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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

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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.
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(*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

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woerde in vet druk in vierkantige hakies dui weglatings uit bestaande verordeninge aan.
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- _____ Woerde met 'n volstreep daaronder dui invoegings in bestaande verordeninge aan.
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*(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 "alkoholinhou" 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;”;

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- (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: 40

“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; 45
- (ii) three officers of the department nominated by the Director-General; 50

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

“drankproduk”—

- (a) wyn;
- (b) 'n alkoholieuse 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;"

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(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 alkoholieuse 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

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- (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;"

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

“Minister” die Minister van Landbou, Bosbou en Visserye;"

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(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];”

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(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

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(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

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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.

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(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;

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