1. PROPOSED AMENDMENTS TO REGULATIONS OF LIQUOR PRODUCTS ACT

The administering officer of the Liquor Products Act, 60 of 1989, has proposed amendments to the Regulations of said act to the Department of Agriculture, Forestry and Fisheries for consideration and eventual approval and publication by the Minister of Agriculture, Forestry and Fisheries. The proposed amendments are the result of inputs and requests from and consultations with various parties, including the industries concerned. Due consideration by DAFF will take some time, but we shall let you know as soon as publication happens and make an updated set of Regulations available for download. Please note that we set out the proposed amendments for information purposes only – they are not actionable until approved and published by the Minister. Noteworthy proposed amendments are:

1.1 Minimum alcohol content for natural wine

Proposed to be lowered from 6,5 per cent to 4,5 per cent.

1.2 Requirements for pot still brandy

Stricter requirements proposed. Pot still brandy bottled after 31 December 2013 may not contain any unmatured content (currently a maximum of 10 per cent allowed). Barrel sizes for maturation beyond the minimum maturation period of 3 years prescribed: (a) beyond 3 years up to 8 years – maximum 340 L oak casks, (b) beyond 8 years – maximum 1 000 L oak casks.

1.3 Requirements for vintage brandy

Stricter requirements proposed. Vintage brandy bottled after 31 December 2013 must contain –

- at least 30 per cent and not more than 80 per cent pot still wine spirit matured for a minimum of 8 years in oak casks with a capacity of not more than 340 litres; and
- at least 20 per cent and not more than 70 per cent non-pot still wine spirit matured for a minimum of 8 years in oak casks with a capacity of not more than 340 litres.

Maturation beyond the minimum of 8 years must be in oak casks with a capacity of not more than 1 000 litres.
1.4 Importation requirements

Proposed to be updated to reflect current practices. ANNEX A shows the proposed amendments in tracked format.

1.5 Grape varieties allowed for wine production

"Grüner Veltliner" and "Zanthe Korinthe" proposed to be added to the list.

1.6 Sugar content requirements for dry and semi-dry wine

Higher maximum limits for the residual sugar content for these classes of wine proposed, but coupled with minimum total acidity limits, as follows:

- The residual sugar content of dry wine shall not exceed 5.0 gram per litre, or not exceed 9.0 gram per litre if the total acidity expressed as gram of tartaric acid per litre is not more than 2 gram below the residual sugar content.
- The residual sugar content of semi-dry/medium dry wine shall be more than 5.0 gram per litre, but not exceed 12.0 gram per litre, or not exceed 18.0 gram per litre if the total acidity expressed as gram of tartaric acid per litre is not more than 10 gram below the residual sugar content.

1.7 Requirements for cocktail/aperitif

Minimum alcohol strength for this class of liquor product proposed to be lowered from 15 per cent to 2.5 per cent, with the requirements for this product proposed to be amended to:

(a) A cocktail/aperitif shall be produced by the addition of herbs, natural extracts of herbs, other flavourants of vegetable origin or extracts thereof, flavourants that are nature-identical or egg, to wine in such a manner that the product has a distinctive taste and aroma which differs from that of wine or a class of wine.

(b) The wine used in the preparation of a cocktail/aperitif shall comprise at least 50 per cent of the finished product.

(c) A cocktail/aperitif, which contains a dairy product and has an alcohol content of 15 per cent or more, may be bottled only until 1 July 2015.

(d) A cocktail/aperitif, which does not comply with the provisions of paragraph (b) and has an alcohol content of 15 per cent or more, may be bottled only until 1 July 2015.

1.8 Requirements for liqueur

Minimum alcohol strength for this class of liquor product proposed to be lowered from 24 per cent to 15 per cent.

1.9 Substances which may be added to liquor products – Table 6 of the Regulations

The following amendments to this Table proposed:

- Carbon dioxide may be added to a spirit.
Chitin-glucan derived from *Aspergillus niger* and Chitosan derived from *Aspergillus niger* may be added to wine, alcoholic fruit beverages and grape-based liquors, in accordance with the prescriptions set out in ANNEX B.

A dairy product no longer allowed to be added to a cocktail/aperitif unless as allowed until 1 July 2015 – see subparagraph (c) of paragraph 1.7 above.

A spirit may not be added to a cocktail/aperitif with an alcohol content below 15 per cent.

The final alcoholic product of the fermentation of fruit, which has been stripped of its character to the extent that the essential flavour and taste of the fermented alcoholic fruit product concerned have been lost, may be added to a spirit-based liquor.

**1.10 Substances which may be removed from liquor products – Table 7 of the Regulations**

Proposed that cation exchange resins be allowed to be used to remove tartrates and other substances which could affect the stability of wine. ANNEX C lists the conditions which will apply.

**2 PROPOSED AMENDMENTS TO WINE OF ORIGIN SCHEME**

Recommended by the Wine and Spirit Board to the Minister of Agriculture, Forestry and Fisheries for approval and publication. Noteworthy proposed amendments are:

**2.1 Requirements for noble late harvest wine**

Under the provisions of the Wine of Origin Scheme a noble late harvest wine must, as a minimum requirement, both be a wine of origin and a vintage year wine. Proposed that the latter be done away with as a compulsory requirement.

**2.2 Grape varieties allowed for the production of certified wine**

"Grüner Veltliner" and "Zanthe Korinthe" proposed to be added to the list.

**3 CERTIFICATION SEAL FOR BULK EXPORTS**

The Department of Agriculture, Forestry and Fisheries (DAFF), the Wine and Spirit Board and SAWIS investigated the practical feasibility of issuing certification seals for wine exported in bulk. It was decided that this was not feasible at this stage for, inter alia, the following reasons:

- Resource and cost implications for DAFF and SAWIS.
- Logistical and control difficulties regarding labels, blending, seals used and destroyed, returning of samples, volumes, etcetera.
- Implications in respect of Integrated Production of Wine and a future ethical seal.
- A negative impact on the credibility of our system.

**4 SWARTLAND BULK EXPORTS**

At the request of Swartland producers the Wine and Spirit Board has recommended to the Minister of Agriculture, Forestry and Fisheries that, as from 1 January 2014, a wine of origin of the area of production Swartland may not be exported in bulk. Obviously, such wine will still be able to
be exported in bulk under the name of an encompassing larger production area, e.g. Coastal Region and Western Cape.

5 GENERALLY KNOWN VITICULTURE AREAS

Section 11(3)(a)(ii) of the Liquor Products Act prohibits the use in connection with the sale of wine of "the name under which an area in the Republic where viticulture is practised is generally known, irrespective of whether the boundaries of such area can readily be determined or not:". To foster legal certainty the Wine and Spirit Board has requested the Minister of Agriculture, Forestry and Fisheries to publish an updated list of these names. See ANNEX D for the proposed list of names.

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THE WINE AND SPIRIT BOARD
WINE OF ORIGIN (WO) • INTEGRATED PRODUCTION OF WINE (IPW) • ESTATE BRANDY
PART 3

IMPORTATION REQUIREMENTS

42. **Exemptions** [16 (1) (b) (iii); 27 (1)(a)]

An import certificate shall not be required in respect of products with an alcohol content of more that one per cent that are imported for drinking purposes:

(a) and form part of the personal luggage of a person who arrives in the Republic, provided such products:

   (ai) in total do not exceed 12 litres in volume; **Provided that such products produced and bottled in the Republic do not count towards the 12 litres; and**

   (bii) are **not** intended for sale, but solely for personal use/consumption by that person, his household and his non-paying guests.; **and**

(b) by a Head of State, or by a diplomatic or other foreign representative referred to in Item 406.00 of Schedule 4 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), provided such importer provides the administering officer with:

   (i) an inventory in which full particulars of the products concerned are furnished;

   (ii) a written undertaking that the products concerned will not be sold in the Republic; and

   (iii) proof that he or she is a Head of State, or a diplomatic or other foreign representative referred to in Item 406.00 of Schedule 4 of the Customs and Excise Act, 1964 (Act No. 91 of 1964).

43. **Application for import certificates** [16 (2); 27 (1) (a)]

(1) An application for an import certificate shall be made on a form obtainable from the administering officer for this purpose.

(2) Such form shall:

   (a) be completed by the importer concerned or a person duly authorized to apply on his behalf;

   (b) be lodged with the administering officer;

   (c) except where otherwise provided in regulation 44, be accompanied by the prescribed fees;

   (d) except where otherwise provided in regulation 45, be accompanied by a sample of the product concerned;

   (e) except where otherwise provided in regulation 46, be accompanied by a certificate of analysis in respect of the product concerned;

   (f) where applicable, be accompanied by the other documents required elsewhere in this Part; and

   (g) in the case of a product in respect of which particular production, compositional or maturation requirements are required by these regulations, be accompanied by documentary proof, issued by a competent authority in the country of origin of that product, in which the compliance of those requirements are confirmed.

(3) Subject to the provisions of subregulation (4), separate applications shall be thus lodged in respect of:

   (a) products supplied by the same foreign supplier but which differ in respect of container, composition and labelling; and

   (b) products with the same container, composition and labelling, that are supplied by different foreign suppliers.
If a person intends to move to the Republic, one application may be submitted by him in respect of all the products forming part of his household or personal effects, provided -

(a) that person was not resident in the Republic during the 12 months preceding his application;
(b) the volume of those products, excluding products produced and bottled in the Republic, that differ in respect of container, composition and labeling, does not exceed 24 litres each; and
(c) the application concerned is also accompanied by -

(i) an inventory in which full particulars of the products concerned are furnished;
(ii) evidence of the fact specified in paragraph (a); and
(iii) a written undertaking by the applicant concerned that he will not sell those products in the Republic;
(iv) a certified copy of the identification document or, in the case of a legal person, the applicable registration document, of the importer; and
(v) a letter of authority if the applicant is acting on behalf of the importer.

If an application for an import certificate, excluding an application referred to in subregulation (4), relates to a product other than wine, an alcoholic fruit beverage, a spirit, a grape-based liquor or a spirit-based liquor, the administering officer shall submit that application to the board for consideration with a view to a recommendation as contemplated in section 16(3)(b)(iv) of the Act.

44. Exemption from payment of fees [16 (2); 27 (1) (a)]

In the case of –

(a) an importer who is an officer who served overseas in a diplomatic capacity and returns to the Republic after completion of his or her term of duty;
(b) an application for products intended solely for personal use;
(c) an importer referred to in regulation 43(4);
(d) an application for products intended as bona fide trade samples;
(e) an application for products intended to be utilized for scientific purposes; and
(f) an application for products intended to be utilized during national or international events,

the prescribed fees shall not be payable in respect of –

(a) liquor products produced and bottled in the Republic, as well as the first 180 litres of other products; provided that –

Provided that the applicant concerned is an officer who served overseas in a diplomatic capacity and returns to the Republic after completion of his term of duty;

(b) the application concerned is also accompanied by the documents referred to in regulation 43(4)(c)(i), (iii), (iv) and, if applicable, (v); a product intended to be utilized for scientific purposes;

(c) in the case of an application referred to in paragraphs (a), (b) and (c) of this regulation, the volume of those products, excluding products produced and bottled in the Republic, that differ in respect of container, composition and labelling, does not exceed 24 litres each, a product in respect of which exemption from the submission of a sample in terms of regulation 45(1)(b) has been granted; and

(d) in the case of an application referred to in paragraphs (b), (d) and (e) of this regulation, the volume applied for, excluding products produced and bottled in the Republic, together with the total volume of products, excluding products produced and bottled in the Republic, imported
under the provisions of this regulation by that importer during the 12 months preceding his or her application, does not exceed 180 litres; products in respect of which an application was made under the circumstances set out in regulation 43(4); and

(iv) in the case of an application referred to in paragraphs (d), (e) and (f) of this regulation, the application concerned is also accompanied by documentary evidence of the trade, scientific or national or international event purposes, as the case may be, the products are intended for.

45. **Samples of products intended for import** [16 (2); 27 (1) (a)]

(1) A sample of a product shall not be required in the case of an application for an import certificate—referred to in regulation 44(a), (b), (c), (d), (e) or (f), irrespective of the provisos of that regulation.

(a) made under the circumstances set out in regulation 43(4); and

(b) in respect of which the payment of a fee is exempted in terms of regulation 44, or in respect of a product intended for consumption solely by the applicant concerned, his household and his non paying guests or as a *bona fide* trade sample, provided -

(i) that product is a liquor product and does not exceed 24 litres in volume;

(ii) such volume together with the total volume of liquor products imported by that applicant during the 12 months preceding his application under such exemption, does not exceed 180 litres in volume; and

(iii) the application concerned is also accompanied by a written undertaking by the applicant concerned that he will not sell that product in the Republic.

(2) (a) The sample that shall accompany an application for an import certificate shall -

(i) consist of at least 750 ml of the product concerned;

(ii) in the case of a product intended for import in the labelled containers in which it is to be sold in the Republic, consist of at least one such labelled container; and

(iii) be identified by affixing a label to the container thereof on which the serial number of the application concerned and the name and address of the applicant concerned are indicated.

(b) Two specimens of the labels on a container referred to in paragraph (a)(ii) shall be filed together with the applicable application in terms of regulation 43(1).

46. **Certificates of Analysis** [16 (2); 27 (1) (a)]

(1) A certificate of analysis in respect of a product shall not be required in the event of an application for an import certificate -

(a) under the circumstances contemplated in regulations 43(1) or 45(1)(b) referred to in regulation 44(a), (b), (c), (d), (e) or (f), irrespective of the provisos of that regulation; or

(b) that is accompanied by an acceptable certificate of analysis, which -

(i) has been issued in the country of origin of the product concerned by a competent authority recognised by the administering officer for this purpose; and

(ii) contains such particulars as are necessary to enable the administering officer to ascertain whether the product concerned complies with the requirements of the Act and these regulations.

(2) An application for a certificate of analysis shall be accompanied by the prescribed fee.

47. **Issuing of import certificates** [16 (3) (b) (i); 27 (1), (1) (a)]

(1) An import certificate shall -
(a) in the case of a product other than wine, an alcoholic fruit beverage, a spirit, a grape-based liquor and a spirit-based liquor, be issued only if the substances specified in column 1 of Table 8 do not occur in that product to a greater extent than that specified in column 2 of the said Table; and

(b) in the case of a product intended to be imported in the labelled containers in which it is to be sold in the Republic, be issued only if the administering officer is satisfied that the labels thereof comply with the requirements set out in the Act and these regulations.

(2) The administering officer shall endorse an import certificate with the conditions of issue thereof.

48. Certificates of removal for imported liquor products [27 (1)]

(1) (a) Subject to the provisions of paragraph (b) a liquor product imported on the authority of an import certificate shall remain in a customs and excise warehouse until a certificate of removal has been issued in respect thereof by the administering officer.

(b) The administering officer may, in the case of a consignment packed or contained in a sealed shipping container, on application approve that such shipping container may be removed from a customs and excise warehouse to such other premises as he may determine, on condition that the liquor product concerned may not be removed from the shipping container before a certificate of removal has been issued in respect thereof.

(2) (a) An application for a certificate of removal shall be made on a form obtainable from the administering officer for this purpose.

(b) Such form shall -
   (i) be completed by the importer concerned or a person duly authorized to apply on his behalf;
   (ii) be accompanied by the prescribed fees, as well as the bill of entry or pro forma invoice in respect of the product concerned, and any other documents required in terms of conditions determined under section 16(4)(a) of the Act and endorsed on the import certificate concerned; and
   (iii) be lodged with the administering officer.

(3) (a) The administering officer may for the purposes of the consideration of an application referred to in subregulation (2), require that the importer concerned supply to him a sample of the liquor product concerned.

(b) Such sample shall -
   (i) consist of at least 750 mℓ of the liquor product concerned;
   (ii) in the case of a liquor product imported in the labelled containers in which it is to be sold in the Republic, consist of at least one such labelled container;
   (iii) be taken at random from the consignment concerned;
   (iv) be taken thus by the importer concerned or his agent under the supervision of the administering officer, and be suitably sealed;
   (v) be identified by affixing a label thereto on which the number of the import certificate concerned and the name and address of the importer concerned are indicated;
   (vi) be forwarded to or delivered at the office of the administering officer by the importer concerned or his agent; and
   (vii) as soon as practicable after receipt thereof by the administering officer, be analysed by an analyst.

(4) A certificate of removal shall be issued in respect of a liquor product only if the administering officer is satisfied that -
(a) the particulars of the product in respect of which it is required corresponds with that of the liquor product in respect of which the import certificate concerned was issued;

(b) in the case of a liquor product imported in the labelled containers in which it is to be sold in the Republic, those labels comply with the requirements of the Act and these regulations; and

(c) the conditions determined under section 16(4)(a) of the Act in respect thereof and endorsed on the import certificate concerned have been complied with.

(5) The provisions of section 16(5) of the Act shall apply mutatis mutandis to a product in respect of which the administering officer refuses to issue a certificate of removal.

49. Disposal of liquor products imported in bulk [16 (4) (b); 27 (1) (a)]

(1) A liquor product that is imported in bulk shall not without the written permission of the administering officer, in the form of a certificate issued by the administering officer -

(a) prior to bottling be blended with any other liquor product; and

(b) after bottling be sold in the Republic; and

(a) prior to or after bottling be exported to another country.

(2) (a) An application for such permission shall be made on a form obtainable from the administering officer for this purpose.

(b) Such form shall -

(i) be completed by the importer concerned or a person duly authorized to apply on his behalf;

(ii) be accompanied by the prescribed fees;

(iii) in the case of a permission referred to in subregulation (1)(a), be accompanied by samples of each of the components to be used for the blend;

(iv) in the case of a permission referred to in subregulation (1)(b), be accompanied by a sample of the liquor product that has been bottled, or has been bottled after blending; and

(v) be lodged with the administering officer.

(c) Two specimens of the labels to be affixed to the containers of such liquor product shall be filed together with the applicable application in terms of subregulation (1).

(3) A permission for the sale of a liquor product after bottling shall be granted only if the administering officer is satisfied that the liquor product concerned and the labels to be affixed to the containers thereof comply with the requirements of the Act and these regulations.
USE OF CHITIN-GLUCAN OR CHITOSAN IN THE TREATMENT OF LIQUOR PRODUCTS

1. (a) This substance may only be used for -
   (i) reduction in the heavy metal content, particularly iron, lead, cadmium and copper;
   (ii) prevention of ferric casse and copper casse;
   (iii) clarification;
   (iv) reduction of possible contaminants, especially ochratoxin A; and
   (v) in the case of chitosan, reduction in the populations of undesirable micro-organisms, in particular *Brettanomyces*.

(b) Dose levels shall be determined after a qualification test, but may not exceed -
   (i) 100 g/hl for the applications referred to in paragraph (a)(i), (ii) and (iii) of this note;
   (ii) 500 g/hl for the application referred to in paragraph (a)(iv) of this note; and
   (iii) 10 g/hl for the application referred to in paragraph (a)(v) of this note.

(c) Sediments shall be removed using physical processes.
USE OF CATION EXCHANGE RESINS IN THE TREATMENT OF WINE

(a) The treatment shall be limited to the elimination of excess cations.

(b) The wine shall first of all be cooled.

(c) Only the minimum fraction of wine necessary to obtain stability shall be treated with cation exchange resins.

(d) The treatment shall be carried out on acid-regenerated cation exchange resins.

(e) To avoid the production of fractions of wine, the treatment shall be performed continuously, with in-line incorporation of the treated wine into the original wine.

(f) Notwithstanding the provisions of paragraph (e) of this note, as an alternative, the resin may be directly introduced into a tank of must, in the quantities required, and then separated by any appropriate technical method.

(g) Initial acidity shall not be raised by more than 54 mg/l.

(h) If must and wine are treated, the cumulative net increase in acidity shall not exceed 54 mg/l.

(i) The treatment shall not alter the nature of the wine.

(j) The treatment shall not reduce the colour intensity of the wine.

(k) The treatment shall not decrease the concentration of metallic cations in the wine below 300 mg/l.

(l) The treatment shall not lower the wine's pH below 3.0 and a decrease in pH shall not exceed 0.3 pH units.

(m) The resin shall not leave substances in the wine or impart to it characteristics, as a result of the resin-based treatment, that do not ordinarily exist in wine.

(n) The treatment shall be carried out under the responsibility of an oenologist or specialist technician.

(o) Conditioning agents and regenerants composed of water and inorganic acids, bases or salts may be used, provided that the conditioned or regenerated resin is washed in water until all conditioning agents and regenerants are removed before adding the wine.
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<td>NAMES OF GENERALLY KNOWN VITICULTURE AREAS</td>
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Vyeboom
Waaihoek
Wabooms River (Wagenboom) / Waboomsrivier (Wagenboom)
Wakkerstroom
Warmbaths / Warmbad
Warmsand
Klipdrif         Wemmershoek
Klipheuwel      West Coast / Weskus
Koelenhof       Wilgenhoutsdrif
Koffiefontein   Wolseley
Kraaifontein    Wynands River / Wynandsrivier
Kuils River / Kuilsrivier Zeekoesteek
Kys             Zoar
Ladismith