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CONTENTS • INHOUD

| <i>No.</i> | | <i>Page No.</i> | <i>Gazette No.</i> |
|---|---|---------------------|------------------------|
| GENERAL NOTICE | | | |
| Agriculture, Forestry and Fisheries, Department of | | | |
| <i>General Notice</i> | | | |
| 486 | Draft Liquor Products Amendment Bill: Invitation for public comments..... | 3 | 35424 |

GENERAL NOTICE

NOTICE 486 OF 2012

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

DRAFT LIQUOR PRODUCTS AMENDMENT BILL

INVITATION FOR PUBLIC COMMENTS

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries hereby invite all interested institutions, organisations and individuals to submit written comments on the draft Liquor Products Amendment Bill.

Comments must be submitted in writing within 60 days from date of publication of this notice. They must be sent to:

The Director
Directorate: Food Safety and Quality Assurance
Department of Agriculture, Forestry and Fisheries
Division Liquor Products
Private Bag X 5015
Stellenbosch
7600

Physical address: Department of Agriculture, Forestry and Fisheries
Polkadraai Road
Plant Quarantine Services
Stellenbosch
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E-mail: WendyJ@daff.gov.za
Fax: 021 8876392

Tina Joemat-Pettersson

Minister of Agriculture, Forestry and Fisheries

REPUBLIC OF SOUTH AFRICA

LIQUOR PRODUCTS AMENDMENT BILL

[B – 2012]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Liquor Products Act, 1989, so as to insert definitions and to amend and delete others; to provide for the renaming and reconstitution of the Wine and Spirit Board and to limit its powers; to provide for requirements regarding beer, contemporary beer, traditional African beer and other fermented beverages; to repeal the provision in respect of the authorizations regarding certain alcoholic products; to empower the Minister to designate a person to issue export certificates; to align certain provisions with the Constitution; to extend the Minister's power to make regulations; to provide gender-equal terminology; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 60 of 1989

1. Section 1 of the Liquor Products Act, 1989 (hereinafter referred to as the principal Act), is hereby amended –

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

"analyst' means a person or institution designated under section 20 as an analyst **[or who is deemed to have been so designated]";**

(b) by the insertion after the definition of "analyst" of the following definitions:

"authority' means the Wine Certification Authority established by section 2; and

'beer' means a product which complies with the requirements referred to in section 6A;

(c) by the deletion of the definition of "board";

(d) by the substitution for the definition of "class designation" of the following definition:

"class designation" –

(a) in relation to wine, an alcoholic fruit beverage, beer, contemporary beer, traditional African beer and an other fermented beverage, a spirit, a grape-based liquor or a spirit-based liquor, means the prescribed designation or prescribed permissible alternative designation for a class thereof;

(b) **[in relation to a specially authorized liquor, means the designation specified in a notice published under section 10; and]** in relation to any other liquor product in respect of which an import certificate has been issued, means the designation specified in such import certificate;";

(e) by the deletion of the definition of "container";

(f) by the insertion after the definition of "class designation" of the following definition:

"contemporary beer" means a product which complies with the requirements referred to in section 6B;";

(g) by the substitution for the definition of "department" of the following definition:

"department" means the Department of Agriculture, Forestry and Fisheries;";

(h) by the substitution for the definition of "liquor product" of the following definition:

"liquor product" means –

(a) wine;

(b) an alcoholic fruit beverage;

(c) beer;

-
- (d) contemporary beer;
- (e) traditional African beer;
- (f) an other fermented beverage;
- (g) a spirit;
- (h) a grape-based liquor;
- (i) a spirit-based liquor; and
- (j) **[a specially authorized liquor; and]** any liquor other than a product mentioned in paragraph (a), (b), (c), (d), (e), **[or]** (f), (g), (h) or (i) in respect of which an import certificate has been issued;"
- (i) by the substitution for the definition of "Minister" by the following definition:
- "Minister' means the Minister of Agriculture, Forestry and Fisheries;"
- (j) by the substitution for the definition of "officer" of the following definition:
- "officer' means an **[officer]** employee as defined in section 1 of the Public Service Act, **[1984] 1994** (Act No. **[111] 103** of **[1984] 1994**), **and includes an employee as so defined**;"
- (k) by the insertion after the definition of "officer" of the following definition:
- "other fermented beverage' means a product which complies with the requirements referred to in section 6D;"
- (l) by the deletion of the definition of "specially authorized liquor"; and
- (m) by the insertion after the definition of "this Act" of the following definition:

"'traditional African beer' means a product which complies with the requirements referred to in section 6C;".

Amendment of section 2 of Act 60 of 1989

2. Section 2 of the principal Act is hereby amended –

(a) by the substitution for the heading of the following heading:

"Wine [and Spirit Board] Certification Authority";

(b) by the substitution for subsection (1) of the following subsection:

"(1) There is hereby established **[a board]** an authority to be known as the Wine **[and Spirit Board]** Certification Authority";

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

"(2) (a) The **[board]** authority consists of -

- (i) at least eight persons **[with the relevant knowledge, skills or expertise in viticulture, oenology, distilling, regulatory environment of the liquor industry, liquor production, food safety or microbiology]** representing the participants to schemes and nominated in accordance with the prescribed directions: Provided that, if a scheme deals with ethical trading standards, such persons shall include representation from workers, trade unions and civil society concerned;
- (ii) three officers of the Department nominated by the Department;
- (iii) one person nominated by the Agricultural research Council; and
- (iv) one person designated by the Minister.

(d) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

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

(e) by the deletion of paragraph (d) of subsection (2);

(f) by the deletion of paragraphs (c) and (d) of subsection (4);

(g) by the deletion of paragraph (c) of subsection (8)

(h) by the substitution for subsection (9) of the following subsection:

"(9) A member of the **[board]** authority and a member of a committee referred to in subsection (8) who are not in the full-time employment of the State, **[shall]** may be paid from the funds of the **[board]** authority such allowances as the **[Minister may with the concurrence of the Minister of Finance]** authority determines in general or in any particular case.";

(i) by the substitution for subparagraph (vi) of paragraph (a) of subsection (10) of the following subparagraph:

"(vi) from time to time make recommendations to the Minister concerning any matter to which **[this Act]** a scheme relates; and";

(j) by the substitution for subparagraph (i) of paragraph (b) of subsection (10) of the following subparagraph:

"(i) persons appointed by the **[board]** authority on such conditions and at such remuneration as the **[Minister]** authority may **[with the concurrence of the Minister of Finance]** determine; and";

(k) by the substitution for paragraph (c) of subsection (11) of the following paragraph:

"(c) The **[board]** authority shall open an account with an institution registered as a bank in terms of the **[Banking]** Banks Act, [1965] 1990 (Act No. **[23]** 94 of

[1965] 1990), and shall deposit in that account all money received in terms of paragraph (a)."; and

- (l) by the substitution for paragraph (c) of subsection (12) of the following paragraph:

"(c) The records and annual financial statements referred to in paragraph (b) shall be audited by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, [1951] 1991 (Act No. [51] 80 of [1951] 1991).".

Amendment of section 4 of Act 60 of 1989

3. Section 4 of the principal Act is hereby amended by –

- (a) the substitution for subsection (1) of the following subsection:

"(1) No person shall sell or produce for sale any product -

- (a) with an alcohol content of more than [one] 0.5 per cent for drinking purposes; or
- (b) including but not limited to a powder form, which, combined with any substance or liquid, will have an alcohol content of more than [one] 0.5 per cent and is intended for drinking purposes,

unless that product is a liquor product."; and

- (b) the deletion of paragraph (a) of subsection (2).

Amendment of section 6 of Act 60 of 1989

4. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) add to or remove from the juice, reconstituted juice, mixture of juice and reconstituted juice [of fresh fruit] or the alcoholic fruit beverage produced therefrom, any substance other than a substance prescribed for this purpose; and".

Insertion of sections 6A, 6B, 6C, and 6D in Act 60 of 1989

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

"Requirements regarding beer

6A. (1) Beer shall –

(a) be produced by the alcoholic fermentation of wort prepared from starch and sugar containing raw materials with or without the addition of potable water;

(b) be distinctly flavoured with hops or hop products;

(c) be produced in such a manner that at least 35 per cent of the fermentable extract of the wort is derived from malted barley or malted wheat; and

(d) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.

(2) Beer shall not contain a particular prescribed substance to a greater extent than that prescribed.

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

(a) add to or remove from the water, wort, raw materials or the beer produced therefrom or the hops or hop products, any substance other than a substance prescribed for this purpose; and

(b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

Requirements regarding contemporary beer**6B. (1) Contemporary beer shall –**

- (a) be produced by the alcoholic fermentation of wort prepared from starch and sugar containing raw materials with or without the addition of potable water;
 - (b) be distinctly flavoured with hops or hop products;
 - (c) be produced in such a manner that less than 34 per cent or none of the fermentable extract of the wort is derived from malted barley or malted wheat;
 - (d) unless prescribed otherwise, have an alcohol content of not more than 6 per cent;
 - (e) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned; and
 - (f) display the name of the principle source of fermentable sugars directly before and as part of the applicable class designation if such principle source of fermentable sugars is not malted barley or malted wheat.
- (2) Contemporary beer shall not contain a particular prescribed substance to a greater extent than that prescribed.
- (3) No person shall, either before, during or after the alcoholic fermentation referred to in subsection (1)(a) –
- (a) add to or remove from the water, wort, raw materials or the contemporary beer produced therefrom or the hops or hop products, any substance other than a substance prescribed for this purpose; and

- (b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

Requirements regarding traditional African beer

6C. (1) Traditional African beer shall –

- (a) (i) be produced by the alcoholic fermentation of malted grain of sorghum, maize, finger millet or pearl millet, or unmalted grain or meal of sorghum, maize, finger millet or pearl millet;
- (ii) be in a state of alcoholic fermentation, or not have its alcoholic fermentation arrested;
- (iii) contain at least four per cent solids derived from the grain or meal referred to in subparagraph (i); and
- (iv) not contain or be flavoured with hops or any product derived from hops; or
- (b) be a powder, which –
- (i) comprises not more than three parts by mass of milled sorghum or maize malt;
- (ii) comprises not less than seven parts by mass of milled, precooked maize or unmalted sorghum grain or meal; and
- (iii) does not contain or is not flavoured with hops or any product derived from hops; and
- (c) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.

- (2) Traditional African beer shall not contain a particular prescribed substance to a greater extent than that prescribed.

(3) No person shall, either before, during or after the production of a traditional African beer –

- (a) add to or remove from the raw materials, in processed form or not, or the traditional African beer produced therefrom, any substance other than a substance prescribed for this purpose; and
- (b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions.

Requirements regarding other fermented beverages

6D. (1) Other fermented beverage shall –

- (a) be produced by the alcoholic fermentation in the prescribed manner of a prescribed substance;
- (b) be produced by the application of the prescribed production processes only;
- (c) unless prescribed otherwise, have an alcohol content of not more than 6 per cent; and
- (d) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.

(2) Other fermented beverage shall not contain a particular prescribed substance to a greater extent than that prescribed.

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

- (a) add to or remove from the prescribed substance referred to in that paragraph or the other fermented beverage produced therefrom, any substance other than a substance prescribed for this purpose; and

(b) so add or remove a substance so prescribed, otherwise than in accordance with the prescribed manner or conditions."

Repeal of section 10 of Act 60 of 1989

6. Section 10 of the principal Act is hereby repealed.

Amendment of section 11 of Act 60 of 1989

7. Section 11 of the principal Act is hereby amended by –

(a) the substitution for paragraph (c) of subsection (2) of the following paragraph:

"(c) use the word or expression "beer", "bier", "contemporary beer", "kontemporêre bier", "traditional African beer", "tradisionele Afrikabier", "alcoholic fruit beverage", "alkoholiese vrugtedrank", "grape-based liquor", "druifbasisdrank", "spirit-based liquor", [or] "spiritusbasisdrank", "other fermented beverage" or "ander gegiste drank" ["specially authorized liquor" or "spesiaal gemagtigde drank"], unless it forms part of a class designation for the liquor product concerned;" and

(b) the deletion of paragraph (b) of subsection (4).

Amendment of section 16 of Act 60 of 1989

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

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

"(a) No person shall import any product with an alcohol content of more than **[one]** 0.5 per cent into the Republic for drinking purposes, except on the authority of an import certificate issued by the administering officer.";

(b) by the substitution for subparagraph (i) of paragraph (b) of subsection (1) of the following subparagraph:

"(i) **[beer, sorghum beer and]** medicine referred to in section 4(2);"; and

- (c) by the substitution for subparagraph (i) of paragraph (a) of subsection (3) of the following subparagraph:

"(i) the product concerned is wine, beer, contemporary beer, traditional African beer, an alcoholic fruit beverage, an other fermented beverage, a spirit, a grape-based liquor or a spirit-based liquor; and".

Amendment of section 17 of Act 60 of 1989

9. Section 17 of the principal Act is hereby amended -

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

"(a) No person shall export any product with an alcohol content of more than **[one]** 0.5 percent for drinking purposes, except on the authority of an export certificate issued by the administering officer.";

- (b) by the substitution for subparagraph (i) of paragraph (b) of subsection (1) of the following subparagraph:

"(i) **[beer, sorghum beer and]** medicine referred to in section 4(2); and"; and

- (c) by the addition of the following subsection:

"(6) Notwithstanding the provisions of this section, the Minister may designate, subject to the control and instructions of the administering officer, a juristic person, body of persons or institution to exercise the powers and carry out the duties referred to in this section."

Amendment of section 18 of Act 60 of 1989

10. Section 18 of the principal Act is hereby amended –

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

"(a) The administering officer and an officer acting under a delegation or direction of the administering officer may, **[whenever he deems it necessary]** in the exercising or carrying out by him or her of any power or duty which is granted to or imposed upon the administering officer by or under this Act, at any reasonable time without prior notice enter upon any place, premises or conveyance –

(i) including a private dwelling, with the consent of the occupier;

(ii) excluding a private dwelling, from which a person conducts or is on reasonable grounds suspected to conduct business falling under the provisions of this Act or a scheme;

(iii) which is a private dwelling, under authority of a warrant issued in terms of subsection (6) or without a warrant in terms of subsection (7)."; and

(b) by the insertion of the following subsections after subsection (5):

"(6) Where on application to a magistrate it appears to such magistrate from information on oath or affirmation that there are reasonable grounds to believe that –

(a) the conditions for entry described in subsection (1)(a)(ii) exist in relation to a private dwelling;

(b) entry to that private dwelling is necessary for any purpose relating to the administration or enforcement of this Act; and

(c) entry to the private dwelling has been refused or that entry thereto will be refused,

that magistrate may issue a warrant authorizing the person named therein to enter that private dwelling subject to such conditions as may be specified in the warrant.

(7) If a person referred to in subsection (1), believes on reasonable grounds that –

(a) a warrant would be issued to him or her under subsection (6) if he or she applies for such a warrant; and

(b) a delay in obtaining such warrant would defeat the object of the entry or investigation,

he or she may without a warrant enter such private dwelling for any purpose relating to the administration or enforcement of this Act."

Amendment of section 19 of Act 60 of 1989

11. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A person referred to in section 18(1), who entered upon a place, premises or conveyance in terms of that section, may at any reasonable time and in any manner deemed fit by him or her, without prior notice to any person, seize any liquor product, material, substance or other article, or any book or document, that -

(a) is concerned or is on reasonable grounds believed by him or her to be concerned in the commission or suspected commission of any offence under this Act;

(b) may afford evidence of the commission or suspected commission of any such offence; or

(c) is intended or is on reasonable grounds believed by him or her to be intended to be used in the commission of any such offence."

Amendment of section 20 of Act 60 of 1989

12. Section 20 of the principal Act is hereby amended –

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) **[The designation of a person as an analyst in terms of section 28 of the Wine, Other Fermented Beverages and Spirits Act, 1957, (Act No. 25 of 1957), shall, if in force immediately prior to the date of commencement of this section, be deemed to have been done in terms of paragraph (a)]** The Director-General may designate an institution having adequate facilities and suitably qualified, skilled and experienced personnel, as an analyst for the purposes of the provisions of this Act or a scheme."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) Each sample submitted to an analyst in terms of section 18 (4) shall be tested, examined or analysed **[by him]** in accordance with the prescribed methods."

Amendment of section 23 of Act 60 of 1989

13. Section 23 of the principal Act is hereby amended –

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

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

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) contravenes or fails to comply with a provision of section 5 (3) (b), 6 (3) (b), 6A (3) (b), 6B (3) (b), 6C (3) (b), 6D (3) (b), 7 (3) (b), 8 (3) (b), 9 (3) (b) or 20 (4);";

(c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) contravenes or fails to comply with a condition, restriction, prohibition, reservation or direction imposed under section **[10 (4),]** 11 (4) or (5) (b), 13A (1), 16 (4) or (5), 17 (4) or 28 (3) (a);"; and

(d) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

"(g) refuses or fails without sufficient cause to furnish information or give an explanation or to answer to the best of his or her ability to a question lawfully demanded from or put to him or her by a person referred to in section 18 (1) in the exercising of his or her powers or the carrying out of his or her duties under this Act or a scheme, or furnishes information, an explanation or an answer to such person which is false or misleading, knowing that it is false or misleading;"

Amendment of section 24 of Act 60 of 1989

14. Section 24 of the principal Act is hereby amended –

(a) by the substitution for paragraph (a) of the following paragraph:

"(a) it shall be presumed, **[unless the contrary is proved]** in the absence of evidence to the contrary that raises a reasonable doubt, that the applicable provisions of this Act or a scheme apply to the product in respect of which the offence concerned has allegedly been committed;"

(b) by the substitution for paragraph (b) of the following paragraph:

"(b) any quantity of a liquor product, material, substance or other article in or upon any place, premises or conveyance when a sample thereof is taken in accordance with the provisions of this Act shall, **[unless the contrary is proved]** in the absence of evidence to the contrary that raises a reasonable doubt, be deemed to be of the same composition as that sample, and to possess in all other respects the same properties as that sample;"

(c) by the substitution for paragraph (d) of the following paragraph:

"(d) any statement or entry contained in any book or document kept by any person or the manager, agent or employee of such person, or found in or upon any place or premises occupied by, or any vehicle used in the business of, such person, shall be admissible in evidence against him or her as an admission of the facts set forth in that statement or entry, unless **[it is proved]** evidence to

the contrary that raises a reasonable doubt is adduced that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his or her work as manager or in the course of his or her agency or employment; and"; and

(d) by the substitution for paragraph (e) of the following paragraph:

"(e) it shall be presumed, **[unless the contrary is proved]** in the absence of evidence to the contrary that raises a reasonable doubt, that a permit, authorization, consent, approval, certificate or other document has not been issued, given or granted to any person who in terms of this Act or a scheme is required to be in possession thereof."

Amendment of section 26 of Act 60 of 1989

15. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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

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

and the fact that such principal issued instructions whereby an act or omission of that nature is prohibited, shall in itself not **[be sufficient proof]** constitute a reasonable possibility that he or she took all reasonable steps to prevent the act or omission."

Amendment of section 27 of Act 60 of 1989

16. Section 27 of the principal Act is hereby amended –

(a) by the substitution for paragraph (m) of subsection (1) of the following paragraph:

"(m) the **[quantity]** calibration, gauging and marking of tanks, casks and other receptacles used in the production and storage of liquor products;"

(b) by the insertion of the following paragraphs after paragraph (n) of subsection (1):

"(o) the compulsory registration of persons as producers, blenders or fillers of liquor products;

"(p) standards for and the type of container and packaging in which a liquor product or class of liquor product shall or may be contained or sold, as well as the minimum or maximum capacity of such a container."; and

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

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

General amendment to Act 60 of 1989

17. The principal Act is hereby amended -

(a) by the substitution for the words "chairman" and "vice-chairman" wherever they appear in the Act, of the words "chairperson" and "vice-chairperson" respectively;

- (b) by the substitution for the words "he", "his", "him" and "himself" wherever they appear in the Act, of the words "he or she", "his or her", "him or her" and "himself or herself" respectively; and
- (c) by the substitution for the word "board" wherever it appears in the Act, of the word "authority".

Transitional provision

18. Any member of the Wine and Spirit Board in office immediately prior to the commencement of this Act shall remain in office as a member of the authority until the appointment of the members of the authority in terms of the Liquor Products Act, 1989 (Act No. 60 of 1989), as amended by this Act.

Amendment of laws

19. The laws mentioned in the Schedule are hereby amended to the extent indicated in the third column thereof.

Short title and commencement

20. This Act is called the Liquor Products Amendment Act, 2012, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Schedule

LAWS AMENDED

| No. and year of law | Short title | Extent of amendment |
|---------------------|------------------------------|---|
| 91 of 1964 | Customs and Excise Act, 1964 | <p>1. The amendment of section 1 by the deletion in subsection (1) of the definition of "Wine and Spirit Board".</p> <p>2. The substitution for section 30 of the following section:</p> <p>"30. Control of the use of spirits for certain purposes</p> <p>[(1) No person shall use spirits, distilled from the product of the vine, in the</p> |

| | | |
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| | | <p>manufacture of alcoholic beverages unless such spirits have been certified by the Wine and Spirit Board to be suitable for use as aforesaid: Provided that if the Board declines to certify any spirits as suitable for such use as aforesaid, the manufacturer may redistil such spirits or treat the same by any method approved by the Board, and thereafter the Board may certify the spirits as suitable for use in the manufacture of alcoholic beverages.</p> <p>(2)] The blending of brandy [in terms of section 9 (1) (b) of the Wine and Spirits Control Act, 1970 (Act No. 47 of 1970),] and the production from spirits of any other beverage or any other non-excisable goods shall be subject to such supervision by an officer as the Commissioner may in each case consider necessary.</p> <p>[(3) The provisions of sub-section (1) shall not apply to an agricultural distiller or a wine-grower who manufactures alcoholic beverages under the provisions of this Act for his private use.]".</p> |
| 27 of 1989 | Liquor Act, 1989 | <p>1. The amendment of section 1 by –</p> <p>(a) the substitution for paragraph (b) of the definition of “alcoholic fruit beverage” of the following paragraph:</p> <p>"[a specially authorized liquor] an other fermented alcoholic beverage as defined in section 1 of the Liquor Products Act, 1989, obtained by the alcoholic fermentation of the juice of oranges together with cane sugar;"</p> <p>(b) the substitution for the definition of “beer” of the following definition:</p> <p>“'beer' means [the drink manufactured by the fermentation of a mash of malt, with or without cereals, flavoured with hops, or ale, stout or any other drink manufactured as or sold under the name of beer, ale or stout, if it contains more than one per cent by volume of alcohol] beer and contemporary beer as defined in</p> |

| | | |
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| | | <p><u>section 1 of the Liquor Products Act, 1989</u>, but does not include sorghum beer;"; and</p> <p>(c) the substitution for the definition of "sorghum beer" of the following definition:</p> <p>"sorghum beer" means -</p> <p>(a) [the drink generally known as sorghum beer and commonly manufactured from grain sorghum, millet or other grain] <u>traditional African beer as defined in section 1 of the Liquor Products Act, 1989</u>; or</p> <p>(b) any other fermented liquor declared to be sorghum beer under subsection (2)(c);".</p> |
| 59 of 2003 | Liquor Act, 2003 | <p>1. The amendment of section 1 by –</p> <p>(a) the deletion of the definition of "beer";</p> <p>(b) the substitution for the definition of "liquor" of the following definition:</p> <p>"liquor" means -</p> <p>(a) a liquor product, as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989); <u>or</u></p> <p>(b) [beer or traditional African beer; or</p> <p>(c)] any other substance or drink declared to be liquor under section 42(2)(a);";</p> <p>(c) the deletion of the definition of "traditional African beer"; and</p> <p>(d) the deletion of the definition of "traditional African beer powder".</p> <p>2. The substitution for subparagraph (i) of paragraph (a) of subsection (2) of section 42 of the following subparagraph:</p> <p>"(i) declaring any substance or fermented drink to be [beer] liquor [traditional African beer] or an impotable substance; or".</p> <p>3. The deletion of item 8 of Schedule 1.</p> |

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