguer of wine, other than grapes, moskonfyt, raisins and sultanas, and, in the case contemplated in paragraph (b) of this subsection, per leaguer of wine of a strength of twenty per cent.
- (2) The vereniging shall by notice in the *Gazette* make known, on or before the first February of the year in question, any levy so imposed and fixed by it and the time when payment thereof shall be made.
- (3) If a levy is imposed in terms of paragraph (a) as well as in terms of paragraph (b) of subsection (1), the rate of the one levy may differ from that of the other.

Power of vereniging to impose levies on wine, spirit and brandy disposed of by certain persons.

49. (1) Any levy imposed in terms of section 48 (1) on any wine shall be payable by the winegrower who or co-operative society which sold or disposed of such wine, and a winegrower or co-operative society shall, subject to the provisions of subsections (2) and (3) of this section and section 50, pay the amount of any levy payable by him or it, to the vereniging at or before the time fixed in terms of section 48(2).
- (2) If the levy is payable on wine as defined in section 14, the amount thereof shall be calculated—
- (a) in the case of grapes, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the grapes sold or disposed of;
- (b) in the case of moskonfyt, raisins or sultanas, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the quantity of grapes required to make the moskonfyt, raisins or sultanas sold or disposed of; and
- (c) in the case of fortified wine, after deducting from the quantity of such wine sold or disposed of, the quantity of spirit or brandy which was added to such wine for the purpose of fortification.
- (3) If the levy is payable on wine as defined in section 1, intended for distillation purposes, and on spirit and brandy, the amount thereof shall be calculated—
- (a) in the case of wine (other than grapes, moskonfyt, raisins and sultanas) of a strength other than a strength of twenty per cent, at a rate which bears the same ratio to the rate of such levy as the strength of such wine bears to twenty;
- (b) in the case of grapes, at the rate of such levy, on the quantity of wine of a strength of twenty per cent which could be made from the grapes sold or disposed of;
- (c) in the case of moskonfyt, raisins or sultanas, at the rate of such levy, on the quantity of wine of a strength

Payment and calculation of levy payable on wine, spirit and brandy.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

of twenty per cent which could be made from the quantity of grapes required to make the moskonfyt, raisins or sultanas sold or disposed of; and

- (d) in the case of spirit or brandy, at the rate of such levy, on the quantity of wine of a strength of twenty per cent required to produce the spirit or brandy sold or disposed of.

50. (1) The provisions of section 48 shall not apply to—

- (a) wine disposed of in the ordinary course of dealing between a co-operative society and its members, or to wine produced by a winegrower and exported by him from the Republic, or to wine produced by a co-operative society or its members and exported by such society from the Republic; and

Certain transactions exempted from levy, and recovery of levies.

- (b) wine delivered to the vereniging by a winegrower or co-operative society as a contribution by such winegrower or society towards the fund referred to in section 4.

(2) In the event of a winegrower or co-operative society selling or disposing of any wine, spirit or brandy in respect of which such winegrower or society is liable to contribute to the fund referred to in paragraph (b) of subsection (1), the vereniging shall as soon as possible determine in respect of what portion of such wine, spirit or brandy such winegrower or society is so liable and shall refund to such winegrower or society a proportionate portion of any levies paid to it in terms of section 49 in respect of such sale or disposal.

(3) The vereniging may at any time deduct the amount of any levies payable to it by any person in terms of section 49 from any moneys which it may from time to time hold on behalf of such person.

51. (1) The vereniging shall establish an account to be known as the Wine Research and Publicity Account to which shall be credited all moneys paid to the vereniging in terms of section 49.

Wine Research and Publicity Account.

(2) The vereniging may—

- (a) use so much of the moneys in such account as the Minister may from time to time approve, in such manner and at such times as it may deem fit, for aiding, promoting or undertaking research in the Republic or elsewhere in respect of the cultivation of vines of wine-grape varieties, including rootstocks used in the cultivation of such vines, in respect of the production of wine, other fermented or distilled products of the grape or grape juice, or in respect of matters incidental thereto; and

- (b) so use so much of the moneys in such account, as the Minister may from time to time approve, for aiding or undertaking publicity in the Republic or elsewhere in connection with the marketing of wine, other fermented or distilled products of the grape or grape juice produced or manufactured by the vereniging or by other producers or manufacturers in the Republic.

(3) The vereniging shall, as soon as possible after the end of each year, submit to the Minister a statement, certified by an accountant or auditor according to law, of the income and expenditure in respect of such account during such year.

WINE AND SPIRIT CONTROL ACT, 1970.

Act No. 47, 1970

52. Any person who fails to comply with the provisions of section 49 shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment. Penalties.

CHAPTER VII.

SUPPLEMENTARY PROVISIONS.

53. (1) Subject to subsections (2) and (3), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof. Repeal of laws and savings.

(2) Sections 5 (2) and (4) (a) of the Wine and Spirits Control Amendment Act, 1940 (Act No. 23 of 1940), shall remain of force until thirty-first January, 1971.

(3) Any proclamation, regulation, notice, permit, return, consent, authority or decision issued, made, rendered, granted or given and any other action taken, or deemed to have been issued, made, rendered, granted, given or taken under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, rendered, granted, given or taken under the corresponding provision of this Act.

54. (1) This Act shall be called the Wine and Spirit Control Act, 1970. Short title and commencement.

(2) Section 18 (2) and (4) (a) shall come into operation on the first February, 1971.

Schedule.

LAWS REPEALED.

No. and Year of Law	Title	Extent of Repeal
Act No. 23 of 1940.	Wine and Spirits Control Amendment Act, 1940 ..	The whole.
Act No. 23 of 1946.	Wine and Spirits Control Amendment Act, 1946 ..	The whole.
Act No. 22 of 1954.	Wine and Spirits Control Amendment Act, 1954 ..	The whole.
Act No. 38 of 1956.	Wine and Spirits Control Act, 1956	The whole.
Act No. 47 of 1957.	Wine and Spirits Control Amendment Act, 1957 ..	The whole.
Act No. 45 of 1958.	Wine and Spirits Control Amendment Act, 1958 ..	The whole.
Act No. 69 of 1964.	Wine and Spirits Control Amendment Act, 1964 ..	The whole.
Act No. 54 of 1965.	Wine and Spirits Control Amendment Act, 1965 ..	The whole.
Act No. 103 of 1967.	Finance Act, 1967	Section 4.
Act No. 20 of 1968.	Wine and Spirits Control Amendment Act, 1968 ..	The whole.
Act No. 18 of 1970.	Wine and Spirits Control Amendment Act, 1970 ..	The whole.