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THE PRESIDENCY

No. 567 17 September 2021

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

Act No. 8 of 2021: Liquor Products Amendment Act, 2021

DIE PRESIDENSIE

No. 567 17 September 2021

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

Wet No. 8 van 2021: Wysigingswet op Drankprodukte, 2021

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.

(English text signed by the President)
(Assented to 2 September 2021)

ACT

To amend the Liquor Products Act, 1989, so as to insert certain 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, traditional African beer and other fermented beverages; to repeal a provision in respect of the authorisations 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 in terms of section 2;
'beer' means a product which meets 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, traditional African beer, 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; and

ALGEMENE VERDUIDELIKENDE NOTA:

[ ]	Woorde in vet druk in vierkantige hakies dui weglatings uit bestaande verordeninge aan.
______________	Woorde met 'n volstreep daaronder dui invoegings in bestaande verordeninge aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 2 September 2021)

WET

Tot wysiging van die Wet op Drankprodukte, 1989, ten einde sekere omskrywings in te voeg en om ander te wysig en te skrap; voorsiening te maak vir die herbenaming en hersamestelling van die Wyn- en Spiritusraad en om sy bevoegdhede te beperk; voorsiening te maak vir vereistes aangaande bier, tradisionele Afrika-bier en ander gegiste dranke; 'n bepaling ten opsigte van die magtigings aangaande sekere alkoholiese produkte te herroep; die Minister te bemagtig om iemand aan te wys om uitvoersertifikate uit te reik; sekere bepalings met die Grondwet in ooreenstemming te bring; die Minister se bevoegdheid om regulasies te maak uit te brei; geslagsgelyke terminologie te voorsien; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 1 van Wet 60 van 1989

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

(a) deur die volgende omskrywing na die omskrywing van ''alkoholinhoud'' in te voeg:

'' **'ander gegiste drank'** 'n produk wat voldoen aan die vereistes in artikel 6C bedoel;'';

(b) deur die omskrywing van ''beampte'' deur die volgende omskrywing te vervang:

'' **'beampte'** 'n **[beampte]** werknemer soos omskryf in artikel 1 van die Staatsdienswet, **[1984 (Wet No. 111 van 1984)] [, en ook 'n werknemer soos aldus omskryf]** 1994 (Proklamasie No. 103 van 1994);'';

(c) deur die volgende omskrywing na die omskrywing van ''beherende amptenaar'' in te voeg:

'' **'bier'** 'n produk wat voldoen aan die vereistes in artikel 6A bedoel;'';

(d) deur die omskrywing van ''departement'' deur die volgende omskrywing te vervang:

'' **'departement'** die Departement van Landbou, Bosbou en Visserye;'';

(b) **[in relation to a specially authorised liquor, means the designation specified in a notice published under section 10; and**

***(c)*]** in relation to any other liquor product in respect of which an import certificate has been issued, means the designation specified in such import certificate;'';

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

(f) by the substitution for the definition of ''department'' of the following definition:

'' **'department'** means the Department of Agriculture, Forestry and Fisheries;'';

(g) 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) traditional African beer;

(e) other fermented beverage;

(f) a spirit;

(g) a grape-based liquor;

(h) a spirit-based liquor; and

(i) any liquor other than a product mentioned in paragraph *(a)*, *(b)*, *(c)*, *(d)*, *(e)*, *(f)*, *(g)* or *(h)*, in respect of which an import certificate has been issued;'';

(h) by the substitution for the definition of ''Minister'' by the following definition:

'' **'Minister'** means the Minister of Agriculture, Forestry and Fisheries;'';

(i) 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 (Act No. 111 of 1984)] [, and includes an employee as so defined]** 1994 (Proclamation No. 103 of 1994);'';

(j) by the insertion after the definition of ''officer'' of the following definition:

''**'other fermented beverage'** means a product which meets the requirements referred to in section 6C;'';

(k) by the deletion of the definition of ''specially authorized liquor''; and

(l) by the insertion after the definition of ''this Act'' of the following definition:

'' **'traditional African beer'** means a product which meets the requirements referred to in section 6B;''.

Substitution of section 2 of Act 60 of 1989

2. The following section is hereby substituted for section 2 of the principal Act:

''**Wine Certification Authority**

2. (1) There is hereby established an Authority to be known as the Wine Certification Authority, which shall be a juristic person.

(2) *(a)* The Authority consists of—

(i) 10 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 the schemes established under section 14: Provided that if a scheme deals with ethical trading standards, two of those persons shall be representatives of workers of participants to schemes;

(ii) three officers of the department nominated by the Director-General;

(e) deur die omskrywing van ''drankproduk'' deur die volgende omskrywing te vervang:

'' **'drankproduk'**—

(a) wyn;
(b) 'n alkoholiese vrugtedrank;
(c) bier;
(d) tradisionele Afrika-bier;
(e) ander gegiste drank;
(f) 'n spiritus;
(g) 'n druifbasisdrank;
(h) 'n spiritusbasisdrank; en
(i) 'n ander drank as 'n produk genoem in paragraaf *(a)*, *(b)*, *(c)*, *(d)*, *(e)*, *(f)*, *(g)* of *(h)*, ten opsigte waarvan 'n invoersertifikaat uitgereik is;'';

(f) deur die omskrywing van ''houer'' te skrap;

(g) deur die omskrywing van ''klasbenaming'' deur die volgende omskrywing te vervang:

'' **'klasbenaming'**—

(a) met betrekking tot wyn, 'n alkoholiese vrugtedrank, bier, tradisionele Afrika-bier, ander gegiste drank, 'n spiritus, 'n druifbasisdrank of 'n spiritusbasisdrank, die voorgeskrewe benaming of voorgeskrewe toelaatbare alternatiewe benaming vir 'n klas daarvan; en

(b) **[met betrekking tot 'n spesiaal gemagtigde drank, die benaming vermeld in 'n kennisgewing kragtens artikel 10 gepubliseer; en**

***(c)*]** met betrekking tot 'n ander drankproduk ten opsigte waarvan 'n invoersertifikaat uitgereik is, die benaming in so 'n invoersertifikaat vermeld;'';

(h) deur die omskrywing van ''Minister'' deur die volgende omskrywing te vervang:

'' **'Minister'** die Minister van Landbou, Bosbou en Visserye;'';

(i) deur die omskrywing van ''ontleder'' deur die volgende omskrywing te vervang:

'' **'ontleder'** iemand of 'n instelling wat kragtens artikel 20 as ontleder aangewys is **[of wat geag word aldus aangewys te wees]**;'';

(j) deur die volgende omskrywing na die omskrywing van ''ontleder'' in te voeg:

'' **'Owerheid'** die Wynsertifiseringsowerheid ingevolge artikel 2 gestig;'';

(k) deur die omskrywing van ''raad'' te skrap;

(l) deur die omskrywing van ''spesiaal gemagtigde drank'' te skrap; en

(m) deur die volgende omskrywing na die omskrywing van ''spiritusbasisdrank'' in te voeg:

'' **'tradisionele Afrika-bier'** 'n produk wat voldoen aan die vereistes in artikel 6B bedoel;''.

Vervanging van artikel 2 van Wet 60 van 1989

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

''**Wynsertifiseringsowerheid**

2. (1) 'n Owerheid word hierby gestig wat as die Wynsertifiseringsowerheid bekend sal staan en wat 'n regspersoon sal wees.

(2) *(a)* Die Owerheid bestaan uit—

(i) 10 persone met die tersaaklike kennis, vaardighede of kundigheid in wingerdbou, wynkunde, distillering, regulerende omgewing van die dranknywerheid, drankproduksie, voedselveiligheid of mikrobiologie, verteenwoordigend van die deelnemers aan die skemas kragtens artikel 14 gestig: Met dien verstande dat, indien 'n skema met etiese handelstandaarde handel, twee van daardie persone verteenwoordigers van werkers van deelnemers aan skemas moet wees;

(ii) drie beamptes van die departement deur die Direkteur-generaal benoem;

(iii) one person nominated by the Agricultural Research Council; and
(iv) one person designated by the Minister.

(b) The Minister shall appoint the members of the Authority and shall designate one of the members of the Authority as chairperson.

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

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

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

(3) No person shall be appointed as a member of the Authority—

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

(4) *(a)* A member of the Authority shall hold office, subject to subsection (5), for a period not exceeding three years, and such member shall after the expiration of such period, continue in office until his or her successor has been appointed.

(b) If a member of the Authority ceases to hold office for any reason, the Minister may appoint any person in his or her place for the unexpired period of his or her term of office.

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

(5) *(a)* A member of the Authority shall vacate office if he or she—

(i) becomes disqualified in terms of subsection (3);
(ii) becomes of unsound mind;
(iii) has been absent for more than two consecutive meetings of the Authority without the leave of the chairperson.

(b) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Minister may, at any time, remove a member of the Authority from office if, in the opinion of the Minister, sound reasons exist for doing so.

(6) *(a)* The members of the Authority shall at the first meeting of the Authority, and thereafter whenever necessary, elect a deputy chairperson from amongst themselves.

(b) If both the chairperson and the deputy chairperson are absent from a meeting of the Authority, the members present shall from amongst themselves elect a member to preside at such meeting.

(7) *(a)* The first meeting of the Authority shall be held at a time and place determined by the chairperson, and thereafter at such times and places as the Authority may from time to time determine.

(b) Notwithstanding the provisions of paragraph *(a)*, the chairperson may at his or her discretion call a special meeting of the Authority at such time and place as he or she may determine, with a view to dealing with special or urgent matters, and he or she shall call a special meeting within 14 days of the date on which he or she has received a written request to this effect from the Minister or at least four members of the Authority.

(iii) een persoon deur die Landbounavorsingsraad benoem; en
(iv) een persoon deur die Minister aangewys.

(b) Die Minister stel die lede van die Owerheid aan en wys een van die lede van die Owerheid as voorsitter aan.

(c) Die Minister stel die Parlement skriftelik in kennis van die aanstelling van die lede van die Owerheid binne 30 dae na sodanige aanstelling.

(d) Die proses vir die aanstelling van die lede van die Owerheid is soos volg:

(i) Die Minister moet, by kennisgewing in die *Staatskoerant* en in enige nasionale koerant wat in elke provinsie van die Republiek sirkuleer, 'n beroep op persone, belanghebbendes en die dranknywerheid doen om, binne 'n tydperk in die kennisgewing vermeld, die name van persone wat aan die maatstawwe bedoel in paragraaf *(a)*(i), voldoen, aan die Minister voor te lê;
(ii) die Minister stel 'n keuringskomitee van ten minste vier persone aan en wys 'n voorsitter vir die komitee aan; en
(iii) die keuringskomitee, uit die benoemings daaraan voorgelê, stel 'n kortlys van gepaste kandidate saam en lê die Owerheid se aanbeveling aan die Minister voor vir die aanstelling van die lede van die Owerheid.

(3) Niemand word as 'n lid van die Owerheid aangestel nie—

(a) tensy hy of sy 'n Suid-Afrikaanse burger is wat heeltyds in die Republiek woonagtig is;
(b) indien hy of sy 'n ongerehabiliteerde insolvent is;
(c) indien hy of sy kragtens hierdie Wet aan 'n misdryf skuldig bevind is; of
(d) indien hy of sy skuldig bevind is aan enige misdryf waarvoor hy of sy tot gevangenisstraf sonder die opsie van 'n boete gevonnis is.

(4) *(a)* 'n Lid van die Owerheid beklee die amp, behoudens subartikel (5), vir 'n tydperk van hoogstens drie jaar, en sodanige lid bly in die amp na die verstryking van daardie tydperk totdat sy of haar opvolger aangestel is.

(b) Indien 'n lid van die Owerheid om enige rede ophou om die amp te beklee, kan die Minister enigiemand in sy of haar plek aanstel vir die onverstreke tydperk van sy of haar ampstermyn.

(c) Enigiemand wie se ampstermyn as 'n lid van die Owerheid verstryk het, word onmiddellik daarna heraanstelbaar sonder dat die proses bedoel in subartikel (2)*(d)*, gevolg word.

(5) *(a)* 'n Lid van die Owerheid ontruim die amp indien hy of sy—

(i) ingevolge subartikel (3) onbevoeg word;
(ii) ontoerekeningsvatbaar word;
(iii) sonder die toestemming van die voorsitter van meer as twee opeenvolgende vergaderings van die Owerheid afwesig was.

(b) Behoudens die 'Promotion of Administrative Justice Act', 2000 (Wet No. 3 van 2000), kan die Minister te eniger tyd 'n lid van die Owerheid uit die amp verwyder indien, na die Minister se oordeel, gegronde redes daarvoor bestaan.

(6) *(a)* Die lede van die Owerheid moet, by die eerste vergadering van die Owerheid en daarna wanneer dit ook al nodig is, 'n ondervoorsitter uit eie geledere verkies.

(b) Indien die voorsitter en die ondervoorsitter albei van 'n vergadering van die Owerheid afwesig is, moet die teenwoordige lede 'n lid uit eie geledere verkies om by daardie vergadering voor te sit.

(7) *(a)* Die eerste vergadering van die Owerheid word gehou op 'n tyd en plek deur die voorsitter bepaal, en daarna op sodanige tye en plekke soos die Owerheid van tyd tot tyd bepaal.

(b) Ondanks die bepalings van paragraaf *(a)*, kan die voorsitter op eie diskresie 'n spesiale vergadering van die Owerheid saamroep op die tyd en plek wat hy of sy bepaal, met die doel om spesiale of dringende aangeleenthede te hanteer, en hy of sy moet 'n spesiale vergadering saamroep binne 14 dae vanaf die datum waarop hy of sy 'n skriftelike versoek daarvoor van die Minister of ten minste vier lede van die Owerheid ontvang het.

(c) The majority of the members of the Authority shall constitute a quorum for a meeting of the Authority.

(d) The decision of the majority of the members of the Authority present at a quorate meeting shall constitute a decision of the Authority, and in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his or her deliberative vote.

(e) No decision taken by the Authority or act performed on the authority of the Authority shall be invalid merely by reason of a vacancy on the Authority or because a person who was not entitled to sit as a member, sat as such member at the time when the decision was taken or the act was authorised, if such decision was taken or act authorised by a majority of the members present at the time and who were entitled to sit as members of the Authority.

(8) *(a)* The Authority may, either from among its number or in such other manner determined by the Authority, appoint one or more committees to perform, subject to the directions of the Authority, such functions of the Authority as the Authority may determine, or to advise the Authority on any matter in respect of which a function is assigned to the Authority.

(b) The Authority may at any time dissolve or reconstitute a committee contemplated in paragraph *(a)*.

(c) The Authority shall not be divested of any function performed in terms of the provisions of this subsection by any committee of the Authority.

(d) Any decision of a committee may be withdrawn or amended by the Authority or referred back to such committee and shall, until it has been so withdrawn or amended, except for the purposes of this paragraph, be deemed to be a decision of the Authority.

(9) A member of the Authority and a member of a committee referred to in subsection (8) who are not in the full-time employment of the State, may be paid from the funds of the Authority such allowances as the Authority may, with the concurrence of the Minister and the Minister responsible for finance, determine in general or in any particular case.

(10) *(a)* In addition to such functions as may be assigned to the Authority by or under this Act or in terms of a scheme or under any other law, the Authority may—

(i) hire, purchase or otherwise acquire such movable or immovable property as the Authority may deem necessary for the performance of its functions, and may rent, sell or otherwise dispose of property so acquired;

(ii) from time to time raise money by way of loan for the purpose of performing its functions;

(iii) hypothecate its immovable property as security for a loan referred to in subparagraph (ii);

(iv) insure itself against any loss, damage, risk or liability which it may suffer or incur;

(v) enter into agreements for the performance of specific acts or functions or the rendering of specific services;

(vi) from time to time make recommendations to the Minister concerning any matter to which a scheme relates; and

(vii) in general, perform such acts as it may deem necessary or expedient for the efficient performance of its functions.

(b) The work incidental to the performance of the functions of the Authority shall be performed by—

(i) persons appointed by the Authority on such conditions and at such remuneration as the Authority may determine; and

(ii) persons with whom the Authority entered into agreements in terms of paragraph *(a)*(v).

(11) *(a)* The funds of the Authority shall consist of—

(i) money paid to the Authority in terms of this Act or a scheme; and

(ii) money which accrues to the Authority from any other source.

(c) Die meerderheid van die lede van die Owerheid stel 'n kworum vir 'n vergadering van die Owerheid daar.

(d) Die besluit van die meerderheid van die lede van die Owerheid by 'n vergadering daarvan, stel 'n besluit van die Owerheid daar, en in die geval van 'n staking van stemme oor enige aangeleentheid, het die persoon wat by die betrokke vergadering voorsit, 'n beslissende stem benewens sy of haar beraadslagende stem.

(e) Geen besluit deur die Owerheid geneem of handeling op gesag van die Owerheid verrig is ongeldig bloot om rede van 'n vakature in die Owerheid of omdat iemand wat nie die reg gehad het om as lid te sit nie, as sodanige lid gesit het ten tyde van die neem van 'n besluit of die magtiging van die handeling, indien die besluit geneem is of handeling gemagtig is deur die meerderheid lede toe teenwoordig wat geregtig was om as lede van die Owerheid te sit.

(8) *(a)* Die Owerheid kan, hetsy uit eie geledere of op 'n ander manier deur die Owerheid bepaal, een of meer komitees aanstel om, behoudens die lasgewings van die Owerheid, sodanige werksaamhede van die Owerheid te verrig soos die Owerheid kan bepaal, of om die Owerheid van raad te bedien oor enige aangeleentheid ten opsigte waarvan 'n werksaamheid aan die Owerheid toegeken is.

(b) Die Owerheid kan so 'n komitee beoog in paragraaf *(a)* te eniger tyd ontbind of hersaamstel.

(c) Die Owerheid word nie ontdoen van enige werksaamheid ingevolge die bepalings van hierdie subartikel deur enige komitee van die Owerheid verrig nie.

(d) 'n Besluit van 'n komitee kan deur die Owerheid ingetrek of gewysig word of na daardie komitee terugverwys word en moet, totdat dit aldus ingetrek of gewysig is, behalwe by die toepassing van hierdie paragraaf, geag word 'n besluit van die Owerheid te wees.

(9) 'n Lid van die Owerheid en 'n lid van 'n komitee in subartikel (8) bedoel wat nie in die heeltydse diens van die Staat is nie, kan uit die fondse van die Owerheid die toelaes wat die Owerheid, met die instemming van die Minister en die Minister verantwoordelik vir finansies, oor die algemeen of in 'n bepaalde geval vasstel, betaal word.

(10) *(a)* Benewens die werksaamhede wat deur of kragtens hierdie Wet aan die Owerheid toegewys kan word of ingevolge 'n skema kragtens 'n ander wet, kan die Owerheid—

(i) sodanige roerende of onroerende eiendom huur, koop of andersins verkry wat die Owerheid mag nodig ag vir die verrigting van die Owerheid se werksaamhede, en kan eiendom aldus verkry verhuur, verkoop of andersins daaroor beskik;

(ii) van tyd tot tyd by wyse van 'n lening geld vir die verrigting van die Owerheid se werksaamhede verkry;

(iii) die Owerheid se onroerende eiendom verhipotekeer as waarborg vir 'n lening in subparagraaf (ii) bedoel;

(iv) die Owerheid teen enige verlies, skade, risiko of aanspreeklikheid wat die Owerheid kan ly of opdoen, verseker;

(v) ooreenkomste aangaan vir die verrigting van bepaalde handelinge of werksaamhede of die lewering van bepaalde dienste;

(vi) van tyd tot tyd aanbevelings aan die Minister doen aangaande enige aangeleentheid waarop 'n skema betrekking het; en

(vii) oor die algemeen sodanige handelinge verrig wat die Owerheid nodig of dienstig ag vir die doeltreffende verrigting van die Owerheid se werksaamhede.

(b) Die werk insidenteel tot die verrigting van die werksaamhede van die Owerheid word verrig deur—

(i) persone deur die Owerheid aangestel op sodanige voorwaardes en teen sodanige vergoeding soos die Owerheid bepaal; en

(ii) persone met wie die Owerheid ingevolge paragraaf *(a)*(v) ooreenkomste aangegaan het.

(11) *(a)* Die fondse van die Owerheid bestaan uit—

(i) geld ingevolge hierdie Wet of 'n skema aan die Owerheid betaal; en

(ii) geld wat van enige ander bron aan die Owerheid toeval.

(b) The Authority shall utilise its funds for the defrayal of the expenses incurred by the Authority in the performance of its functions.

(c) The Authority shall open an account with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), and shall deposit in that account all money received in terms of paragraph *(a)*.

(d) The Authority may invest any of its money not required for immediate use.

(12) *(a)* The financial year of the Authority shall end on such date in each year as the Authority may determine.

(b) The Authority shall—

(i) cause adequate records to be kept of money received or expended by it, and of its assets, liabilities and financial transactions; and

(ii) as soon as possible, but not later than three months after the end of each financial year, cause annual financial statements to be prepared showing, with the appropriate particulars, money received and expenditure incurred by it during, and its assets and liabilities at the end of, the said financial year.

(c) The records and annual financial statements referred to in paragraph *(b)* shall be audited by a person registered as an auditor in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005).

(13) *(a)* The Authority shall, within six months at the end of each financial year, submit to the Minister a copy of the audited annual financial statements referred to in subsection (12)*(c)*, together with a report on the activities of the Authority during that financial year.

(b) Copies of the annual financial statements and of the report referred to in paragraph *(a)* shall—

(i) be open to public inspection at the office of the Authority during office hours; and

(ii) be obtainable from the Authority against payment of the amount as may be determined by the Authority.''.

Amendment of section 4 of Act 60 of 1989

3. Section 4 of the principal Act is hereby amended—

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

''(1) No person shall sell or produce for sale any product—

(a) with an alcohol content of more than **[one]** 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.'';

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

''(1A) The Minister may grant exemption, under such circumstances and subject to such conditions as he or she may prescribe, from a prohibition referred to in subsection (1)*(b)*.''; and

(c) by 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 in subsection (3) for paragraph *(a)* of the following paragraph:

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

(b) Die Owerheid moet die Owerheid se fondse gebruik om die uitgawes deur die Owerheid in die verrigting van die Owerheid se werksaamhede aangegaan, te dek.

(c) Die Owerheid moet 'n rekening by 'n instelling ingevolge die Bankwet, 1990 (Wet No. 94 van 1990), as 'n bank geregistreer, oopmaak en moet alle geld ingevolge paragraaf *(a)* ontvang in daardie rekening deponeer.

(d) Die Owerheid kan enige van die Owerheid se geld wat nie vir onmiddellike gebruik benodig word nie, belê.

(12) *(a)* Die boekjaar van die Owerheid eindig op sodanige datum elke jaar wat die Owerheid kan bepaal.

(b) Die Owerheid moet—

(i) afdoende rekords laat hou van geld deur die Owerheid ontvang of uitgegee en van die Owerheid se bates, laste en finansiële rekords; en

(ii) so gou as moontlik, maar nie later nie as drie maande na die einde van elke finansiële jaar, finansiële jaarstate laat voorberei wat, met die gepaste besonderhede, geld ontvang en uitgawes aangegaan deur die Owerheid tydens, en die Owerheid se bates en laste aan die einde van, die genoemde boekjaar toon.

(c) Die rekords en finansiële jaarstate in paragraaf *(b)* bedoel, word geouditeer deur 'n persoon ingevolge die 'Auditing Profession Act', 2005 (Wet No. 26 van 2005), geregistreer.

(13) *(a)* Die Owerheid moet binne ses maande vanaf die einde van elke boekjaar, 'n afskrif van die geouditeerde finansiële jaarstate in subartikel (12)*(c)* bedoel aan die Minister voorlê, saam met 'n verslag oor die Owerheid se aktiwiteite deur die loop van daardie finansiële jaar.

(b) Afskrifte van die finansiële jaarstate en van die verslag in paragraaf *(a)* bedoel—

(i) moet tydens kantoorure vir openbare insae by die kantoor van die Owerheid beskikbaar wees; en

(ii) moet van die Owerheid verkry kan word na betaling van 'n bedrag soos deur die Owerheid bepaal.''.

Wysiging van artikel 4 van Wet 60 van 1989

3. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

''(1) Niemand mag 'n produk—

(a) met 'n alkoholinhoud van meer as **[een]** 0.5 persent vir drinkdoeleindes verkoop of vir verkoop produseer nie; of

(b) insluitend maar nie beperk nie tot 'n poeiervorm, verkoop of vir verkoop produseer wat, na kombinasie met 'n stof of vloeistof, 'n alkoholinhoud van meer as **[een]** 0.5 persent sal hê en vir drinkdoeleindes bedoel is nie,

tensy daardie produk 'n drankproduk is.'';

(b) deur die volgende subartikel na subartikel (1) in te voeg:

''(1A) Die Minister kan vrystelling toestaan onder sodanige omstandighede en behoudens sodanige voorwaardes wat hy of sy voorskryf, van 'n verbod in subartikel (1)*(b)* bedoel.''; en

(c) deur paragraaf *(a)* van subartikel (2) te skrap.

Wysiging van artikel 6 van Wet 60 van 1989

4. Artikel 6 van die Hoofwet word hierby gewysig deur in subartikel (3) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* enige ander stof as 'n stof wat vir dié doel voorgeskryf is, by die sap **[van vars vrugte]**, hersaamgestelde sap, mengsel van sap en hersaamgestelde sap of die alkoholiese vrugtedrank wat daarvan geproduseer is, voeg of daaruit verwyder nie; en''.

Insertion of sections 6A, 6B and 6C 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) except where expressly provided otherwise by regulation—

(i) be flavoured with hops or hop products;

(ii) 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

(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) 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) add or remove a substance prescribed under paragraph *(a)*, otherwise than in accordance with the prescribed manner or conditions.

Requirements regarding traditional African beer

6B. (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;

(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) add or remove a substance prescribed under paragraph *(a)*, otherwise than in accordance with the prescribed manner or conditions.

Invoeging van artikels 6A, 6B en 6C in Wet 60 van 1989

5. Die volgende artikels word hierby na artikel 6 in die Hoofwet ingevoeg:

"**Vereistes aangaande bier**

6A. (1) Bier—

(a) word geproduseer deur die alkoholiese gisting van wort voorberei van stysel en suiker wat rou materiale bevat met of sonder die byvoeging van drinkwater;

(b) moet, buiten waar uitdruklik by regulasie anders bepaal—

(i) met hops of hopsprodukte gegeur wees;

(ii) op so 'n wyse geproduseer word dat ten minste 35 persent van die gisbare ekstrak van die wort van gemoute gort of gemoute koring verkry is; en

(c) word op so 'n wyse geproduseer dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.

(2) Bier moet 'n bepaalde voorgeskrewe stof nie tot 'n groter mate as voorgeskryf, bevat nie.

(3) Niemand, hetsy voor, tydens of na die alkoholiese gisting in subartikel (1)*(a)* bedoel—

(a) mag enige stof anders as 'n stof vir hierdie doel voorgeskryf, by die water, wort, rou materiale of die bier daarvan geproduseer of die hops of hopsprodukte voeg of daarvan verwyder nie; en

(b) mag 'n stof kragtens paragraaf *(a)* byvoeg of verwyder nie, behalwe ooreenkomstig die voorgeskrewe wyse of voorwaardes.

Vereistes aangaande tradisionele Afrika-bier

6B. (1) Tradisionele Afrika-bier moet—

(a) (i) geproduseer word deur die alkoholiese gisting van gemoute graan van sorghum, mielies, osgras of babalagras, of ongemoute graan of meel van sorghum, mielies, osgras of babalagras;

(ii) in 'n toestand van alkoholiese gisting wees, of die alkoholiese gisting daarvan moet nie stopgesit word nie;

(iii) ten minste vier persent soliede stowwe verkry van die graan of meel in subparagraaf (i) bedoel, bevat; en

(iv) nie hops of enige produk wat van hops verkry is, bevat of daarmee gegeur wees nie;

(b) 'n poeier wees, wat—

(i) bestaan uit hoogstens drie dele per massa van gemaalde sorghum of mieliemout;

(ii) bestaan uit minstens sewe dele per massa van vooraf-gekookte mielies of ongemoute sorghumgraan of mout; en

(iii) nie hops of enige ander produk wat van hops verkry is, bevat of daarmee gegeur is nie; en

(c) op so 'n wyse geproduseer word dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.

(2) Tradisionele Afrika-bier moet 'n bepaalde voorgeskrewe stof nie tot 'n groter mate as voorgeskryf, bevat nie.

(3) Niemand mag, hetsy voor, tydens of na die maak van 'n tradisionele Afrika-bier—

(a) enige ander stof behalwe 'n stof vir hierdie doel voorgeskryf tot die rou materiale byvoeg of daarvan verwyder nie, hetsy in verwerkte vorm al dan nie, van die tradisionele Afrika-bier daarvan geproduseer; en

(b) 'n stof kragtens paragraaf *(a)* voorgeskryf byvoeg of verwyder nie, behalwe ooreenkomstig die voorgeskrewe wyse of voorwaardes.

Requirements regarding other fermented beverages

6C. (1) Other fermented beverage shall—
(a) be produced by alcoholic fermentation in the prescribed manner of a prescribed substance; and
(b) be produced in such a manner that it is of a prescribed class and complies with the prescribed requirements for the class concerned.

(2) 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) add or remove a substance prescribed under paragraph *(a)*, 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—
(a) by the substitution in subsection (2) for paragraph *(c)* of the following paragraph:
''*(c)* use the word or expression 'beer', 'bier', 'traditional African beer', 'tradisionele Afrikabier', 'alcoholic fruit beverage', 'alkoholiese vrugtedrank', 'grape-based liquor', 'druifbasisdrank', 'spirit-based liquor', 'spiritusbasisdrank', **['specially authorized liquor' or 'spesiaal gemagtigde drank']**, 'other fermented beverage' or 'ander gegiste drank' unless it forms part of a class designation for the liquor product concerned;''; and
(b) by 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 in subsection (1) for paragraph *(a)* 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 in subsection (1)*(b)* for subparagraph (i) of the following subparagraph:
''(i) **[beer, sorghum beer and]** medicine referred to in section 4(2);''; and
(c) by the substitution in subsection (3)*(a)* for subparagraph (i) of the following subparagraph:
''(i) the product concerned is wine, beer, traditional African beer, an alcoholic fruit beverage, other fermented beverages, 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 in subsection (1) for paragraph *(a)* of the following paragraph:
''*(a)* No person shall export any product with an alcohol content of more than **[one]** 0.5 per cent for drinking purposes, except on the authority of an export certificate issued by the administering officer.'';
(b) by the substitution in subsection (1)*(b)* for subparagraph (i) of the following subparagraph:

Vereistes rakende ander gegiste dranke

6C. (1) Ander gegiste dranke moet—
(a) deur die alkoholiese gisting op die voorgeskrewe wyse van 'n voorgeskrewe stof geproduseer word; en
(b) op so 'n wyse geproduseer word dat dit van 'n voorgeskrewe klas is en aan die voorgeskrewe vereistes vir die betrokke klas voldoen.
(2) Ander gegiste dranke moet 'n bepaalde voorgeskrewe stof nie tot 'n groter mate as voorgeskryf, bevat nie.
(3) Niemand mag, hetsy voor, tydens of na die alkoholiese gisting in subartikel (1)*(a)* bedoel—
(a) enige stof behalwe 'n stof vir hierdie doel voorgeskryf, tot die voorgeskrewe stof in daardie paragraaf bedoel of die ander gegiste drank daarvan geproduseer, byvoeg of daarvan verwyder nie; en
(b) 'n stof kragtens paragraaf *(a)* voorgeskryf byvoeg of verwyder behalwe ooreenkomstig die voorgeskrewe wyse of voorwaardes nie.''.

Herroeping van artikel 10 van Wet 60 van 1989

6. Artikel 10 van die Hoofwet word hierby herroep.

Wysiging van artikel 11 van Wet 60 van 1989

7. Artikel 11 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (2) paragraaf *(c)* deur die volgende paragraaf te vervang:
''*(c)* die woord of uitdrukking 'bier', 'beer', 'tradisionele Afrika-bier', 'traditional African beer', 'alkoholiese vrugtedrank', 'alcoholic fruit beverage', 'druifbasisdrank', 'grape-based liquor', 'spiritusbasisdrank', 'spiritbased liquor', **['spesiaal gemagtigde drank' of 'specially authorized liquor']** 'ander gegiste drank' of 'other fermented beverage' gebruik nie, tensy dit deel van 'n klasbenaming vir die betrokke drankproduk uitmaak;''; en
(b) deur paragraaf *(b)* van subartikel (4) te skrap.

Wysiging van artikel 16 van Wet 60 van 1989

8. Artikel 16 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:
''*(a)* Niemand mag 'n produk met 'n alkoholinhoud van meer as **[een]** 0.5 persent vir drinkdoeleindes in die Republiek invoer nie, behalwe op gesag van 'n invoersertifikaat deur die beherende amptenaar uitgereik.'';
(b) deur in subartikel (1)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:
''(i) **[bier, sorghumbier en]** medisyne in artikel 4(2) bedoel;''; en
(c) deur in subartikel (3)*(a)* subparagraaf (i) deur die volgende subparagraaf te vervang:
''(i) die betrokke produk wyn, bier, tradisionele Afrika-bier, 'n alkoholiese vrugtedrank, ander gegiste drank, 'n spiritus, 'n druifbasisdrank of 'n spiritusbasisdrank is; en''.

Wysiging van artikel 17 van Wet 60 van 1989

9. Artikel 17 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:
''*(a)* Niemand mag 'n produk met 'n alkoholinhoud van meer as **[een]** 0.5 persent vir drinkdoeleindes uitvoer nie, behalwe op gesag van 'n uitvoersertifikaat deur die beherende amptenaar uitgereik.'';
(b) deur in subartikel (1)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:
''(i) **[bier, sorghumbier en]** medisyne in artikel 4(2) bedoel; en''; en

(c) by the addition of the following subsection:

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

Amendment of section 18 of Act 60 of 1989

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

(a) by the substitution in subsection (1) for paragraph *(a)* 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 and without prior notice, enter upon any place, premises or conveyance—

(i) including a private dwelling, with the consent of the owner or person in charge of the place, premises or conveyance;

(ii) excluding a private dwelling, from which a person conducts or is on reasonable grounds suspected of conducting 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 paragraph *(d)* or without a warrant in terms of paragraph *(e)*.";

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

"*(c)* A person who enters upon any place, premises or conveyance in terms of this subsection shall show proof of his identity and authority **[when requested thereto by the person in charge of the place, premises or conveyance concerned]** and inform the person in charge of the place, premises or conveyance concerned of the purpose of the entry."; and

(c) by the addition in subsection (1) of the following paragraphs:

"*(d)* 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—

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

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

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

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

(e) If a person referred to in subsection (1) believes on reasonable grounds that—

(i) a warrant would be issued to him or her under paragraph *(d)* if he or she applies for such a warrant; and

(ii) 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—

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

"(1) A person referred to in section 18(1) may **[at any reasonable time and in any manner deemed fit by him, without prior notice to any person]**, upon entry of the place, premises or conveyance in terms of that section, seize any liquor product, material, substance or other article, or any book or document, that—

(c) deur die volgende subartikel by te voeg:

"(6) Ondanks die bepalings van hierdie artikel, kan die Minister 'n regspersoon, liggaam van persone of instelling aanwys om die in hierdie artikel bedoelde bevoegdhede uit te voer en pligte te verrig, onderworpe aan die beheer en instruksies van die beherende beampte.".

Wysiging van artikel 18 van Wet 60 van 1989

10. Artikel 18 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* Die beherende amptenaar en 'n beampte wat kragtens 'n delegasie of lasgewing van die beherende amptenaar optree, kan, **[wanneer hy dit nodig ag]** by die uitoefening of uitvoering deur hom of haar van enige bevoegdheid of plig wat die beherende amptenaar by of kragtens hierdie Wet verleen of opgelê is, te eniger redelike tyd en sonder voorafgaande kennisgewing, enige plek, perseel of vervoermiddel betree—

(i) met inbegrip van 'n private woning, met die toestemming van die eienaar of persoon in beheer van die plek, perseel of vervoermiddel;

(ii) met uitsondering van 'n private woning, waaruit iemand sake doen of op redelike gronde vermoed word sake te doen wat onder die bepalings van hierdie Wet of 'n skema val;

(iii) wat 'n private woning is, met gesag van 'n lasbrief uitgereik ingevolge paragraaf *(d)* of sonder 'n lasbrief ingevolge paragraaf *(e)*.";

(b) deur in subartikel (1) paragraaf *(c)* deur die volgende paragraaf te vervang:

"*(c)* Iemand wat 'n plek, perseel of vervoermiddel ingevolge hierdie subartikel betree, moet bewys van sy of haar identiteit en magtiging toon **[wanneer hy deur]** en die persoon in beheer van die betrokke plek, perseel of vervoermiddel **[daartoe versoek word]** inlig van die doel van die betreding."; en

(c) deur die volgende paragrawe in subartikel (1) by te voeg:

"*(d)* Waar dit by aansoek by 'n landdros vir die landdros uit inligting onder eed of bevestiging blyk dat daar redelike gronde is om te glo dat—

(i) die voorwaardes van betreding in subartikel (1)*(a)*(ii) beskryf in verband met 'n private woning, bestaan;

(ii) betreding van daardie private woning nodig is vir enige doel in verband met die administrasie of afdwinging van hierdie Wet; en

(iii) betreding van die private woning geweier is of daardie betreding daarvan geweier sal word,

kan daardie landdros 'n lasbrief uitreik wat die persoon daarin genoem magtig om daardie private woning te betree behoudens voorwaardes wat in die lasbrief gespesifiseer kan word.

(e) Indien iemand in subartikel (1) bedoel, op redelike gronde glo dat—

(i) 'n lasbrief kragtens paragraaf *(d)* aan hom of haar uitgereik sal word of indien hy of sy om so 'n lasbrief aansoek doen; en

(ii) 'n vertraging in die verkryging van sodanige lasbrief die doel van die betreding of ondersoek sal verydel,

kan hy of sy daardie private woning sonder 'n lasbrief betree vir enige doel wat met die administrasie of afdwinging van hierdie Wet verband hou.".

Wysiging van artikel 19 van Wet 60 van 1989

11. Artikel 19 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n Persoon in artikel 18 (1) bedoel, kan **[te eniger redelike tyd en op enige wyse wat hy geskik ag, sonder voorafgaande kennisgewing aan enige persoon]**, by betreding van die plek, perseel of vervoermiddel ingevolge daardie artikel, beslag lê op enige drankproduk, materiaal, stof of ander artikel, of op enige boek of stuk, wat—

(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.''; and

(b) by the addition in subsection (3) of the following paragraphs:

''*(c)* Notwithstanding the provisions of paragraph *(b)*, at the option of the person from whom such a liquor product, material, substance or other article was seized, the administering officer or Authority, as the case may be, may direct that such liquor product, material, substance or other article be destroyed by and at the expense of that person within such period as the administering officer or the Authority, as the case may be, may reasonably determine.

(d) If the person from whom such liquor product, material, substance or other article was seized, fails to destroy that liquor product, material, substance or other article within the period determined in terms of paragraph *(c)*, that liquor product, material, substance or other article shall be forfeited to the State, and thereafter be destroyed.

(e) The State may recover any expenses incurred by it in connection with the destruction of a liquor product, material, substance or other article in terms of paragraph *(d)* from the person from whom such a liquor product, material, substance or other article was seized.''.

Amendment of section 20 of Act 60 of 1989

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

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

''*(b)* 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 in subsection (1) for paragraphs *(a)*, *(b)*, *(c)* and *(g)* of the following paragraphs, respectively:

''*(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)*, 7(3)*(a)*, 8(3)*(a)*, 9(3)*(a)*, 11(1), (2) or (3), 12(1), 16(1)*(a)*, 17(1)*(a)* or 21(1) or (2);

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

(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)*;

(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;''.

(a) betrokke is of op redelike gronde deur hom of haar vermoed word betrokke te wees by die pleging of vermeende pleging van ’n misdryf kragtens hierdie Wet;

(b) tot bewys kan strek van die pleging of vermeende pleging van so ’n misdryf; of

(c) wat bestem is of op redelike gronde deur hom of haar vermoed word bestem te wees om by die pleging van so ’n misdryf gebruik te word.”; en

(b) deur die volgende paragrawe in subartikel (3) by te voeg:

“*(c)* Ondanks die bepalings van paragraaf *(b)*, indien die persoon van wie daardie drankproduk, materiaal, stof of ander artikel in beslag geneem is dit verkies, kan die administrerende beampte of Owerheid, na gelang van die geval, gelas dat daardie drankproduk, materiaal, stof of ander artikel deur en op onkoste van daardie persoon vernietig word binne die tydperk wat die administrerende beampte of Owerheid, na gelang van die geval, redelik kan vasstel.

(d) Indien die persoon van wie daardie drankproduk, materiaal, stof of ander artikel in beslag geneem is, versuim om daardie materiaal, stof of ander atrikel binne die tydperk ingevolge paragraaf *(c)* vasgestel, te vernietig, word daardie drankproduk, materiaal, stof of ander artikel aan die Staat verbeur en daarna vernietig.

(e) Die Staat kan enige onkoste in verband met die vernietiging van ’n drankproduk, materiaal, stof of ander artikel ingevolge paragraaf *(d)*, deur die Staat aangegaan van die persoon verhaal van wie daardie drankproduk, materiaal, stof of ander artikel in beslag geneem is.”.

Wysiging van artikel 20 van Wet 60 van 1989

12. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur paragraaf *(b)* in subartikel (1) deur die volgende paragraaf te vervang:

“*(b)* Die Direkteur-generaal kan ’n instelling met voldoende fasiliteite en personeel met gepaste kwalifikasies, vaardighede en ervaring, aanwys as ontleder vir die doeleindes van die bepalings van hierdie Wet of ’n skema.”; en

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

“(2) Elke monster wat ingevolge artikel 18(4) aan ’n ontleder voorgelê word, word ooreenkomstig die voorgeskrewe metodes **[deur hom]** getoets, ondersoek of ontleed.”.

Wysiging van artikel 23 van Wet 60 van 1989

13. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragrawe *(a)*, *(b)*, *(c)* en *(g)* onderskeidelik deur die volgende paragrawe te vervang:

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

(b) ’n bepaling van artikel 5(3)*(b)*, 6(3)*(b)*, 6A(3)*(b)*, 6B(3)*(b)*, 6C(3)*(b)*, 7(3)*(b)*, 8(3)*(b)*, 9(3)*(b)* of 20(4) oortree of versuim om daaraan te voldoen;

(c) ’n voorwaarde, beperking, verbod, voorbehoud of voorskrif kragtens artikel **[10(4),]** 11(4) of (5)*(b)*, 13A(1), 16(4) of (5), 17(4) of 28(3)*(a)* opgelê, oortree of versuim om daaraan te voldoen;

(g) sonder genoegsame rede weier of versuim om inligting te verstrek of ’n verduideliking te gee of na sy of haar beste vermoë te antwoord op ’n vraag wat regtens deur ’n persoon in artikel 18(1) bedoel, by die uitoefening van sy of haar bevoegdhede of die uitvoering van sy of haar pligte kragtens hierdie Wet of ’n skema van hom of haar eis of aan hom of haar stel, of aan so ’n persoon inligting, ’n verduideliking of antwoord verstrek wat vals of misleidend is terwyl hy of sy weet dat dit vals of misleidend is;”.

Amendment of section 24 of Act 60 of 1989

14. Section 24 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs *(a)*, *(b)*, *(d)* and *(e)* of the following paragraphs, respectively:

''*(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) 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;

(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

(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 or herself 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.''.

Wysiging van artikel 24 van Wet 60 van 1989

14. Artikel 24 van die Hoofwet word hierby gewysig deur in subartikel (1) paragrawe *(a)*, *(b)*, *(d)* en *(e)* onderskeidelik deur die volgende paragrawe te vervang:

“*(a)* word daar vermoed, **[tensy die teendeel bewys word]** by gebrek aan weerleggende getuienis wat redelike twyfel laat ontstaan, dat die toepaslike bepalings van hierdie Wet of ’n skema van toepassing is op die produk ten opsigte waarvan die betrokke misdryf na bewering gepleeg is;

(b) word enige hoeveelheid van ’n drankproduk, materiaal, stof of ander artikel wat in of op ’n plek, perseel of vervoermiddel is wanneer ’n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, geag van dieselfde samestelling as daardie monster te wees, en in alle ander opsigte dieselfde eienskappe as daardie monster te besit, **[tensy die teendeel bewys word]** by gebrek aan weerleggende getuienis wat redelike twyfel laat ontstaan;

(d) is ’n verklaring of inskrywing wat bevat is in ’n boek of stuk wat deur iemand of die bestuurder, agent of werknemer van so iemand, gehou word, of wat gevind word op of in ’n plek of perseel geokkupeer deur, of ’n vervoermiddel gebruik in die besigheid van, so iemand, toelaatbaar as getuienis teen so iemand as ’n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy **[daar bewys word]** weerleggende getuienis gevind word wat redelike twyfel laat ontstaan dat so ’n verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand, in die loop van sy of haar werk as bestuurder of in die loop van sy of haar agentskap of diens gemaak is nie; en

(e) word daar vermoed, **[tensy die teendeel bewys word]** by gebrek aan weerleggende getuienis wat redelike twyfel laat ontstaan, dat ’n permit, magtiging, toestemming, goedkeuring, sertifikaat of ander stuk nie uitgereik, gegee of verleen is nie aan iemand van wie daar ingevolge hierdie Wet of ’n skema vereis word om in besit daarvan te wees.”.

Wysiging van artikel 26 van Wet 60 van 1989

15. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer ’n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van iemand (in hierdie artikel die prinsipaal genoem) enige handeling verrig of versuim om dit te verrig, en dit ’n misdryf kragtens hierdie Wet sou wees indien die prinsipaal self so ’n handeling verrig of versuim om dit te verrig, word daardie prinsipaal geag self die handeling te verrig het of te versuim het om dit te verrig, tensy hy of sy die hof oortuig dat daar ’n redelike moontlikheid is dat—

(a) hy of sy die handeling of versuim van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid nóg veroorloof nóg oogluikend toegelaat het;

(b) hy of sy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en

(c) ’n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard op geen voorwaarde of onder geen omstandigheid binne die bestek van die bevoegdheid of diens van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid geval het nie,

en die feit dat sodanige prinsipaal opdragte uitgereik het waarvolgens ’n handeling of versuim van daardie aard verbied word, **[is]** op sigself nie **[voldoende bewys]** ’n redelike moontlikheid daarstel dat hy of sy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.”.

Amendment of section 27 of Act 60 of 1989

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

(a) by the substitution in subsection (1) for paragraph *(m)* 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 addition in subsection (1) of the following paragraphs:

''*(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,'';

(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]** 12 months or both that fine and that imprisonment.''; and

(d) by the addition of the following subsection:

''(5) The Minister must table regulations made in terms of this Act to Parliament for consideration.''.

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 provisions

18. (1) The Wine and Spirit Board established by section 2 of the principal Act is hereby dissolved.

(2) The members of the Wine and Spirit Board in office immediately prior to the commencement of this Act shall become members of the Wine Certification Authority established in terms of section 2 of the principal Act as amended by this Act and must be regarded as having been appointed to the Wine Certification Authority in terms of that section.

(3) The members contemplated in subsection (2) hold office for the unexpired period of office of such members or until the appointment of members of the Authority in terms of section 2 of the principal Act, whichever is the later.

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, 2021, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Wysiging van artikel 27 van Wet 60 van 1989

16. Artikel 27 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragraaf *(m)* deur die volgende paragraaf te vervang:

‘‘*(m)* die **[hoeveelheid]** kalibrasie, afmeting en merk van tenks, vate en ander houers gebruik in die produksie en berging van drankprodukte **[en die merk daarvan]**;’’;

(b) deur die volgende paragrawe in subartikel (1) in te voeg:

‘‘*(o)* die verpligte registrasie van persone as produsente, vermengers of vullers van drankprodukte;

(p) standaarde vir en die tipe houer en verpakking waarin ’n drankproduk of klas van drankproduk gehou of verkoop moet of kan word asook die minimum of maksimum kapasiteit van so ’n houer,’’;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

‘‘(3) ’n Regulasie kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen, ’n straf voorskryf **[wat]** van ’n boete **[van hoogstens R2 000]** of gevangenisstraf van **[hoogstens ses]** 12 maande of daardie boete sowel as daardie gevangenisstraf **[nie te bowe gaan nie]**.’’; en

(d) deur die volgende subartikel by te voeg:

‘‘(5) Die Minister moet regulasies ingevolge hierdie Wet gemaak in die Parlement ter tafel lê vir oorweging.’’.

Algemene wysiging aan Wet 60 van 1989

17. Die Hoofwet word hierby gewysig—

(a) deur die woorde ‘‘hy’’, ‘‘sy’’, ‘‘hom’’ en ‘‘homself’’, waar dit ook al in die Wet voorkom, behalwe waar dit na ’n regspersoon soos die Owerheid verwys, te vervang deur die woorde ‘‘hy of sy’’, ‘‘sy of haar’’ en ‘‘sigself’’, onderskeidelik; en

(b) deur die woord ‘‘raad’’, waar dit ook al in die Wet voorkom, deur die woord ‘‘Owerheid’’ te vervang.

Oorgangsmaatreëls

18. (1) Die Wyn- en Spiritusraad ingestel by artikel 2 van die Hoofwet word hierby ontbind.

(2) Die lede van die Wyn- en Spiritusraad wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp beklee, word lede van die Wynsertifiseringsowerheid gestig ingevolge artikel 2 van die Hoofwet soos deur hierdie Wet gewysig en moet geag word ingevolge daardie artikel tot die Wynsertifiseringsowerheid aangestel te wees.

(3) Die lede in subartikel (2) beoog beklee die amp vir die onverstreke ampstermyn van daardie lede of tot die aanstelling van lede van die Owerheid ingevolge artikel 2 van die Hoofwet, welke ook al later gebeur.

Wysiging van wette

19. Die wette in die Bylae genoem word hierby gewysig tot die mate in die derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

20. Hierdie Wet heet die Wysigingswet op Drankprodukte, 2021, en tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* vasgestel.

Schedule

LAWS AMENDED

(Section 19)

Act No. and year	Short Title	Extent of repeal or amendment
91 of 1964	Customs and Excise Act, 1964	**1.** The amendment of section 1 by the deletion in subsection (1) of the definition of ''Wine and Spirit Board''. **2.** The substitution for section 30 of the following section: ''**30. Control of the use of spirits for certain purposes [(1) No person shall use spirits, distilled from the product of the vine, in the 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.** **(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. **[(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.]**''.
27 of 1989	Liquor Act, 1989	**1.** The amendment of section 1— *(a)* by the substitution for paragraph *(b)* of the definition of ''alcoholic fruit beverage'' of the following paragraph: ''*(b)* **[a specially authorized liquor]** <u>an other fermented beverage</u> 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;'';

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Bylae

WETTE GEWYSIG

(Artikel 19)

No. en jaar van wet	Kort titel	Omvang van wysiging
91 van 1964	Doeane- en Aksynswet, 1964	**1.** Artikel 1 word gewysig deur in subartikel (1) die omskrywing van ‘‘Wyn- en Spiritusraad’’ te skrap. **2.** Artikel 30 word deur die volgende artikel vervang: **‘‘30. Beheer van die gebruik van spiritus vir sekere doeleindes [(1) Niemand mag spiritus, wat van die voortbrengsel van die wingerdstok gedistilleer is, by die vervaardiging van alkoholiese dranke gebruik tensy sodanige spiritus deur die Wyn- en Spiritusraad as geskik vir voormelde gebruik gesertifiseer is nie: Met dien verstande dat indien die Raad weier om enige spiritus as geskik vir voormelde gebruik te sertifiseer, die vervaardiger sodanige spiritus kan herdistilleer, of dit kan behandel volgens enige metode wat die Raad goedkeur en daarna kan die Raad die spiritus sertifiseer as geskik vir gebruik by die vervaardiging van alkoholiese dranke.** **(2)]** Die vermenging van brandewyn **[ingevolge artikel 9(1)*(b)* van die Wet op Beheer oor Wyn en Spiritualieë, 1970 (Wet No. 47 van 1970),]** en die vervaardiging van spiritus van enige ander drank of enige ander nie-synsbare goedere is aan die toesig deur ’n beampte onderhewig wat die Kommissaris in elke geval nodig ag. **[(3) Die bepalings van subartikel (1) is nie van toepassing op ’n landboudistilleerder of ’n wynbouer wat alkoholiese dranke vir sy private gebruik kragtens die bepalings van hierdie Wet vervaardig nie.]**’’.
27 van 1989	Drankwet, 1989	**1.** Artikel 1 word gewysig— *(a)* deur paragraaf *(b)* van die omskrywing van ‘‘alkoholiese vrugtedrank’’ deur die volgende paragraaf te vervang: ‘‘*(b)* **[’n spesiaal gemagtigde drank]** <u>en ander gegiste drank</u> soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989, wat verkry is deur die alkoholiese gisting van die sap van vars lemoene tesame met rietsuiker;’’;

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

No. en jaar van wet	**Kort titel**	**Omvang van wysiging**
		(b) deur die omskrywing van ‘‘bier’’ deur die volgende omskrywing te vervang: ‘‘ **‘bier’** bier soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989, maar sluit nie sorghumbier in nie;’’; en *(c)* deur die omskrywing van ‘‘sorghumbier’’ deur die volgende omskrywing te vervang: ‘‘ **‘sorghumbier’**— *(a)* **[die drank algemeen bekend as sorghumbier en gewoonlik vervaardig van graansorghum, giers of ander graan]** tradisionele Afrika-bier soos omskryf in artikel 1 van die Wet op Drankprodukte, 1989; of *(b)* enige ander gegiste drank kragtens subartikel (2)*(c)* tot sorghumbier verklaar;’’.
Wama-59 wezi-2003	Umthetho woTshwala, wezi-2003	**1.** Ukuchibiyelwa kwesigaba soku-1— *(a)* ngokususa incazelo ‘‘yobhiya’’; *(b)* ngokufaka endaweni yencazelo ‘‘yotshwala’’ incazelo elandelayo: ‘‘ **‘utshwala’** kusho— *(a)* umkhiqizo wotshwala, njengokuba uchaziwe esigabeni soku-1 se- *Liquor Products Act*, we-1989 (uMthetho wama- 60 we-1989); noma *(b)* **[ubhiya noma utshwala besiNtu; noma** ***(c)*]** noma iyiphi into noma isiphuzo esimemezelwe ukuthi siwutshwala ngaphansi kwesigaba sama-42(2)*(a)*;’’; *(c)* ukususwa kwencazelo ‘‘yotshwala beSintu’’; kanye *(d)* ukususwa kwencazelo ‘‘yempuphu yotshwala beSintu’’. **2.** Ukufaka endaweni esigabeni sama-42(2)*(a)* yesiqeshana (i) isiqeshana esilandelayo: ‘‘(1) ukumemezela ukuthi into noma isiphuzo esifakwe imbiliso ukuthi **[siwubhiya] [utshwala besiNtu]** noma into engangeniswa ezweni; noma’’. **3.** Ukususwa kohlamvu lwesi-8 lweSheduli yoku-1.