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The following Draft Ordinance is published for general information

A
DRAFT ORDINANCE

To provide for the licensing of trades and occupations; to amend or to repeal existing laws relating to licensing of trades and occupations; and to provide for matters incidental thereto.

Introduced by MR. DE HAAS, M.E.C.

DIVISION OF ORDINANCE.

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Administrateurskennisgewing 773

8 Mei 1974

Onderstaande Ontwerpordonnansie word vir algemene inligting gepubliseer:—

N
ONTWERPORDONNANSIE

Om voorsiening te maak vir die lisensiering van handelsbesighede en beroepe; om bestaande wette betreffende lisensiering van handelsbesighede en beroepe te wysig of te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Ingedien deur MNR. DE HAAS, L.U.K.

INDELING VAN ORDONNANSIE.

INLEIDEND.

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BE IT ENACTED by the Provincial Council of Transvaal as follows: —

PRELIMINARY.

Definitions.

1. In this Ordinance, unless the context otherwise indicates —

- (i) "Administrator" means the officer appointed in terms of the provisions of section 66 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), acting on the advice and with the consent of the Executive Committee of the Province; (i)
- (ii) "appellant" means a party who has appealed in terms of the provisions of section 43(1); (ii)
- (iii) "authorized officer" means —
 - (a) a member of the South African Police;
 - (b) a provincial inspector in the service of the Transvaal Provincial Administration; or
 - (c) a person authorized in terms of the provisions of section 66(2) to carry out an inspection; (ix)
- (iv) "business" means a trade or occupation referred to in section 2; (iv)
- (v) "business premises" means business premises referred to in section 8(2)(a); (v)

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DIE Provinsiale Raad van Transvaal **VERORDEN AS VOLG:** —

INLEIDEND.

Woordomskrywing.

1. In hierdie Ordonnansie, tensy uit die samehang anders blyk, beteken —

- (i) "Administrateur" die amptenaar aangestel ingevolge die bepalings van artikel 66 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), handelende op die advies en met die toestemming van die Uitvoerende Komitee van die Provinsie; (i)
- (ii) "appellant" 'n party wat ingevolge die bepalings van artikel 43(1) ge-appelleer het; (ii)
- (iii) "beampte" die sekretaris of 'n ander lid van die personeel van 'n lisensieraad of 'n lisensie-appelraad, 'n lid van die personeel van 'n uitreikingsowerheid, 'n gemagtigde beampte of 'n gesondheidsbeampte; (xvii)
- (iv) "besigheid" 'n handelsbesigheid of beroep in artikel 2 genoem; (iv)
- (v) "besigheidspersoneel" 'n besigheidspersoneel in artikel 8(2)(a) genoem; (v)
- (vi) "bevoegde owerheid", met betrekking tot die goedkeuring van enige bouplan van 'n gebou wat —
 - (a) binne 'n munisipaliteit geleë is of sal wees, die betrokke plaaslike bestuur; of

- (vi) "competent authority", in relation to the approval of any building plan of a building which is or will be situated —
 - (a) within a municipality, the local authority concerned; or
 - (b) outside a municipality, the Regional Director of State Health Services concerned or any person acting on his behalf; (vi)
- (vii) "control certificate" means a control certificate as contemplated in section 20(1); (xii)
- (viii) "health officer" means, in relation to a business carried on or to be carried on —
 - (a) within a municipality, the "medical officer of health" or the "sanitary inspector" who has been appointed by the local authority concerned respectively in terms of the provisions of section 12 or 14 of the Public Health Act, 1919 (Act 36 of 1919) for its municipality or, if such an appointment has not been made, the Regional Director of State Health Services concerned or any person acting on his behalf; or
 - (b) outside a municipality, the Regional Director of State Health Services concerned or any person acting on his behalf; (x)
- (ix) "issuing authority" means the issuing authority as contemplated in section 11(2); (xxiii)
- (x) "licence" means a licence as contemplated in Schedule I; (xiv)
- (xi) "licensing appeal board" means a licensing appeal board established in terms of the provisions of section 38(1); (xv)
- (xii) "licensing area" means a licensing area as contemplated in section 3(2); (xvi)
- (xiii) "licensing board" means a licensing board established in terms of the provisions of section 3(1); (xvii)
- (xiv) "local authority" means a city council, town council, village council or health committee established in terms of the provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) and includes the Transvaal Board for the Development of Peri-Urban Areas established in terms of the provisions of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance 20 of 1943); (xxi)
- (xv) "magistrate" includes an additional magistrate and an assistant magistrate; (xiii)
- (xvi) "municipality" means the area under the control and jurisdiction of a city council, town council, village council, health committee or the Transvaal Board for the Development of Peri-
- (b) buite 'n munisipaliteit geleë is of sal wees, die betrokke Streekdirekteur van Staatsgesondheidsdienste of iemand wat namens hom optree; (vi)
- (vii) "dorp" 'n dorp soos in artikel 1 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965) omskryf; (xxiv)
- (viii) "dorpsbeplanningskema" 'n ontwerp-skema, 'n voorlopige skema of 'n goedgekeurde skema soos in artikel 1 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 omskryf; (xxiii)
- (ix) "gemagtigde beampte" —
 - (a) 'n lid van die Suid-Afrikaanse Polisie;
 - (b) 'n provinsiale inspekteur in die diens van die Transvaalse Provinsiale Administrasie; of
 - (c) 'n persoon wat ingevolge die bepalings van artikel 66(2) gemagtig is om 'n inspeksie uit te voer; (iii)
- (x) "gesondheidsbeampte", met betrekking tot 'n besigheid wat gedryf word of gedryf sal word —
 - (a) binne 'n munisipaliteit, die "geneeskundige amptenaar van gezondheid" of die "inspekteur van gezondheid" wat deur die betrokke plaaslike bestuur onderskeidelik kragtens die bepalings van artikel 12 of 14 van die Volksgezondheidswet, 1919 (Wet 36 van 1919) vir sy munisipaliteit aangestel is of, indien geen sodanige aanstelling gemaak is nie, die betrokke Streekdirekteur van Staatsgesondheidsdienste of iemand wat namens hom optree; of
 - (b) buite 'n munisipaliteit die betrokke Streekdirekteur van Staatsgesondheidsdienste of iemand wat namens hom optree; (viii)
- (xi) "hierdie Ordonnansie" ook enige regulasies daarkragtens gemaak; (xxii)
- (xii) "kontrolesertifikaat" 'n kontrolesertifikaat soos in artikel 20(1) beoog; (vii)
- (xiii) "landdros" ook 'n addisionele landdros en 'n assistent landdros; (xv)
- (xiv) "lisensie" 'n lisensie soos in Bylae I beoog; (x)
- (xv) "lisensie-appèlraad" 'n lisensie-appèlraad ingevolge die bepalings van artikel 38(1) ingestel; (xi)
- (xvi) "lisensiegebied" 'n lisensiegebied soos in artikel 3(2) beoog; (xii)
- (xvii) "lisensieraad" 'n lisensieraad ingevolge die bepalings van artikel 3(1) ingestel; (xiii)

Urban Areas referred to in the definition of "local authority" and includes an outside area as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939); (xviii)

- (xvii) "officer" means the secretary or other member of the staff of a licensing board or a licensing appeal board, a member of the staff of an issuing authority, an authorized officer or a health officer; (iii)
- (xviii) "party", in relation to a licensing board, means a party as contemplated in section 18(1) or 34(1) and, in relation to a licensing appeal board, means a party as contemplated in section 44(1); (xx)
- (xix) "prescribed" or any similar word, means prescribed by regulation; (xxiv)
- (xx) "record of the proceedings", in relation to a licensing board, means the record of the proceedings referred to in section 22(1) and, in relation to a licensing appeal board, means the record of the proceedings referred to in section 47(1); (xix)
- (xxi) "secretary", in relation to a licensing board, means the secretary referred to in section 4(1)(a) and, in relation to a licensing appeal board, means the secretary referred to in section 38(7); (xxii)
- (xxii) "this Ordinance" includes any regulation made in terms thereof; (xi)
- (xxiii) "town-planning scheme" means a draft scheme, an interim scheme or an approved scheme as defined in section 1 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965); (viii)
- (xxiv) "township" means a township as defined in section 1 of the Town-planning and Townships Ordinance, 1965. (vii)

Purpose of Ordinance.

2. The purpose of this Ordinance is to provide for the licensing of the trades and occupations specified in Schedule I and for matters incidental thereto.

CHAPTER I.

LICENSING BOARDS.

Establishment of licensing boards.

3.(1) The Administrator may, as hereinafter provided, from time to time by notice in the *Provincial Gazette*, establish as many licensing boards as he may deem necessary.

(2) A licensing board shall be established for a licensing area as the Administrator may from time to time define and he may at any time alter such area.

(xviii) "munisipaliteit" die gebied onder die heer en regsbevoegdheid van 'n grootstadsraad, stadsraad, dorpsraad, gesondheidskomitee of die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede in die omskrywing van "plaaslike bestuur" genoem en omvat 'n buitengebied soos in artikel 2 van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), omskryf; (xvi)

- (xix) "oorkonde van die verrigtinge", met betrekking tot 'n lisensieraad, die oorkonde van die verrigtinge in artikel 22(1) genoem en, met betrekking tot 'n lisensie-appelraad, die oorkonde van die verrigtinge in artikel 47(1) genoem; (xx)
- (xx) "party", met betrekking tot 'n lisensieraad, 'n party soos in artikel 18(1) of artikel 34(1) beoog en, met betrekking tot 'n lisensie-appelraad, 'n party soos in artikel 44(1) beoog; (xviii)
- (xxi) "plaaslike bestuur" 'n grootstadsraad, stadsraad, dorpsraad of gesondheidskomitee ingestel ingevolge die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939) en omvat die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede ingestel ingevolge die bepalings van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie 20 van 1943); (xiv)
- (xxii) "sekretaris", met betrekking tot 'n lisensieraad, die sekretaris in artikel 4(1)(a) genoem en, met betrekking tot 'n lisensie-appelraad, die sekretaris in artikel 38(7) genoem; (xxi)
- (xxiii) "uitreikingsowerheid" 'n uitreikingsowerheid soos in artikel 11(2) beoog; (ix)
- (xxiv) "voorgeskrif" of enige dergelike woord, by regulasie voorgeskryf. (xix)

Doel van Ordonnansie

2. Die doel van hierdie Ordonnansie is om voorsiening te maak vir die lisensiering van die handelsbesighede en beroepe in Bylae I gespesifiseer en vir aangeleenthede wat daarmee in verband staan.

HOOFSTUK I

LISENSIERADE.

Instelling van lisensieraade.

3. (1) Die Administrateur kan soos hierna bepaal, van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* soveel lisensieraade instel as wat hy nodig ag.

(2) 'n Lisensieraad word vir 'n lisensiegebied soos deur die Administrateur van tyd tot tyd omskryf, ingestel en hy kan te eniger tyd sodanige lisensiegebied verander.

(3) The seat of each licensing board shall be situated at the office of a local authority as the Administrator may determine.

(4) A licensing board shall consist of a chairman and four other members.

(5) The chairman of a licensing board shall be a magistrate or any other person who has the legal qualifications and experience which the Administrator deems suitable.

(6) Subject to the provisions of subsection (5), the Administrator shall appoint for every chairman who is not a magistrate, an alternate who shall take the place of such chairman and who shall perform his functions and exercise his duties when the office of chairman is vacant or the chairman is absent or is unable to act.

(7) A member of a licensing board, excluding the chairman, shall, unless the Administrator considers it not possible to do so, be appointed on the ground of his knowledge of local government, commerce or industry, the needs and requirements of consumers or the needs and requirements of the farming community.

(8) A member of a licensing board who is not in the full-time service of the State, shall receive from the Provincial Revenue Fund the remuneration prescribed by the Administrator generally or in respect of a particular licensing board and every such member shall receive from such Fund such travelling allowance likewise prescribed by the Administrator.

(9) The Administrator may by notice in the *Provincial Gazette*, subject to such directions as he may consider expedient in connection with the disposal of any pending matter, disestablish any licensing board.

(10) Where the Administrator, in terms of the provisions of subsection (2), alters the boundaries of a licensing area, any matter which is under consideration by the licensing board concerned on the date of such alteration shall be disposed of by that licensing board as if such alteration had not taken place.

Staff of and office facilities for a licensing board. 4.(1) The local authority as contemplated in section 3(3) shall provide—

(a) from its staff a secretary for that board and such other staff as may be necessary to perform the administrative and clerical duties in connection with the activities of that board; and

(b) the necessary office facilities for that board and its staff.

(2) The secretary and other staff referred to in subsection (1) shall remain in the service of and be remunerated by the local authority concerned.

(3) Die setel van elke lisensieraad is geleë by die kantoor van 'n plaaslike bestuur soos deur die Administrateur bepaal.

(4) 'n Lisensieraad bestaan uit 'n voorsitter en vier ander lede.

(5) Die voorsitter van 'n lisensieraad moet 'n landdros wees of iemand anders wat die regskwalifikasies en ondervinding het wat die Administrateur geskik ag.

(6) Behoudens die bepalings van subartikel (5), stel die Administrateur vir elke voorsitter, wat nie 'n landdros is nie, 'n plaasvervanger aan wat die plek van sodanige voorsitter inneem en sy bevoegdhede uitoefen en sy pligte vervul wanneer die amp van voorsitter vakant is of die voorsitter afwesig is of nie in staat is om op te tree nie.

(7) 'n Lid van 'n lisensieraad, uitgenome die voorsitter, word, tensy die Administrateur dit nie moontlik ag nie, aangestel op grond van sy kennis van plaaslike bestuur, handel of nywerheid, die behoeftes en vereistes van verbruikers of die behoeftes en vereistes van die boeregemeenskap.

(8) 'n Lid van 'n lisensieraad, wat nie in die voltydse diens van die Staat is nie, ontvang uit die Provinsiale Inkomstefonds die vergoeding wat die Administrateur in die algemeen of in die geval van 'n besondere lisensieraad voorskryf en elke sodanige lid ontvang uit daardie fonds sodanige reistoelae as wat die Administrateur insgelyks voorskryf.

(9) Die Administrateur kan die instelling van enige lisensieraad, onderworpe aan sodanige opdragte as wat hy dienstig ag in verband met die afhandeling van enige hangende aangeleentheid, by kennisgewing in die *Provinsiale Koerant* ontbind.

(10) Waar die Administrateur die grense van 'n lisensiegebied ingevolge die bepalings van subartikel (2) verander, word enige aangeleentheid wat op die datum van sodanige verandering deur die betrokke lisensieraad onder oorweging is, deur daardie lisensieraad afgehandel asof sodanige verandering nie plaasgevind het nie.

Personeel van en kantoor-geriewe vir 'n lisensieraad.

4. (1) Die plaaslike bestuur in artikel 3(3) beoog, voorsien—

(a) uit sy personeel 'n sekretaris vir daardie raad en sodanige ander personeel wat nodig mag wees om die administratiewe en klerklike pligte in verband met die werksaamhede van daardie raad te vervul; en

(b) die nodige kantoorgeriewe vir daardie raad en sy personeel.

(2) Die sekretaris en ander personeel in subartikel (1) genoem, bly in diens van en word besoldig deur die betrokke plaaslike bestuur.

Sittings and decisions of a licensing board.

5.(1) The first sitting of a licensing board shall take place on a day, at a time and place which shall be determined by the chairman of that board.

(2) An ordinary sitting of a licensing board shall be held every month on a day, at a time and place determined by the chairman of that board, unless there is no matter for the consideration or decision of such board.

(3) A special sitting of a licensing board may be convened at any time by the chairman of his own accord or at the request of an applicant for a licence, on a day, at a time and place determined by the chairman: Provided that such applicant shall pay such costs incurred in connection with such special sitting as may be prescribed.

(4) The secretary of a licensing board shall give at least 24 hours notice to every member of the board concerned of every sitting convened by the chairman.

(5) The chairman and two other members of a licensing board shall form a quorum for a sitting of such board.

(6) The decision of the majority of the members of a licensing board present at a sitting thereof shall be the decision of the board concerned: Provided that any point of law which may arise, and the question whether it is in fact a point of law, shall be decided by the chairman thereof alone.

(7) In the event of an equality of votes the chairman of a licensing board shall, in addition to his deliberative vote, have a casting vote.

(8) A licensing board may from time to time adjourn any sitting thereof to a day, time and place determined by it.

(9) A sitting of a licensing board shall be held in public, except when —

- (a) such board is deliberating or voting on a matter before it; or
- (b) such board decides on reasonable grounds that the public or a section thereof shall be excluded from any such sitting.

Disqualifications to be a member of a licensing board.

6.(1) No person shall be appointed or continue as a member of a licensing board if —

- (a) he is under the age of 25 years;
- (b) he is an employee of a local authority;
- (c) he is an unrehabilitated insolvent;
- (d) a notice issued in terms of the provisions of section 22(1) of the Agricultural Credit Act, 1966 (Act 28 of 1966) is applicable to him;
- (e) he is not a South African citizen;
- (f) he has at any time been convicted of an offence for which he has been sentenced to imprisonment without the option of a fine, unless he has been granted a free pardon or such imprisonment has expired at least 3 years before the date of his appointment;

Sittings en besluite van 'n lisensieraad.

5.(1) Die eerste sitting van 'n lisensieraad vind plaas op 'n dag, tyd en plek wat deur die voorsitter van daardie raad bepaal word.

(2) 'n Gewone sitting van 'n lisensieraad word elke maand gehou op 'n dag, tyd en plek deur die voorsitter van daardie raad bepaal, tensy daar geen aangeleentheid vir die oorweging of beslissing van sodanige raad is nie.

(3) 'n Spesiale sitting van 'n lisensieraad kan te eniger tyd deur die voorsitter uit eie beweging of op versoek van 'n aansoeker om 'n lisensie belê word op 'n dag, tyd en plek wat die voorsitter bepaal: Met dien verstande, dat sodanige aansoeker sodanige koste aangegaan in verband met sodanige spesiale sitting as wat voorgeskryf word, betaal.

(4) Die sekretaris van 'n lisensieraad gee minstens 24 uur kennis aan elke lid van die betrokke raad van elke sitting wat deur die voorsitter belê word.

(5) Die voorsitter en twee ander lede van 'n lisensieraad maak 'n kworum vir 'n sitting van sodanige raad uit.

(6) Die besluit van die meerderheid van die lede van 'n lisensieraad wat by 'n sitting daarvan aanwesig is, is die besluit van die betrokke raad: Met dien verstande dat enige regspunt wat mag ontstaan en die vraag of dit inderdaad 'n regspunt is, deur die voorsitter daarvan alleen beslis word.

(7) In die geval van 'n staking van stemme, het die voorsitter van 'n lisensieraad, benewens sy beraadslagende stem, 'n beslissende stem.

(8) 'n Lisensieraad kan van tyd tot tyd enige sitting daarvan verdaag tot 'n dag, tyd en plek wat hy bepaal.

(9) 'n Sitting van 'n lisensieraad word in die openbaar gehou, behalwe wanneer —

- (a) sodanige raad beraadslaag of stem oor 'n aangeleentheid wat voor hom dien; of
- (b) sodanige raad op redelike gronde besluit dat die publiek of deel daarvan uitgesluit moet word van sodanige sitting.

Onbevoegdhede om 'n lid van 'n lisensieraad te wees.

6. (1) Niemand kan as lid van 'n lisensieraad aangestel word of aanbly nie, indien —

- (a) hy onder die ouderdom van 25 jaar is;
- (b) hy 'n werknemer van 'n plaaslike bestuur is;
- (c) hy 'n ongerehabiliteerde insolvente persoon is;
- (d) 'n kennisgewing, uitgereik ingevolge die bepalings van artikel 22(1) van die Wet op Landboukrediet, 1966 (Wet 28 van 1966) op hom van toepassing is;
- (e) hy nie 'n Suid-Afrikaanse burger is nie;
- (f) hy te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete, tensy volle gracie aan hom toegestaan is of sodanige gevangenisstraf minstens 3 jaar voor die datum van sy aanstelling verstryk het;

- (g) he is subject to an order of court declaring him to be insane or to be mentally disordered or defective or if in terms of the provisions of the Mental Health Act, 1973 (Act 18 of 1973), he is being detained as mentally disordered or defective; or
- (h) in the licensing area of the licensing board concerned he carries on a business or if he is a director of any company or a partner in any partnership which carries on a business in such area or is employed in any such business.

(2) No member of a licensing board shall take part in the proceedings of any such board in terms of the provisions of this Ordinance if he has any direct or indirect interest, whether pecuniary or otherwise, in any matter which is being considered by any such board.

(3) Any member of a licensing board who contravenes the provisions of subsection (2) shall be guilty of an offence.

Period of office and termination of membership of a member of a licensing board and the filling of any vacancy.

7.(1) The period of office of a member of a licensing board shall be 3 years and he may be re-appointed: Provided that if the Administrator is of the opinion that a member has not performed his duties satisfactorily or that in the public interest the termination of his appointment is necessary or desirable, he may, at any time, terminate the appointment of such a member.

(2) A member of a licensing board shall cease to be a member if, without having obtained the prior leave of the chairman of the board concerned, he has been absent from 3 consecutive sittings of such board.

(3) When for any reason the office of a member of a licensing board becomes vacant, the Administrator shall, subject to the provisions of sections 3 and 6, appoint a successor for such member and such successor shall remain in office for the unexpired period of office of his predecessor: Provided that a notice as contemplated in section 3(1), shall not be necessary for such appointment.

CHAPTER II.

WHEN A LICENCE REQUIRED AND FEES PAYABLE.

When a licence is required.

8.(1) No person shall carry on any business —

- (a) unless he is the holder of a licence for such business or is otherwise authorized thereto by or in terms of the provisions of this Ordinance; or

(b) contrary to any condition, restriction or requirement endorsed on the licence concerned.

(2) Subject to any provision to the contrary in this Ordinance contained, in respect of every business which is or will be carried on in the licensing area concerned —

- (g) hy onderworpe is aan 'n hofbevel wat hom as kranksinnig of as geestelik gekrenk of gebrekkig verklaar of ingevolge die bepalings van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), aangehou word as geestelik gekrenk of gebrekkig; of

- (h) hy in die lisensiegebied van die betrokke lisensieraad 'n besigheid dryf of indien hy 'n direkteur is van 'n maatskappy of 'n vennoot is in enige vennootskap, wat 'n besigheid dryf in sodanige gebied of by enige sodanige besigheid in diens is.

(2) Geen lid van 'n lisensieraad neem aan die verrigtinge van enige sodanige raad ingevolge die bepalings van hierdie Ordonnansie deel nie indien hy enige direkte of indirekte belang, hetsy geldelik of andersins, het by enige aangeleentheid wat deur enige sodanige raad oorweeg word.

(3) Enige lid van 'n lisensieraad wat die bepalings van subartikel (2) oortree, is aan 'n misdryf skuldig.

Ampstermyn en beëindiging van lidmaatskap van 'n lid van 'n lisensieraad en die vulling van enige vakature.

7. (1) 'n Lid van 'n lisensieraad se ampstermyn is 3 jaar en hy kan weer aangestel word: Met dien verstande dat die Administrateur, as hy van mening is dat 'n lid nie sy pligte bevredigend verrig het nie of dat die beëindiging van sy aanstelling in die openbare belang noodsaaklik of wenslik is, te eniger tyd die aanstelling van so 'n lid kan beëindig.

(2) 'n Lid van 'n lisensieraad hou op om lid te wees indien hy, sonder om verlof vooraf van die voorsitter van die betrokke raad te verkry, van 3 agtereenvolgende sittings van sodanige raad afwesig was.

(3) Wanneer die amp van 'n lid van 'n lisensieraad om enige rede vakant raak, stel die Administrateur, behoudens die bepalings van artikels 3 en 6, 'n opvolger vir so 'n lid aan, en so 'n opvolger beklee sy amp vir die onverstreke ampstermyn van sy voorganger: Met dien verstande dat 'n kennisgewing soos in artikel 3(1) beoog, nie vir so 'n aanstelling nodig is nie.

HOOFSTUK II.

WANNEER 'N LISENSIE VEREIS WORD EN GELDE BETAALBAAR.

Wanneer 'n lisensie vereis word.

8.(1) Niemand mag enige besigheid dryf nie —

- (a) tensy hy die houër van 'n lisensie vir sodanige besigheid is of andersins by of ingevolge die bepalings van hierdie Ordonnansie daartoe gemagtig is; of

- (b) strydig met enige voorwaarde, beperking of vereiste wat op die betrokke lisensie geëndosseer is.

(2) Behoudens enige andersluidende bepaling in hierdie Ordonnansie vervat, word, ten opsigte van elke besigheid wat in die betrokke lisensiegebied gedryf word of sal word —

- (a) vir elke vaste perseel of vaste plek waar sodanige besigheid aldus gedryf word of sal word, asook vir elke sodanige perseel of plek

(a) a separate licence shall be required for every fixed premises or fixed place where such business is or will thus be carried on, as well as for every such premises or place where any goods with which such business is or will be carried on, are or will be kept or stored and such premises or place shall be known as business premises: Provided that only one licence shall be required in respect of any single business —

(i) which is or will be carried on by the same person or the same partnership in adjoining portions of business premises which are divided by means of a wall; or

(ii) if the goods or some thereof, with which such business is or will be carried on within a municipality, are or will also be kept or stored at any other business premises, within such municipality, than the business premises where such business is or will be carried on; and

(b) a separate licence shall, in the case where such business is or will not be carried on in, on or from business premises, be required for every such business within a municipality as well as for every such business outside a municipality.

(3) Where a licence for a particular business authorizes the carrying on of any business activity other than that for which such licence is required, the holder of such licence shall, in respect of such other business activity, be exempt from the obligation to obtain any other licence therefor in terms of the provisions of this Ordinance.

(4) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

9.(1) Unless otherwise provided for in this Ordinance, every licence shall be valid up to and including the 31st day of December of the year in respect of which it was issued and every such licence shall be known as an annual licence.

(2) A licence referred to in subsection (1) may be renewed in terms of the provisions of Chapter V.

10.(1) The licence fee specified in each item of Schedule I shall be levied and be payable in respect of the licence to which every such item relates: Provided that where the liability to take out an annual licence arises after the 30th day of June in any year, the licence fee for such year shall be reduced by one-half.

(2) Subject to any provision to the contrary in this Ordinance contained, any person who fails to take out a licence within one month after the date upon which he becomes liable to take out a licence in terms of the provisions of this Ordinance or who pays an amount which is less than the licence fee payable in terms of the provisions of this Ordinance for such licence, shall, in addition to the licence fee specified in the appropriate item of Schedule I, pay for each month or part of a month during which he is liable for the payment of the licence fee, or

waar enige goedere waarmee sodanige besigheid gedryf word of sal word, gehou of opgeberg word of sal word, 'n afsonderlike lisensie vereis, en sodanige perseel of plek staan bekend as 'n besigheidsperseel: Met dien verstande dat slegs een lisensie vereis word ten opsigte van enige enkele besigheid —

(i) wat deur dieselfde persoon of dieselfde vennootskap gedryf word of sal word in aangrensende gedeeltes van 'n besigheidsperseel wat deur middel van 'n muur verdeel is; of,

(ii) indien die goedere of sommige daarvan, waarmee sodanige besigheid binne 'n munisipaliteit gedryf word of sal word, ook op 'n ander besigheidsperseel, binne sodanige munisipaliteit, as die besigheidsperseel waar sodanige besigheid gedryf word of sal word, gehou of opgeberg word of sal word; en

(b) in die geval waar sodanige besigheid nie in, op of vanaf 'n besigheidsperseel gedryf word of sal word nie, vir elke sodanige besigheid binne 'n munisipaliteit sowel as vir elke sodanige besigheid buite 'n munisipaliteit, 'n afsonderlike lisensie vereis.

(3) Waar 'n lisensie vir 'n bepaalde besigheid, die dryf van enige besigheidsbedrywigheid magtig ander as die waarvoor sodanige lisensie vereis word, word die houër van sodanige lisensie, ten opsigte van sodanige ander besigheidsbedrywigheid vrygestel van die verpligting om enige ander lisensie, ingevolge die bepalings van hierdie Ordonnansie daarvoor te verkry.

(4) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

9.(1) Tensy anders in hierdie Ordonnansie bepaal is, elke lisensie van krag tot en met die 31ste dag van Desember van die jaar ten opsigte waarvan dit uitgereik is, en elke sodanige lisensie staan bekend as 'n jaarlikse lisensie.

(2) 'n Lisensie in subartikel (1) genoem, kan hernuwe word ingevolge die bepalings van Hoofstuk V.

10.(1) Die lisensiegeld in elke item van Bylae I gespesifiseer, word gehef en is betaalbaar ten opsigte van die lisensie waarop elke sodanige item betrekking het: Met dien verstande dat waar aanspreeklikheid om 'n jaarlikse lisensie uit te neem na die 30ste dag van Junie in enige jaar ontstaan, die lisensiegeld vir sodanige jaar met die helfte verminder word.

(2) Behoudens enige andersluidende bepaling in hierdie Ordonnansie vervat, moet iemand wat versuim om binne een maand na die datum waarop hy aanspreeklik word om 'n lisensie ingevolge die bepalings van hierdie Ordonnansie uit te neem, of wat 'n bedrag betaal wat minder is as die lisensiegeld ingevolge die bepalings van hierdie Ordonnansie vir so 'n lisensie betaalbaar, benewens die lisensiegeld gespesifiseer in die toepaslike item van Bylae I, vir elke maand of deel van 'n maand waartydens hy vir betaling van die lisensiegeld aanspreeklik is of waartydens sodanige geld te min betaal bly, 'n boete betaal bereken teen die koers van 10 persent van die

Period of validity of an annual licence.

Licence fees payable.

Geldigheidsduur van 'n jaarlikse lisensie.

Lisensiegeld betaalbaar.

during which such fee remains underpaid, a penalty calculated at the rate of 10 per cent of the unpaid licence fee: Provided that such penalty shall not exceed the licence fee so specified or the licence fee so underpaid, as the case may be.

(3) The payment of any amount in terms of subsection (2) shall not relieve any person of any criminal liability arising from his failure to take out a licence nor shall the fact that any person has been criminally punished for such failure relieve him from liability to pay any amount in terms of this section.

CHAPTER III.

ISSUING AUTHORITY.

Issuing authority in respect of a licence.

11.(1) When an application for the issue of a new licence or for the renewal of a licence is, in terms of the provisions of this Ordinance granted to carry on any business, such licence shall be issued, if the business is or will be carried on —

- (a) within a municipality, by the local authority concerned;
- (b) outside a municipality, in any portion of the licensing area of the licensing board concerned, by the local authority within whose municipality the seat of such board is;
- (c) in the whole licensing area of a licensing board, by the local authority within whose municipality the seat of such board is; or
- (d) in the whole Province —
 - (i) if the business premises of such business are situated within a municipality, by the local authority concerned; or
 - (ii) if such business is not or will not be carried on in, on or from business premises, by the local authority of Pretoria.

(2) Any local authority as contemplated in subsection (1), shall be known as an issuing authority.

(3) Where any duty or function, other than a duty or function referred to in subsection (1), has in terms of the provisions of this Ordinance to be performed or exercised by an issuing authority, such duty shall be performed or function exercised by the issuing authority which is authorised to issue a licence as contemplated in that subsection.

CHAPTER IV.

APPLICATION FOR THE ISSUE OF A NEW LICENCE AND PROCEDURE IN CONNECTION THEREWITH.

Application for the issue of a new licence.

12.(1) An application for the issue of a new licence for a business shall be submitted on the form as determined by the Administrator to the secretary of the licensing board in whose licensing

onbetaalde lisensiegeld: Met dien verstaande dat sodanige boete nie die aldus gespesifiseerde lisensiegeld of die lisensiegeld wat aldus te min betaal is, na gelang van die geval, te bowe gaan nie.

(3) Die betaling van enige bedrag ingevolge subartikel (2) onthef niemand van strafregtelike aanspreeklikheid wat uit sy versuim om 'n lisensie uit te neem, voortspruit nie en ook onthef die feit dat iemand strafregtelik vir so 'n versuim gestraf is hom nie van aanspreeklikheid vir betaling van enige bedrag ingevolge hierdie artikel nie.

HOOFSTUK III.

UITREIKINGSOWERHEID.

Uitreikingsowerheid ten opsigte van 'n lisensie.

11.(1) Wanneer 'n aansoek om die uitreiking van 'n nuwe lisensie of om 'n hernuwing van 'n lisensie ingevolge die bepalings van hierdie Ordonnansie toegestaan word om enige besigheid te dryf, word sodanige lisensie uitgereik, indien die besigheid gedryf word of sal word —

- (a) binne 'n munisipaliteit, deur die betrokke plaaslike bestuur;
- (b) buite 'n munisipaliteit, in enige gedeelte van die lisensiegebied van die betrokke lisensieraad, deur die plaaslike bestuur binne wie se munisipaliteit die setel van sodanige raad is;
- (c) in die hele lisensiegebied van 'n lisensieraad, deur die plaaslike bestuur binne wie se munisipaliteit die setel van sodanige raad is; of
- (d) in die hele Provinsie —
 - (i) as die besigheidspersoneel van sodanige besigheid binne 'n munisipaliteit geleë is, deur die betrokke plaaslike bestuur; of
 - (ii) as sodanige besigheid nie in, op of vanaf 'n besigheidspersoneel gedryf word of sal word nie, deur die plaaslike bestuur van Pretoria.

(2) Enige plaaslike bestuur soos in subartikel (1) beoog, staan bekend as 'n uitreikingsowerheid.

(3) Waar enige plig of funksie, behalwe 'n plig of funksie in subartikel (1) genoem, ingevolge die bepalings van hierdie Ordonnansie deur 'n uitreikingsowerheid vervul of uitgeoefen moet word, word sodanige plig vervul of funksie uitgeoefen deur die uitreikingsowerheid wat gemagtig is om 'n lisensie soos in daardie subartikel beoog, uit te reik.

HOOFSTUK IV.

AANSOEK OM DIE UITREIKING VAN 'N NUWE LISENSIE EN PROSEDURE IN VERBAND DAAR-MEE.

Aansoek om die uitreiking van 'n nuwe lisensie.

12.(1) 'n Aansoek om die uitreiking van 'n nuwe lisensie vir 'n besigheid word op die vorm soos deur die Administrateur bepaal by die sekretaris van die lisensieraad in wie se lisensiegebied

area the business is or will be carried on: Provided that where such licence is valid for the whole Province, such application shall be submitted to the secretary of the licensing board where the business premises of such business are or will be situated or if there are no such business premises, to the secretary of the licensing board in whose area the municipality of Pretoria is situated.

(2) Together with an application referred to in subsection (1) there shall be submitted —

- (a) such application fee for the consideration of the application as is specified in the appropriate item of Schedule I;
- (b) any authority, which in terms of the provisions of any other law is required from the applicant concerned before a licensing board may grant an application for the issue of a licence or before a licence may be issued to such applicant; and
- (c) such other documents and particulars as may be prescribed.

Notice of submission of an application for the issue of a new licence.

13. After submission of an application as contemplated in section 12(1), the applicant concerned shall give such notice thereof as may be prescribed in respect of any particular licence or licences in general.

Duty of a secretary of a licensing board to obtain certain reports, information and recommendations.

14.(1) Upon the receipt of an application for the issue of a new licence —

- (a) the secretary of the licensing board concerned may, of his own accord, or shall, if so instructed by such board, request the officer in charge of the South African Police station for the licensing area where the business is or will be carried on to furnish a report stating whether any conviction for any offence is recorded against the applicant, including any person who is a partner in a partnership who is the applicant, and the person who is or will be in actual and effective control of the business and any such officer is hereby authorized to report accordingly; and
- (b) the secretary of the licensing board concerned shall, if the business is or will be carried on within a municipality, furnish the local authority concerned or, if the business is or will be carried on outside a municipality, the Regional Director of State Health Services concerned, with a copy of the application referred to in section 12(1) and shall request such local authority or Regional Director to furnish him with a recommendation and report on any matter referred to in section 19(2).

(2) For the purpose of identifying an applicant or a person referred to in subsection (1)(a) any member of the South African Police shall be entitled to take the finger and palm prints of such applicant or person.

(3) The local authority or Regional Director concerned may, for the purpose of subsection (1)(b), require the applicant to submit a plan.

so, 'n besigheid gedryf word of sal word, ingedien: Met dien verstande dat waar sodanige lisensie vir die hele Provinsie geldig is, sodanige aansoek by die sekretaris van die lisensieraad waar die besigheidperseel van sodanige besigheid geleë is of sal wees, of waar daar geen sodanige besigheidperseel is nie, by die sekretaris van die lisensieraad in wie se gebied die munisipaliteit van Pretoria geleë is, ingedien word.

(2) Saam met 'n aansoek in subartikel (1) genoem, word daar ingedien —

- (a) sodanige aansoekgeld vir die oorweging van die aansoek as wat in die toepaslike item van Bylae I gespesifiseer word;
- (b) enige magtiging wat ingevolge die bepalings van enige ander wet van die betrokke aansoeker vereis word alvorens 'n lisensieraad 'n aansoek vir die uitreiking van 'n lisensie mag toestaan of alvorens 'n lisensie aan sodanige aansoeker uitgereik mag word; en
- (c) sodanige ander dokumente en besonderhede as wat voorgeskryf mag word.

Kennisgewing van indiening van 'n aansoek om 'n nuwe lisensie.

13. Na die indiening van 'n aansoek soos in artikel 12(1) beoog, gee die betrokke aansoeker sodanige kennis daarvan as wat voorgeskryf word ten opsigte van enige besondere lisensie of lisensies in die algemeen.

Plig van 'n sekretaris van 'n lisensieraad om sekere verslae, inligting en aanbevelings te verkry.

14.(1) By ontvangs van 'n aansoek om die uitreiking van 'n nuwe lisensie —

- (a) kan die sekretaris van die betrokke lisensieraad, uit eie beweging, of moet hy, indien aldus deur sodanige raad beveel, die bevelvoerende beampte van die Suid-Afrikaanse Polisie kantoor vir die lisensiegebied waar die besigheid gedryf word of sal word, versoek om 'n verslag te verstrek waarin gemeld word of enige skuldigbevinding aan enige misdryf teen die aansoeker, met inbegrip van enig iemand wat 'n vennoot is in 'n vennootskap, wat die aansoeker is, en die persoon wat in werklike en effektiewe beheer van sodanige besigheid is of sal wees, aangeteken is en enige sodanige beampte word hierby gemagtig om dienooreenkomstig verslag te doen; en
- (b) moet die sekretaris van die betrokke lisensieraad, indien die besigheid binne 'n munisipaliteit gedryf word of sal word, die betrokke plaaslike bestuur, of indien die besigheid buite 'n munisipaliteit gedryf word of sal word, die betrokke Streekdirekteur van Staatsgesondheidsdienste, voorsien van 'n afskrif van die aansoek in artikel 12(1) genoem, en sodanige plaaslike bestuur of Streekdirekteur versoek om hom van 'n aanbeveling en verslag te voorsien oor enige aanleentheid in artikel 19(2) genoem.

(2) Vir die doel om 'n aansoeker of persoon in subartikel (1)(a) genoem, te identifiseer, het enige lid van die Suid-Afrikaanse Polisie die reg om die vinger- en palmafdrukke van sodanige aansoeker of persoon te neem.

(3) Die betrokke plaaslike bestuur of Streekdirekteur kan, vir die toepassing van subartikel (1)(b), van die aansoeker vereis om 'n plan, deur

approved by the competent authority, of the business premises concerned, on which such particulars as may be prescribed, are indicated.

(4) A local authority or the Regional Director of State Health Services may, for the purpose of subsection (1)(b), carry out an inspection of the business premises to which the application relates and the applicant shall be liable for any costs which the local authority concerned or the Department of Health may levy in this regard.

Power of a licensing board to direct that a plan of business premises be submitted.

15. A licensing board may direct an applicant who has not been required to submit a plan, as contemplated in section 14(3), to submit such plan to such board.

Objection against an application for the issue of a new licence.

16.(1) Any person, including the State or a local authority, may within such period and in such manner as may be prescribed, lodge a written objection with the secretary of the licensing board concerned against the application for the issue of a new licence.

(2) Any such objection shall comply with such requirements as may be prescribed.

(3) Subject to the provisions of subsection (4), an objection shall not be accepted for consideration by the licensing board concerned unless it complies with the requirements prescribed in terms of subsections (1) and (2) and, where an objection does not comply with such requirements, the secretary of the licensing board concerned shall forthwith notify the objector thereof.

(4) A copy of the report, if any, referred to in section 14(1)(a), any recommendation or report referred to in section 14(1)(b) which is of an unfavourable nature and of every objection referred to in subsection (1) shall, within such period as may be prescribed, be served by the secretary of the licensing board concerned on the applicant.

(5) Any recommendation or report referred to in section 14(1)(b) and any objection referred to in subsection (1), shall during office hours be open for inspection by any person at the office of the secretary of the licensing board concerned.

(6) A licensing board may of its own accord take notice of any matter or thing which in its opinion constitutes an objection to the granting of any application for a new licence, if the applicant is notified thereof and is afforded an opportunity to reply thereto.

Date of hearing of an application for a new licence by a licensing board.

17. After the expiry of the period for the lodging of an objection as contemplated in section 16(1) and after receipt of the reports referred to in section 14(1), the chairman of the licensing board concerned shall fix the date, time and place for the hearing of the application, and the secretary of such board shall, at least 10 days before the date so fixed, notify the applicant and every person whose objection has in terms of section 16 been accepted for consideration, of such date.

Bevoegdheid van 'n lisensieraad om te gelas dat 'n plan van 'n besigheidspersoon ingedien word.

die bevoegde owerheid goedgekeur, van die besigheidspersoon waarop sodanige besonderhede as wat voorgeskryf mag word, aangedui word, in te dien.

(4) 'n Plaaslike bestuur of die Streekdirekteur van Staatsgesondheidsdienste kan, vir die toepassing van subartikel (1)(b), 'n inspeksie van die besigheidspersoon waarop die aansoek betrekking het, uitvoer en die aansoeker is verantwoordelik vir betaling van enige koste wat die betrokke plaaslike bestuur of die Departement van Gesondheid in dié verband mag hef.

15. 'n Lisensieraad kan 'n aansoeker, van wie nie, soos in artikel 14(3) beoog, vereis is om 'n plan in te dien nie, gelas om sodanige plan by sodanige raad in te dien.

Beswaar teen 'n aansoek om die uitreiking van 'n nuwe lisensie.

16.(1) Enigiemand, insluitende die Staat of 'n plaaslike bestuur, kan binne sodanige tydperk en op sodanige wyse as wat voorgeskryf word, by die sekretaris van die betrokke lisensieraad 'n skriftelike beswaar teen 'n aansoek om die uitreiking van 'n nuwe lisensie indien.

(2) Enige sodanige beswaar moet voldoen aan sodanige vereistes as wat voorgeskryf word.

(3) Behoudens die bepalinge van subartikel (4), word 'n beswaar nie deur die betrokke lisensieraad vir oorweging aanvaar nie tensy dit aan die vereistes ingevolge subartikels (1) en (2) voorgeskryf, voldoen en, waar 'n beswaar nie aan sodanige vereistes voldoen nie, stel die sekretaris van die betrokke lisensieraad die beswaarmaker onverwyld daarvan in kennis.

(4) 'n Afskrif van die verslag, indien daar is, in artikel 14(1)(a) genoem, enige aanbeveling of verslag in artikel 14(1)(b) genoem wat 'n ongunstige strekking het, en van elke beswaar in subartikel (1) genoem, word deur die sekretaris van die betrokke lisensieraad binne sodanige tydperk as wat voorgeskryf word aan die aansoeker beteken.

(5) Enige aanbeveling of verslag in artikel 14(1)(b) genoem, en enige beswaar in subartikel (1) genoem, is gedurende kantoorure by die sekretaris van die betrokke lisensieraad ter insae van enigiemand beskikbaar.

(6) 'n Lisensieraad kan uit eie beweging kennis neem van enige aangeleentheid of saak wat na sy mening, 'n beswaar teen die toestaan van 'n aansoek om 'n nuwe lisensie uitmaak, indien die aansoeker daarvan verwittig en 'n geleentheid gegun word om daarop te antwoord.

Datum van verhoor van 'n aansoek om 'n nuwe lisensie deur 'n lisensieraad.

17. Na verstryking van die tydperk vir die indiening van enige beswaar soos in artikel 16(1) beoog, en na ontvangs van die verslae in artikel 14(1) genoem, stel die voorsitter van die betrokke lisensieraad die datum, tyd en plek vir die verhoor van die aansoek vas, en gee die sekretaris van sodanige raad minstens 10 dae voor die datum wat aldus vasgestel is, daarvan kennis aan die aansoeker en aan elke persoon wie se beswaar ingevolge artikel 16 vir oorweging aanvaar is.

Proceedings of and evidence before a licensing board in connection with an application for a new licence.

18.(1) At the hearing of an application for the issue of a new licence by a licensing board, the applicant, an objector whose objection has in terms of section 16 been accepted for consideration and a local authority which or Regional Director of State Health Services who has furnished a recommendation or report in terms of the provisions of section 14(1)(b), may appear before the licensing board concerned or submit a written argument to such board in connection with such application, and every person who so appears or who so submits such argument, shall be a party to such application.

(2) Every party to an application for the issue of a new licence may be represented by an advocate or an attorney and, in the case of the State or a local authority, also by a person who is in the service of the State or the local authority concerned, and every such party may give evidence and be heard either personally or through his representative, hand in any document, call any witness and cross-examine any witness called by any other party or by the licensing board.

(3) If a licensing board has reason to believe that any person has information or knowledge or is in possession of any book, document or object, relating to any matter pending before such board, that board may either at the request of any party or of its own motion, cause a summons in the form, determined by the Administrator to be served on such person to appear before such board to give evidence and to produce such book, document or object.

(4) Before any person gives evidence before a licensing board, he shall take an oath or make an affirmation which shall be administered by the chairman of the licensing board concerned.

(5) In connection with the examination of any person by or before a licensing board or the giving of evidence or the production of a book, document or object to such board, the law relating to privilege as applicable to a person who has been summoned to give evidence or to produce any book, document or object before a court of law, shall apply.

(6) Any person who knowingly gives false evidence before a licensing board shall be guilty of an offence.

(7) Any person on whom a summons has been served in terms of the provisions of subsection (3) shall be guilty of an offence if he, without sufficient cause—

(a) fails to appear on the date and at the time and place specified in the summons or to remain in attendance until the conclusion of the proceedings of the licensing board concerned or until he is excused by the chairman of that licensing board;

(b) refuses to take an oath or to make an affirmation in terms of the provisions of subsection (4);

(c) refuses or fails to produce any book, document or object referred to in the summons; or

Verrigtinge van en getuienis voor 'n lisensieraad in verband met 'n aansoek om 'n nuwe lisensie.

18.(1) By die verhoor van 'n aansoek om die uitreiking van 'n nuwe lisensie deur 'n lisensieraad, kan die aansoeker, 'n beswaarmaker wie se beswaar ingevolge artikel 16 vir oorweging aanvaar is, en 'n plaaslike bestuur of 'n Streekdirekteur van Staatsgesondheidsdienste, wat ingevolge die bepalings van artikel 14(1)(b) 'n aanbeveling of verslag voorsien het, voor die betrokke lisensieraad verskyn of 'n skriftelike betoog aan sodanige raad voorlê in verband met sodanige aansoek en enigiemand wat aldus verskyn of aldus sodanige betoog voorlê, is 'n party by sodanige aansoek.

(2) Elke party by 'n aansoek om die uitreiking van 'n nuwe lisensie kan deur 'n advokaat of 'n prokureur verteenwoordig word en, in die geval van die Staat of 'n plaaslike bestuur, ook deur iemand wat in diens van die Staat of die betrokke plaaslike bestuur is, en elke sodanige party kan getuienis lewer en of persoonlik of deur sy verteenwoordiger gehoor word, enige dokument inhandig, enige getuie roep en enige getuie wat deur enige ander party of deur die lisensieraad geroep word, kruisondervra.

(3) Indien 'n lisensieraad rede het om te glo dat iemand inligting of kennis het of in besit is van enige boek, dokument of voorwerp betreffende enige aangeleentheid wat voor sodanige raad dien, kan daardie raad op so iemand, hetsy op versoek van 'n party of uit eie beweging, 'n dagvaarding, in die vorm soos deur die Administrateur bepaal, laat beteken om voor sodanige raad te verskyn en getuienis af te lê en sodanige boek, dokument of voorwerp voor te lê.

(4) Voordát iemand getuienis voor 'n lisensieraad lewer, moet hy 'n eed aflê of 'n bevestiging maak wat deur die voorsitter van die betrokke lisensieraad afgeneem word.

(5) In verband met die ondervraging van iemand deur of voor 'n lisensieraad of die lewering van getuienis, of die voorlegging van 'n boek, dokument of voorwerp aan sodanige raad, is die regsreëls met betrekking tot privilegie, wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuienis af te lê of om 'n boek, dokument of voorwerp voor te lê, van toepassing.

(6) Iemand wat wetens valse getuienis voor 'n lisensieraad lewer, is aan 'n misdryf skuldig.

(7) Iemand aan wie 'n dagvaarding ingevolge die bepalings van subartikel (3) beteken is, is aan 'n misdryf skuldig indien hy sonder afdoende rede—

(a) in gebreke bly om op die datum, tyd en plek in die dagvaarding vermeld, te verskyn of teenwoordig te bly tot na afloop van die verrigtinge van die betrokke lisensieraad of totdat hy deur die voorsitter van daardie raad verskoon is;

(b) weier om 'n eed af te lê of 'n bevestiging te maak ingevolge die bepalings van subartikel (4);

(c) weier of in gebreke bly om 'n boek, dokument of voorwerp in die dagvaarding genoem, voor te lê; of

(d) after having been sworn or having made an affirmation, refuses or fails to answer fully any question lawfully put to him.

Decision of a licensing board on an application for a new licence.

19.(1) Subject to the provisions of this Chapter, a licensing board may, when considering an application for the issue of a new licence —

- (a) grant such application unconditionally;
- (b) grant such application subject to any condition, restriction or requirement —
 - (i) to curtail the scope of the business activities authorized by a licence;
 - (ii) in relation to the class or type of goods with which or the area in which the business may in terms of such licence be carried on;
 - (iii) which has as its purpose the carrying on of the business concerned by the applicant in accordance with the particulars furnished by such applicant in his application; or
 - (iv) in relation to any matter referred to in subsection (2);

(c) grant such application on condition that the applicant shall within a fixed period after the licence has been issued or within such further period as the chairman of the licensing board concerned may, on application, allow, comply with any requirement stipulated by such board, in relation to any matter referred to in subsection (2), to remove any reason upon which the application could otherwise have been refused;

(d) grant such applicant on condition that the applicant shall within a fixed period and before the licence is issued to him, or within such further period as the chairman of the licensing board concerned may, on application, allow, comply with any requirement stipulated by such board, in relation to any matter referred to in subsection (2), to remove any reason for which the application could otherwise have been refused;

(e) grant such application, as contemplated in paragraph (c) or (d), where the building for the business concerned has not been erected or, if erected, any addition or alteration is to be effected thereto;

(f) refuse such application; or

(g) postpone its consideration and decision in respect of such application for such period as it may deem fit —

(i) to enable any person to obtain the decision of any competent court in connection with any matter relating to such application;

(ii) in order to inspect the business premises or to have such premises inspected by an officer or to make or cause any further investigation to be made in relation thereto; or

(iii) for any other reason.

(d) nadat hy die eed afgelê of 'n bevestiging gemaak het, weier of in gebreke bly om enige vraag wat wettig aan hom gestel word, volledig te beantwoord.

Besluit van 'n lisensieraad oor 'n aansoek om 'n nuwe lisensie

19.(1) Behoudens die bepalings van hierdie Hoofstuk, kan 'n lisensieraad by die oorweging van 'n aansoek om die uitreiking van 'n nuwe lisensie —

- (a) sodanige aansoek onvoorwaardelik toestaan;
- (b) sodanige aansoek toestaan onderworpe aan enige voorwaarde, beperking of vereiste —
 - (i) om die omvang van die besigheidsbedrywighede wat deur die lisensie gemagtig word; in te kort;
 - (ii) met betrekking tot die klas of soort goedere waarmee of die gebied waarbinne die besigheid ingevolge sodanige lisensie gedryf mag word;
 - (iii) wat die dryf van die betrokke besigheid deur die aansoeker in ooreenstemming met die besonderhede deur sodanige aansoeker in sy aansoek verskaf, ten doel het; of
 - (iv) met betrekking tot enige aangeleentheid in subartikel (2) genoem;

(c) sodanige aansoek toestaan op voorwaarde dat die aansoeker binne 'n bepaalde tydperk nadat die lisensie uitgereik is of binne sodanige verdere tydperk as wat die voorsitter van die betrokke lisensieraad op versoek toelaat, voldoen aan enige vereiste wat sodanige raad met betrekking tot enige aangeleentheid in subartikel (2) genoem, stel om enige rede waarom die aansoek andersins geweier sou kon word, uit te skakel;

(d) sodanige aansoek toestaan op voorwaarde dat die aansoeker binne 'n bepaalde tydperk en voordat die lisensie aan hom uitgereik word, of binne sodanige verdere tydperk as wat die voorsitter van die betrokke lisensieraad op versoek toelaat, voldoen aan enige vereiste wat sodanige raad met betrekking tot enige aangeleentheid in subartikel (2) genoem, stel om enige rede waarom die aansoek andersins geweier sou kon word, uit te skakel;

(e) sodanige aansoek toestaan soos in paragraaf (c) of (d) beoog, waar 'n gebou vir die betrokke besigheid nog nie opgerig is nie, of, indien opgerig, enige aanbouing of verandering daaraan aangebring gaan word;

(f) sodanige aansoek weier; of

(g) sy oorweging van 'n beslissing oor sodanige aansoek vir sodanige tydperk wat hy goed dink, uitstel —

(i) om iemand in staat te stel om die beslissing van enige bevoegde hof te verkry in verband met enige aangeleentheid rakende sodanige aansoek;

(ii) om 'n besigheidsperseel te inspekteer of sodanige perseel deur 'n beamppte te laat inspekteer of om enige verdere ondersoek met betrekking daartoe in te stel of te laat instel; of

(iii) om enige ander rede.

(2) Subject to the provisions of subsection (1)(b), (c), (d), (e) and (g), a licensing board shall refuse an application for the issue of a new licence if it is satisfied that —

- (a) the applicant is not or will not be the owner of the business concerned: Provided that the provisions of this paragraph shall not apply where a licence is also required by an agent or employee of the holder of a licence;
- (b) the applicant, whether he is or will be in actual and effective control of the business concerned or not, and, if another person is or will be in such control, such person is not a suitable person to carry on the proposed business, whether by reason of his character, his previous conduct or the uncleanliness of his person, habits or methods or for any other reason;
- (c) it is necessary that the person who is or will be in actual and effective control of the business should be able to speak, read or write at least one of the official languages and that he is not able to do so;
- (d) it is necessary that a proper record of the business transactions of the applicant be kept as contemplated in section 134(2) of the Insolvency Act, 1936 (Act 24 of 1936) and that the applicant is not able to keep or cause such a record to be kept;
- (e) the business premises are not or will not be suitable for the purpose of the proposed business, whether in relation to any requirement of any law in connection with health, or in relation to the size, nature, construction, lighting, ventilation, accommodation or in any other respect, including the absence or inadequacy of provision for —
 - (i) protection against rodents, vermin and contamination by flies; or
 - (ii) to ensure in case of fire, the safety of the public and employees, by means of fire protection apparatus, emergency exits or otherwise;
- (f) no or inadequate provision has been or will be made to ensure cleanliness and the compliance with health requirements and precautions, whether in respect of any person, premises, vehicle, container, vessel or in any other respect;
- (g) no or inadequate provision has been or will be made to prevent any nuisance which may arise as a result of smoke, dust, fumes, gas, smell, noise or vibration caused or likely to be caused by a business or to ensure the health and safety of the public and employees;
- (h) the locality or environment of the business premises is unsuitable for the nature of the proposed business on account of fire-hazard, conditions relating to traffic control, parking facilities or the supply of water, electricity or sanitation;

(2) Behoudens die bepalings van subartikel (1) (b), (c), (d), (e) en (g) moet 'n lisensieraad 'n aansoek om die uitreiking van 'n nuwe lisensie weier as hy oortuig is dat —

- (a) die aansoeker nie die eienaar van die betrokke besigheid is of sal wees nie: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie waar 'n lisensie ook van 'n agent of werknemer van die houer van 'n lisensie vereis word;
- (b) die aansoeker, of hy in werklike en effektiewe beheer van die betrokke besigheid is of sal wees, aldan nie, en, indien iemand anders in sodanige beheer is of sal wees, so iemand nie 'n geskikte persoon is om die voorgename besigheid te dryf nie, hetsy vanweë sy karakter, sy vorige gedrag of die onsindeleikheid van sy persoon, gewoontes of metodes of om enige ander rede;
- (c) dit nodig is dat die persoon wat in werklike en effektiewe beheer van die besigheid is of sal wees, in staat moet wees om ten minste een van die amptelike tale te praat, te lees of te skryf en dat hy nie in staat is om dit te doen nie;
- (d) dit nodig is dat 'n behoorlike rekord gehou word van die aansoeker se besigheidstransaksies soos by artikel 134(2) van die Insolvensiewet, 1936 (Wet 24 van 1936) beoog, en dat die aansoeker nie in staat is om so 'n rekord te hou of te laat hou nie;
- (e) die besigheidspersoneel nie geskik is of sal wees nie vir die doel van die voorgename besigheid, hetsy met betrekking tot enige vereiste van enige wet ten opsigte van gesondheid of met betrekking tot die grootte, aard, konstruksie, beligting, ventilasie, akkommodasie of in enige ander opsig, insluitende die afwesigheid of ontoereikendheid van voorsiening vir —
 - (i) beskerming teen knaagdiere, ongedierte en vliegbesmetting; of
 - (ii) die versekering deur middel van vuurbestrydings-toerusting, nooduitgange of andersins van die veiligheid van die publiek en werknemers in geval van brand;
- (f) geen of ontoereikende voorsiening vir versekering van sindeleikheid en die nakoming van gesondheidsvereistes en -voorsorge, hetsy met betrekking tot enige persoon, perseel, voertuig, houer, vat of in enige ander opsig, gemaak is of sal wees nie;
- (g) geen of ontoereikende voorsiening gemaak is of sal wees nie om enige oorlas te voorkom, wat mag ontstaan as gevolg van rook, stof, damp, gas, reuk, geraas of trilling wat 'n besigheid veroorsaak of waarskynlik mag veroorsaak, of om die gesondheid en veiligheid van die publiek en werknemers te verseker;
- (h) die ligging of omgewing van die besigheidspersoneel ongeskik is vir die aard van die voorgename besigheid, vanweë brandgevaar, toestand wat in verband staan met verkeerbeheer, parkeerfasiliteite of die voorsiening van water, elektrisiteit of sanitasie;

- (i) the use or occupation by the applicant of the business premises for the business concerned is or will be contrary to the provisions of the conditions of establishment of the township concerned, of the town-planning scheme concerned or of any other law; or
- (j) the proposed business will be detrimental to the religious, educational, health, residential, commercial or cultural amenities of the neighbourhood.

(3) When considering an application for the issue of a new licence a licensing board shall —

- (a) except in the case of an application for a licence for a business referred to in Items 42 and 45 of Schedule I or such other business as may be prescribed, not have regard to the fact or possibility that there is already or will be within the particular neighbourhood or at the particular place where the applicant intends carrying on the business concerned, a sufficient number of persons carrying on business with one or more classes of goods in which such applicant intends to carry on business; or
- (b) except in the case of an application for a licence for a business referred to in Item 30 of Schedule I or such other business as may be prescribed, not have regard to the lack of business qualifications, training or experience of the applicant, his employee or agent.

(4) When a licensing board has refused an application for the issue of a new licence, no further application by the same applicant for the same type of business and, where applicable, in respect of the same premises, shall, subject to the provisions of section 45(1)(c), be considered within a period of 6 months from the date of such refusal unless such applicant satisfies the chairman of such board that the reason for the refusal has in the meantime been removed.

(5) As soon as practicable after the decision of a licensing board on an application for the issue of a new licence, the secretary of the board concerned shall, in writing, notify all parties of such decision and the date thereof.

(6) If any party to an application for a new licence applies in writing therefor, the licensing board concerned shall, as soon as practicable after the receipt of such request, furnish, in writing, reasons for its decision to the secretary of that board and a copy thereof, shall against payment of such fee as may be prescribed, forthwith be forwarded by such secretary to such party.

(7) The grant of any application for the issue of a new licence in terms of the provisions of this Chapter shall not relieve the applicant from compliance with the provisions of any other law relating to the grant or issue of a licence for the carrying on of the business concerned.

(8) A licensing board may, at any time, condone the non-compliance with any provision of this Chapter if, in its opinion, such non-com-

(i) die gebruik of okkupasie deur die aansoeker van die besigheidspersoneel vir die betrokke besigheid; strydig is of sal wees met die bepalinge van die stigtingsvoorwaardes van die betrokke dorp; van die betrokke dorpsbeplanningsskema of van enige ander wet; of

(j) die voorgename besigheid nadelig sal wees vir die godsdienstige, opvoedkundige, gesondheids-, woon-, handels- of kulturele geriewe van die buurt.

(3) By die oorweging van 'n aansoek om die uitreiking van 'n nuwe lisensie neem 'n lisensieraad —

- (a) behalwe in die geval van 'n aansoek om 'n lisensie vir 'n besigheid in Items 42 en 45 van Bylae I genoem of sodanige ander besigheid as wat voorgeskryf word, nie die feit of moontlikheid dat daar binne die besondere omgewing of op die besondere plek waar die aansoeker van voorneme is om die betrokke besigheid te dryf, reeds 'n voldoende aantal persone is of sal wees wat besigheid dryf met een of meer klasse goedere waarmee sodanige aansoeker van voorneme is om besigheid te dryf; of
- (b) behalwe in die geval van 'n aansoek om 'n lisensie vir 'n besigheid in Item 30 van Bylae I genoem of sodanige ander besigheid as wat voorgeskryf word, nie die gebrek aan besigheidskwalifikasies, -opleiding of -ervaring van die aansoeker of sy werknemer of agent, in ag nie.

(4) Wanneer 'n lisensieraad 'n aansoek om die uitreiking van 'n nuwe lisensie geweier het, word behoudens die bepalinge van artikel 45(1)(c), geen verdere aansoek van dieselfde aansoeker vir dieselfde soort besigheid en, waar van toepassing, ten opsigte van dieselfde perseel binne 'n tydperk van 6 maande na die datum van sodanige weiering, oorweeg nie tensy sodanige aansoeker die voorsitter van sodanige raad oortuig dat die rede vir weiering in die tussentyd uit die weg geruim is.

(5) So gou doenlik na die beslissing van 'n lisensieraad oor 'n aansoek om die uitreiking van 'n nuwe lisensie, stel die sekretaris van die betrokke raad alle partye skriftelik van sodanige beslissing en die datum daarvan in kennis.

(6) Indien enige party by 'n aansoek om die uitreiking van 'n nuwe lisensie skriftelik daarom versoek, verstrek die betrokke lisensieraad so gou doenlik na ontvangs van so 'n versoek skriftelik redes vir sy beslissing aan die sekretaris van daardie raad en 'n afskrif daarvan moet teen betaling van sodanige geld as wat voorgeskryf word onverwyld deur sodanige sekretaris aan so 'n party gestuur word.

(7) Die toestaan van enige aansoek om die uitreiking van 'n nuwe lisensie ingevolge die bepalinge van hierdie Hoofstuk onthef die aansoeker nie van voldoening aan die bepalinge van enige ander wet met betrekking tot die toestaan of uitreiking van 'n lisensie vir die dryf van die betrokke besigheid nie.

(8) 'n Lisensieraad kan, te eniger tyd, die nie-nakoming van enige bepaling van hierdie Hoofstuk kondoneer as hy van mening is dat sodanige

pliance is not of a material nature and that it is not likely to cause prejudice to any person, including the State or a local authority.

Issue of
a control
certificate
and a
licence.

20.(1) The secretary of the licensing board concerned shall furnish an applicant whose application has been granted, with a written notification in the form determined by the Administrator, and such notification shall be known as a control certificate, in which the issue of the licence concerned to the applicant is authorized and in which any condition, restriction or requirement, subject to which the application has, in terms of the provisions of section 19(1) been granted, is specified, and shall send a copy of such certificate to the issuing authority concerned: Provided that such a certificate shall not be furnished in the case of an application which has been granted conditionally by that board or against which any objection or unfavourable recommendation in terms of the provisions of section 14(1)(b) has been received —

- (a) prior to the expiry of the period which in terms of the provisions of section 43(1) is allowed for the lodging of an appeal, unless a written undertaking is given by the applicant and any other party, to the secretary of the board concerned that they will not appeal against the decision of such board; and
- (b) if an appeal has been timeously noted, before the appeal has been decided.

(2) Upon submission to the issuing authority concerned of a control certificate together with any other document required in terms of the provisions of this Ordinance and after payment of the appropriate licence fee and any penalty contemplated in section 10(2), a licence in the form as determined by the Administrator, shall be issued by that authority to the applicant and any condition, restriction or requirement specified in the control certificate shall be endorsed thereon: Provided that if the control certificate specifies any condition of the nature referred to in section 19(1)(d), the licence shall not be issued unless the control certificate is accompanied by a statement by the secretary of the licensing board concerned that such condition has been complied with, in which case such condition shall not be endorsed on the licence.

(3) A copy of every new licence shall be sent by the issuing authority concerned to the secretary of the licensing board concerned and to the Director of Statistics.

Failure to
take out a
licence or
to com-
mence a
business.

21.(1) Subject to the provisions of subsection (2) —

- (a) a control certificate shall lapse if the licence is not taken out within 90 days after the issue of such control certificate: Provided that a control certificate which specifies a condition imposed in terms of the provisions of section 19(1)(d), which shall be complied with within a fixed period, shall lapse if such condition is not complied with within such period, or, if such condition has in

Uitreiking
van 'n
kontrole-
sertifikaat
en 'n
lisensie.

nie-nakoming nie van 'n wesenlike aard is nie en dat dit waarskynlik niemand, insluitende die Staat of 'n plaaslike bestuur, sal benadeel nie.

20.(1) Die sekretaris van die betrokke lisensieraad voorsien 'n aansoeker wie se aansoek toegestaan is, van 'n skriftelike kennisgewing in die vorm soos deur die Administrateur bepaal, en sodanige kennisgewing, staan as 'n kontrolesertifikaat bekend, wat die uitreiking van die betrokke lisensie aan die aansoeker magtig en waarin enige voorwaarde, beperking of vereiste, onderworpe waaraan die aansoek ingevolge die bepalinge van artikel 19(1) toegestaan is, gespesifiseer word, en hy stuur 'n afskrif van sodanige sertifikaat aan die betrokke uitreikingsowerheid: Met dien verstande dat so 'n sertifikaat in die geval van 'n aansoek wat voorwaardelik deur daardie raad toegestaan is of waarteen daar enige beswaar of ongunstige aanbeveling ingevolge die bepalinge van artikel 14(1)(b) ontvang is, nie voorsien word nie —

- (a) voor die verstryking van die tydperk wat kragtens die bepalinge van artikel 43(1) toegelaat is vir die indiening van 'n appèl, tensy daar aan die sekretaris van die betrokke raad 'n skriftelike onderneming deur die aansoeker en enige ander party gegee is dat hulle nie teen die beslissing van sodanige raad gaan appelleer nie; en
- (b) indien 'n appèl betyds aangeteken word, voor die appèl beslis is nie.

(2) By voorlegging aan die betrokke uitreikingsowerheid van 'n kontrolesertifikaat, tesame met enige ander dokument wat ingevolge die bepalinge van hierdie Ordonnansie vereis word en na betaling van die toepaslike lisensiegeld en enige boete, soos in artikel 10(2) beoog word 'n lisensie in die vorm, soos deur die Administrateur bepaal, deur daardie owerheid, aan die aansoeker uitgereik en word enige voorwaarde, beperking of vereiste wat in die kontrolesertifikaat gespesifiseer is, daarop geëndosseer: Met dien verstande dat indien die kontrolesertifikaat enige voorwaarde spesifiseer van die aard wat in artikel 19(1)(d) genoem word, die lisensie nie uitgereik word nie tensy die kontrolesertifikaat vergesel gaan van 'n verklaring deur die sekretaris van die betrokke lisensieraad dat daar aan sodanige voorwaarde voldoen is, in welke geval sodanige voorwaarde nie op die lisensie geëndosseer word nie.

(3) 'n Afskrif van elke nuwe lisensie word deur die betrokke uitreikingsowerheid aan die sekretaris van die betrokke lisensieraad en die Direkteur van Statistiek gestuur.

Versaam
om 'n
lisensie uit
te neem of
om 'n
besigheid
te begin.

21.(1) Behoudens die bepalinge van subartikel (2) —

- (a) verval 'n kontrolesertifikaat indien die betrokke lisensie nie binne 90 dae na die uitreiking van sodanige kontrolesertifikaat uitgegee word nie: Met dien verstande dat 'n kontrolesertifikaat wat 'n voorwaarde opgelê ingevolge die bepalinge van artikel 19(1)(d), spesifiseer, waaraan binne 'n bepaalde tydperk voldoen moet word, verval, as daar nie binne sodanige tydperk aan sodanige voorwaarde voldoen word nie of, as daar wel aan sodanige voorwaarde voldoen is, as die lisensie nie binne 90 dae na die verstryking

fact been complied with, if the licence is not taken out within 90 days of the expiry of such period; and

- (b) a licence shall lapse if the business for which it has been granted is not commenced within 90 days after the issue thereof.

(2) Any period referred to in subsection (1) may, in the discretion of the chairman of the licensing board concerned, be extended, if written application is made to such chairman before the expiry of such period for such extension.

Record of the proceedings of a licensing board.

22.(1) The secretary of a licensing board shall keep or cause to be kept minutes of the proceedings of that board in respect of every matter, other than the private deliberations of such board, as well as a record of the evidence given before the board, and such minutes and record, together with every document which the licensing board has considered, shall constitute the record of the proceedings of that licensing board.

(2) Such a record of the proceedings shall be kept in safe custody by the secretary of the licensing board concerned in his office.

(3) The record of the proceedings of a licensing board shall be open for inspection by any person at the office of the secretary of that board during office hours.

CHAPTER V.

RENEWAL OF AN ANNUAL LICENCE.

Application for the renewal of an annual licence.

23.(1) Unless otherwise provided for in this Ordinance, an application for the renewal of an annual licence referred to in section 9 may be made from the 1st day of October of the year for which it was issued in the manner provided for in subsection (2).

(2) The holder of a licence, contemplated in subsection (1), who desires to renew it shall submit an application for the renewal of such licence on the form as determined by the Administrator, together with such licence or a photostatic copy thereof, and the appropriate licence fee to the issuing authority concerned and such issuing authority shall, subject to the provisions of subsections (3) and (4), renew such licence.

(3) An issuing authority shall not renew an annual licence —

- (a) contrary to the provisions of any other law, a decision of the licensing board concerned in terms of the provisions of section 36 or any condition, restriction or requirement endorsed on such licence;
- (b) if the application, as contemplated in subsection (2), in respect of such licence is received by the issuing authority concerned after the 31st day of January of the year succeeding the year for which it was issued; or
- (c) which is referred to in Item 42 of Schedule I.

(4) Upon the renewal of an annual licence any condition, restriction or requirement, referred

van sodanige tydperk uitgeneem word nie; en

- (b) verval 'n lisensie as daar nie binne 90 dae na die uitreiking daarvan, met die besigheid waarvoor dit toegestaan is, begin is nie.

(2) Enige tydperk in subartikel (1) genoem, kan na goeë dunde deur die voorsitter van die betrokke lisensieraad verleng word, indien daar by sodanige voorsitter voor die verstryking van sodanige tydperk vir sodanige verlenging skriftelik aansoek gedoen word.

Oorkonde van 'n lisensieraad se verrigtinge.

22.(1) Die sekretaris van 'n lisensieraad hou of laat 'n notule hou van die verrigtinge van daardie raad ten opsigte van elke aangeleentheid, uitgenome die private beraadslagings van sodanige raad, asook 'n rekord van die getuienis wat voor daardie raad afgelê word, en sodanige notule en rekord tesame met elke dokument wat die lisensieraad oorweeg het, maak die oorkonde van die verrigtinge van daardie raad uit.

(2) So 'n oorkonde van die verrigtinge word deur die sekretaris van die betrokke lisensieraad in sy kantoor in veilige bewaring gehou.

(3) Die oorkonde van die verrigtinge van 'n lisensieraad is by die sekretaris van daardie raad se kantoor gedurende kantoorure ter insae van enige persoon.

HOOSTUK V.

HERNUWING VAN 'N JAARLIKSE LISENSIE.

Aansoek om die hennuwing van 'n jaarlikse lisensie.

23.(1) Tensy anders in hierdie Ordonnansie bepaal, kan 'n aansoek om die hennuwing van 'n jaarlikse lisensie in artikel 9 genoem, vanaf die 1ste dag van Oktober van die jaar waarvoor dit uitgereik is, gedoen word op die wyse in subartikel (2) bepaal.

(2) Die houër van 'n lisensie, soos in subartikel (1) beoog, wat verlang om dit te hennuwe, lê 'n aansoek om die hennuwing van sodanige lisensie, op die vorm soos deur die Administrateur bepaal, tesame met sodanige lisensie of 'n fotostatiese afdruk daarvan, en die toepaslike lisensiegeld aan die betrokke uitreikingsowerheid voor en, behoudens die bepalings van subartikels (3) en (4), hennuwe sodanige uitreikingsowerheid sodanige lisensie.

(3) 'n Uitreikingsowerheid hennuwe nie 'n jaarlikse lisensie nie —

- (a) strydig met die bepalings van enige ander wet, 'n besluit van die betrokke lisensieraad ingevolge die bepalings van artikel 36 of enige voorwaarde, beperking of vereiste wat op sodanige lisensie geëndosseer is;
- (b) indien die aansoek, soos in subartikel (2) beoog, ten opsigte van sodanige lisensie deur die betrokke uitreikingsowerheid na die 31ste dag van Januarie van die jaar wat volg op die jaar waarvoor dit uitgereik is, ontvang word; of
- (c) wat in Item 42 van Bylae I genoem word.

(4) By die hennuwing van 'n jaarlikse lisensie word enige voorwaarde, beperking of vereiste, in

to in subsection (3)(a), shall be re-endorsed by the issuing authority concerned on the renewed licence.

(5) Any person who was the holder of a licence contemplated in subsection (3)(b) or (c) and who intends to continue carrying on the business concerned, shall apply for a new licence in terms of the provisions of Chapter IV.

(6) A copy of every renewed licence shall be sent by the issuing authority concerned to the secretary of the licensing board concerned and to the Director of Statistics.

CHAPTER VI.

GENERAL MATTERS AFFECTING LICENCES.

Removal, alteration or substitution of an endorsement on a licence.

24. If the holder of a licence desires that any condition, restriction or requirement endorsed on his licence shall be removed, altered or substituted, he shall apply for a new licence: Provided that —

- (a) the chairman of the licensing board may dispense with the furnishing of any report, document or plan or the giving of any notice which is required in terms of the provisions of this Ordinance and which is in the circumstances considered by him to be unnecessary;
- (b) a new control certificate shall not be issued in respect of the application concerned until the applicant has surrendered the licence to which the application relates to the secretary of the licensing board concerned for cancellation;
- (c) a new licence shall not be issued until the cancelled licence, together with the new control certificate are submitted to the issuing authority concerned; and
- (d) no licence fee shall be payable for such a new licence in respect of the unexpired period of the year for which the cancelled licence was issued except where the removal, alteration or substitution of a condition, restriction or requirement entails the duty to pay an additional licence fee in terms of the provisions of this Ordinance.

Removal of a business to other business premises.

25.(1) If the holder of a licence desires to remove his business to other business premises, he shall make application for the issue of a new licence: Provided that if the application is granted, no licence fee shall be payable in respect of the unexpired period of the year for which the previous licence was issued.

(2)(a) If the chairman of a licensing board is satisfied that the removal of a business from the business premises to any other premises has become necessary as a result of *vis major*, disaster, emergency or other urgent circumstances beyond the control of the holder of the licence or in order to effect alterations to the business premises, he may, by means of a permit, for a period

subartikel (3)(a) genoem, deur die betrokke uitreikingsowerheid op die hernude lisensie herendosseer.

(5) Iemand wat die houer was van 'n lisensie in subartikel (3)(b) of (c) beoog en wat die dryf van die betrokke besigheid wil voortsit, doen ingevolge die bepalings van Hoofstuk IV aansoek om 'n nuwe lisensie.

(6) 'n Afskrif van elke hernude lisensie word deur die betrokke uitreikingsowerheid aan die sekretaris van die betrokke lisensieraad en die Direkteur van Statistiek gestuur.

HOOFSTUK VI.

ALGEMENE AANGELEENTHEDE RAKENDE LISENSIES.

Verwydering, verandering of vervanging van 'n endorsement op 'n lisensie.

24. Indien 'n houer van 'n lisensie verlang dat enige voorwaarde, beperking of vereiste wat op sy lisensie geëndosseer is, verwyder, verander of vervang word, doen hy aansoek om 'n nuwe lisensie: Met dien verstande dat —

- (a) die voorsitter van 'n lisensieraad kan afsien van die verskaffing van enige verslag, dokument of plan of die gee van enige kennis wat ingevolge die bepalings van hierdie Ordonnansie vereis word en wat deur hom in die omstandighede onnodig geag word;
- (b) 'n nuwe kontrolesertifikaat ten opsigte van die betrokke aansoek nie uitgereik word nie alvorens die aansoeker die lisensie waarop sodanige aansoek betrekking het, aan die sekretaris van die betrokke lisensieraad vir rojering, ingelewer het;
- (c) 'n nuwe lisensie nie uitgereik word nie alvorens die gerojeerde lisensie, tesame met die nuwe kontrolesertifikaat aan die betrokke uitreikingsowerheid voorgelê word; en
- (d) geen lisensiegeld vir so 'n nuwe lisensie betaalbaar is nie ten opsigte van die onverstreke tydperk van die jaar waarvoor die gerojeerde lisensie uitgereik was, behalwe waar die verwydering, verandering of vervanging van 'n voorwaarde, beperking of vereiste, die plig meebring om bykomende lisensiegeld ingevolge die bepalings van hierdie Ordonnansie te betaal.

Verplasing van 'n besigheid na 'n ander besigheidspersel.

25.(1) Indien 'n houer van 'n lisensie verlang om sy besigheid na 'n ander besigheidspersel te verplaas, doen hy aansoek om die uitreiking van 'n nuwe lisensie: Met dien verstande dat indien die aansoek toegestaan word, geen lisensiegeld ten opsigte van die onverstreke tydperk van die jaar waarvoor die vorige lisensie uitgereik is, betaalbaar is nie.

(2)(a) Indien die voorsitter van 'n lisensieraad oortuig is dat die verplasing van 'n besigheid vanaf die besigheidspersel na enige ander persel nodig geword het as gevolg van oormag, 'n ramp, noodtoestand of ander dringende omstandighede buite die beheer van die houer van die lisensie of ten einde veranderinge aan die besigheidspersel te bewerkstellig, kan hy, by wy-

not exceeding 4 months or such further period as the chairman may on request allow and with due regard to the health and other requirements referred to in section 19(2) and subject to any condition which he may deem fit, authorize the temporary removal of the business to such other premises.

(b) As long as such other premises are used in terms of such permit, the licence in respect of such business shall, subject to the provisions of this Ordinance, remain of full force and effect.

(c) The secretary of the licensing board concerned shall send a copy of the permit referred to in paragraph (a) to the issuing authority which issued the licence concerned.

(d) The holder of the licence concerned shall forthwith notify the licensing board and the issuing authority concerned as soon as the business is resumed at the original business premises.

(3) The holder of a licence who contravenes or fails to comply with the provisions of subsection (2) shall be guilty of an offence.

Extension
of business

26.(1) Subject to the provisions of subsection (2), a holder of a licence shall not extend the business carried on in, on or from business premises in respect of which a licence is valid to adjoining premises or an adjoining room.

(2) If the holder of a licence desires to extend such business to adjoining premises or an adjoining room he shall apply for a new licence: Provided that —

(a) the chairman of the licensing board may dispense with the furnishing of any report, document or the giving of any notice which is required in terms of the provisions of this Ordinance and which is in the circumstances considered by him to be unnecessary;

(b) a new control certificate shall not be issued in respect of the application concerned until the applicant has surrendered the licence to which the application relates to the secretary of the licensing board concerned for cancellation;

(c) a new licence shall not be issued until the cancelled licence, together with the new control certificate, is submitted to the issuing authority concerned; and

(d) no licence fee shall be payable for such a new licence in respect of the unexpired period of the year for which the cancelled licence was issued, except where such extension of the business concerned entails the duty to pay an additional licence fee in terms of the provisions of this Ordinance.

(3) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

se van 'n permit vir 'n tydperk wat nie 4 maande oorskry nie, of sodanige verdere tydperk as wat die voorsitter op versoek toelaat, met inagneming van die gesondheids- en ander vereistes in artikel 19(2) genoem en onderworpe aan enige voorwaarde wat hy goed dink, die tydelike verplasing van die besigheid na sodanige ander perseel magtig.

(b) Solank sodanige ander perseel ingevolge sodanige permit gebruik word, bly die lisensie ten opsigte van sodanige besigheid, behoudens die bepalings van hierdie Ordonnansie, ten volle van krag.

(c) Die sekretaris van die betrokke lisensieraad stuur 'n afskrif van die permit in paragraaf (a) genoem, aan die uitreikingsowerheid wat die betrokke lisensie uitgereik het.

(d) Die houer van die betrokke lisensie stel die betrokke lisensieraad en uitreikingsowerheid onverwyld in kennis sodra die besigheid by die oorspronklike besigheidsperseel hervat word.

(3) Die houer van 'n lisensie wat die bepalings van subartikel (2) oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig.

Uitbreiding
van 'n
besigheid.

26.(1) Behoudens die bepalings van subartikel (2), mag 'n houer van 'n lisensie nie die besigheid, wat in, op of vanaf 'n besigheidsperseel, ten opsigte waarvan 'n lisensie van krag is, gedryf word, na 'n aangrensende perseel of 'n aangrensende vertrek uitbrei nie.

(2) Indien 'n houer van 'n lisensie verlang om sodanige besigheid na 'n aangrensende perseel, of 'n aangrensende vertrek uit te brei, doen hy aansoek om 'n nuwe lisensie: Met dien verstande dat —

(a) die voorsitter van 'n lisensieraad kan afsien van die verskaffing van enige verslag, dokument of die gee van enige kennis wat ingevolge die bepalings van hierdie Ordonnansie vereis word en wat deur hom in die omstandighede onnodig geag word;

(b) 'n nuwe kontrolesertifikaat ten opsigte van die betrokke aansoek nie uitgereik word nie alvorens die aansoeker die lisensie waarop sodanige aansoek betrekking het, aan die sekretaris van die betrokke lisensieraad vir rojering, oorhandig het;

(c) 'n nuwe lisensie nie uitgereik word nie alvorens die gerojeerde lisensie, tesame met die nuwe kontrolesertifikaat, aan die betrokke uitreikingsowerheid voorgelê word; en

(d) geen lisensiegeld vir so 'n nuwe lisensie betaalbaar is nie ten opsigte van die onverstreke tydperk van die jaar waarvoor die gerojeerde lisensie uitgereik was, behalwe waar sodanige uitbreiding van die betrokke besigheid die plig meebring om bykomende lisensiegeld ingevolge die bepalings van hierdie Ordonnansie te betaal.

(3) Iemand wat die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig.

Change of ownership of a business.

27.(1) Subject to the provisions of subsection (3), a licence shall lapse when the ownership of the business to which it relates, changes.

(2) If the new owner of a business contemplated in subsection (1) desires to continue such business, he shall apply for the issue of a new licence: Provided that the chairman of the licensing board concerned may dispense with the furnishing of any report or document or the giving of any notice required in terms of the provisions of this Ordinance.

(3)(a) Pending the decision of the licensing board on an application for a new licence referred to in subsection (2), the chairman of such board may, on the application of the new owner of the business concerned, authorize such owner by means of a permit to continue such business for a period not exceeding 4 months or such further period as such chairman may on application allow and subject to any condition he may deem fit.

(b) The secretary of the licensing board concerned shall send a copy of the permit, referred to in paragraph (a), to the issuing authority concerned.

(4) The chairman of the licensing board concerned may, on reasonable grounds, in his discretion cancel a permit referred to in subsection (3).

(5) For the purposes of this section it shall be deemed that a change of ownership of the business has also taken place if —

(a) in the case where a partnership is the holder of the licence concerned, a new partner is admitted to such partnership; or

(b) in the case where a company is the holder of the licence concerned, the controlling interest in such company passes from one group to another group.

(6) In subsection (5)(b), "company", "controlling interest" and "group" has the meaning assigned thereto in section 1 of the Group Areas Act, 1966 (Act 36 of 1966), respectively.

Transfer of a licence.

28.(1) In the event of the death of the holder of a licence, the issuing authority concerned shall, on application of the *curator bonis* or executor of his estate, as the case may be, and on payment of the prescribed transfer fee, grant authority in the manner prescribed for the transfer of such licence to the *curator bonis* or executor of the estate, as the case may be.

(2) In the event of the sequestration of the estate of the holder of a licence or, where such holder is a company, the liquidation of such holder or, where the holder of a licence is subject to any other form of legal disability, the issuing authority concerned shall, on the application of the trustee, *curator bonis* or liquidator, as the case may be, and on payment of the prescribed transfer fee, grant authority in the manner prescribed for the transfer of the licence to such trustee, *curator bonis* or liquidator.

Verandering van eiendomsreg van 'n besigheid.

27.(1) Behoudens die bepalings van subartikel (3), verval 'n lisensie wanneer die eiendomsreg van die besigheid waarop dit betrekking het, verander.

(2) Indien die nuwe eienaar van 'n besigheid in subartikel (1) beoog, sodanige besigheid wil voortsit, doen hy aansoek om die uitreiking van 'n nuwe lisensie: Met dien verstande dat die voorsitter van die betrokke lisensieraad kan afsien van die verskaffing van enige verslag of dokument of die gee van enige kennis wat kragtens die bepalings van hierdie Ordonnansie vereis word.

(3)(a) Hangende die beslissing van die lisensieraad oor 'n aansoek om 'n nuwe lisensie in subartikel (2) genoem, kan die voorsitter van die betrokke lisensieraad, op aansoek van die nuwe eienaar van die betrokke besigheid, sodanige eienaar by wyse van 'n permit magtig om sodanige besigheid voort te sit vir 'n tydperk, wat nie 4 maande oorskry nie, of vir sodanige verdere tydperk as wat sodanige voorsitter op versoek toelaat en onderworpe aan enige voorwaarde wat hy goed ag.

(b) Die sekretaris van die betrokke lisensieraad stuur 'n afskrif van die permit, in paragraaf (a) genoem, aan die betrokke uitreikingsowerheid.

(4) Die voorsitter van die betrokke lisensieraad kan op redelike gronde 'n permit in subartikel (3) genoem na goeddunke intrek.

(5) Vir die toepassing van hierdie artikel word daar geag dat 'n verandering in die eiendomsreg van die besigheid ook plaasvind indien —

(a) in die geval waar 'n vennootskap die houer van die betrokke lisensie is, 'n nuwe vennoot tot sodanige vennootskap toegelaat word; of

(b) in die geval waar 'n maatskappy die houer van die betrokke lisensie is, die beheersende belang in sodanige maatskappy van een groep na 'n ander groep oorgaan.

(6) In subartikel (5)(b) het "beheersende belang", "groep" en "maatskappy" onderskeidelik die betekenis wat in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet 36 van 1966), daaraan geheg word.

Oordrag van 'n lisensie.

28.(1) In die geval van die afsterwe van die houer van 'n lisensie word, op aansoek van die *curator bonis* of eksekuteur van sy boedel, na gelang van die geval, en by betaling van die voorgeskrewe oordraggeld, magtiging, op die wyse soos voorgeskryf, deur die betrokke uitreikingsowerheid verleen vir die oordrag van sodanige lisensie aan die *curator bonis* of eksekuteur van die boedel, na gelang van die geval.

(2) In die geval van die sekwestrasie van die boedel van die houer van 'n lisensie of, waar sodanige houer 'n maatskappy is, die likwidasië van sodanige houer of, waar die houer van die lisensie onderworpe is aan enige ander vorm van regsonbevoegdheid, word op aansoek van die kurator, *curator bonis* of likwidateur, na gelang van die geval, en by betaling van die voorgeskrewe oordraggeld, magtiging deur die betrokke uitreikingsowerheid op die wyse soos voorgeskryf, verleen vir die oordrag van die betrokke lisensie aan sodanige kurator, *curator bonis* of likwidateur.

(3) In the event of the retirement or death of one or more partners in a partnership which is the holder of a licence, the issuing authority concerned shall, on application of the remaining partner or partners and subject to proof of his or their capacity to make the application and on payment of the prescribed transfer fee, grant authority in the manner prescribed for the transfer of such licence to the remaining partner or partners.

(4) A copy of the authority for the transfer of a licence, as contemplated in subsections (1), (2) and (3) shall be sent by the issuing authority concerned to the secretary of the licensing board concerned.

CHAPTER VII.

INFORMATION CONCERNING AND INSPECTION OF BUSINESS AND BUSINESS PREMISES.

Holder of a licence to give notice of any change in connection with a business. 29.(1) The holder of a licence shall forthwith in writing notify the secretary of the licensing board concerned if —

- (a) the person who is in actual and effective control of the business concerned referred to in section 19(2)(b), is replaced by another person;
- (b) the name under which the business is carried on has been changed; or
- (c) the nature of the business has been changed.

(2) In respect of any change referred to in subsection (1)(a), the secretary of the licensing board concerned may, if he deems it necessary, take steps to obtain a report as contemplated in section 14(1)(a).

(3) The secretary of the licensing board concerned shall submit the written notice referred to in subsection (1), together with any report referred to in subsection (2), to the chairman of the licensing board concerned.

(4) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Powers of an authorized officer or a health officer. 30.(1) An authorized officer or health officer may —

- (a) at any reasonable time enter upon, search and inspect any premises, place, vehicle or movable structure which he suspects is being used for or in connection with the carrying on of a business;
- (b) require any person on or in such premises, place, vehicle or structure whom he suspects has in his possession or custody or under his control any goods, book, record or other document used in connection with the carrying on of a business, to deliver such goods, book, record or other document to him;
- (c) inspect or examine any goods, book, record or other document delivered to him or found by him in or on such premises, place, vehicle or structure, and may make extracts from any such book, record or other document and require an explanation of any entries therein;

(3) In die geval van die uitrede of afsterwe van een of meer vennote in 'n vennootskap wat die houer van 'n lisensie is, word op aansoek van die oorblywende vennoot of vennote en onderworpe aan bewys van sy of hulle bevoegdheid om die aansoek te doen en by betaling van die voorgeskrewe oordraggeld, magtiging deur die betrokke uitreikingsowerheid op die wyse soos voorgeskryf, verleen vir die oordrag van sodanige lisensie aan die oorblywende vennoot of vennote.

(4) 'n Afskrif van die magtiging vir oordrag van 'n lisensie soos in subartikels (1), (2) en (3) beoog, word deur die betrokke uitreikingsowerheid aan die sekretaris van die betrokke lisensieraad gestuur.

HOOFSTUK VII.

INLIGTING BETREFFENDE EN INSPEKSIE VAN BESIGHEID EN BESIGHEIDSPERSEEL.

Houer van 'n lisensie gee kennis van enige verandering in verband met 'n besigheid. 29.(1) Die houer van 'n lisensie stel die sekretaris van die betrokke lisensieraad onverwyld skriftelik in kennis indien —

- (a) die persoon wat in werklike en effektiewe beheer van die betrokke besigheid is, soos in artikel 19(2)(b) genoem, deur iemand anders vervang word;
- (b) die naam waaronder die besigheid gedryf word verander het; of
- (c) die aard van die besigheid verander het.

(2) Ten opsigte van enige verandering in subartikel (1)(a) genoem, kan die sekretaris van die betrokke lisensieraad, as hy dit nodig ag, stappe doen om 'n verslag soos in artikel 14(1)(a) beoog, te verkry.

(3) Die sekretaris van die betrokke lisensieraad lê die skriftelike kennisgewing in subartikel (1) genoem tesame met enige verslag in subartikel (2) genoem, aan die voorsitter van die betrokke lisensieraad voor.

(4) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Bevoegdhede van 'n gemagtigde beampte of 'n gesondheidsbeampte. 30.(1) 'n Gemagtigde beampte of 'n gesondheidsbeampte kan —

- (a) te eniger redelike tyd enige perseel, plek, voertuig of beweegbare struktuur wat hy vermoed vir of in verband met die dryf van 'n besigheid gebruik word, betree, visenteer en inspekteer;
- (b) van enigiemand op of in sodanige perseel, plek, voertuig of struktuur wat hy vermoed die besit of bewaring van of beheer oor enige goedere, boek, rekord of ander dokument het wat in verband met die dryf van 'n besigheid gebruik word, eis dat hy sodanige goedere, boek, rekord of ander dokument aan hom lewer;
- (c) enige goedere, boek, rekord of ander dokument wat aan hom gelewer is of deur hom op of in sodanige perseel, plek, voertuig of struktuur gevind is, inspekteer of ondersoek en kan uittreksels maak uit enige sodanige boek, rekord of ander dokument en 'n uitleg vorder van enige inskrywings daarin;

- (d) seize any thing which, in his opinion, could afford proof of a contravention or evasion of any provision of this Ordinance, in which event a receipt in the form as determined by the Administrator shall, in respect of each thing so seized, be given to the person from whose possession such thing was taken;
- (e) question any person whom he suspects is in possession of information relating to the carrying on of a business;
- (f) require any person whom he suspects is carrying on a business to furnish his name and address and to produce the licence, authorization or permit for the carrying on of such business;
- (g) require any person whom he suspects is an employee or agent of any person who carries on a business to furnish his name and address and the name and address of his employer; and
- (h) require any person referred to in paragraphs (f) and (g) to produce his identity document.

(2) An authorized officer or health officer shall, apart from any action which may be taken in terms of the provisions of any other law, report any unsatisfactory condition found by him in respect of the business premises, any vehicle or container, the carrying on of the business or any person concerned with the carrying on of the business, and which is not remedied within such period as such officer may determine, or any change as contemplated in sections 26 and 29, to the secretary of the licensing board concerned.

(3) An authorized officer or health officer who has seized any thing in terms of subsection (1)(d) shall, if practicable, make identification marks thereon as soon as possible after the seizure and shall bring it forthwith before a magistrate who may order it to be retained in such custody as he may determine.

Information which may be furnished to a licensing board.

31. Any person, including the State, may, in respect of any business, and a local authority may, in respect of a business within its municipality, furnish information in writing to a licensing board relating to any matter referred to in section 19(2) and the secretary of the licensing board concerned shall submit such information to the chairman of that licensing board.

CHAPTER VIII.

REVIEW OF A LICENCE.

Power of a licensing board to review a licence.

32. Subject to the provisions of this Chapter, a licensing board may at any time review the licence of a business carried on in its licensing area.

Submission of information by a chairman to a licensing board for the purpose of reviewing a licence.

33.(1) When the chairman of a licensing board, from information furnished to him in terms of the provisions of section 29(3), 30(2), 31 or otherwise, has reason to suspect that in respect of any business which is carried on within the area of the licensing board concerned —

- (a) any condition, restriction or requirement imposed in terms of section 19(1)(b) or (c), is not being complied with;

- (d) beslag lê op enige ding, wat na 'n mening, bewys kan lewer van 'n oortreding of ontduiking van enige bepaling van hierdie Ordonnansie en in daardie geval word 'n kwitanse op die vorm soos deur die Administrateur bepaal, ten opsigte van elke ding waarop aldus beslag gelê is, aan die persoon uit wie se besit sodanige ding geneem word, gegee;
- (e) enigiemand ondervra wat hy vermoed in besit is van inligting betreffende die dryf van 'n besigheid;
- (f) iemand wat hy vermoed 'n besigheid dryf, versoek om sy naam en adres te verstrek en die lisensie, magtiging of permit vir die dryf van so 'n besigheid te toon;
- (g) iemand wat hy vermoed 'n werknemer of agent van iemand is wat 'n besigheid dryf, versoek om sy naam en adres en die naam en adres van sy werkgever te verstrek; en
- (h) van enigiemand in paragrawe (f) en (g) genoem, vereis dat hy sy identiteitsdokument aan hom toon.

(2) 'n Gemagtigde beampte of 'n gesondheidsbeampte moet, afgesien van enige stappe wat ingevolge die bepalings van enige ander wet gedoen mag word, enige onbevredigende toestand wat deur hom gevind word met betrekking tot die besigheidsperseel, enige voertuig of houer, die dryf van die besigheid of enige persoon wat by die dryf van die besigheid betrokke is, en wat nie binne sodanige tydperk as wat sodanige beampte mag bepaal, reggestel word nie, en enige verandering soos in artikels 26 en 29 beoog, aan die sekretaris van die betrokke lisensieraad rapporteer.

(3) 'n Gemagtigde beampte of 'n gesondheidsbeampte wat ingevolge subartikel (1)(d) enige ding in beslag geneem het, moet, indien doenlik, so gou as moontlik na die beslaglegging identifikasie-merke daarop aanbring en moet dit onverwyld voor 'n landdros bring wat kan gelas dat dit in sodanige bewaring gehou word as wat hy bepaal.

Inligting wat aan 'n lisensieraad verstrek kan word.

31. Enigiemand, insluitende die Staat, kan ten opsigte van enige besigheid, en 'n plaaslike bestuur kan, ten opsigte van 'n besigheid binne sy munisipaliteit, skriftelik inligting aan 'n lisensieraad verstrek betreffende enige aangeleentheid in artikel 19(2) genoem, en die sekretaris van die betrokke lisensieraad lê sodanige inligting aan die voorsitter van daardie lisensieraad voor.

HOOFSTUK VIII.

HERSIENING VAN 'N LISENSIE.

Bevoegdheid van 'n lisensieraad om 'n lisensie te hersien.

32. Behoudens die bepalings van hierdie Hoofstuk, kan 'n lisensieraad te eniger tyd die lisensie van 'n besigheid wat in sy lisensiegebied gedryf word, hersien.

Voorlegging van inligting aan 'n lisensieraad deur 'n voorsitter met die oog op her-siening van 'n lisensie.

33.(1) Wanneer die voorsitter van 'n lisensieraad op inligting wat aan hom ingevolge die bepalings van artikel 29(3), 30(2), 31 of andersins verstrek is, rede het om te vermoed dat ten opsigte van enige besigheid wat binne die lisensiegebied van die betrokke lisensieraad gedryf word —

- (a) enige voorwaarde, beperking of vereiste wat ingevolge die bepalings van artikel 19(1)(b) of (c) opgelê is, nie nagekom word nie;

(b) circumstances exist which, if application for a new licence had been made for that business, the refusal of the application for any reason referred to in section 19(2)(a), (b), (c), (d), (e), (f), (g), (h) or (i) would have been justified; or

(c) the carrying on of such business constitutes a danger or threat to public health, the public interest or public safety,

he shall submit such information to the licensing board concerned to enable that board to review the licence.

(2) The chairman of the licensing board concerned shall fix the place, time and date of the review and notice thereof, stating the general purport of the grounds for the review shall at least 10 days before the date so fixed, be served by the secretary of that licensing board —

(a) on the local authority within whose municipality the business is being carried on;

(b) if the decision to have the licence reviewed was taken on information furnished to the board in a written communication or report, on the person, including the State, who furnished such communication or report; and

(c) on the holder of the licence concerned.

(3) Any person may, during office hours, at the office of the secretary of the licensing board concerned, make a copy of or an extract from any written communication or report referred to in paragraph (b).

Procedings, evidence and record of the proceedings of a licensing board in connection with the review of a licence.

34.(1) On the review of a licence by a licensing board, every person referred to in section 33(2) shall be entitled to appear before the licensing board concerned or to submit an argument in writing in connection with such review and any person who so appears or so submits an argument, shall be a party to such review.

(2) The provisions of section 18(2), (3), (4), (5), (6) and (7), section 19(5), (6) and (8) and section 22 shall apply *mutatis mutandis* to the review of a licence by a licensing board.

Suspension of a licence by a chairman of a licensing board.

35.(1) The chairman of a licensing board may, if he is satisfied that the carrying on of a business will constitute a serious danger or threat to the public health, public interest or public safety, suspend forthwith the licence of that business by means of a written order to be served on the holder of the licence or the person in actual or effective control of the business concerned, pending review thereof by the licensing board concerned and such order shall hereinafter be referred to as a suspension order.

(2) The chairman of a licensing board shall in a suspension order state the general purport of the grounds for the suspension and shall afford the holder of the licence concerned the oppor-

(b) omstandighede bestaan wat, indien aansoek om 'n nuwe lisensie vir daardie besigheid gedoen was, die weiering van die aansoek om enige rede in artikel 19(2)(a), (b), (c), (d), (e), (f), (g), (h) of (i) geregverdig sou gewees het; of

(c) die dryf van sodanige besigheid 'n gevaar of bedreiging vir openbare gesondheid, die openbare belang of openbare veiligheid inhou,

lê hy sodanige inligting aan die betrokke lisensieraad voor om daardie raad in staat te stel om die lisensie te hersien.

(2) Die voorsitter van die betrokke lisensieraad stel die plek, tyd en datum van die hersiening vas en kennis daarvan, met vermelding van die algemene strekking van die gronde vir die hersiening, word minstens 10 dae voor die datum aldus vasgestel, deur die sekretaris van daardie lisensieraad beteken —

(a) aan die plaaslike bestuur binne wie se munisipaliteit die besigheid gedryf word;

(b) indien die besluit om die lisensie te laat hersien, geneem is op inligting wat in 'n skriftelike mededeling of verslag vervat is, aan die persoon, insluitende die Staat, wat sodanige mededeling of verslag verstrek het; en

(c) aan die houer van die betrokke lisensie.

(3) Enigiemand kan gedurende kantoorure by die kantoor van die sekretaris van die betrokke lisensieraad 'n afskrif van of 'n uittreksel uit enige skriftelike mededeling of verslag in paragraaf (b) genoem, maak.

Verrigtinge, getuienis en oorkonde van 'n lisensieraad in verband met die hersiening van 'n lisensie.

34.(1) By die hersiening van 'n lisensie deur 'n lisensieraad is elke persoon in artikel 33(2) genoem, geregtig om voor die betrokke lisensieraad te verskyn of om 'n skriftelike betoog aan daardie raad voor te lê in verband met sodanige hersiening en enigiemand wat aldus verskyn of wat aldus 'n betoog voorlê, is 'n party by sodanige hersiening.

(2) Die bepalings van artikel 18(2), (3), (4), (5), (6) en (7), artikel 19(5), (6) en (8) en artikel 22 is *mutatis mutandis* van toepassing by die hersiening van 'n lisensie deur 'n lisensieraad.

Opskorting van 'n lisensie deur 'n voorsitter van 'n lisensieraad.

35.(1) Die voorsitter van 'n lisensieraad kan, indien hy oortuig is dat die dryf van 'n besigheid 'n ernstige gevaar of bedreiging vir die openbare gesondheid, openbare belang of openbare veiligheid inhou, die lisensie van daardie besigheid by wyse van 'n skriftelike bevel wat aan die houer van die lisensie of die persoon in werklike en effektiewe beheer van die betrokke besigheid beteken word, hangende hersiening daarvan deur die betrokke lisensieraad, onverwyld opskort en sodanige bevel word hierna 'n opskortingsbevel genoem.

(2) Die voorsitter van 'n lisensieraad meld in 'n opskortingsbevel die algemene strekking van die gronde vir die opskorting en bied aan die houer van die betrokke lisensie die geleentheid om binne 7 dae vanaf die datum van die beteke-

tunity within 7 days of the date of the service of such order to advance written reasons for the cancellation of the suspension order.

(3) The chairman of the licensing board concerned may, in his discretion, at any time before the review of the licence concerned, cancel the suspension order.

(4) After the service of a suspension order as contemplated in subsection (1), the carrying on of the business concerned shall be discontinued forthwith and may, subject to any other provision of this Ordinance, only be resumed —

- (a) if the chairman of the licensing board concerned cancels the suspension order; or
- (b) in terms of and in accordance with a decision of the licensing board concerned on review of the licence.

(5) For the purpose of reviewing a suspended licence, the provisions of section 33(2) shall, subject to the provisions of subsection (6), apply *mutatis mutandis*.

(6) Unless an ordinary sitting of a licensing board will take place within 10 days after the service of the suspension order and such order has not been cancelled in terms of the provisions of subsection (3) by the chairman of the licensing board concerned, such chairman shall forthwith convene a special sitting of that board for the purpose of reviewing that licence.

(7) Any person who contravenes or fails to comply with the provisions of subsection (4), shall be guilty of an offence.

Cancellation of a licence or other decision by a licensing board on review.

36.(1) A licensing board may, on the review of a licence —

- (a) cancel such licence and order the holder of the licence forthwith to discontinue the business;
- (b) authorize the holder of the licence concerned to continue the business on condition that such holder shall within a fixed period or such further period as the chairman of the licensing board concerned may, on request allow, comply with any requirement stipulated by such board to remove any reason why, if the review of the licence concerned had been an application for a new licence, such application could have been refused in terms of the provisions of section 19(2)(a), (b), (c), (d), (e), (f), (g), (h) or (i);
- (c) (i) authorize the holder of the licence concerned to continue the business subject to any condition, restriction or requirement; or
- (ii) order such holder to discontinue, in whole or in part, the business authorized by that licence until such time as such holder satisfies the licensing board concerned that he has complied with any condition, restriction or requirement,

which such licensing board deems necessary to remove any ground upon which, if the

ning van sodanige bevel, skriftelike redes aan te voer vir die intrekking van die opskortingsbevel.

(3) Die voorsitter van die betrokke lisensieraad kan, na goeëdunke, die opskortingsbevel te eniger tyd voor die hersiening van die betrokke lisensie intrek.

(4) Na betekening van 'n opskortingsbevel soos in subartikel (1) beoog, word die dryf van die betrokke besigheid onverwyld gestaak en kan, behoudens enige ander bepaling van hierdie Ordonnansie, slegs hervat word —

- (a) indien die voorsitter van die betrokke lisensieraad die opskortingsbevel intrek; of
- (b) ingevolge en ooreenkomstig 'n besluit van die betrokke lisensieraad by hersiening van die lisensie.

(5) Vir die doel om 'n opgeskorte lisensie te hersien, is die bepalings van artikel 33(2), behoudens die bepalings van subartikel (6), *mutatis mutandis* van toepassing.

(6) Tensy 'n gewone sitting van 'n lisensieraad binne 10 dae vanaf die betekening van die opskortingsbevel sal plaasvind en sodanige bevel nie deur die voorsitter van die betrokke lisensieraad ingevolge die bepalings van subartikel (3) ingetrek is nie, belê sodanige voorsitter onverwyld 'n spesiale sitting van daardie raad met die doel om daardie lisensie te hersien.

(7) Iemand wat die bepalings van subartikel (4) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Intrekking van 'n lisensie of ander beslissing deur 'n lisensieraad by hersiening.

36.(1) 'n Lisensieraad kan, by hersiening van 'n lisensie —

- (a) sodanige lisensie intrek en die houer van die lisensie gelas om die besigheid onverwyld te staak;
- (b) die houer van die betrokke lisensie magtig om die besigheid voort te sit op voorwaarde dat sodanige houer binne 'n bepaalde tydperk of sodanige verdere tydperk as wat die voorsitter van die betrokke lisensieraad op versoek toelaat, voldoen aan enige vereiste wat sodanige raad stel om enige rede uit te skakel waarom, as die hersiening van die betrokke lisensie 'n aansoek om 'n nuwe lisensie was, sodanige aansoek ingevolge die bepalings van artikel 19(2)(a), (b), (c), (d), (e), (f), (g), (h) of (i) geweier sou kon word;
- (c) (i) die houer van die betrokke lisensie magtig om die besigheid voort te sit onderworpe aan enige voorwaarde, beperking of vereiste; of
- (ii) sodanige houer gelas om die besigheid wat deur daardie lisensie gemagtig word geheel of gedeeltelik te staak tot tyd en wyl sodanige houer die betrokke lisensieraad oortuig dat hy voldoen het aan enige voorwaarde, beperking of vereiste,

wat sodanige lisensieraad nodig ag om enige rede uit te skakel waarom, as die hersiening

review of the licence concerned had been an application for a new licence, such application could have been refused in terms of section 19(2)(a), (b), (c), (d), (e), (f), (g), (h) or (i);

- (d) exercise *mutatis mutandis*, the powers conferred by section 19(1)(g); or
- (e) if the licence has been suspended, cancel such suspension unconditionally or exercise, *mutatis mutandis*, the powers referred to in paragraph (c).

(2) When a licensing board takes a decision in terms of the provisions of subsection (1)(a), (b) or (c), it may order that such business shall, either in whole or in part, be discontinued pending the lodging of an appeal against any such decision, the result of such appeal or during the period of postponement, as the case may be.

(3) Any person who contravenes or fails to comply with any order, condition, restriction or requirement contemplated in subsection (1)(a), (b), (c) or (e) or in subsection (2), shall be guilty of an offence.

Surrender of a licence and issue of a new control certificate after review of a licence.

37.(1) When a licensing board takes a decision in terms of the provisions of section 36(1)(a), (b), (c) or (e), the holder of the licence shall not later than the day following the day on which the period allowed for lodging an appeal expires, surrender his licence to the secretary of the licensing board concerned for cancellation, unless an appeal has been lodged against the decision of that licensing board during such period.

(2) Upon the surrender of a licence in respect of which a licensing board has taken a decision in terms of the provisions of section 36(1)(b), (c) or (e), the secretary of the licensing board concerned shall furnish the holder of the licence with a new control certificate in accordance with the decision of that licensing board and the provisions of section 20, other than the proviso to subsection (1) thereof, and the provisions of section 24(b), (c) and (d), shall apply *mutatis mutandis*.

(3) Any person who contravenes or fails to comply with the provisions of subsection (1), shall be guilty of an offence.

CHAPTER IX.

LICENSING APPEAL BOARDS.

Establishment of licensing appeal boards.

38.(1) The Administrator shall, as hereinafter provided, from time to time by notice in the *Provincial Gazette* establish as many licensing appeal boards as he may deem necessary to hear appeals against any decision of a licensing board.

(2) The area of jurisdiction and the seat of a licensing appeal board shall be as the Administrator may determine.

(3) A licensing appeal board shall consist of a chairman and 2 other members.

(4) The chairman of a licensing appeal board shall be a retired judge of the Supreme Court of the Republic or a person who has practised as

Inlewering van 'n lisensie en uitreiking van 'n nuwe kontrolesertifikaat na hersiening van 'n lisensie.

van die betrokke lisensie 'n aansoek om 'n nuwe lisensie was, sodanige aansoek ingevolge die bepalings van artikel 19(2)(a), (b), (c), (d), (e), (f), (g), (h) of (i) geweier sou kon word;

- (d) die bevoegdhede by artikel 19(1)(g) verleen, *mutatis mutandis* uitoefen; of
- (e) indien die lisensie opgeskort is, die opskorting onvoorwaardelik intrek of die bevoegdhede in paragraaf (c) genoem, *mutatis mutandis* uitoefen.

(2) Wanneer 'n lisensieraad 'n beslissing ingevolge die bepalings van subartikel (1)(a), (b) of (c) neem, kan hy gelas dat so 'n besigheid, hetsy in sy geheel of gedeeltelik, gestaak word hangende die indiening van 'n appèl teen sodanige beslissing, die uitslag van sodanige appèl of gedurende die tydperk van uitstel, na gelang van die geval.

(3) Iemand wat enige lasgewing, voorwaarde, beperking of vereiste in subartikel (1)(a), (b), (c) of (e) of subartikel (2) beoog, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

37.(1) Wanneer 'n lisensieraad 'n beslissing ingevolge die bepalings van artikel 36(1)(a), (b), (c) of (e) neem, moet die houer van die lisensie sy lisensie nie later nie as die dag wat volg op die verstryking van die tydperk, wat vir die indiening van 'n appèl toegelaat is, by die sekretaris van die betrokke lisensieraad vir rojering inlewer, tensy 'n appèl teen die beslissing van daardie lisensieraad gedurende sodanige tydperk ingedien is.

(2) By die inlewering van 'n lisensie ten opsigte waarvan 'n lisensieraad 'n beslissing ingevolge die bepalings van artikel 36 (1)(b), (c) of (e) geneem het, voorsien die sekretaris van die betrokke lisensieraad die houer van die lisensie van 'n nuwe kontrolesertifikaat in ooreenstemming met die besluit van daardie lisensieraad en is die bepalings van artikel 20, uitgenome die voorbehoudsbepaling by subartikel (1) daarvan, en die bepalings van artikel 24(b), (c) en (d) *mutatis mutandis* van toepassing.

(3) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

HOOFSTUK IX.

LISENSIE-APPÈLRADE.

Instelling van lisensie-appèlrade.

38.(1) Die Administrateur stel, soos hierna bepaal, van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* soveel lisensie-appèlrade in as wat hy nodig ag om appèlle teen enige beslissing van 'n lisensieraad aan te hoor.

(2) Die regsgebied en setel van 'n lisensie-appèlraad is soos deur die Administrateur bepaal.

(3) 'n Lisensie-appèlraad bestaan uit 'n voorsitter en 2 ander lede.

(4) Die voorsitter van 'n lisensie-appèlraad is 'n afgetrede regter van die Hooggeregshof van die Republiek of iemand wat minstens 10 jaar

an advocate in the Republic for a period of at least 10 years or who is in possession of the legal qualifications and experience which the Administrator deems appropriate.

(5) In respect of the other 2 members of the licensing appeal board referred to in subsection (3) —

- (a) one shall be a person who, in the opinion of the Administrator, has knowledge and practical experience of commerce and industry; and
- (b) the other shall be a person who, in the opinion of the Administrator, has knowledge and practical experience of local government.

(6) The Administrator shall, having regard to the provisions of subsection (4) or (5), as the case may be, appoint an alternate for every member of the licensing appeal board who shall take the place of the member concerned and exercise his powers and fulfil his duties whenever that member is for any reason unable to take part in the proceedings of such appeal board.

(7) A member of a licensing appeal board who is not in the full-time service of the State, shall receive from the Provincial Revenue Fund the remuneration which the Administrator determines in general or in the case of a particular licensing appeal board and every member shall receive from that Fund such travelling allowances as the Administrator may likewise determine.

(8) The Administrator may, by notice in the *Provincial Gazette*, disestablish any licensing appeal board subject to such directions as he may deem expedient in connection with the disposal of any pending matter.

Staff and office facilities for a licensing appeal board.

39.(1) Subject to the laws relating to the Public Service of the Republic, the Administrator shall appoint a secretary for a licensing appeal board and such other staff as may be necessary to perform the administrative and clerical duties in connection with the functions of a licensing appeal board.

(2) The Administrator shall provide the necessary office accommodation for the licensing appeal board and its staff.

Sittings of a licensing appeal board.

40.(1) A sitting of a licensing appeal board shall be held from time to time as the chairman thereof deems fit and such chairman shall determine the day, time and place of any such sitting.

(2) The provisions of section 5(4), (6), (8) and (9) shall apply *mutatis mutandis* to a licensing appeal board.

Disqualifications to be a member of a licensing appeal board.

41. The provisions of section 6 shall apply *mutatis mutandis* in respect of the appointment or of any person continuing as a member of a licensing appeal board.

Period of office of a member of a licensing appeal board and the filling of any vacancy.

42.(1) The provisions of section 7(1) and (2) shall apply *mutatis mutandis* in respect of the period of office of a member of a licensing appeal board.

as 'n advokaat in die Republiek gepraktiseer het of wat die regskwalifikasies en ondervinding het wat die Administrateur geskik ag.

(5) Ten opsigte van die ander 2 lede van 'n lisensie-appèlraad in subartikel (3) genoem, is —

- (a) een 'n persoon wat, na die mening van die Administrateur, kennis en praktiese ondervinding van handel en nywerheid het; en
- (b) die ander 'n persoon wat, na die mening van die Administrateur, kennis en praktiese ondervinding van plaaslike bestuur het.

(6) Die Administrateur stel, met inagneming van die bepalings van subartikel (4) of (5), na gelang van die geval, vir elke lid van 'n lisensie-appèlraad 'n plaasvervanger aan wat die plek van die betrokke lid inneem en sy bevoegdhede uitoefen en sy pligte vervul wanneer daardie lid om enige rede nie in staat is om aan die verrigtinge van sodanige appèlraad deel te neem nie.

(7) 'n Lid van 'n lisensie-appèlraad wat nie in die voltydse diens van die Staat is nie, ontvang uit die Provinsiale Inkomstefonds die besoldiging wat die Administrateur in die algemeen of in die geval van 'n besondere lisensie-appèlraad bepaal en elke lid ontvang uit daardie Fonds sodanige reistoelae as wat die Administrateur insgelyks bepaal.

(8) Die Administrateur kan enige lisensie-appèlraad, onderworpe aan sodanige opdragte as wat hy dienstig ag in verband met die afhandeling van enige hangende aangeleentheid by kennisgeving in die *Provinsiale Koerant* ontbind.

Personeel van en kantoorgeriewe vir 'n lisensie-appèlraad.

39.(1) Behoudens die wette betreffende die Staatsdiens van die Republiek, stel die Administrateur 'n sekretaris vir 'n lisensie-appèlraad en sodanige ander personeel aan wat nodig mag wees om die administratiewe en klerklike pligte in verband met die werksaamhede van 'n lisensie-appèlraad te vervul.

(2) Die Administrateur voorsien die nodige kantoorgeriewe vir 'n lisensie-appèlraad en sy personeel.

Sittings van 'n lisensie-appèlraad.

40.(1) 'n Sitting van 'n lisensie-appèlraad word van tyd tot tyd soos deur die voorsitter daarvan goed geag word, gehou en sodanige voorsitter bepaal die dag, tyd en plek van enige sodanige sitting.

(2) Die bepalings van artikel 5(4), (6), (8) en (9) is *mutatis mutandis* van toepassing op 'n lisensie-appèlraad.

Onbevoegdhede om 'n lid van 'n lisensie-appèlraad te wees.

41. Die bepalings van artikel 6 is *mutatis mutandis* van toepassing ten opsigte van die aanstelling of die aanbly van iemand as 'n lid van 'n lisensie-appèlraad.

Ampstermyn van 'n lid van 'n lisensie-appèlraad en die vulling van enige vakature.

42.(1) Die bepalings van artikel 7(1) en (2) is *mutatis mutandis* van toepassing ten opsigte van die ampstermyn van 'n lid van 'n lisensie-appèlraad.

(2) If for any reason a vacancy occurs during the period of office of any member, the Administrator shall, subject to the provisions of section 38(4) and (5), appoint a successor for such member and such successor shall hold office for the unexpired period of office of his predecessor.

Right of appeal against a decision of a licensing board.

43.(1) Any party to the proceedings of a licensing board, other than a party who in terms of the provisions of section 20(1)(a) has undertaken not to appeal, may by a written notice to the secretary of the licensing board concerned, appeal against the decision of such licensing board to the licensing appeal board concerned within the period, in the manner and in accordance with the procedure as prescribed.

(2) The time, date and place for the hearing of an appeal shall be determined by the chairman of the licensing appeal board concerned and notice thereof shall be served at least 10 days before the date so determined by the secretary of that licensing appeal board, on the appellant and on every person to whom, as prescribed, a copy of a notice of appeal shall be served.

Hearing of an appeal.

44.(1) At the hearing of an appeal by a licensing appeal board the appellant and every person on whom, as prescribed, a copy of a notice of appeal shall be served, may appear before the licensing appeal board, or submit a written argument to such licensing appeal board and he shall, if he so appears or so submits a written argument, be a party to the appeal.

(2) The provisions of section 18(2), (3), (4), (5), (6) and (7) and section 19(8), shall apply *mutatis mutandis* in connection with the hearing of an appeal by a licensing appeal board: Provided that a party to an appeal, except with the permission of the licensing appeal board, shall not be entitled to give evidence or call witnesses at such hearing.

(3) The hearing of an appeal shall be confined to the grounds stated in the notice of appeal or such amended or new grounds as the licensing appeal board concerned may, on good cause, allow.

Decision of a licensing appeal board.

45.(1) A licensing appeal board shall have the powers conferred on a licensing board by sections 19 and 36(1) and may —

- dismiss the appeal and confirm the decision of a licensing board;
- uphold the appeal in whole or in part and substitute its decision for the decision of a licensing board or vary the decision of a licensing board;
- remit the matter to the licensing board concerned with such direction as it may deem fit; or
- postpone the consideration of the appeal to obtain further information from the licensing board concerned or for any other reason.

(2) A licensing appeal board shall, simultaneously with its decision or as soon as practicable thereafter, give written reasons for such decision.

(3) Any party to an appeal before a licensing appeal board shall on his request and upon pay-

(2) Indien 'n vakature om enige rede gedurende die ampstermyn van 'n lid ontstaan, stel die Administrateur, behoudens die bepalinge van artikel 38(4) en (5), 'n opvolger vir so 'n lid aan en so 'n opvolger beklee sy amp vir die onverstreke ampstermyn van sy voorganger.

Reg van appél teen 'n beslissing van 'n lisensieraad.

43.(1) Enige party by die verrigtinge van 'n lisensieraad, uitgenome 'n party wat ingevolge die bepalinge van artikel 20(1)(a) onderneem het om nie te appelleer nie, kan, by skriftelike kennisgewing aan die sekretaris van die betrokke lisensieraad teen sodanige lisensieraad se beslissing appelleer, na die betrokke lisensie-appèlraad binne die tydperk, op die wyse en volgens die prosedure soos voorgeskryf.

(2) Die tyd, datum en plek vir die verhoor van 'n appèl word deur die voorsitter van die betrokke lisensie-appèlraad bepaal, en kennis daarvan word minstens 10 dae voor die aldus bepaalde datum deur die sekretaris van daardie lisensie-appèlraad beteken aan die appellant en elke persoon aan wie, soos voorgeskryf, 'n afskrif van 'n kennisgewing van appèl beteken moet word.

Verhoor van 'n appèl.

44.(1) By die verhoor van 'n appèl deur 'n lisensie-appèlraad kan die appellant en elke persoon aan wie, soos voorgeskryf, 'n afskrif van 'n kennisgewing van appèl beteken moet word, voor die lisensie-appèlraad verskyn of 'n skriftelike betoog aan sodanige lisensie-appèlraad voorlê, en is hy, indien hy aldus verskyn of aldus 'n betoog voorlê, 'n party by die appèl.

(2) Die bepalinge van artikel 18(2), (3), (4), (5), (6) en (7) en artikel 19(8) is *mutatis mutandis* van toepassing in verband met die verhoor van 'n appèl deur 'n lisensie-appèlraad: Met dien verstande dat 'n party by 'n appèl, uitgenome met verlof van die lisensie-appèlraad, nie geregtig is om by sodanige verhoor getuienis af te lê of getuies te roep nie.

(3) Die verhoor van 'n appèl is beperk tot die gronde wat in die kennisgewing van appèl vermeld word of sodanige gewysigde of nuwe gronde as wat die betrokke lisensie-appèlraad, om goeie rede, toelaat.

Beslissing van 'n lisensie-appèlraad.

45.(1) 'n Lisensie-appèlraad het die bevoegd-hede wat artikels 19 en 36(1) aan 'n lisensie-raad verleen en kan —

- die appèl van die hand wys en die beslissing van 'n lisensieraad bekragtig;
- die appèl in sy geheel of gedeeltelik handhaaf en die beslissing van 'n lisensieraad deur sy beslissing vervang of 'n lisensieraad se beslissing verander;
- die saak met enige opdrag wat hy goed dink, na die betrokke lisensieraad terugverwys; of
- die oorweging van die appèl uitstel om verdere inligting van die betrokke lisensieraad te verkry of om enige ander rede.

(2) 'n Lisensie-appèlraad gee gelyktydig met sy beslissing of so gou doenlik daarna, skriftelik redes vir sodanige beslissing.

(3) Enige party by 'n appèl voor 'n lisensie-appèlraad word op sy versoek en teen betaling

ment of such fee as may be prescribed, be furnished by the secretary of the licensing appeal board concerned, with a copy of the document in which the reasons referred to in subsection (2) are contained.

(4) A licensing appeal board may order a party whose appeal or whose opposition to an appeal is, in the opinion of such appeal board, frivolous, malicious or vexatious, to pay such costs as that appeal board may determine to any other party and such payment shall be made in the manner determined by such appeal board.

(5) Any person who fails to comply with an order, as contemplated in subsection (4), shall be guilty of an offence.

Procedure after decision of a licensing appeal board.

46.(1) The secretary of a licensing appeal board shall convey forthwith in writing the decision of such appeal board to every party to the appeal and to the secretary of the licensing board concerned.

(2) If the appeal is against the decision of a licensing board on an application for a new licence, and the decision of a licensing appeal board is that the application shall be granted, the provisions of section 20, other than the proviso to subsection (1) thereof, shall apply *mutatis mutandis*.

(3) If the appeal is against the decision of a licensing board on the review of a licence, and a licensing appeal board has cancelled the licence or has imposed any condition, restriction or any requirement, the holder of such licence shall, when requested to do so by the secretary of the licensing board concerned, forthwith surrender the licence to the secretary of such licensing board for cancellation.

(4) Where a licence has in terms of the provisions of subsection (3) been cancelled for the reason that a licensing appeal board has imposed any condition, restriction or requirement, the provisions of section 20, other than the proviso to subsection (1) thereof, and the provisions of section 24(b), (c) and (d) shall apply *mutatis mutandis* to the issue of a new control certificate.

(5) If a matter is remitted to a licensing board in terms of the provisions of section 45(1)(c) and the hearing of further evidence or a re-hearing is necessary, the time, date and place of the sitting of the licensing board concerned shall for that purpose be fixed by the chairman of that licensing board and every party to the appeal shall, at least 10 days before the date so fixed, be notified of such time, date and place of such sitting.

(6) Any person who contravenes or fails to comply with the provisions of subsection (3) shall be guilty of an offence.

Record of proceedings of a licensing appeal board.

47.(1) The secretary of a licensing appeal board shall keep or cause to be kept minutes of the proceedings of that licensing appeal board in respect of each appeal heard by that appeal board, other than the private deliberations of the licensing appeal board, and the record of any evidence given before the licensing appeal board and such minutes and record together with the relevant record of the proceedings of the licensing board concerned as contemplated in section 22, the reasons for the decision of the

van sodanige geld as wat voorgeskryf word deur die sekretaris van die betrokke lisensie-appèlraad deur 'n afskrif van die dokument waarin die redes in subartikel (2) genoem, vervat is, voorsien.

(4) 'n Lisensie-appèlraad kan beveel dat 'n party wie se appèl of bestryding van 'n appèl, na die mening van sodanige appèlraad, beuselagtig, kwaadwillig of kwelsugtig is, sodanige koste as wat daardie appèlraad bepaal aan enige ander party moet betaal en sodanige betaling geskied op die wyse deur sodanige appèlraad bepaal.

(5) Iemand wat versuim om aan 'n bevel, soos in subartikel (4) beoog, te voldoen, is aan 'n misdryf skuldig.

Prosedure na beslissing van 'n lisensie-appèlraad.

46.(1) Die sekretaris van 'n lisensie-appèlraad dra onverwyld die besluit van sodanige appèlraad skriftelik aan elke party by die appèl en aan die sekretaris van die betrokke lisensieraad oor.

(2) Indien die appèl teen 'n lisensieraad se besluit oor 'n aansoek om 'n nuwe lisensie is en die besluit van 'n lisensie-appèlraad is dat die aansoek toegestaan moet word, is die bepaling van artikel 20, uitgenome die voorbehoudsbepaling by subartikel (1) daarvan, *mutatis mutandis* van toepassing.

(3) Indien die appèl teen 'n lisensieraad se besluit op hersiening van 'n lisensie is, en 'n lisensie-appèlraad die lisensie ingetrek het of enige voorwaarde, beperking of vereiste opgelê het, lewer die houer van sodanige lisensie, wanneer hy deur die sekretaris van die betrokke lisensieraad daarom versoek word, die lisensie onverwyld in by die sekretaris van sodanige lisensieraad vir rojerig.

(4) Waar 'n lisensie ingevolge die bepaling van subartikel (3) rojeer is omrede 'n lisensie-appèlraad enige voorwaarde, beperking of vereiste opgelê het, is die bepaling van artikel 20, uitgenome die voorbehoudsbepaling by subartikel (1) daarvan, en die bepaling van artikel 24(b), (c) en (d) *mutatis mutandis* van toepassing op die uitreiking van 'n nuwe kontrolesertifikaat.

(5) Indien 'n saak ingevolge die bepaling van artikel 45(1)(c) na 'n lisensieraad terugverwys is en die aanhoor van verdere getuienis of 'n herverhoor nodig is, word die tyd, datum en plek van die sitting van die betrokke lisensieraad vir daardie doel deur die voorsitter van daardie lisensieraad vasgestel en word elke party tot die appèl minstens 10 dae vóór die datum wat aldus vasgestel is, van sodanige tyd, datum en plek van die sitting in kennis gestel.

(6) Iemand wat die bepaling van subartikel (3) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Oorkonde van 'n lisensie-appèlraad se verrigtinge.

47.(1) Die sekretaris van 'n lisensie-appèlraad hou of laat 'n notule hou van die verrigtinge van daardie lisensie-appèlraad ten opsigte van elke appèl wat deur daardie lisensie-appèlraad verhoor word, uitgenome die lisensie-appèlraad se private beraadslagings, en 'n rekord van enige getuienis wat voor die lisensie-appèlraad afgelê word, en sodanige notule en rekord tesame met die tersaaklike oorkonde van die verrigtinge van die betrokke lisensieraad, soos in artikel 22 beoog, die redes vir die lisensieraad se besluit, soos in

licensing board, as contemplated in section 19(6), and the notice of appeal as contemplated in section 43, and every document which the licensing appeal board has considered, shall constitute the record of the proceedings of that licensing appeal board.

(2) Such a record of the proceedings of the licensing appeal board shall be kept in safe custody by the secretary of that licensing appeal board in his office.

(3) The record of the proceedings of the licensing appeal board shall be available for inspection by any party or his representative at the office of the secretary of that appeal board during office hours.

CHAPTER X.

GENERAL.

48.(1) A licensing board may, subject to any condition which it may from time to time impose, delegate any power or duty conferred or imposed on it in terms of the provisions of Chapters IV and VI of this Ordinance to the chairman or secretary of that licensing board: Provided that —

(a) such chairman or secretary may, in terms of such delegation, only grant an application if —

(i) such application complies with all the requirements of this Ordinance and no reason exists which would justify or necessitate the refusal thereof by the licensing board concerned;

(ii) the purport of a report contemplated in section 14(1)(a), and the recommendation contemplated in section 14(1)(b), is favourable to the applicant;

(iii) no objection has been lodged against such application in terms of the provisions of section 16; and

(iv) the applicant has accepted in writing any condition, restriction or requirement, if any, to which the grant of such application is proposed to be made subject to; and

(b) where such chairman or secretary is of the opinion that an application should not, in terms of such delegation, be granted or where such chairman or secretary is in terms of the provisions of paragraph (a) precluded from granting such application, that application shall be referred to the licensing board concerned for consideration and decision:

Provided further that the licensing board concerned may review any application which in its opinion has been granted contrary to the provisions of this subsection and the provisions of Chapter VIII shall apply *mutatis mutandis*.

(2) The chairman of a licensing board may, subject to such conditions as such chairman may from time to time impose, delegate any power or duty conferred or imposed on such chairman

artikel 19(6) beoog, die kennisgewing van appèl, soos in artikel 43 beoog, en elke dokument wat die lisensie-appèlraad oorweeg het, maak die oorkonde van die verrigtinge van daardie lisensie-appèlraad uit.

(2) So 'n oorkonde van die verrigtinge van die lisensie-appèlraad word deur die sekretaris van daardie lisensie-appèlraad in sy kantoor in veilige bewaring gehou.

(3) Die oorkonde van die verrigtinge van die lisensie-appèlraad is by die sekretaris van daardie appèlraad se kantoor gedurende kantoorure ter insae van enige party of sy verteenwoordiger.

HOOFSTUK X.

ALGEMEEN.

48.(1) 'n Lisensieraad kan, behoudens enige voorwaarde wat hy van tyd tot tyd mag opleë, enige bevoegdheid of plig aan hom verleen of opgelê ingevolge die bepalings van Hoofstukke IV en VI van hierdie Ordonnansie aan die voorsitter of sekretaris van daardie lisensieraad deleger:

Met dien verstande dat —

(a) sodanige voorsitter of sekretaris ingevolge sodanige delegering 'n aansoek slegs kan toestaan as —

(i) sodanige aansoek aan al die vereistes van hierdie Ordonnansie voldoen en daar geen rede bestaan wat die weiering daarvan deur die betrokke lisensieraad sou regverdig of noodsaak nie;

(ii) die strekking van 'n verslag in artikel 14(1)(a) beoog, en van 'n aanbeveling in artikel 14(1)(b) beoog, vir die aansoeker gunstig is;

(iii) geen beswaar teen sodanige aansoek ingevolge die bepalings van artikel 16 ingedien is nie; en

(iv) die aansoeker enige voorwaarde, beperking of vereiste, indien daar is, waaraan dit beoog word om die toestaan van sodanige aansoek onderworpe te stel, skriftelik aanvaar het; en

(b) waar sodanige voorsitter of sekretaris van mening is dat 'n aansoek nie ingevolge sodanige delegering toegestaan behoort te word nie of waar sodanige voorsitter of sekretaris ingevolge die bepalings van paragraaf (a) verhinder word om sodanige aansoek toe te staan, daardie aansoek na die betrokke lisensieraad vir oorweging en besluit, verwys word:

Met dien verstande voorts dat die betrokke lisensieraad enige aansoek wat na sy mening strydig met die bepalings van hierdie subartikel toegestaan is, kan hersien en is die bepalings van Hoofstuk VIII *mutatis mutandis* van toepassing.

(2) Die voorsitter van 'n lisensieraad kan, behoudens sodanige voorwaardes as wat sodanige voorsitter van tyd tot tyd mag opleë, enige bevoegdheid of plig aan sodanige voorsitter inge-

in terms of the provisions of this Ordinance, other than any power referred to in sections 27(4), 33(1), 35 and 65(2) and any power delegated by that board to such chairman, to the secretary of such board.

(3) A local authority may, subject to such conditions as such local authority may from time to time impose, delegate any power or duty, conferred or imposed on such local authority in terms of the provisions of this Ordinance, to any officer in its service.

(4) A licensing board, chairman of a licensing board, or a local authority, as the case may be, may at any time revoke any delegation granted in terms of subsection (1), (2) or (3).

(5) Where a licensing board does not make use of its power to delegate in terms of the provisions of subsection (1) and the Administrator is of the opinion that such delegation is desirable for the speedy disposal of applications, he may exercise such power on behalf of such licensing board.

(6) No delegation of any power or duty in terms of the provisions of this section shall prevent the exercise of that power or duty by a licensing board or the chairman of such licensing board or the local authority concerned.

Disposal of
goods
seized.

49.(1) A magistrate who has jurisdiction in the licensing area of the licensing board concerned may, at any time order the sale or destruction of any perishable thing seized in terms of the provisions of section 30(1)(d), and the proceeds thereof at such a sale shall, less any expenses incurred in connection therewith, be paid over to —

- (a) the local authority within whose municipality the offence concerned was committed; or
- (b) the Transvaal Provincial Administration if the offence was committed outside a municipality,

and such proceeds shall, subject to the provisions of subsections (2), (3), (6) and (7) be retained by the local authority concerned or by such Provincial Administration, as the case may be.

(2) A court may, after the conclusion of a trial for a contravention of any provision of this Ordinance and subject to the provisions of subsection (3), issue a special order relating to the return to the person entitled thereto of any thing seized in terms of the provisions of section 30(1)(d), or of the proceeds of any perishable thing as contemplated in subsection (1), and if no such order is issued, such thing or any proceeds as aforesaid, shall, on application and after payment of the expenses incurred in connection with the custody of such thing, be returned to the person from whose possession such thing was obtained, unless it was proved during the trial that he is not entitled to such thing: Provided that if within a period of 3 months after

volge die bepalings van hierdie Ordonnansie verleen of opgelê, uitgenome enige bevoegdheid in artikels 27(4), 33(1), 35 en 65(2) genoem en enige bevoegdheid deur daardie raad an sodanige voorsitter gedelegeer, aan die sekretaris van sodanige raad deleger.

(3) 'n Plaaslike bestuur kan, behoudens sodanige voorwaardes as wat sodanige plaaslike bestuur van tyd tot tyd mag ople, enige bevoegdheid of plig aan sodanige plaaslike bestuur ingevolge die bepalings van hierdie Ordonnansie verleen of opgelê, aan enige beampte in sy diens deleger.

(4) 'n Lisensieraad, die voorsitter van 'n lisensieraad of 'n plaaslike bestuur, na gelang van die geval, kan te eniger tyd 'n delegering wat ingevolge subartikel (1), (2) of (3) verleen is, in trek.

(5) Waar 'n lisensieraad nie van sy bevoegdheid om te deleger ingevolge die bepalings van subartikel (1) gebruik maak nie en die Administrateur van mening is dat sodanige delegering vir die spoedige afhandeling van aansoeke wenslik is, kan hy sodanige bevoegdheid namens sodanige lisensieraad uitoefen.

(6) Geen delegering van 'n bevoegdheid of plig ingevolge die bepalings van hierdie artikel belet die uitoefening van daardie bevoegdheid of plig deur 'n lisensieraad, die voorsitter van sodanige lisensieraad of die betrokke plaaslike bestuur nie.

Beskikking
oor goe-
dere waarop
beslag
gelê is.

49.(1) 'n Landdros wat regsbevoegdheid het in die lisensiegebied van die betrokke lisensieraad kan te eniger tyd die verkoop of vernietiging gelas van enige bederfbare ding waarop ingevolge die bepalings van artikel 30(1)(d) beslag gelê is, en word die opbrengs daarvan by so 'n verkoping, min enige uitgawe wat in verband daarmee aangegaan is, aan —

- (a) die plaaslike bestuur, binne wie se munisipaliteit die betrokke misdryf gepleeg is; of
- (b) die Transvaalse Provinsiale Administrasie, as die betrokke misdryf buite 'n munisipaliteit gepleeg is,

oorbetaal en word sodanige opbrengs, behoudens die bepalings van subartikels (2), (3), (6) en (7) deur die betrokke plaaslike bestuur of sodanige Provinsiale Administrasie, na gelang van die geval, behou.

(2) Na afloop van 'n verhoor vir die oortreding van enige bepaling van hierdie Ordonnansie kan 'n hof, behoudens die bepalings van subartikel (3), 'n spesiale bevel uitreik betreffende die teruggawe van enige ding wat ingevolge die bepalings van artikel 30(1)(d) op beslag gelê is, of van die opbrengs van enige bederfbare ding soos in subartikel (1) beoog, aan die persoon wat daarop geregtig is, en indien so 'n bevel nie uitgereik word nie, word sodanige ding of enige opbrengs soos voormoem, op aansoek en na betaling van die uitgawes in verband met die bewaring van sodanige ding, aan die persoon uit wie se besit

the conclusion of the trial no application is made in terms of the provisions of this section for the return of the thing, or of any proceeds as aforesaid, or if the person applying is not entitled thereto or does not pay the expenses as aforesaid, the ownership in such thing or in any proceeds as aforesaid, shall vest —

- (a) in the local authority in whose municipality the offence concerned was committed; or
- (b) the Transvaal Provincial Administration, if the offence concerned was committed outside a municipality.

(3) A court which convicts any person of an offence in terms of the provisions of this Ordinance may order any thing or proceeds as aforesaid, and in respect of which thing such court is satisfied that it was used for the purpose of or in connection with the commission of such offence, to be forfeited to —

- (a) the local authority within whose municipality the offence concerned was committed; or
- (b) the Transvaal Provincial Administration, if the offence concerned was committed outside a municipality:

Provided that such a forfeiture order shall not affect any rights which any person other than the convicted person may have to the thing concerned or to any proceeds as aforesaid, if it is proved that he did not know that the thing was being used or would be used for the purpose of or in connection with the commission of such offence, or that he could not have prevented such use.

(4) The court which is hearing or which has heard the case may at the time of the hearing or at any time after the making of a forfeiture order, enquire into and determine the rights of any person to the thing concerned or to any proceeds as aforesaid and may, if such order has already been made, set aside or vary such order.

(5) The local authority concerned or the Transvaal Provincial Administration, as the case may be, may, in its discretion, dispose of any thing ordered to be forfeited to it in terms of the provisions of subsection (3): Provided that no such thing, other than a perishable thing, shall be sold, destroyed or otherwise disposed of until a period of 30 days has expired from the date of the forfeiture order or while the decision of any court is pending in relation to such order or the conviction upon which such order followed.

(6) If any forfeiture order is set aside or varied, after the thing ordered to be forfeited in favour of the local authority concerned or the Transvaal Provincial Administration, as the case may be, has been sold, the person whose rights were upheld, in whole or in part, by the setting aside or variation of the order, may claim from the local authority concerned or the Transvaal Provincial

sodanige ding verkry is, teruggegee, tensy dit gedurende die verhoor bewys is dat hy nie op sodanige ding geregtig is nie: Met dien verstande dat indien geen aansoek vir die teruggawe van die ding of van enige opbrengs soos voornoem, binne 3 maande na afloop van die verhoor ingevolge hierdie artikel gedoen word nie, of indien die persoon wat aansoek doen nie daarop geregtig is nie of nie die genoemde uitgawes betaal nie, die eiendomsreg in sodanige ding of in enige opbrengs soos voornoem, oorgaan op —

- (a) die plaaslike bestuur binne wie se munisipaliteit die betrokke misdryf gepleeg is; of
- (b) die Transvaalse Provinsiale Administrasie as die betrokke misdryf buite 'n munisipaliteit gepleeg is.

(3) 'n Hof wat iemand aan 'n misdryf ingevolge die bepalings van hierdie Ordonnansie skuldig bevind, kan enige ding of opbrengs, soos voornoem, en ten opsigte van welke ding die hof oortuig is dat dit gebruik is vir die doel van of in verband met die pleging van sodanige misdryf, verbeurd verklaar ten gunste van —

- (a) die plaaslike bestuur binne wie se munisipaliteit die betrokke misdryf gepleeg is; of
- (b) die Transvaalse Provinsiale Administrasie, as die betrokke misdryf buite 'n munisipaliteit gepleeg is:

Met dien verstande dat so 'n verbeurdverklaringsbevel geen afbreuk doen aan enige regte wat iemand anders as die veroordeelde op die betrokke ding of op enige opbrengs soos voornoem, het nie, indien dit bewys word dat hy nie geweet het dat die ding vir die doel of in verband met die pleging van sodanige misdryf gebruik was of gebruik sal word nie, of dat hy sodanige gebruik nie kon verhinder het nie.

(4) Die hof wat die saak verhoor of verhoor het, kan tydens die verhoor of te eniger tyd na so 'n verbeurdverklaringsbevel na enigiemand se regte op die betrokke ding of op enige opbrengs soos voornoem, ondersoek instel en dit bepaal en, indien sodanige bevel alreeds gegee is, sodanige bevel ter syde stel of wysig.

(5) Die betrokke plaaslike bestuur of die Transvaalse Provinsiale Administrasie, na gelang van die geval, kan na goeddunke, beskik oor enige ding wat ten gunste van hom ingevolge die bepalings van subartikel (3) verbeurd verklaar is: Met dien verstande dat geen sodanige ding, uitgenome 'n bederfbare ding, verkoop, vernietig of anders oor beskik word nie alvorens 30 dae vanaf die datum van so 'n verbeurdverklaringsbevel verstryk het of terwyl 'n beslissing van enige hof met betrekking tot sodanige bevel of die skuldigbevinding waarop sodanige bevel gevolg het, hangende is:

(6) Indien enige verbeurdverklaringsbevel ter syde gestel of gewysig word nadat die ding wat ten gunste van die betrokke plaaslike bestuur of die Transvaalse Provinsiale Administrasie, na gelang van die geval, verbeurd verklaar is, verkoop is, kan die persoon wie se regte deur die tersydestelling of wysiging van die bevel in die geheel of gedeeltelik gehandhaaf is, 'n bedrag gelyk aan die waarde van daardie regte, maar hoogstens die

Administration, an amount equal to the value of those rights but not exceeding the proceeds of the thing over which such rights are held, less any expenses as contemplated in subsection (1).

(7) If no prosecution for a contravention of any provision of this Ordinance is instituted within 90 days after the thing concerned has been seized, such thing, or any proceeds, as contemplated in subsection (1), shall be returned to the person from whose possession such thing was taken.

Legal proceedings by or against a licensing board or a licensing appeal board.

50.(1) Any legal proceedings by or against a licensing board or licensing appeal board may be instituted in the name thereof: Provided that a licensing board or licensing appeal board shall not take any steps in such legal proceedings and shall not institute any legal proceedings except through the State Attorney.

(2) In any legal proceedings in which a licensing board or licensing appeal board is the defendant or respondent, the summons or notice by which the legal proceedings are instituted, may be served on the secretary of the licensing board or licensing appeal board concerned.

Limitation of liability.

51.(1) Subject to the provisions of sections 6(2) and 41, no member, officer or employee of a licensing board or licensing appeal board or any other person acting under direction of any such board shall be subject personally to any liability, claim or demand whatsoever where in good faith and for the purpose of this Ordinance any act is or is not done by such person.

(2) Any expenses incurred by any person in the circumstances referred to in subsection (1) shall be defrayed from the Provincial Revenue Fund.

Vicarious liability of a holder of a licence.

52. When an agent or employee of a holder of a licence or a member of the family of such holder performs or fails to perform an act which would have been an offence in terms of the provisions of this Ordinance if such holder had performed or failed to perform such act, it shall, in addition to the liability of such agent, employee or member, be deemed that such holder personally performed or failed to perform such act and he shall, upon conviction, be liable to the penalties provided in respect thereof in this Ordinance, unless he proves to the satisfaction of the court that —

- (a) such act was performed or such failure took place without his connivance or consent;
- (b) he took all reasonable steps to prevent such act or failure: Provided that the fact that he had given instructions to prohibit such act or failure shall not of itself be accepted as conclusive proof that he took all reasonable steps to prevent it; and
- (c) it was not in terms of any condition or in any circumstances within the scope of the authority or in the course of the employ-

opbrengs van die ding waaroor sodanige regte gehou word, min enige uitgawe soos in subartikel (1) beoog, van die betrokke plaaslike bestuur of die Transvaalse Provinsiale Administrasie vorder.

(7) Indien geen vervolging vir 'n oortreding van enige bepaling van hierdie Ordonnansie ingestel word nie binne 90 dae nadat op die betrokke ding beslag gelê is, word sodanige ding of enige opbrengs, soos in subartikel (1) beoog, teruggee aan die persoon uit wie se besit sodanige ding geneem is.

Regsgeding deur of teen 'n lisensieraad of 'n lisensie-appelraad.

50.(1) Enige regsgeding deur of teen 'n lisensieraad of 'n lisensie-appelraad kan in die naam daarvan ingestel word: Met dien verstande dat 'n lisensieraad of lisensie-appelraad geen stappe in sodanige regsgeding doen en geen regsgeding instel nie behalwe deur die Staatsprokureur.

(2) In enige regsgeding waarin 'n lisensieraad of 'n lisensie-appelraad die verweerder of respondent is, kan die dagvaarding of kennisgewing waarby die regsgeding ingestel word aan die sekretaris van die betrokke lisensieraad of lisensie-appelraad beteken word.

Beperkings van aanspreeklikheid.

51.(1) Behoudens die bepalings van artikels 6(2) en 41, word geen lid, beampte of werknemer van 'n lisensieraad of lisensie-appelraad of enige ander persoon wat in opdrag van enige sodanige raad handel, persoonlik blootgestel nie aan enige aanspreeklikheid, vordering of eis wat ook al, waar enige handeling deur sodanige persoon te goeder trou en vir die toepassing van hierdie Ordonnansie verrig of nie verrig is nie.

(2) Enige uitgawe aangeaan deur enige persoon in die omstandighede in subartikel (1) genoem, word uit die Provinsiale Inkomstefonds bestry.

Middelike aanspreeklikheid van 'n houër van 'n lisensie.

52. Wanneer 'n agent of werknemer van 'n houër van 'n lisensie of 'n lid van die gesin van sodanige houër 'n handeling verrig of versuim om dit te verrig wat ingevolge die bepalings van hierdie Ordonnansie 'n misdryf sou uitmaak indien sodanige houër dit verrig of versuim om dit te verrig, word daar geag dat, benewens die aanspreeklikheid van sodanige agent, werknemer of lid, sodanige houër self daardie handeling verrig het of versuim het om dit te verrig, en is hy by skuldbevinding strafbaar met die strawwe in hierdie Ordonnansie ten opsigte daarvan bepaal, tensy hy tot bevrediging van die hof bewys dat —

- (a) sodanige handeling of versuim geskied het sonder sy oogluikende toelating of toestemming;
- (b) hy alle redelike stappe gedoen het om sodanige handeling of versuim te voorkom: Met dien verstande dat die feit dat hy opdragte uitgereik het om sodanige handeling of versuim te verbied, nie op sigself aanvaar word as afdoende bewys dat hy alle redelike stappe gedoen het om dit te voorkom nie; en
- (c) dit nie ingevolge enige voorwaarde of in enige omstandighede binne die bestek van die bevoegdheid of in die loop van die werk van sodanige agent, werknemer of lid was nie om

ment of such agent, employee or member to do or to omit to do any act, whether lawful or unlawful, of the character of the act or omission charged.

Presump-
tions.

53.(1) Whenever in any prosecution for an offence in terms of the provisions of this Ordinance it is alleged in an indictment, summons or charge sheet that —

- (a) (i) any person is or is not a member of a particular class, category or group of persons;
- (ii) any goods with which a business is carried on or any goods which are used in connection with a business are or are not of a particular kind, class, type or description;
- (iii) any place is or is not business premises;
- (iv) any business premises are or are not situated in a particular or defined area;
- (v) any particular kind, class, type or description of business is or is not carried on in, on or from or within a fixed distance from any particular business premises; or
- (vi) any person carries on a business without the licence, authority or permit required in terms of the provisions of this Ordinance,

such an allegation shall be presumed to be correct until the contrary is proved; and

- (b) any person who is not the holder of a licence, has carried on business in, on or from business premises in respect of which a particular licence has been issued, it shall be presumed, until the contrary is proved, that such person was the agent or employee of the holder of the licence when he so carried on business.

(2) Any vehicle, movable structure, animal, goods or thing used for the purpose of or in connection with the carrying on of business referred to in Item 42 of Schedule I shall, until the contrary is proved, be presumed to have been so used with the authority and permission of the owner thereof.

(3) Any name displayed on a vehicle or movable structure used for the purpose of or in connection with the carrying on of a business referred to in Item 42 of Schedule I shall, until the contrary is proved, be presumed to be the name of the owner, as prescribed, of such vehicle or structure: Provided that such presumption shall not apply in a prosecution for a failure to comply with a duty to display such name.

Vermoe-
dens.

enige handeling, hetsy wettig of onwettig, te verrig of te versuim om dit te verrig, wat van dieselfde aard is as die handeling of versuim waarvan hy aangekla word.

53.(1) Wanneer in enige vervolging weens 'n misdryf ingevolge die bepalinge van hierdie Ordonnansie in 'n akte van beskuldiging, dagvaarding of klagstaat beweer word dat —

- (a) (i) iemand lid is van 'n besondere klas, kategorie of groep persone of nie lid daarvan is nie;
- (ii) enige goedere waarmee 'n besigheid gedryf word of enige goedere wat in verband met 'n besigheid gebruik word, van 'n besondere soort, klas, tipe of beskrywing is of nie is nie;
- (iii) enige plek 'n besigheidperseel is of nie is nie;
- (iv) enige besigheidperseel in 'n besondere of omskrewe gebied geleë is of nie geleë is nie;
- (v) enige besondere soort, klas, tipe of beskrywing van besigheid in, op of vanaf of binne 'n bepaalde afstand vanaf enige bepaalde besigheidperseel gedryf word of nie gedryf word nie; of
- (vi) iemand 'n besigheid dryf sonder die lisensie, magtiging of permit, soos ingevolge die bepalinge van hierdie Ordonnansie vereis,

word so 'n bewering vermoed juis te wees tot dat die teendeel bewys word; en

- (b) iemand wat nie die houer van 'n lisensie is nie, in, op of vanaf 'n besigheidperseel ten opsigte waarvan 'n besondere lisensie uitgereik is, besigheid gedryf het, word daar vermoed dat sodanige persoon die agent of werknemer van die houer van die lisensie was toe hy aldus besigheid gedryf het, totdat die teendeel bewys word.

(2) Enige voertuig, beweegbare struktuur, dier, goedere of ding wat vir die doel van of in verband met die dryf van 'n besigheid, genoem in Item 42 van Bylae I, gebruik word, word, totdat die teendeel bewys word, vermoed aldus gebruik te gewees het met die magtiging en toestemming van die eienaar daarvan.

(3) Enige naam wat vertoon word op 'n voertuig of beweegbare struktuur wat vir die doeleindes van of in verband met die dryf van 'n besigheid, genoem in Item 42 van Bylae I, gebruik word, word, totdat die teendeel bewys word, vermoed om die naam van die eienaar, soos voorgeskryf, van so 'n voertuig of struktuur te wees: Met dien verstande dat so 'n vermoede nie van toepassing is nie in 'n vervolging vir 'n versuim om 'n verpligting om so 'n naam te vertoon, na te kom.

Service of documents.

54. When any notice, summons or other document is, in terms of the provisions of this Ordinance, to be served on any person, it shall be effected —

- (a) by delivering it to him personally or to his duly authorized agent;
- (b) by delivering it at his residence or business premises to some person apparently not less than 16 years of age and apparently residing or employed there and for the purpose of this paragraph "residence" shall, when a building is occupied by more than one person or family, mean that portion of the building occupied by the person concerned;
- (c) by delivering it at his place of employment to a person apparently not less than 16 years of age and apparently in authority over him or, in the absence of such person in authority, to a person apparently not less than 16 years of age and apparently in charge at such place of employment;
- (d) if the person on whom such document is to be served, has chosen a *domicilium citandi*, by delivering it at the *domicilium* so chosen;
- (e) in the case of a body corporate, by delivering it at the business premises of such body corporate within the licensing area of the licensing board concerned;
- (f) if it cannot be served in the manner contemplated in paragraph (a), (b) or (c), by registered or certified post addressed to his last-known business address or residential address in the Republic; or
- (g) if it cannot be served in the manner set out in any of the foregoing paragraphs, by publishing it in a newspaper in the manner prescribed:

Provided that where such service has been effected in the manner set out in paragraph (b), (c) or (f), the licensing board, licensing appeal board or the chairman of any such board, as the case may be, may, if there is reason to believe that the document served has not come to the knowledge of the person to whom it had to be served, and in the absence of satisfactory proof, treat such service as invalid and may order such further steps to be taken in connection with the service of the document concerned as any such board or chairman may deem necessary.

Particular offences.

55.(1) Any person who knowingly makes a false statement in connection with any provision of this Ordinance, shall be guilty of an offence.

(2) Any person who —

- (a) threatens, resists, hinders or obstructs any officer in the exercise of his powers or the performance of his duties in terms of the provisions of this Ordinance; or
 - (b) by words, conduct or demeanour pretends to be an officer,
- shall be guilty of an offence.

Betekening van dokumente.

54. Wanneer enige kennisgewing, dagvaarding of ander dokument ingevolge die bepalings van hierdie Ordonnansie aan iemand beteken moet word, word dit gedoen deur dit —

- (a) aan hom persoonlik of aan sy gevolmagtigde af te lewer;
- (b) af te lewer by sy woon- of besigheidsperseel aan iemand wat oënskynlik nie jonger as 16 jaar is nie en oënskynlik daar woon of in diens is, en vir die toepassing van hierdie paragraaf beteken "woonplek", wanneer 'n gebou deur meer as een persoon of gesin bewoon word, daardie gedeelte van die gebou wat deur die betrokke persoon bewoon word;
- (c) af te lewer by sy werkplek aan iemand wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik in 'n gesagsposisie oor hom is, of, in die afwesigheid van so iemand in 'n gesagsposisie, aan iemand wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik in beheer is by sodanige werkplek;
- (d) indien die persoon aan wie sodanige dokument beteken moet word, 'n *domicilium citandi* gekies het, by die *domicilium* aldus gekies, af te lewer;
- (e) in die geval van 'n regspersoon, by die besigheidsperseel van sodanige regspersoon binne die lisensiegebied van die betrokke lisensieraad, af te lewer;
- (f) indien dit nie op die wyse in paragraaf (a), (b) of (c) beoog, beteken kan word nie, per aangetekende of gesertifiseerde pos te rig aan sy laasbekende besigheids- of woonadres in die Republiek; of
- (g) indien dit nie op die wyse in enige van die voorafgaande paragrawe uiteengesit, beteken kan word nie, op die voorgeskrewe wyse in 'n nuusblad te publiseer:

Met dien verstande dat waar betekening op die wyse by paragraaf (b), (c) of (f) uiteengesit, geskied het, die betrokke lisensieraad, lisensie-appelraad of die voorsitter van enige sodanige raad, na gelang van die geval, indien daar rede is om te glo dat die dokument wat beteken is, nie tot die kennis van die persoon aan wie dit beteken moes word, gekom het nie en by ontstentenis van bevredigende bewys, sodanige betekening as ongeldig kan beskou en sodanige verdere stappe mag gelas in verband met die betekening van die betrokke dokument as wat enige sodanige raad of voorsitter nodig mag ag.

Besondere misdrywe.

55.(1) Iemand wat wetens 'n valse verklaring maak in verband met enige bepaling van hierdie Ordonnansie is aan 'n misdryf skuldig.

(2) Iemand wat —

- (a) 'n beampte in die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge die bepalings van hierdie Ordonnansie dreig, weerstaan, hinder of dwarsboom; of
 - (b) hom deur woord, daad of gedrag as 'n beampte voordoen,
- is aan 'n misdryf skuldig.

(3) Any person who wilfully disturbs the proceedings of a licensing board or of a licensing appeal board or who threatens, hinders or obstructs a licensing board or licensing appeal board or a member thereof in the performance of its or his functions, shall be guilty of an offence.

General
penalty.

56. Any person convicted of an offence in terms of the provisions of this Ordinance shall be liable to a fine not exceeding R200 or, in default of payment, to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

Allocation
and recovery
of
moneys.

57.(1) Any fine imposed and bail which is estreated in respect of any offence in terms of the provisions of this Ordinance shall be paid to —

- (a) the local authority within whose municipality the offence was committed and shall form part of the revenue of such local authority; or
- (b) the Provincial Revenue Fund if the offence was committed outside a municipality.

(2) Any moneys which in terms of the provisions of this Ordinance are payable to a licensing board shall be collected by the local authority which provides the staff of such board and shall be retained and shall form part of the revenue of such local authority: Provided that in the case of the costs referred to in section 5(3), the amount of such costs shall be paid to the Provincial Revenue Fund.

(3) Any licence fee and the fee and penalty contemplated in section 10(2), received by a local authority as an issuing authority in respect of a business which is or will be carried on within or within as well as outside such municipality or of which the business premises are situated within a municipality, irrespective of whether such business is carried on within such municipality or not, and any transfer or permit fee, as well as the fee contemplated in section 61(1)(e), received by a local authority as an issuing authority, shall form part of the revenue of such local authority.

(4) Any licence fee and the fee and penalty contemplated in section 10(2), received by a local authority as issuing authority, shall be paid to the Provincial Revenue Fund if such fees and penalty are received in respect of a business which is or will be carried on outside a municipality from business premises situated outside a municipality.

(5) An amount due by a person in terms of the provisions of this Ordinance which is, in terms of this section payable to a local authority or the Transvaal Provincial Administration, except a fine upon conviction, is a debt payable to such local authority or the Administration and may be recovered by such local authority or the Administration or by the issuing authority charged with the collection thereof, on behalf of such local authority or Administration, in any competent court.

Algemene
strafbe-
paling.

(3) Iemand wat die verrigtinge van 'n lisensieraad of lisensie-appèlraad opsetlik steur of 'n lisensieraad of lisensie-appèlraad of 'n lid daarvan by die verrigting van sy werksaamhede dreig, hinder of dwarsboom, is aan 'n misdryf skuldig.

Toewysing
en verhaal
van gelde.

56. Iemand wat aan 'n misdryf ingevolge die bepalings van hierdie Ordonnansie skuldig bevind word, is strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 6 maande of met beide sodanige boete en gevangenisstraf.

57.(1) Enige boete wat opgelê en borggeld wat verbeur word ten opsigte van enige misdryf ingevolge die bepalings van hierdie Ordonnansie, word oorbetaal aan —

- (a) die plaaslike bestuur binne wie se munisipaliteit die misdryf gepleeg is en maak deel uit van die inkomste van sodanige plaaslike bestuur; of
- (b) die Provinsiale Inkomstefonds as die misdryf buite 'n munisipaliteit gepleeg is.

(2) Enige gelde wat kragtens die bepalings van hierdie Ordonnansie aan 'n lisensieraad betaalbaar is, word deur die plaaslike bestuur wat sodanige lisensieraad se personeel voorsien, ingevorder en behou en maak deel uit van sodanige plaaslike bestuur se inkomste: Met dien verstande dat in die geval van die koste in artikel 5(3) genoem, die bedrag van sodanige koste aan die Provinsiale Inkomstefonds oorbetaal word.

(3) Enige lisensiegeld en die geld en boete in artikel 10(2) beoog, wat deur 'n plaaslike bestuur as 'n uitreikingsowerheid ontvang word ten opsigte van 'n besigheid wat gedryf word of gedryf sal word binne of binne sowel as buite sodanige plaaslike bestuur se munisipaliteit, of waarvan die besigheidperseel binne sodanige munisipaliteit geleë is, ongeag of sodanige besigheid binne sodanige munisipaliteit gedryf word, al dan nie, en enige oordrag- en permitgeld en die gelde in artikel 61(1)(e) beoog, wat deur 'n plaaslike bestuur as uitreikingsowerheid ontvang word, maak deel uit van die inkomste van sodanige plaaslike bestuur.

(4) Enige lisensiegeld en die geld en boete in artikel 10(2) beoog, wat deur 'n plaaslike bestuur as uitreikingsowerheid ontvang word, word aan die Provinsiale Inkomstefonds betaal, indien sodanige gelde en boete ontvang is ten opsigte van 'n besigheid wat gedryf word of sal word buite 'n munisipaliteit vanaf 'n besigheidperseel wat buite 'n munisipaliteit geleë is.

(5) 'n Bedrag wat deur iemand ingevolge die bepalings van hierdie Ordonnansie verskuldig is en wat ingevolge hierdie artikel aan 'n plaaslike bestuur of die Transvaalse Provinsiale Administrasie betaal moet word, uitgenome 'n boete by skuldigbevinding, is 'n skuld wat aan sodanige plaaslike bestuur of die Administrasie betaalbaar is en kan deur sodanige plaaslike bestuur of Administrasie of deur die uitreikingsowerheid belas met die invordering daarvan namens sodanige plaaslike bestuur of Administrasie, in enige bevoegde hof verhaal word.

Manner in which expenditure defrayed.

58. All expenditure incurred by the Transvaal Provincial Administration in terms of the provisions of this Ordinance shall be defrayed from funds appropriated by the Provincial Council for that purpose.

Application of Ordinance and general exemptions.

59.(1) Subject to the provisions of subsection (2)(e), it shall be deemed that a social, sport, recreation or other club which supplies goods to its members whether by sale, exchange or otherwise, carries on a business and such club shall take out the appropriate licence which is required for such business.

(2) The provisions of this Ordinance shall not apply in respect of a business which is carried on —

(a) in any area referred to in section 25(1) of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21(1) of the Bantu Trust and Land Act, 1936 (Act 18 of 1936) in respect of which the State President in terms of the provisions of the said Acts by proclamation in the *Government Gazette* has made laws for the licensing of businesses or in any Bantu area for which the State President has in terms of the provisions of section 1 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971) established a legislative assembly;

(b) by the State;

(c) by a local authority;

(d) by a charitable, religious or educational institution of a public nature;

(e) by a social, sporting or recreation club which is a non-proprietary club and restricts its business activities to the supply to its members of the following:

(i) *Refreshments, only for consumption on the business premises:*

Aerated or mineral water, fruit squash, tomato juice, cordials, milk, milk beverages, tea, coffee, sugar, ice-cream, bread, rolls, rusks, biscuits, pastry, cake, sweets, potato chips, confectionery, chocolates, peanuts and nuts.

(ii) *Toilet requisites:*

Soap, hair dressings, including petroleum jelly, shaving cream and shaving soap, toothpaste, toothbrushes, combs, razor blades and shaving brushes.

(iii) *Smokers' requisites:*

Cigarettes, tobacco, matches, pipes, cigars, snuff, pipe cleaners, flints and fuel for lighters.

(iv) *Miscellaneous:*

Newspapers, the club magazine, the club diary and playing cards; or

(f) by the Public Resorts Board, established by section 5 of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969), in an area of a public resort defined in Schedule I of the said Ordinance.

Wyse waarop uitgawes bestry word.

58. Alle uitgawes wat deur die Transvaalse Provinsiale Administrasie ingevolge die bepalings van hierdie Ordonnansie aangegaan word, word bestry uit fondse deur die Provinsiale Raad vir daardie doel bewillig.

Toepassing van Ordonnansie en algemene vrystellings.

59.(1) Behoudens die bepalings van subartikel (2)(e), word daar geag dat 'n sosiale, sport-, ontspannings- of ander klub wat goedere aan sy lede verskaf, hetsy deur verkoop, ruil of andersins, 'n besigheid dryf en moet so 'n klub die toepaslike lisensie uitneem wat vir sodanige besigheid vereis word.

(2) Die bepalings van hierdie Ordonnansie is nie van toepassing nie ten opsigte van 'n besigheid wat gedryf word —

(a) in enige gebied genoem in artikel 25(1) van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21(1) van die Bantoe-trust en -grond Wet, 1936 (Wet 18 van 1936) ten opsigte waarvan die Staatspresident kragtens die bepalings van genoemde Wette, by proklamasie in die *Staatskoerant*, wette uitgevaardig het vir die lisensiering van besighede of in enige Bantoegebied waarvoor die Staatspresident kragtens die bepalings van artikel 1 van die Grondwet van die Bantoe-tuislande, 1971 (Wet 21 van 1971), 'n wetgewende vergadering ingestel het;

(b) deur die Staat;

(c) deur 'n plaaslike bestuur;

(d) deur 'n liefdadigheids-, godsdienstige of opvoedkundige instelling van 'n openbare aard;

(e) deur 'n sosiale, sport- of ontspanningsklub wat 'n nie-eiendomsklub is en sy besighedsbedrywighede beperk tot die verskaffing aan sy lede van die volgende:

(i) *Verversings, alleenlik vir gebruik op die besigheidspersoneel:*

Spuut- of mineraalwater, vrugtemoes, tamatiesap, verfrissende drankke, melk, melkdranke, tee, koffie, suiker, roomys, brood, bolletjies, beskuit, beskuitjies, pasteigebak, koek, lekkers, ertappelskyfies, suikergoed, sjokolade, grondboontjies en neute.

(ii) *Toiletbenodigdhede:*

Seep, haarmiddels, insluitende petroleumjellie, skeerroom en -seep, tandepasta, tandeborsels, kamme, skeerlemmetjies en skeerkwaste.

(iii) *Rokersbenodigdhede:*

Sigarette, tabak, vuurhoutjies, pype, sigare, snuif, pypskoonmakers, vuurstene en brandstof vir aanstekers.

(iv) *Diverse:*

Nuusblaai, die klubtydskrif, die klubdagboek en speelkaarte; of

(f) deur die Raad vir Openbare Oorde, by artikel 5 van die Ordonnansie op Openbare Oorde, 1969 (Ordonnansie 18 van 1969) ingestel, in 'n gebied van 'n openbare oord in Bylae I van genoemde Ordonnansie omskryf.

(3) A local authority may grant authority for the carrying on of a business without a licence on premises where Bantu beer is sold by such local authority.

(4)(a) Except where otherwise provided, the provisions of this Ordinance shall not apply to a manufacturer in respect of —

- (i) the sale of goods manufactured or produced by him in the Republic other than in respect of the sale by such manufacturer of such goods by retail; or
- (ii) the purchase of raw materials, including livestock and other agricultural products, for his own manufacturing purposes.

(b) For the purpose of this subsection —

- (i) "manufacturer" means any person or association of persons or company engaged within the Republic in the production of a finished article from raw materials or from a combination of other articles and materials; and
- (ii) "sale by retail", in relation to goods, means the sale and supply in any quantity of goods which have not been manufactured or produced to the order of any person and which are sold to a person who is not a manufacturer, for his own use or consumption and not for resale.

Amendment
of Schedule
I by the
Admini-
strator.

60.(1) The Administrator may at any time by notice in the *Provincial Gazette* and with effect from a date specified therein, amend Schedule I by altering or deleting any of the items set out therein or by the addition thereto of further items.

(2) A copy of the notice referred to in subsection (1) shall be tabled in the Provincial Council within 7 days after promulgation of such notice in the *Provincial Gazette*, if the Provincial Council is then sitting or, if the Provincial Council is not then sitting, within 7 days of the commencement of its next ensuing sitting.

Regula-
tions.

61.(1) The Administrator may make regulations, not inconsistent with the provisions of this Ordinance, in respect of any of the following matters:

- (a) the procedure at any sitting of a licensing board or a licensing appeal board;
- (b) any application form, notice, licence, permit, certificate, receipt, register, record or any other document deemed necessary for the purpose of this Ordinance and the manner in which any such document shall be kept in safe custody;

(3) 'n Plaaslike bestuur kan magtiging verleen vir die dryf, sonder 'n lisensie, van 'n besigheid op 'n perseel waarop Bantoebier deur sodanige plaaslike bestuur verkoop word.

(4)(a) Behalwe waar anders bepaal, is die bepalings van hierdie Ordonnansie nie van toepassing nie op 'n fabrikant ten opsigte van —

- (i) die verkoop van goedere deur hom in die Republiek vervaardig of geproduseer uitgenome ten opsigte van die verkoop deur sodanige fabrikant van sodanige goedere by die klein maat; of
- (ii) die koop van grondstowwe, insluitende lewende hawe en ander landbouprodukte, vir sy eie vervaardigingsdoeleindes.

(b) Vir die toepassing van hierdie subartikel beteken —

- (i) "fabrikant" enige persoon of vereniging van persone of maatskappy wat hom in die Republiek toelê op die produksie van 'n afgewerkte artikel uit grondstowwe of uit 'n samestelling van ander artikels en stowwe; en
- (ii) "verkoop by die klein maat", met betrekking tot goedere, die verkoop en verskaffing in enige hoeveelheid van goedere wat nie op die bestelling van iemand vervaardig of geproduseer is nie en wat aan iemand, wat nie 'n fabrikant is nie, vir sy eie gebruik of verbruik en nie vir herverkoop nie, verkoop word.

Wysiging
van Bylae
I deur die
Admini-
strateur.

60.(1) Die Administrateur kan te eniger tyd by kennisgewing in die *Provinsiale Koerant* en met ingang van 'n datum wat daarin gespesifiseer word, Bylae I wysig deur enige van die items wat daarin uiteengesit word, te verander of te skrap of deur verdere items daaraan toe te voeg.

(2) 'n Afskrif van 'n kennisgewing in subartikel (1) genoem, word in die Provinsiale Raad ter tafel gelê binne 7 dae na afkondiging van sodanige kennisgewing in die *Provinsiale Koerant*, indien die Provinsiale Raad dan sit of, indien die Provinsiale Raad dan nie sit nie, binne 7 dae na die aanvang van sy cersvolgende sitting.

Regulasies.

61.(1) Die Administrateur kan regulasies, wat nie met hierdie Ordonnansie onbestaanbaar is nie, maak ten opsigte van enige van die volgende aangeleenthede:

- (a) die prosedure by enige sitting van 'n lisensieraad of 'n lisensie-appelraad;
- (b) enige aansoekvorm, kennisgewing, lisensie, permit, sertifikaat, kwitansie, register, rekord of enige ander dokument wat vir die toepassing van hierdie Ordonnansie nodig geag word en die wyse waarop enige sodanige dokument in veilige bewaring gehou moet word;

- (c) the manner in which the minutes of the proceedings of and record of evidence given before a licensing board or a licensing appeal board shall be kept;
- (d) the fees payable for any application, transfer or permit;
- (e) the issue of any duplicate of any licence, permit, certificate or any other document and the fees payable therefor;
- (f) the procedure to be followed by a party who wishes to peruse and to make an extract from or a copy of a document or record of the proceedings of a licensing board or a licensing appeal board and the fees payable therefor;
- (g) the payment from the Provincial Revenue Fund of witness' fees to a person who has been summoned by a licensing board or licensing appeal board;
- (h) the issue of any receipt for the purposes of this Ordinance;
- (i) the duties and powers of the secretary and staff of a licensing board or a licensing appeal board;
- (j) the remuneration and allowances of members of a licensing board;
- (k) the prohibition, restriction, regulation and control of the carrying on of a business referred to in Item 42 of Schedule I, outside a municipality;
- (l) the requirements and conditions for the issue of a permit referred to in Item 42 of Schedule I and the fee payable therefor;
- (m) the amount to be paid by a party when noting an appeal and the circumstances in which any refund thereof may be made; and
- (n) any other matter which he considers necessary or expedient for achieving the objects and purposes of this Ordinance, the generality of this paragraph not being limited to matters expressly referred to in this subsection.

(2) Any regulation made in terms of the provisions of subsection (1) may provide for a penalty for any contravention thereof, but no penalty shall exceed a fine of R200 or imprisonment for a period of 6 months or both such fine and imprisonment.

Form of documents.

62.(1) Subject to the provisions of this Ordinance, the Administrator may determine the form and contents of any document referred to in section 61(1)(b).

(2) The Administrator may, in such circumstances as he may deem expedient, authorize a licensing board or issuing authority to use, in substitution for a form determined for a particular purpose, a form which varies from such determined form and, in respect of such board or such authority, such varied form shall be deemed to be the determined form for that purpose.

- (c) die wyse waarop die notule van die verrigtinge van en die rekord van die getuienis voor 'n lisensieraad of 'n lisensie-appèlraad gehou moet word;
- (d) die gelde wat vir enige aansoek, oordrag of permit betaalbaar is;
- (e) die uitreiking van 'n duplikaat van enige lisensie, permit, sertifikaat of ander dokument en die gelde daarvoor betaalbaar;
- (f) die prosedure wat gevolg moet word deur 'n party wat wens insae te kry in en 'n uitreksel uit of 'n afskrif wens te maak van 'n dokument of die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad en die gelde daarvoor betaalbaar;
- (g) die betaling uit die Provinsiale Inkomstefonds van getuiegeld aan 'n persoon wat deur 'n lisensieraad of 'n lisensie-appèlraad gedagvaar word;
- (h) die uitreiking van enige kwitansie vir die toepassing van hierdie Ordonnansie;
- (i) die pligte en bevoegdhede van die sekretaris en personeel van 'n lisensieraad of lisensie-appèlraad;
- (j) die besoldiging en toelaes van lede van 'n lisensieraad;
- (k) die verbod, beperking, reëling en beheer van die dryf van 'n besigheid in Item 42 van Bylae I genoem, buite 'n munisipaliteit;
- (l) die vereistes en voorwaardes vir die uitreiking van 'n permit in Item 42 van Bylae I genoem, en die geld daarvoor betaalbaar;
- (m) die bedrag betaalbaar deur 'n party by notering van 'n appèl en die omstandighede waarin enige terugbetaling daarvan gemaak kan word; en
- (n) enige ander aangeleentheid wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie Ordonnansie te bereik, die algemeenheid van hierdie paragraaf nie beperk te word tot aangeleenthede uitdruklik in hierdie subartikel genoem nie.

(2) Enige regulasie kragtens die bepalings van subartikel (1) gemaak, kan 'n straf bepaal vir enige oortreding daarvan, maar geen straf mag 'n boete van R200 of gevangenisstraf vir 'n tydperk van 6 maande of sodanige boete sowel as sodanige gevangenisstraf oorskry nie.

Vorm van dokumente.

62.(1) Behoudens die bepalings van hierdie Ordonnansie kan die Administrateur die vorm en inhoud van enige dokument in artikel 61(1)(b) genoem, bepaal.

(2) Die Administrateur kan, in die omstandighede wat hy dienstig ag, 'n lisensieraad of 'n uitreikingsowerheid magtig om, in die plek van 'n vorm wat vir 'n besondere doel bepaal word, 'n vorm te gebruik wat afwyk van sodanige bepaalde vorm en, ten opsigte van sodanige lisensieraad of uitreikingsowerheid, word sodanige afwykende vorm geag die bepaalde vorm vir sodanige doel te wees.

By-laws and regulations of a local authority.

63.(1) Subject to the provisions of the Local Government Ordinance, 1939 and the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, in respect of the procedure which shall be followed in the making, approval and promulgation of any by-law or regulation, any by-law and regulation which is not inconsistent with the provisions of this Ordinance may be made by or for any local authority in respect of any of the following matters:

- (a) the control and inspection of and supervision over any business required to be licensed in terms of the provisions of this Ordinance or exempted from being licensed;
- (b) the prohibition, restriction, regulation and control of the carrying on of a business, referred to in Item 42 of Schedule I, within a municipality; and
- (c) the levying of any fee to cover any costs relating to the inspection of any business premises as contemplated in section 14(4).

(2) Any by-law or regulation made in terms of the provisions of this section may provide a penalty for any contravention thereof but no penalty shall exceed a fine of R200 or imprisonment for a period of 6 months or both such fine and imprisonment.

Effect of this Ordinance on other ordinances and regulations.

64.(1) Subject to the provisions of subsections (2) and (3), the provisions of this Ordinance shall not affect the provisions of any other ordinance or any by-law or regulation made in terms of such ordinance, in so far as such other ordinance, by-law or regulation relates to the control and supervision over or the regulation and inspection of a business.

(2) Any power granted to a local authority by any other ordinance or by any by-law or regulation made in terms of the provisions of such ordinance to licence trades and occupations or to levy and collect inspection, supervision, registration or regulating fees in respect thereof, shall lapse from the date referred to in section 68(1): Provided that the provisions of this subsection shall not affect any power granted to a local authority in terms of the provisions of section 80(75), in so far as it relates to public vehicles, section 80(99), in so far as it relates to an operator of cinematograph and bioscope apparatus and appliances, sections 132(8), 132(9), 132(9)bis and 132(9)ter of the Local Government Ordinance, 1939.

(3) If the provisions of any other ordinance or any by-law or regulation made in terms of the provisions of such ordinance are in conflict with or inconsistent with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Verordeninge of regulasies van 'n plaaslike bestuur.

63.(1) Behoudens die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939 en die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943, ten opsigte van die prosedure wat gevolg moet word by die uitvaardiging, goedkeuring en afkondiging van enige verordening of regulasie, kan enige verordening of regulasie wat nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie, deur of vir enige plaaslike bestuur ten opsigte van enige van die volgende aangeleenthede uitgevaardig word:

- (a) die beheer en inspeksie van en toesig oor enige besigheid wat ingevolge die bepalings van hierdie Ordonnansie gelisensieer moet word of van lisensieëring vrygestel is;
- (b) die verbod, beperking, reëling en beheer van die dryf van 'n besigheid in Item 42 van Bylae 1 genoem, binne 'n munisipaliteit; en
- (c) die heffing van enige geld om enige koste verbonde aan die inspeksie van enige besigheidspersoneel soos in artikel 14(4) beoog, te dek.

(2) Enige verordening of regulasie kragtens die bepalings van subartikel (1) uitgevaardig kan 'n straf bepaal vir enige oortreding daarvan, maar geen straf mag 'n boete van R200 of gevangenisstraf vir 'n tydperk van 6 maande of sodanige boete sowel as sodanige gevangenisstraf oorskry nie.

Uitwerking van hierdie Ordonnansie op ander Ordonnansies en regulasies.

64.(1) Behoudens die bepalings van subartikels (2) en (3), doen die bepalings van hierdie Ordonnansie geen afbreuk nie aan die bepalings van enige ander ordonnansie of enige verordening of regulasie ingevolge sodanige ordonnansie uitgevaardig, vir sover sodanige ander ordonnansie, verordening of regulasie op die beheer en toesig oor of reëling en inspeksie van 'n besigheid betrekking het.

(2) Enige bevoegdheid aan 'n plaaslike bestuur verleen by enige ander ordonnansie of by enige verordening of regulasie ingevolge die bepalings van sodanige ordonnansie uitgevaardig om handelsbesighede en beroepe te lisensieer of om 'n inspeksie-, toesig-, registrasie- of reguleringsgeld ten opsigte daarvan te hef of te vorder, vervel vanaf die datum in artikel 68(1) genoem: Met dien verstande dat die bepalings van hierdie subartikel nie enige bevoegdheid aan 'n plaaslike bestuur ingevolge die bepalings van artikel 80(75), vir sover dit betrekking het op publieke voertuie, artikel 80(99), vir sover dit betrekking het op 'n operateur van kinematograaf- en bioskoopapparaat en -toestelle, artikels 132(8), 132(9), 132(9)bis en 132(9)ter van die Ordonnansie op Plaaslike Bestuur, 1939, verleen, raak nie.

(3) Indien die bepalings van enige ander ordonnansie of enige verordening of regulasie ingevolge die bepalings van sodanige ordonnansie uitgevaardig, met die bepalings van hierdie Ordonnansie strydig of onbestaanbaar is, geld die bepalings van hierdie Ordonnansie.

Lapsing and renewal of existing licences and application for new licences for 1975.

65.(1) Any licence issued in respect of any business for the year 1974 —

- (a) in terms of the provisions of the Licences Act, 1962 (Act 44 of 1962); or
- (b) by a local authority in terms of a power, except a power referred to in the proviso to section 64(2), granted to it by the Local Government Ordinance, 1939 or the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943,

shall, subject to the provisions of subsection (2), be deemed to have been issued in terms of the provisions of this Ordinance and shall lapse on the 31st day of December, 1974.

(2) The provisions of section 23 shall apply *mutatis mutandis* in connection with the renewal of a licence contemplated in subsection (1) if the licence which is applied for will grant substantially the same authority to carry on a business as the licence which has lapsed: Provided that if a dispute arises in this connection between the holder of the licence which has lapsed and the issuing authority concerned, the chairman of the licensing board concerned shall settle such dispute.

(3) An application for the issue of a new licence for a business which will be carried on during the year 1975 may from the 1st day of October, 1974, be submitted to the licensing board concerned for disposal in terms of the provisions of Chapter IV.

(4) Where in terms of the provisions of this Ordinance a new licence for an existing business is required and an application for such licence —

- (a) has on the 31st day of December, 1974, not been disposed of; or
- (b) has been disposed of prior to that date but a licence has not been issued in terms of the provisions of section 20(1),

the applicant may, unless the chairman of the licensing board concerned determines otherwise, continue to carry on the business until a decision has been given in connection therewith or until the licence concerned has been issued, as the case may be.

Inspection by Provincial Auditor and authorized persons.

66.(1) The Provincial Auditor may at any time cause an inspection to be made of the records of and the revenue collected by a local authority on behalf of a licensing board or as an issuing authority in terms of the provisions of this Ordinance and for that purpose the provisions of sections 59, 60 and 61 of the Local Government Ordinance, 1939, shall apply *mutatis mutandis*.

(2) The Provincial Secretary or a local authority, as the case may be, may authorize any person to carry out any inspection which the Provincial Secretary or such local authority deems necessary for the purpose of ensuring that the provisions of this Ordinance are observed.

Verval van hernuwing van bestaande lisensies en aansoek om nuwe lisensies vir 1975.

65.(1) Enige lisensie wat ten opsigte van enige besigheid vir die jaar 1974 uitgereik is —

- (a) ingevolge die bepalings van die Wet op Lisensies, 1962 (Wet 44 van 1962); of
- (b) deur 'n plaaslike bestuur ingevolge 'n bevoegdheid, behalwe 'n bevoegdheid in die voorbehoudsbepaling by artikel 64(2) genoem, aan hom verleen by die Ordonnansie op Plaaslike Bestuur, 1939 of die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943,

word, behoudens die bepalings van subartikel (2), geag ingevolge die bepalings van hierdie Ordonnansie uitgereik te gewees het en verval op die 31ste dag van Desember 1974.

(2) Die bepalings van artikel 23 is *mutatis mutandis* van toepassing in verband met die hernuwing van 'n lisensie in subartikel (1) beoog indien die lisensie waarom aansoek gedoen word, wesenlik dieselfde magtiging om 'n besigheid te dryf sal verleen as die lisensie wat verval het: Met dien verstande dat indien daar 'n geskil in hierdie verband ontstaan tussen die houer van die lisensie wat verval het en die betrokke uitreikingsowerheid, die voorsitter van die betrokke lisensieraad sodanige geskil besleg.

(3) 'n Aansoek om die uitreiking van 'n nuwe lisensie vir 'n besigheid wat gedurende die jaar 1975 gedryf sal word, kan vanaf die 1ste dag van Oktober 1974 by die betrokke lisensieraad ingedien word vir afhandeling ingevolge die bepalings van Hoofstuk IV.

(4) Waar ingevolge die bepalings van hierdie Ordonnansie 'n nuwe lisensie vir 'n bestaande besigheid vereis word en die aansoek vir sodanige lisensie —

- (a) nie op die 31ste dag van Desember 1974 afgehandel is nie; of
- (b) voor daardie datum afgehandel is maar ingevolge die bepalings van artikel 20(1), 'n lisensie nog nie uitgereik is nie,

kan die aansoeker, tensy die voorsitter van die betrokke lisensieraad anders bepaal, voortgaan om die besigheid te dryf totdat 'n beslissing daaroor gegee is of totdat die betrokke lisensie uitgereik word, na gelang van die geval.

Inspeksie deur Provinsiale Ouditeur en gemagtigde persone.

66.(1) Die Provinsiale Ouditeur kan te eniger tyd 'n inspeksie laat uitvoer van die rekords van en die inkomste ingevorder deur 'n plaaslike bestuur namens 'n lisensieraad of as 'n uitreikingsowerheid ingevolge die bepalings van hierdie Ordonnansie en vir daardie doel is die bepalings van artikels 59, 60 en 61 van die Ordonnansie op Plaaslike Bestuur, 1939, *mutatis mutandis* van toepassing.

(2) Die Provinsiale Sekretaris of 'n plaaslike bestuur, na gelang van die geval, kan enige persoon magtig om enige inspeksie uit te voer wat die Provinsiale Sekretaris of sodanige plaaslike bestuur nodig ag vir die doel om te verseker dat die bepalings van hierdie Ordonnansie nagekom word.

Repeal of laws.

67.(1) The Licences Act, 1962, is hereby repealed in respect of its application to the Province of Transvaal.

(2) The Ordinances referred to in Schedule II of this Ordinance are hereby repealed to the extent set out in the third column of that Schedule.

Date of operation.

68.(1) This Ordinance shall, subject to the provisions of subsection (2), come into operation on the 1st day of January, 1975.

(2) In so far as it may be necessary for the submission, dealing with, hearing, consideration or disposal of any application for the issue of a new licence in terms of the provisions of Chapter IV and the issue of a licence in respect of such application granted by a licensing board and for the renewal of a licence as contemplated in section 65, this Ordinance shall come into operation on the 1st day of October, 1974.

Short title.

69. This Ordinance shall be called the Licences Ordinance, 1974.

Herroeping van wette.

67.(1) Die Wet op Lisensies, 1962, word hierby herroep ten opsigte van die toepassing daarvan op die Provinsie Transvaal.

(2) Die Ordonnansies in Bylae II van hierdie Ordonnansie vermeld, word hierby herroep in die mate in die derde kolom van daardie Bylae uitengesit.

Datum van inwerking-treding.

68.(1) Hierdie Ordonnansie tree, behoudens die bepalings van subartikel (2), op die 1ste dag van Januarie 1975 in werking.

(2) Vir sover dit nodig is vir die indiening, behandeling, verhoor, oorweging of afhandeling van enige aansoek om die uitreiking van 'n nuwe lisensie ingevolge die bepalings van Hoofstuk IV en die uitreiking van 'n lisensie ten opsigte van sodanige aansoek wat deur 'n lisensieraad toegestaan word en om die hernuwing van 'n lisensie soos in artikel 65 beoog, tree hierdie Ordonnansie op die 1ste dag van Oktober 1974 in werking.

Kort titel.

69. Hierdie Ordonnansie heet die Ordonnansie op Lisensies, 1974.

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ITEMS.

ITEM 1: OFFENSIVE TRADES.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.
- (2) A separate licence shall be required by a person who carries on any one of the following businesses:
 - (a) Boiling or drying bones or blood, sterilizing animal hair, manufacturing gum or glue, extracting fat by boiling or melting fat or tallow or grinding bones or other animal substances into meal;
 - (b) scraping cleaning or boiling intestines or offal;
 - (c) burning charcoal, coke or lime;
 - (d) dressing or tanning leather or curing hides or skins;
 - (e) manufacturing malt;
 - (f) selling or offering or exposing for sale the raw meat of any member of the equine family.
 - (g) manufacturing soap or candles;
 - (h) making bricks or any casting of which sand, stone or cement forms a component;
 - (i) manufacturing yeast; or
 - (j) manufacturing flock or down.

(3) The holder of a licence in respect of any business referred to in paragraph (2) may also in terms thereof buy the raw materials and animal products necessary for the carrying on of his business and sell or exchange the manufactured or processed product.

Exemption.

Any person in respect of the carrying on by him of the businesses referred to in paragraphs (2)(a), (b) or (d) on the premises of an abattoir as defined in the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act 87 of 1967).

ITEM 2: AUCTIONEER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.
- (2) This licence shall be required by a person who carries on business by selling any goods, including livestock, live poultry and immovable property, by public auction where the highest bidder, whether bidding be by the rise or by the fall, becomes the purchaser.
- (3) A holder of this licence may also in terms thereof sell livestock, live poultry and immovable property, out of hand on the day on which it is offered by public auction.
- (4) This licence shall be valid for the whole Province.
- (5) This licence shall only be granted to an individual and shall be issued in his name and shall also be required by any person who as employee of a holder of this licence, holds sales by public auction on behalf of his employer.
- (6) This licence shall not authorize the sale by public auction of new or unused goods, except wheresuch sale takes place on behalf of and on the business premises of the holder of a licence in terms of which such holder is entitled to sell such goods.
- (7) For the purpose of paragraph (6), the expression "new or unused goods" shall mean any goods which have not been in use previously or which have not at any time been possessed for his own account by any person other than the manufacturer or producer thereof or any person dealing therewith in the course of business.

ITEMS.

ITEM 1: AANSTOOTLIKE BEDRYWE.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.
- (2) 'n Afsonderlike lisensie word vereis van iemand wat enigeen van die volgende besighede dryf:
 - (a) Bene of bloed kook of droogmaak, dierehare steriliseer, gom of lym vervaardig, vet uitkook of vet of talk smelt of bene of ander dierlike bestanddele tot meel maal;
 - (b) derms of afval skraap, skoonmaak of kook;
 - (c) houtskool, kooks of kalk brand;
 - (d) leer brei of looi of huide of velle insout;
 - (e) mout vervaardig;
 - (f) rou vleis van enige lid van die perdefamilie verkoop of te koop aanbied of vir verkoop uitstal;
 - (g) seep of kerse vervaardig;
 - (h) stene maak of enige gietsel maak waarvan sand; klip of sement 'n bestanddeel vorm;
 - (i) suurdeeg vervaardig; of
 - (j) vlok of dons vervaardig.

(3) Die houer van 'n lisensie ten opsigte van enige besigheid in paragraaf (2) genoem, kan daarkragtens ook die grondstowwe en dierlike produkte wat vir die dryf van sy besigheid nodig is, koop en die vervaardigde of verwerkte produk verkoop of verruil.

Vrystelling.

Iemand ten opsigte van die dryf deur hom van die besighede in paragrafe (2)(a), (b) of (d) genoem op die perseel van 'n abattoir soos omskryf in die Wet op Higiëne by Dierslag, Vleis en Dierlike Produkte, 1967 (Wet 87 van 1967).

ITEM 2: AFSLAER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur enige goedere, met inbegrip van lewende hawe, lewende pluimvee en onroerende eiendom, per openbare veiling te verkoop waar die hoogste bieder, hetsy daar by wyse van styging of by wyse van daling gebie word, die koper word.
- (3) 'n Houer van hierdie lisensie kan daarkragtens ook lewende hawe, lewende pluimvee en onroerende eiendom uit die hand verkoop op die dag waarop dit per openbare veiling aangebied word.
- (4) Hierdie lisensie is geldig vir die hele Provinsie.
- (5) Hierdie lisensie word alleenlik aan 'n individu toegestaan en in sy naam uitgereik, en word ook vereis van iemand wat as werknemer van 'n houer van hierdie lisensie, verkopings per openbare veiling ten behoeve van sy werkgever hou.
- (6) Hierdie lisensie magtig nie die verkoop per openbare veiling van nuwe of ongebruikte goedere nie, uitgenome waar sodanige verkoop plaasvind ten behoeve en op die besigheidperseel van 'n houer van 'n lisensie waarkragtens sodanige houer geregtig is om sodanige goedere te verkoop.
- (7) Vir die toepassing van paragraaf (6), beteken die uitdrukking "nuwe of ongebruikte goedere" enige goedere wat nog nie in gebruik was nie of wat nie te eniger tyd vir sy eie rekening besit was nie deur enigiemand anders as die vervaardiger of produsent daarvan of iemand wat in die loop van besigheid daarmee handel.

Exemptions.

(A) A messenger of the court or his deputy or a sheriff or his deputy or any other duly authorized officer of the court or a market master or a poundmaster when acting in the course of his duty.

(B) Any person appointed to sell movable or immovable property for or on behalf of the State or a local authority, when he acts in terms of such appointment.

(C) Any person acting in terms of an appointment to sell by auction on behalf of a society or an association for the promotion of agriculture or the improvement of livestock or poultry at an agricultural show or a market held by such society or association: Provided that this exemption shall not apply in respect of sales at more than 4 shows or markets held in any one year in the Province on behalf of one society or association: Provided further that any sale at any such show or market shall not exceed 4 days.

(D) A holder of a licence referred to in Item 14, in respect of sales by him by public auction in the course of business carried on by him in terms of the said licence.

ITEM 3: GENERAL DEALER.

(1)(a) Application fee R10.

(b) Licence fee shall be as follows:

(i) where the average value of stock on hand does not exceed R4 000 R30 per year.

(ii) where the average value of stock on hand exceeds R4 000, upon so much of such stock on hand —

(aa) as does not exceed R4 000 R30 per year;

(bb) as exceeds R4 000 but does not exceed R10 000 R6 per year per R2 000 or part thereof;

(cc) as exceeds R10 000 but does not exceed R20 000 R8 per year per R2 000 or part thereof;

(dd) as exceeds R20 000 but does not exceed R40 000 R10 per year per R2 000 or part thereof;

(ee) as exceeds R40 000 but does not exceed R60 000 R12 per year per R2 000 or part thereof;

(ff) as exceeds R60 000 but does not exceed R80 000 R14 per year per R2 000 or part thereof;

(gg) as exceeds R80 000 R14 per year per R10 000 or part thereof;

subject to a maximum payment of R1 000 per year.

Vrystellings.

(A) 'n Geregsbode of sy adjunk of 'n Balju of sy adjunk of enige ander behoorlik gemagtigde beampte van die hof en 'n markmeester of skutmeester, wanneer hy in die uitvoering van sy plig optree.

(B) Iemand wat aangestel is om roerende of onroerende eiendom vir of ten behoeve van die Staat of 'n plaaslike bestuur te verkoop, wanneer hy ingevolge sodanige aanstelling optree.

(C) Iemand wat optree ingevolge 'n aanstelling om ten behoeve van 'n genootskap of vereniging vir die bevordering van die landbou of die verbetering van lewende hawe of pluimvee by 'n landboutentoonstelling of 'n mark wat deur sodanige genootskap of vereniging gehou word, by veiling te verkoop: Met dien verstande dat hierdie vrystelling nie van toepassing is nie ten opsigte van verkopings by meer as 4 tentoonstellings of markte wat in een jaar ten behoeve van een genootskap of vereniging in die Provinsie gehou word: Met dien verstande voorts dat 'n verkoping by so 'n tentoonstelling of mark nie 4 dae te bowe gaan.

(D) 'n Houer van 'n lisensie in Item 14 genoem, ten opsigte van verkope deur hom per openbare veiling in die loop van die besigheid wat hy ingevolge genoemde lisensie dryf.

ITEM 3: ALGEMENE HANDELAAR.

(1)(a) Aansoekgeld R10.

(b) Lisensiegeld is soos volg:

(i) waar die gemiddelde waarde van voorraad voorhande hoogsens R4 000 is R30 per jaar.

(ii) waar die gemiddelde waarde van voorraad voorhande R4 000 te bowe gaan, op soveel van sodanige voorraad voorhande —

(aa) as wat R4 000 nie te bowe nie R30 per jaar;

(bb) as wat R4 000 maar nie R10 000 nie te bowe gaan R6 per jaar per R2 000 of gedeelte daarvan;

(cc) as wat R10 000 maar nie R20 000 nie te bowe gaan R8 per jaar per R2 000 of gedeelte daarvan;

(dd) as wat R20 000 maar nie R40 000 nie te bowe gaan R10 per jaar per R2 000 of gedeelte daarvan;

(ee) as wat R40 000 maar nie R60 000 nie te bowe gaan R12 per jaar per R2 000 of gedeelte daarvan;

(ff) as wat R60 000 te bowe gaan maar nie R80 000 nie te bowe gaan R14 per jaar per R2 000 of gedeelte daarvan;

(gg) as wat R80 000 te bowe gaan R14 per jaar per R10 000 of gedeelte daarvan,

behoudens 'n maksimum betaling van R1 000 per jaar.

(2) This licence shall be required by a person who carries on business by selling, exchanging or offering or exposing for sale or exchange goods, wares, foodstuffs, produce or live animals in, on or from business premises, if any other licence is not required in terms of the provisions of this Ordinance for the carrying on of such business or from a person who sells or supplies by wholesale any medicine, drug or poison.

(3) A holder of this licence may also in terms thereof buy, exchange, sell or offer or expose for sale the following:

- (a) aerated or mineral water, cordial, syrup or other beverages of a similar nature for consumption off the business premises;
- (b) fresh fruit, fresh vegetables, flowers and plants;
- (c) milk, any milk product or composite dairy product as defined in paragraph (4) of Item 24 in containers in which it is supplied by a holder of a licence referred to in Item 24, 25 or 26;
- (d) a poison or a preparation containing poison by retail, in respect of which he has been granted a certificate in terms of the provisions of section 51 of the Medical, Dental and Pharmacy Act, 1928 (Act 13 of 1928);
- (e) hides and skins;
- (f) cycles as defined in paragraph (4) of Item 10, as well as cycle spares and accessories if his business premises are situated outside a municipality; and
- (g) raw fish or the flesh of poultry supplied in a frozen ready-packed or wrapped or processed form by a holder of a licence referred to in Item 41 or 52 or by a producer.

(4) The average value of the stock on hand shall be determined as follows:

- (a) in the case of a business which was in existence immediately prior to the date upon which liability for the licence arose —
 - (i) the value of the stock on hand, including the stock purchased and in bond or in transit, at the date of stocktaking, as determined at the last stocktaking during the 12 months immediately preceeding the date upon which such liability arose; and
 - (ii) where there has been no stocktaking within the period prescribed in subparagraph (i), an estimate of the average value of the stock held during the preceeding 12 months or such shorter period as the business has been in existence; and
- (b) in the case of a new business, the amount which the person having the control or management of the business to be carried on declares to be the estimated average value of the stock which will be held in such business for the period to be licensed.

(5) For the purpose of paragraph (4)(a), a business shall be deemed to have been in existence notwithstanding that there has been a change in ownership or that it has been removed from the place where it was carried on in terms of a licence issued in respect of the last preceding year.

(6)(a) When a licence is taken out in terms of the provisions of this Item, there shall be furnished to the issuing authority concerned an affidavit by the holder

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in, op of vanaf 'n besigheidsperseel goedere, ware, voedsel, produkte of lewende diere te verkoop of te verruil, of te koop of te ruil aan te bied of uit te stal, indien daar nie 'n ander lisensie ingevolge die bepalings van hierdie Ordonnansie vir die dryf van sodanige besigheid vereis word nie of van iemand wat in die groothandel enige medisyne, verdowingsmiddel of vergif verkoop of verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook die volgende koop, verruil, verkoop of te koop aanbied of uitstal:

- (a) spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard, vir gebruik weg van die besigheidsperseel;
- (b) vars vrugte, vars groente, blomme en plante;
- (c) melk, enige melkprodukt of saamgestelde suiwelprodukt, soos in paragraaf (4) van Item 24 omskryf, in houters waarin dit verskaf is deur 'n houer van 'n lisensie in Item 24, 25 of 26 genoem;
- (d) 'n vergif of vergifhoudende preparaat in die kleinhandel ten opsigte waarvan aan hom 'n sertifikaat ingevolge die bepalings van artikel 51 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet 13 van 1928), verleen is;
- (e) huide en velle;
- (f) fietse soos omskryf in paragraaf (4) van Item 10, asook fietsonderdele en -toebehore indien sy besigheidsperseel buite 'n munisipaliteit geleë is; en
- (g) rou vis of pluimveevleis wat in 'n bevrore klaar verpakte, toegedraaide of geprosesseerde vorm deur 'n houer van 'n lisensie in Item 41 of 52 genoem, of deur 'n produsent voorsien is.

(4) Die gemiddelde waarde van die voorraad voorhande word as volg bepaal:

- (a) in die geval van 'n besigheid wat onmiddellik voor die datum waarop aanspreeklikheid vir die lisensie ontstaan, bestaan het —
 - (i) die waarde van die voorraad voorhande, daarby inbegrepe voorraad gekoop en in entrepot of onderweg, op die datum van voorraadopname, soos bepaal by die laaste voorraadopname gedurende die 12 maande wat die datum onmiddellik voorafgaan waarop sodanige aanspreeklikheid ontstaan; en
 - (ii) waar daar geen voorraadopname gedurende die in subparagraph (i) voorgeskrewe tydperk was nie, 'n skatting van die gemiddelde waarde van die voorraad gehou gedurende die voorafgaande 12 maande of sodanige korter tydperk wat die besigheid bestaan het; en
- (b) in die geval van 'n nuwe besigheid, die bedrag wat die persoon wat die besigheid wat gedryf sal word, beheer of bestuur, as die geskatte gemiddelde waarde verklaar van die voorraad wat vir die lisensie-tydperk in sodanige besigheid gehou sal word.

(5) Vir die toepassing van paragraaf (4)(a) word geag dat 'n besigheid bestaan het nieteenstaande daar 'n verandering van die eiendomsreg was of dat dit verplaas is vanaf die plek waar daar ingevolge 'n lisensie ten opsigte van die onmiddellik voorafgaande jaar uitgereik, besigheid gedryf was.

(6)(a) Wanneer 'n lisensie ingevolge die bepalings van hierdie Item uitgereik word, word 'n beëdigde verklaring deur die houer van die lisensie-of deur die per-

of the licence or by the person who is in actual and effective control of the business or a statement certified by an accountant or auditor, in the form as determined by the Administrator, wherein the value of the stock on hand, calculated in accordance with the provisions of paragraph (4), is specified.

(b) If any person who is required to hold a general dealer's licence carries on or has carried on business without such licence, an authorized officer may estimate the average value of the stock at such amount as he may consider fair and reasonable and thereupon the licence fee calculated in accordance with such estimate shall be payable.

Exemptions.

(A) A grower of fruit, vegetables, plants or flowers, in respect of the sale of such produce cultivated or grown by him and a farmer in respect of the sale of livestock, live poultry or produce bred, cultivated, or grown or bought by him in the course of his ordinary farming operations, if such sale does not take place in, on or from business premises away from the land where the grower grows or cultivates his produce or where the farmer carries on his ordinary farming operations.

(B) A builder or contractor, artisan or other person in respect of the supply by him of material or fixtures in fulfilment of his contract to do any work or as part of work done by him or the sale by him, to order, of the product of his own skill or labour.

ITEM 4: CHEMIST AND DRUGGIST.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying medicines, drugs or poisons by retail or by compounding, dispensing or making up medicines or drugs according to prescription.

(3) This licence shall only be granted to —

(a) an individual entitled to practice as a chemist and druggist in terms of the Medical, Dental and Pharmacy Act, 1928 (Act 13 of 1928); or

(b) a corporate body entitled in terms of the said Act to carry on the business of a chemist and druggist.

(4) A holder of this licence may in terms thereof also sell, offer or expose for sale medical, surgical, orthopaedic and photographic appliances, apparatus and requirements, toilet requisites and such other articles of a like nature as are customarily dealt in by a chemist or druggist.

ITEM 5: BAKER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by baking or making bread, rusks, biscuits, cakes, rolls, tarts, pastry or other flour confection.

(3) A holder of this licence may also in terms thereof —

(a) sell or offer or expose his products for sale by wholesale or retail on the business premises where they are baked or made;

soon wat in werklike en effektiewe beheer van die betrokke besigheid is of 'n staat gesertifiseer deur 'n rekenmeester of ouditeur, in die vorm deur die Administrateur bepaal, waarin die waarde van die voorraad voorhande, bereken ooreenkomstig die bepalings van paragraaf (4), aangegee word, aan die betrokke uitreikingsowerheid verstrek.

(b) Indien iemand van wie 'n algemene handelaarslisensie vereis word sonder so 'n lisensie besigheid dryf of gedryf het, kan 'n gemagtigde beampte die gemiddelde waarde van die voorraad op sodanige bedrag skat as wat hy billik en redelik ag en daarna is die lisensiegeld bereken ooreenkomstig sodanige skatting betaalbaar.

Vrystellings.

(A) 'n Kweker van vrugte, groente, plante of blomme, ten opsigte van die verkoop van sodanige produkte deur hom gekweek of verbou en 'n boer ten opsigte van die verkoop van lewende hawe, lewende pluimvee of produkte deur hom geteel, gekweek, of verbou of gekoop in die loop van sy gewone boerderybedrywighede, indien sodanige verkoop nie plaasvind nie in, op of vanaf 'n besigheidspersoneel weg van die grond waar die kweker sy produkte kweek of verbou of waar die boer sy gewone boerderybedrywighede dryf.

(B) 'n Bouer of kontrakteur, ambagsman of ander persoon ten opsigte van die verskaffing deur hom van materiaal of aanhegsel in die uitvoering van sy kontrak om werk te doen of as deel van werk deur hom gedoen of die verkoop deur hom op bestelling van die produk van sy eie vaardigheid en arbeid.

ITEM 4: APTEKER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur medisyne, verdowingsmiddels of vergifte in die kleinhandel te verkoop of te verskaf of deur medisyne of verdowingsmiddels volgens voorskrif te berei, te resepteer of op te maak.

(3) Hierdie lisensie word slegs toegestaan aan —

(a) 'n individu wat ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet 13 van 1928) geregig is om as apteker te praktiseer; of

(b) 'n regsposon wat ingevolge genoemde Wet geregig is om 'n aptekersbesigheid te dryf.

(4) 'n Houer van hierdie lisensie kan daarkragtens ook mediese, chirurgiese, ortopediese en fotografiese toestelle, apparaat en benodigdhede, toiletbenodigdhede en ander artikels van 'n soortgelyke aard waarin volgens gebruik 'n apteker besigheid dryf, verkoop, te koop aanbied of uitstal.

ITEM 5: BAKKER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur brood, beskuit, beskuitjies, koek, rolletjies, tert, pastei of ander meelgebak te bak of te maak.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook —

(a) sy produkte in die groothandel of die kleinhandel op die besigheidspersoneel waar hulle gebak of gemaak word, verkoop; vir verkoop aanbied of uitstal; en

- (b) sell and deliver his products from a vehicle of which he is the owner, to a holder of a licence; and
- (c) acquire any product referred to in paragraph (2) from another baker and deal therewith as contemplated in subparagraph (a) or (b).

ITEM 6: BARBER OR HAIRDRESSER.

- (1) (a) Application fee ... R10.
- (b) Licence fee ... R30 per year.
- (2) This licence shall be required by a person who carries on business by cutting, shaving, washing, waving, straightening or otherwise treating the hair or beard of any other person.
- (3) A holder of this licence may also in terms thereof sell wigs, toilet and smokers' requisites and manicure the nails of any other person.

ITEM 7: FUNERAL UNDERTAKER.

- (1) (a) Application fee ... R10.
- (b) Licence fee ... R30 per year.
- (2) This licence shall be required by a person who carries on business by attending to corpses, with or without embalment thereof, and undertaking or arranging the burial, cremation or exhumation thereof or rendering other services in this connection.
- (3) A holder of this licence may also in terms thereof sell or supply tombstones, coffins, flowers, wreaths, vases and other articles of a like nature which are customarily supplied by persons carrying on business of the nature referred to in paragraph (2).
- (4) This licence shall be valid for the whole Province but a separate licence shall be required for each business premises.

ITEM 8: EATING-HOUSE KEEPER.

- (1) (a) Application fee ... R10.
- (b) Licence fee ... R30 per year.
- (2) This licence shall be required by a person who carries on business by selling or supplying meals or refreshments to a person other than a white person in a building or structure or in the open air outside such building or structure for consumption on the business premises.
- (3) A holder of this licence may also in terms thereof sell or supply tobacco in any form, matches, frozen suckers, ice cream, aerated or mineral water, cordial, syrup or other beverages of a similar nature for consumption on or off the business premises concerned.
- (4) For the purpose of paragraph (2), "white person" means a white person as defined in section 1 of the Population Registration Act, 1950 (Act 30 of 1950).

ITEM 9: ESTATE AGENT.

- (1) (a) Application fee ... R10.
- (b) Licence fee ... R30 per year.
- (2) This licence shall be required by a person who carries on business by—
- (a) selling immovable property or canvassing a buyer therefor;
- (b) acting or negotiating on behalf of any other person for the purchase, sale, hire or lease of immovable property or any business undertaking or offering to do so; or
- (c) canvassing a purchaser or a lessee for, or a seller or lessor of immovable property or any business undertaking on behalf of another or offering to do so.

- (b) sy produkte verkoop en lewer vanaf 'n voertuig waarvan hy die eienaar is aan die houër van 'n lisensie; en
- (c) enige produk in paragraaf (2) genoem, van 'n ander bakker verkry en daarmee handel soos in subparagraaf (a) of (b) beoog.

ITEM 6: BARBIER OF HAARKAPPER.

- (1) (a) Aansoekgeld ... R10.
- (b) Lisensiegeld ... R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur iemand anders se hare of baard te sny, te skeer, te was, te krul, reguit te maak of andersins te behandel.
- (3) 'n Houër van hierdie lisensie kan daarkragtens ook pruie, toilet- en rokersbenodigdhede verkoop en die naels van iemand anders versorg.

ITEM 7: BEGRAFNISONDERNEMER.

- (1) (a) Aansoekgeld ... R10.
- (b) Lisensiegeld ... R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur lyke te versorg, met of sonder die verbaalseming daarvan, en die teraardbestelling, verassing of opgraving daarvan te onderneem of te reël en ander dienste in dié verband te lewer.
- (3) 'n Houër van hierdie lisensie kan daarkragtens ook grafstene, kiste, blomme, kranse, blompotte en ander artikels van 'n soortgelyke aard wat volgens gebruik voorsien word deur persone wat besigheid dryf van die aard in paragraaf (2) genoem, verkoop of verskaf.
- (4) Hierdie lisensie is geldig vir die hele Provinsie maar 'n afsonderlike lisensie word vir elke besigheidsperseel vereis.

ITEM 8: EETHUISHOUER.

- (1) (a) Aansoekgeld ... R10.
- (b) Lisensiegeld ... R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in 'n gebou of 'n struktuur of in die opelug buite sodanige gebou of struktuur maaltjies of verversings aan iemand anders as 'n blanke vir verbruik op die besigheidsperseel te verkoop of te verskaf.
- (3) 'n Houër van hierdie lisensie kan daarkragtens ook tabak in enige vorm, vuurhoutjies, yslekkers, roomys, spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelyke aard vir verbruik op of weg van die betrokke besigheidsperseel verkoop of verskaf.
- (4) Vir die toepassing van paragraaf (2), beteken "blanke" 'n blanke soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950).

ITEM 9: EIENDOMSAGENT.

- (1) (a) Aansoekgeld ... R10.
- (b) Lisensiegeld ... R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur—
- (a) onroerende eiendom te verkoop of 'n koper daarvoor te werf;
- (b) namens iemand anders die koop, verkoop, huur of verhuur van onroerende eiendom of enige besigheidsonderneming waar te neem, of daarvoor te onderhandel of aan te bied om dit te doen; of
- (c) 'n koper of 'n huurder vir, of 'n verkoper of 'n verhuurder van onroerende eiendom of enige besigheidsonderneming namens iemand anders te werf of aan te bied om dit te doen.

(3) This licence shall be valid for the whole Province irrespective of whether the business is carried on in, on or from business premises in this Province or not, but a separate licence shall be required in respect of every such business premises.

Exemptions.

(A) A person undertaking the administration of a deceased estate, the curatorship of an insolvent estate or the judicial management or liquidation of a company in respect of the performance of his duties or the exercise of his powers in that connection.

(B) A *bona fide* employee or partner of the holder of this licence.

ITEM 10: CYCLE DEALER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by —

- (a) manufacturing, constructing or assembling cycles and selling all or some of them by retail;
(b) selling by retail cycles which have not been manufactured, constructed or assembled by him;
(c) buying or selling used cycles or parts thereof; or
(d) repairing cycles.

(3) A holder of this licence may also in terms thereof sell cycle spares and accessories.

(4) For the purpose of this Item "cycle" means a bicycle or tricycle which is not a self-propelled vehicle.

ITEM 11: DEALER IN BONES AND USED GOODS.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by buying, selling or exchanging bones or any of the following used goods:

clothing, footwear, timber, building bricks or blocks, building material or accessories, worn out machinery, drums, tins, bottles, packing-cases, boxes, crates or other containers, metal, rags, bags, paper or waste material.

ITEM 12: DEALER IN HOUSEHOLD, PATENT AND PROPRIETARY MEDICINES.

- (1) (a) Application fee R5.
(b) Licence fee R10 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying herbal medicines, household medicines or patent and proprietary medicines by retail, if such medicines contain no substance which in terms of the provisions of the Medical, Dental and Pharmacy Act, 1928, is a poison, a habit-forming drug or a potentially harmful drug.

(4) For the purpose of paragraph (2) —

- (a) "household medicine" means any medicine or medicinal product or preparation which is not a herbal medicine or medicine contemplated in subparagraph (b) and which is manufactured and sold under a recognised or well-known name; and

(3) Hierdie lisensie is geldig vir die hele Provinsie ongeag of die besigheid in, op of vanaf 'n besigheidsperseel in die Provinsie gedryf word, al dan nie, maar 'n afsonderlike lisensie word ten opsigte van elke besigheidsperseel vereis.

Vrystellings.

(A) Iemand wat die administrasie van 'n bestorwe boedel, die kuratorskap van 'n insolvente boedel of die geregtelike bestuur of likwidasie van 'n maatskappy waarneem, ten opsigte van die uitvoering van sy pligte of die uitoefening van sy bevoegdhede in dié verband.

(B) 'n *Bona fide*-werknemer of vennoot van 'n houer van hierdie lisensie.

ITEM 10: FIETSHANDELAAR.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

- (a) fietse te vervaardig, op te bou of te monteer en hulle, of sommige daarvan, in die kleinhandel te verkoop;
(b) fietse nie deur hom vervaardig, opgebou of gemontereer nie, in die kleinhandel te verkoop;
(c) gebruikte fietse of dele daarvan te koop of te verkoop; of
(d) fietse te herstel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook fietsonderdele en -toebehore verkoop.

(4) Vir die toepassing van hierdie Item beteken "fiets" 'n tweewiel- of driewiel-fiets wat nie 'n selfgedrewe voertuig is nie.

ITEM 11: HANDELAAR IN BENE EN GEBRUIKTE GOEDERE.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur bene of enige van die volgende gebruikte goedere te koop, te verkoop of te ruil:

klerasie, skoeisel, timmerhout, boustene of -blokke, boumateriaal of -toebehore, uitgediende masjinerie, dromme, blikke, bottels, pakkiste, dose, kratte of ander houers, metaal, vodde, sakke, papier of afvalmateriaal.

ITEM 12: HANDELAAR IN HUISHOUDELIKE, PATENT- EN EIENDOMSMEDISYNE.

- (1) (a) Aansoekgeld R5.
(b) Lisensiegeld R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur kruiemedisyn, huishoudelike medisyne of patent- en eiendomsmedisyne in die kleinhandel te verkoop of te verskaf, indien sodanige medisyne nie enige stof bevat wat ingevolge die bepalinge van die Wet op Geneeshere, Tandartse en Aptekers, 1928, 'n vergif, 'n gewoontevormende medisyne of 'n moontlike nadelike medisyne is nie.

(3) Vir die toepassing van paragraaf (2) beteken —

- (a) "huishoudelike medisyne" enige medisyne of geneeskragtige produk of preparaat wat nie kruiemedisyn of enige medisyne, soos in subparagraaf (b) beoog, is nie en wat onder 'n erkende of welbekende naam vervaardig en verkoop word; en

(b) "patent and proprietary medicine" means any medicine —

- (i) protected in any province of the Republic under current letters patent;
- (ii) prepared or purporting or professed to have been prepared from some secret formula;
- (iii) prepared or purporting or professed to have been prepared by some secret or occult skill, whether or not the formula is or is professed to be secret;
- (iv) sold under a name or trade-mark specially registered in respect thereof; or
- (v) sold under any description which implies or indicates proprietary rights.

Exemption.

A holder of a licence referred to in Item 4.

ITEM 13: DEALER IN MOTOR VEHICLES.

(1) (a) Application fee R10.

(b) Licence fee shall be as follows:

(i) where the average value of stock on hand does not exceed R4 000 R30 per year.

(ii) where the average value of stock on hand exceeds R4 000, upon so much of such stock on hand—

(aa) as does not exceed R4 000 R30 per year;

(bb) as exceeds R4 000 but does not exceed R10 000 R6 per year per R2 000 or part thereof;

(cc) as exceeds R10 000 but does not exceed R20 000 R8 per year per R2 000 or part thereof;

(dd) as exceeds R20 000 but does not exceed R40 000 R10 per year per R2 000 or part thereof;

(ee) as exceeds R40 000 but does not exceed R60 000 R12 per year per R2 000 or part thereof;

(ff) as exceeds R60 000 but does not exceed R80 000 R14 per year per R2 000 or part thereof;

(gg) as exceeds R80 000 R14 per year per R10 000 or part thereof,

subject to a maximum payment of R1 000 per year; or

(iii) where motor vehicles are hired out only R30 per year.

(b) "patent- en eiendomsmedisyne" enige medisyne —

(i) wat in 'n provinsie van die Republiek ingevolge 'n bestaande patentbrief beskerm word;

(ii) wat berei is of wat heet of voorgegee word berei te gewees het volgens een of ander geheime formule;

(iii) wat berei is of wat heet of voorgegee word berei te gewees het volgens 'n geheime of verborge kuns hetsy die formule geheim is of voorgegee word geheim te wees al dan nie;

(iv) wat verkoop word onder 'n naam of handelsmerk wat spesiaal ten opsigte daarvan geregistreer is; of

(v) wat verkoop word onder enige beskrywing waarvan eiendomsregte afgelei kan word of wat dit aandui.

Vrystelling.

'n Houer van 'n lisensie in Item 4 genoem.

ITEM 13: HANDELAAR IN MOTORVOERTUIE.

(1) (a) Aansoekgeld R10.

(b) Lisensiegeld is soos volg:

(i) waar die gemiddelde waarde van voorraad voorhande hoogstens R4 000 is R30 per jaar;

(ii) waar die gemiddelde waarde van voorraad voorhande R4 000 te bowe gaan, op soveel van sodanige voorraad voorhande —

(aa) as wat R4 000 nie te bowe gaan nie R30 per jaar;

(bb) as wat R4 000 maar nie R10 000 nie te bowe gaan R6 per jaar per R2 000 of gedeelte daarvan;

(cc) as wat R10 000 maar nie R20 000 nie te bowe gaan R8 per jaar per R2 000 of gedeelte daarvan;

(dd) as wat R20 000 maar nie R40 000 nie te bowe gaan R10 per jaar per R2 000 of gedeelte daarvan;

(ee) as wat R40 000 maar nie R60 000 nie te bowe gaan R12 per jaar per R2 000 of gedeelte daarvan;

(ff) as wat R60 000 te bowe gaan maar nie R80 000 nie te bowe gaan R14 per jaar per R2 000 of gedeelte daarvan;

(gg) as wat R80 000 te bowe gaan R14 per jaar per R10 000 of gedeelte daarvan,

behoudens 'n maksimum betaling van R1 000 per jaar; of

(iii) waar motorvoertuie slegs verhuur word R30 per jaar.

(2) This licence shall be required by a person who carries on business by buying, selling, exposing for sale, exchanging or hiring out motor vehicles, whether new or used.

(3) A holder of this licence may also in terms thereof buy, sell or exchange caravans, trailers, tractors, agricultural implements and irrigation machinery, whether new or used.

(4) For the purpose of this Item —

(a) "motor vehicle" means any self-propelled vehicle which is not a tractor;

(b) "trailer" means a vehicle which is not self-propelled and which has been designed or adapted to be drawn by a motor vehicle and to carry goods.

and the provisions of paragraphs (4), (5) and (6) of Item 3 shall apply *mutatis mutandis*.

ITEM 14: DEALER OR SPECULATOR IN LIVESTOCK OR PRODUCE.

(1) (a) Application fee R10.

(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by buying livestock or produce for the purpose of sale, whether by public auction or out of hand, consignment or exchange irrespective whether such business is carried on in, on or from business premises or not.

(3) This licence shall be valid for the whole Province: Provided that a separate licence shall be required for every business premises in the Province.

(4) This licence shall only be issued to an individual and shall be issued in his name and shall also be required by any person who as employee of a dealer or speculator in livestock and produce carries on business on behalf of his employer.

(5) For the purpose of this Item —

(a) "livestock" means cattle, horses, mules, donkeys, sheep, goats, pigs, poultry and ostriches; and

(b) "produce" means all produce, including hides and skins, produced by a farmer.

(6) This licence shall not authorize the carrying on of business as contemplated in Item 3, 20, 42 or 53.

Exemptions.

(A) A holder of a licence referred to in Item 3, 20, 41, 42 or 53, in respect of the buying or selling of livestock or produce in the course of his business.

(B) A farmer in respect of the buying or selling of livestock or produce in the course of his farming operations.

ITEM 15: DEALER IN AERATED OR MINERAL WATER.

(1) (a) Application fee R5.

(b) Licence fee R15 per year.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur motorvoertuie, hetsy nuut of gebruik, te koop, te verkoop, vir verkoop uit te stal, te verruil of te verhuur.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook woonwaens, sleepwaens, trekkers, landbou-implemente en besproeiingsmasjinerie, hetsy nuut of gebruik, koop, verkoop of verruil.

(4) Vir die toepassing van hierdie Item beteken —

(a) "motorvoertuig" enige selfgedrewe voertuig wat nie 'n trekker is nie; en

(b) "sleepwa." 'n voertuig wat nie selfgedrewe is nie en wat ontwerp of ingerig is om deur 'n motorvoertuig getrek te word en goedere te vervoer,

en is die bepalinge van paragrawe (4), (5) en (6) van Item 3 *mutatis mutandis* van toepassing.

ITEM 14: HANDELAAR OF SPEKULANT IN LEWENDE HAWE OF PRODUKTE.

(1) (a) Aansoekgeld R10.

(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensiegeld word vereis van iemand wat besigheid dryf deur lewende hawe of produkte te koop vir doeleindes van verkoop, hetsy per openbare veiling of uit die hand, versending of ruil, ongeag of sodanige besigheid in op of vanaf 'n besigheidsperseel gedryf word, al dan nie.

(3) Hierdie lisensie is geldig vir die hele Provinsie: Met dien verstande dat 'n afsonderlike lisensie vir elke besigheidsperseel in die Provinsie vereis word.

(4) Hierdie lisensie word slegs aan 'n individu toegestaan en in sy naam uitgereik, en word ook vereis van iemand wat as werknemer van 'n handelaar of spekulant in lewende hawe of produkte namens sy werkgever besigheid dryf.

(5) Vir die toepassing van hierdie Item beteken —

(a) "lewende hawe" beeste, perde, muile, donkies, skape, bokke, varke, pluimvee en volstruise; en

(b) "produkte" alle produkte wat deur 'n boer geproduseer word met inbegrip van huide en velle.

(6) Hierdie lisensie magtig nie die dryf van besigheid nie soos in Item 3, 20, 42 of 53 beoog.

Vrystellings.

(A) 'n Houer van 'n lisensie in Item 3, 20, 41, 42 of 53 genoem, ten opsigte van die koop of verkoop van lewende hawe of produkte in die loop van sy besigheid.

(B) 'n Boer ten opsigte van die koop of verkoop van lewende hawe of produkte in die loop van sy boerdery-bedrywighede.

ITEM 15: HANDELAAR IN SPUIT- OF MINERAALWATER.

(1) (a) Aansoekgeld R5.

(b) Lisensiegeld R15 per jaar.

(2) This licence shall be required by a person, including a person licensed to sell intoxicating liquor, who carries on business by selling or supplying, on business premises, aerated or mineral water, cordial, syrup or other beverages of a similar nature, whether mixed or unmixed with any other beverage and whether for consumption on or off the business premises.

(3) A holder of this licence may also in terms thereof sell tobacco in any form and matches.

ITEM 16: DEALER IN FIREWORKS.

- (1) (a) Application fee R5.
(b) Licence fee R10 per year.

(2) This licence shall be required by a person who carries on business by selling fireworks.

(3) This licence shall be issued only to a person who carries on another business in, on or from business premises.

Exemption.

A holder of a licence to trade in arms and ammunition issued in terms of the provisions of section 19 of the Arms and Ammunition Act, 1969 (Act 75 of 1969).

ITEM 17: COMMERCIAL TRAVELLER.

- (1) (a) Application fee R5.
(b) Licence fee R15 per year.

(2) This licence shall be required by a person who carries on business by travelling or going about and as a representative, agent or employee of any other person, hereinafter referred to as the principal, or as an employee of such representative, agent or employee, solicits, canvasses or accepts orders from any other person who is not licensed in terms of the provisions of this Ordinance or who is not a manufacturer, for the sale or supply of goods by such principal.

(3) This licence shall be valid for the whole Province.

(4) This licence shall not authorize the delivery by a commercial traveller of goods for which he has accepted an order.

(5) For the purpose of this Item, "manufacturer" has the meaning assigned thereto in section 59(4)(b)(i).

ITEM 18: KENNEL OR PET'S BOARDING ESTABLISHMENT OR PARLOUR.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by —

- (a) keeping two or more bitches for the purpose of breeding and selling dogs or offering dogs for sale;
(b) keeping dogs for the purpose of training them or hiring them out as watchdogs;
(c) providing boarding for dogs and pets; or
(d) giving beauty treatment to dogs or pets by clipping, washing or brushing or by attending to their nails or teeth.

Exemptions.

(A) An association for the prevention of cruelty to and the promotion of the welfare of animals, registered in terms of the provisions of the National Welfare Act, 1965 (Act 79 of 1965), as a welfare organization.

(B) Any organization whose only or main object is to keep or breed dogs for the purpose of training such dogs as guide-dogs for blind persons.

(2) Hierdie lisensie word vereis van iemand, met inbegrip van iemand wat gelisensieer is om sterk drank te verkoop, wat besigheid dryf deur op 'n besigheidsperseel spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard te verkoop of te verskaf, hetsy-gemeng of ongemeng, met enige ander drank en hetsy vir verbruik op-of weg van die besigheidsperseel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook tabak in enige vorm en vuurhoutjies verkoop.

ITEM 16: HANDELAAR IN VUURWERK.

- (1) (a) Aansoekgeld R5.
(b) Lisensiegeld R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur vuurwerk te verkoop.

(3) Hierdie lisensie word slegs uitgereik aan iemand wat 'n ander besigheid in, op of vanaf 'n besigheidsperseel dryf.

Vrystelling.

'n Houer van 'n lisensie om in wapens en ammunisie handel te dryf, uitgereik ingevolge die bepalings van artikel 19 van die Wet op Wapens en Ammunisie, 1969 (Wet 75 van 1969).

ITEM 17: HANDELSREISIGER.

- (1) (a) Aansoekgeld R5.
(b) Lisensiegeld R15 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur rond te reis of rond te gaan en as 'n verteenwoordiger, agent of werknemer van iemand anders, hierna die prinsipaal genoem, of as werknemer van so 'n verteenwoordiger, agent of werknemer, van iemand anders wat nie ingevolge die bepalings van hierdie Ordonnansie gelisensieer is of wat nie 'n fabrikant is nie, bestellings vir die verkoop of verskaffing van goedere deur sodanige prinsipaal versoek, werf of aanneem.

(3) Hierdie lisensie is geldig vir die hele Provinsie.

(4) Hierdie lisensie magtig nie die lewering nie deur 'n handelsreisiger van goedere waarvoor hy 'n bestelling aangeneem het.

(5) Vir die toepassing van hierdie Item, het "fabrikant" die betekenis wat in artikel 59(4)(b)(i) daaraan geheg is.

ITEM 18: HONDEHOK OF TROETELDIERLOSIES-INRIGTING OF -SALON.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

- (a) twee of meer teefhonde aan te hou met die doel om honde te teel en te verkoop of te koop aan te bied;
(b) honde aan te hou vir die doel om hulle af te rig of uit te verhuur as waghonde;
(c) losies te verskaf vir honde en troeteldiere; of
(d) skoonheidsbehandeling vir honde of troeteldiere te gee deur hulle te skeer, te was, te borsel of hulle naels of tande te versorg.

Vrystellings.

(A) 'n Vereniging vir die voorkoming van mishandeling en die bevordering van die welsyn van diere, wat kragtens die bepalings van die Nasionale Welsynswet, 1965 (Wet 79 van 1965), as 'n welsynsorganisasie geregistreer is.

(B) Enige organisasie waarvan die enigste of hoofdoelstelling die afrigting of opleiding van honde is om as gidshonde vir blinde persone te dien.

ITEM 19: LIVERY STABLE OR RIDING-SCHOOL KEEPER.

- (1) (a) Application fee R10.
 (b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by keeping horses or any other member of the equine family for the purpose of —

- (a) hiring them out for riding or any other work; or
 (b) using them to give riding lessons for reward.

ITEM 20: CAFÉ KEEPER.

- (a) (a) Application fee R10.
 (b) Licence fee R50 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying meals or refreshments for consumption on or off the business premises.

(3) A holder of this licence may also in terms thereof sell or supply the following goods for consumption on or off the business premises:

- (a) fresh fruit, fresh vegetables, flowers or plants;
 (b) bread, rusks, cakes, rolls, tarts, pastry or other flour confection not baked or made by himself;
 (c) cooked meat, including the cooked flesh of poultry, or cooked fish, biltong, polony, sausage, bacon, eggs, butter, cheese, honey, frozen suckers or ice-cream;
 (d) milk, any milk product or composite dairy product as defined in paragraph 4 of Item 24, in containers in which it is supplied by a holder of a licence referred to in Item 24, 25 or 26;
 (e) sweets, candy, nuts, dried fruit, glazed or crystallized fruit, biscuits, potato chips or confectionery;
 (f) tobacco in any form and matches;
 (g) newspapers, magazines, postcards, paperback books and road, street and tourist maps;
 (h) aerated or mineral water, cordial, syrup or other beverages of a similar nature; and
 (i) raw fish or the flesh of poultry which was received in a frozen ready packed, wrapped or processed form from a holder of a licence referred to in Item 41 or 52 or from a producer.

ITEM 21: CRÈCHE OR NURSERY SCHOOL.

- (1) (a) Application fee R10.
 (b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by maintaining a place or school where more than 6 White children who have not reached the compulsory school going age as contemplated in section 96 of the Education Ordinance, 1953 (Ordinance 29 of 1953), are temporarily or partly looked after or cared for or where they are given instruction on a level below that of the curriculum for primary education as contemplated in section 2 of that Ordinance, irrespective of whether or not such place or school is subject to registration in terms of the provisions of the Children's Act, 1960 (Act 33 of 1960).

Exemption.

Any person who maintains a nursery school which is subject to registration as a nursery school in terms of the provisions of the Education Ordinance, 1953.

ITEM 19: HUURSTAL- OF RYSKOOLOUWER.

- (1) (a) Aansoekgeld R10.
 (b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur perde of enige ander lid van die perde-familie aan te hou vir die doel om —

- (a) hulle vir ry of ander werk uit te huur; of
 (b) hulle te gebruik om teen beloning rylesse te gee.

ITEM 20: KAFEEHOUEER.

- (1) (a) Aansoekgeld R10.
 (b) Lisensiegeld R50 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur maaltye of verversings vir verbruik op of weg van die besigheidspersoneel te verkoop of te verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook die volgende goedere vir verbruik op of weg van die besigheidspersoneel verkoop of verskaf:

- (a) vars vrugte, vars groente, blomme of plante;
 (b) brood, beskuit, koek, rolletjies, tert, pastei of ander meelgebak wat nie deur homself gebak of gemaak is nie;
 (c) gaar vleis, met inbegrip van gaar pluimveevleis, of gaar vis, biltong, polonie, wors, spek, eiers, botter, kaas, heuning, yslekkers of roomys;
 (d) melk, enige melkprodukt of saamgestelde suiwelprodukt, soos in paragraaf (4) van Item 24 omskryf, in houters waarin dit verskaf is deur 'n houer van 'n lisensie in Item 24, 25 of 26 genoem;
 (e) lekkers, suikergoed, neute, droë vrugte, glasuur- of suikervrugte, beskuitjies, ertappelskyfies of banketware;
 (f) tabak in enige vorm en vuurhoutjies;
 (g) nuusblaai, tydskrifte, poskaarte, sagtebandboeke en pad-, straat- en toeristekaarte;
 (h) spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard; en
 (i) rou vis of pluimveevleis wat in 'n bevrore, klaarverpakte of toegedraaide of geprosesseerde vorm ontvang is van 'n houer van 'n lisensie in Item 41 of 52 genoem, of van 'n produsent.

ITEM 21: KINDERBEWAARPLAAS OF KLEUTERSKOOLOUWER.

- (1) (a) Aansoekgeld R10.
 (b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n plek of 'n skool in stand te hou waar meer as 6 Blanke kinders wat nie die verpligte skoolouderdom soos in artikel 96 van die Onderwysordonnansie, 1953 (Ordonnansie 29 van 1953) beoog, bereik het nie, tydelik of gedeeltelik opgepas of versorg word of waar aan hulle onderrig op 'n vlak benede die van die kursus vir laer onderwys soos in artikel 2 van daardie Ordonnansie beoog, verskaf word, ongeag of sodanige plek of skool ingevolge die bepalings van die Kinderwet, 1960 (Wet 33 van 1960) aan registrasie onderworpe is, al dan nie.

Vrystelling.

Iemand wat 'n kleuterskool in stand hou wat ingevolge die bepalings van die Onderwysordonnansie, 1953, as 'n kleuterskool aan registrasie onderworpe is.

ITEM 22: PHYSICAL CULTURE, HEALTH OR BEAUTY CENTRE.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by maintaining a place where—

- (a) facilities for, or instruction or guidance in beauty therapy, physical culture or fitness or posture improvement are provided;
(b) Turkish baths, sauna or other health baths are provided; or
(c) massage or infra-red treatment is provided.

Exemption.

A private hospital registered in terms of the provisions of section 70 of the Hospitals Ordinance, 1958 (Ordinance 14 of 1958).

ITEM 23: MARKET AGENT.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by selling or offering goods, including livestock and live poultry, for sale on commission at a public market on behalf of another person.

ITEM 24: DAIRY.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) (a) This licence shall be required by a person who carries on business by receiving and collecting milk and milk products and —

- (i) sterilising, pasteurising it or subjecting it to any other form of heat treatment or cooling it;
(ii) processing it into any milk product or composite dairy product; or
(iii) placing such milk, milk product or composite dairy product in containers in which milk, any milk product or composite dairy product is distributed and seal such containers,

for the purpose of selling, distributing or delivering it.

(b) A holder of this licence may only receive and collect milk or any milk product derived from a holder of a licence referred to in Item 25.

(3) A holder of this licence may in terms thereof also —

- (a) on the business premises —
(i) pasteurise, process or treat any fruit juice derived from a holder of a licence referred to in Item 52; and
(ii) sell eggs, butter, cheese, ice-cream and honey; and
(b) sell, distribute or deliver milk, any milk product, composite dairy product or fruit juice referred to in paragraph (a) on or off the business premises.

(4) For the purpose of this Item —

- (a) "milk" means the milk of a cow;

ITEM 22: LIGGAAMSONTWIKKELING-, GESONDHEIDS- OF SKOONHEIDSENTRUM.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n plek in stand te hou waar —

- (a) fasiliteite vir, of onderrig of voorligting in skoonheids-terapie, liggaamsontwikkeling of -fiksheid of postuur-opknapping verskaf word;
(b) Turkse baddens, sauna of ander gesondheidsbaddens verskaf word; of
(c) masseer- of infra-rooibehandeling verskaf word.

Vrystelling.

'n Private hospitaal wat ingevolge die bepalings van artikel 70 van die Ordonnansie op Hospitale, 1958 (Ordonnansie 14 van 1958) geregistreer is.

ITEM 23: MARKAGENT.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur namens iemand anders goedere met inbegrip van lewende hawe of lewende pluimvee, teen kommissie op 'n openbare mark te verkoop of te koop aan te bied.

ITEM 24: MELKERY.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) (a) Hierdie lisensie word vereis van iemand wat besigheid dryf deur melk of melkprodukte te ontvang en te versamel, en —

- (i) dit te steriliseer, te pasteuriseer of aan enige ander vorm van hittebehandeling te onderwerp of te verkoop;
(ii) dit in enige melkprodukt of saamgestelde suiwelprodukt te verwerk; of
(iii) sodanige melk, melkprodukt of saamgestelde suiwelprodukt in houters, waarin melk, 'n melkprodukt of 'n saamgestelde suiwelprodukt versprei word, te plaas en te verseël,

met die doel om dit te verkoop, te versprei of te lewer.

(b) 'n Houer van hierdie lisensie mag slegs melk of enige melkprodukt afkomstig van 'n houer van 'n lisensie in Item 25 genoem, ontvang en versamel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook —

- (a) op die besigheidspersoneel —
(i) enige vrugtesap, afkomstig van 'n houer van 'n lisensie in Item 52 genoem, pasteuriseer, verwerk of behandel; en
(ii) eiers, botter, kaas, roomys en heuning verkoop; en
(b) op of weg van die besigheidspersoneel melk, enige melkprodukt, saamgestelde suiwelprodukt of vrugtesap in paragraaf (a) genoem, verkoop, versprei of lewer.
(4) Vir die toepassing van hierdie Item beteken —
(a) "melk" die melk van 'n koei;

- (b) "milk product" means cream, separated milk, buttermilk, cultured buttermilk or cultured milk; and
- (c) "composite dairy product" means any food, except cheese, butter, milk powder, skim milk powder and ice-cream, intended for human consumption which contains not less than 50% (m/m) of milk constituents in the dry matter of such product with or without colouring matter, flavouring or sweetening.

Exemption.

A person who has a factory, depot or plant referred to in section 3 of the Dairy Industry Act, 1961 (Act 30 of 1961), the premises of which are registered in terms of the provisions of the said Act.

ITEM 25: DAIRY FARM.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.
- (2) This licence shall be required by a person who produces milk and carries on business by —
- (a) selling, distributing or delivering within a municipality such milk or any milk product made therefrom by him; or
- (b) selling, distributing or delivering such milk or any such milk product by retail in, on or from any place where such milk is produced.
- (3) For the purpose of this Item, "milk" and "milk product" has the meaning assigned thereto in paragraph (4) of Item 24.
- (4) For the purpose of section 12 the business premises of any person who produces milk —
- (a) and does not carry on any business as contemplated in paragraph (2) within the licensing area of the licensing board where his business premises are situated but desires to carry on business within a municipality in the licensing area of another licensing board; or
- (b) whose business premises are situated in another province and who desires to carry on business as contemplated in paragraph (2) in the Province of Transvaal,
- shall be deemed to be situated in the licensing area of the licensing board in which the municipality where he intends selling, distributing or delivering all the milk produced by him or the greatest part thereof, is situated.
- (5) The holder of this licence may also in terms thereof —
- (a) on his business premises cool any milk or milk product produced or made by him and place it in containers in which milk or any milk product is distributed and seal such containers;
- (b) sell, distribute or deliver any milk or milk product produced or made by him, in a municipality situated within a licensing area other than the licensing area where he is licensed if such municipality authorizes him thereto in writing; and
- (c) deal with any milk or milk product which has been supplied to him by any other dairy farm licensed in terms of the provisions of this Item as if such milk or milk product had been produced or made by him.

- (b) "melkprodukt" room, afgeroomde melk, karringmelk, aangesuurde karringmelk of aangesuurde melk; en
- (c) "saamgestelde suiwelprodukt" enige voedsel, uitgenome kaas, botter, melkpoeier, afgeroomde melkpoeier en roomys, wat vir menslike verbruik bestem is en wat nie minder nie as 50% (m/m) melkbestanddele in die droë materie van sodanige produk met of sonder kleursel, geursel of versoeting, bevat.

Vrystelling.

Iemand wat 'n fabriek, depot of inrigting genoem in artikel 3 van die Wet op die Suivelnywerheid, 1961 (Wet 30 van 1961) het, waarvan die perseel ingevolge die bepalings van genoemde Wet geregistreer is.

ITEM 25: MELKPLAAS.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat melk produseer en besigheid dryf deur —
- (a) sodanige melk of enige melkprodukt daarvan deur hom gemaak, binne 'n munisipaliteit te verkoop, te versprei of te lewer; of
- (b) sodanige melk of enige sodanige melkprodukt in, op of vanaf enige plek waar sodanige melk geproduseer word in die kleinhandel te verkoop, te versprei of te lewer.
- (3) Vir die toepassing van hierdie Item, het "melk" en "melkprodukt" die betekenis wat in paragraaf (4) van Item 24 daaraan geheg is.
- (4) Vir die toepassing van artikel 12 word die besigheidperseel van iemand wat melk produseer —
- (a) en geen besigheid, soos in paragraaf (2) beoog binne die lisensiegebied van die lisensieraad waar sy besigheidperseel geleë is, dryf nie, maar binne 'n munisipaliteit in die lisensiegebied van 'n ander lisensieraad, besigheid wil dryf; of
- (b) wie se besigheidperseel in 'n ander provinsie geleë is en soos in paragraaf (2) beoog binne 'n munisipaliteit in die Provinsie Transvaal besigheid wil dryf,
- geag geleë te wees in die lisensiegebied van die lisensieraad waarbinne die munisipaliteit geleë is waar hy al die melk of die grootste gedeelte daarvan, deur hom geproduseer, wil verkoop, versprei of lewer.
- (5) Die houër van hierdie lisensie kan daarkragtens ook —
- (a) op sy besigheidperseel melk of enige melkprodukt wat deur hom geproduseer of gemaak is, verkoel en dit in houters, waarin melk en 'n melkprodukt versprei word, plaas en sodanige houters verseël;
- (b) melk of enige melkprodukt deur hom geproduseer of gemaak, binne 'n munisipaliteit wat in 'n ander lisensiegebied geleë is as die lisensiegebied waar hy gelisensieer is, verkoop, versprei of lewer indien sodanige plaaslike bestuur hom skriftelik daartoe magtig; en
- (c) met melk of enige melkprodukt wat deur enige ander melkplaas wat ingevolge die bepalings van hierdie Item gelisensieer is, aan hom voorsien is, handel asof sodanige melk of melkprodukt deur hom geproduseer of gemaak is.

Exemption.

A person who sells or delivers milk or cream produced by him only to a factory, depot or plant referred to in section 3 of the Dairy Industry Act, 1961, the premises of which are registered in terms of the provisions of the said Act.

ITEM 26: MILKSHOP.

- (1) (a) Application fee R10.
(b) Licence fee R20 per year.
- (2) (a) This licence shall be required by a person who carries on business by selling, distributing or delivering milk, any milk product or composite dairy product.
(b) A holder of this licence may only sell, distribute or deliver milk, a milk product or composite dairy product derived from a holder of a licence referred to in Item 24 or 25.
- (3) A holder of this licence may also in terms thereof sell, distribute or deliver fruit juice and, on his business premises, sell butter, eggs, cheese, ice-cream and honey.
- (4) For the purpose of this Item, "milk", "milk product" and "composite dairy product" has the meaning assigned thereto in paragraph (4) of Item 24.

ITEM 27: MILLER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.
- (2) This licence shall be required by a person who carries on business by using a mill for the milling of sugar and the grinding of wheat, sorghum grain, maize or any other cereal, nuts, cotton, flax or other seeds to meal, flour or other products.
- (3) The holder of this licence may also in terms thereof sell on his business premises any meal or product contemplated in paragraph (2).

Exemption.

A person using a mill only for the purpose of milling or grinding any of the abovementioned goods for the exclusive use by himself, his household, his employees or his livestock and poultry.

ITEM 28: MOTOR GARAGE.

- (1) (a) Application fee R10.
(b) Licence fee shall be as follows:
(i) for the activities referred to in paragraphs (2), (3)(a), (c), (d) and (e) R30 per year; and
(ii) for the activities referred to in paragraph (3)(b) —
(aa) where the average value of stock on hand does not exceed R4 000 R30 per year;
(bb) where the average value of stock on hand exceeds R4 000, upon so much of such stock on hand —
(aaa) as does not exceed R4 000 R30 per year;

Vrystelling.

Iemand wat melk of room wat hy produseer slegs aan 'n fabriek, depot of inrigting genoem in artikel 3 van die Wet op die Suiwelnywerheid, 1961, waarvan die perseel ingevolge die bepalings van genoemde Wet geregistreer is, verkoop of lewer.

ITEM 26: MELKWINKEL.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R20 per jaar.
- (2) (a) Hierdie lisensie word vereis van iemand wat besigheid dryf deur melk, enige melkprodukt of saamgestelde suiwelprodukt te verkoop, te versprei of te lewer.
(b) Die houër van hierdie lisensie mag slegs melk, 'n melkprodukt of saamgestelde suiwelprodukt afkomstig van 'n houër van 'n lisensie in Item 24 of 25 genoem, verkoop, versprei of lewer.
- (3) 'n Houër van hierdie lisensie kan daarkragtens ook vrugtesap verkoop, versprei of lewer en, op sy besigheidsperseel, botter, eiers, kaas, roomys en heuning verkoop.
- (4) Vir die toepassing van hierdie Item, het "melk", "melkprodukt" en "saamgestelde suiwelprodukt" die betekenis daarvan gehê in paragraaf (4) van Item 24.

ITEM 27: MEULENAAR.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n meul te gebruik vir die maal van suiker, koring, sorghumgraan, mielies of enige ander graansoort, neute, katoenvlas- of ander saad tot meel, fynmeel of ander produkte.
- (3) 'n Houër van hierdie lisensie kan daarkragtens ook op sy besigheidsperseel enige meel of produk in paragraaf (2) beoog, verkoop.

Vrystelling.

Iemand wat 'n meul gebruik slegs vir die doel om enige van bogenoemde goedere te maal vir die uitsluitlike gebruik deur homself, sy gesin, sy werknemers of sy lewende hawe en pluimvee.

ITEM 28: MOTORGARAGE.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld is soos volg:
(i) vir die bedrywighede soos in paragrafe (2), (3)(a), (c), (d) en (e) genoem R30 per jaar; en
(ii) vir die bedrywighede in paragraaf (3)(b) genoem —
(aa) waar die gemiddelde waarde van voorraad voorhande hoogstens R4 000 is R30 per jaar;
(bb) waar die gemiddelde waarde van voorraad voorhande R4 000 te bowe gaan, op soveel van sodanige voorraad voorhande —
(aaa) as wat R4 000 nie te bowe gaan nie R30 per jaar;

(bbb) as exceeds R4 000 but does not exceed R10 000	R6 per year per R2 000 or part thereof;
(ccc) as exceeds R10 000 but does not exceed R20 000	R8 per year per R2 000 or part thereof;
(ddd) as exceeds R20 000 but does not exceed R40 000	R10 per year per R2 000 or part thereof;
(eee) as exceeds R40 000 but does not exceed R60 000	R12 per year per R2 000 or part thereof;
(fff) as exceeds R60 000 but does not exceed R80 000	R14 per year per R2 000 or part thereof;
(ggg) as exceeds R80 000 ...	R14 per year per R10 000 or part thereof,
subject to a maximum payment of	R1 000 per year.

(2) This licence shall be required by a person who carries on business by repairing, renovating, servicing, dismantling, washing or cleaning motor vehicles or spares thereof.

(3) The holder of this licence may also in terms thereof —

- (a) garage vehicles;
- (b) buy, sell or exchange new and used motor vehicles, tractors, caravans, trailers, agricultural implements and irrigation machinery;
- (c) sell petrol, paraffin, oil, diesel oil, tyres, tubes, non-power tools, new and used spares and accessories for motor vehicles, tractors, caravans, trailers, agricultural implements and irrigation machinery;
- (d) repair, renovate, service, wash or clean tractors, caravans, trailers, agricultural implements and irrigation machinery or spares and accessories thereof; and
- (e) hire out motor vehicles.

(4) For the purpose of this Item —

- (a) "motor vehicle" means any self-propelled vehicle; and
- (b) "trailer" means a vehicle which is not self-propelled and which has been designed or adapted to be drawn by a motor vehicle,

(bbb) as wat R4 000 maar nie R10 000 nie te bowe gaan	R6 per jaar per R2 000 of gedeelte daarvan;
(ccc) as wat R10 000 maar nie R20 000 nie te bowe gaan	R8 per jaar per R2 000 of gedeelte daarvan;
(ddd) as wat R20 000 maar nie R40 000 nie te bowe gaan	R10 per jaar per R2 000 of gedeelte daarvan;
(eee) as wat R40 000 maar nie R60 000 nie te bowe gaan	R12 per jaar per R2 000 of gedeelte daarvan;
(fff) as wat R60 000 maar nie R80 000 nie te bowe gaan	R14 per jaar per R2 000 of gedeelte daarvan;
(ggg) as wat R80 000 te bowe gaan	R14 per jaar per R10 000 of gedeelte daarvan,
behoudens 'n maksimum betaling van	R1 000 per jaar.

(2) Hierdie lisensie word vereis van 'n persoon wat besigheid dryf deur motorvoertuie of onderdele daarvan te herstel, op te knap, te versien, te onttakel, te was of skoon te maak.

(3) Die houër van hierdie lisensie kan daarkragtens ook —

- (a) motorvoertuie stal;
- (b) nuwe en gebruikte motorvoertuie, trekkers, woonwaens, sleepwaens, landbou-implemente en besproeiingsmasjinerie koop, verkoop of verruil;
- (c) petrol, paraffien, olie, diesellole, bande, binnebande, handgereedskap, nuwe en gebruikte onderdele en toebehore vir motorvoertuie, trekkers, woonwaens, sleepwaens, landbou-implemente en besproeiingsmasjinerie verkoop;
- (d) trekkers, woonwaens, sleepwaens, landbou-implemente en besproeiingsmasjinerie of onderdele en toebehore daarvan herstel, opknap, versien, was of skoonmaak; en
- (e) motorvoertuie verhuur.

(4) Vir die toepassing van hierdie Item beteken —

- (a) "motorvoertuig" enige selfgedrewe voertuig; en
- (b) "sleepwa" 'n voertuig wat nie selfgedrewe is nie en wat ontwerp of ingerig is om deur 'n motorvoertuig getrek te word,

and the provisions of paragraphs (4), (5) and (6) of Item 3 shall apply *mutatis mutandis*.

Exemption.

An upholsterer in respect of upholstery work on motor vehicles.

ITEM 29: MOTOR VEHICLE ATTENDANT.

- (1) (a) Application fee R1.
- (b) Licence fee R5 per year.

(2) This licence shall be required by a person who carries on business in a street or other public place by allocating a parking place to a motor vehicle or by undertaking or offering to attend to or to take care of a parked motor vehicle.

ITEM 30: DISINFECTOR OR FUMIGATOR.

- (1) (a) Application fee R5.
- (b) Licence fee R15 per year.

(2) This licence shall be required by a person who carries on business by disinfecting or fumigating with hydro-cyanic acid gas or any other substance which may endanger the life or health of a human being.

(3) This licence shall only be granted to an individual and issued in his name and shall not confer the right on any other person to act on behalf of the holder of the licence unless such holder is present and exercises supervision personally.

(4) This licence shall be valid for the whole licensing area of a licensing board.

ITEM 31: RECREATION GROUND.

- (1) (a) Application fee R10.
- (b) Licence fee shall be as follows:
 - (i) For the activities referred to in paragraph (2) R20 per year;
 - (ii) for the activities referred to in paragraph (3) an additional R10 per year.

(2) This licence shall be required by a person who carries on business by allowing other persons to camp, whether in tents, caravans or otherwise, to picnic, to mountaineer, to swim, to fish, to boat, to ski or to watch game in its natural state at any place.

(3) A holder of this licence may also in terms thereof keep a skittle-alley, a miniature golf course, a putt-putt course, a golf-driving range or a skating rink.

ITEM 32: WAREHOUSE.

- (1) (a) Application fee R10.
- (b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by storing goods on behalf of others

ITEM 33: PAWNBROKER.

- (1) (a) Application fee R10.
- (b) Licence fee R100 per year.

(2) This licence shall be required by a person who carries on business by taking or receiving goods of value in pledge or as security for money lent or advanced.

(3) This licence shall not authorize the sale of any goods.

en is die bepalings van paragrafe (4), (5) en (6) van Item 3 *mutatis mutandis* van toepassing.

Vrystelling.

'n Stoffeerder ten opsigte van stoffeerwerk aan motorvoertuie.

ITEM 29: MOTORVOERTUIGOPPASSER.

- (1) (a) Aansoekgeld R1.
- (b) Lisensiegeld R5 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf in 'n straat of ander openbare plek deur 'n parkeerplek vir 'n motorvoertuig aan te wys of deur te onderneem of aan te bied om 'n geparkeerde motorvoertuig op te pas of toesig daarvoor te hou.

ITEM 30: ONTSMETTER OF BEROKER.

- (1) (a) Aansoekgeld R5.
- (b) Lisensiegeld R15 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur ontsmettings- of berokingswerk te verrig met siaanwaterstofgas of enige ander stof wat die lewe of gesondheid van 'n mens in gevaar kan stel.

(3) Hierdie lisensie word slegs aan 'n individu toegestaan en in sy naam uitgereik, en dit verleen geen reg aan iemand anders om namens die lisensiehouer op te tree nie tensy sodanige lisensiehouer teenwoordig is en persoonlik toesig hou.

(4) Hierdie lisensie is vir die hele lisensiegebied van 'n lisensieraad geldig.

ITEM 31: ONTSPANNINGSTERREIN.

- (1) (a) Aansoekgeld R10.
- (b) Lisensiegeld is soos volg:
 - (i) vir die bedrywighede in paragraaf (2) genoem R20 per jaar;
 - (ii) vir die bedrywighede in paragraaf (3) genoem 'n bykomende R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur ander persone toe te laat om op enige plek te kampeer, hetsy in tente, woonwaens of andersins, pick-niek te hou, berg te klim, te swem, vis te vang, boot te vaar, te ski of wild in hulle natuurlike staat te besigtig.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook 'n kegelbaan, 'n miniatuurgholfbaan, 'n putt-putt-baan en 'n gholfdryfbaan of 'n skaatsbaan hou.

ITEM 32: PAKHUIS.

- (1) (a) Aansoekgeld R10.
- (b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur goedere namens andere op te berg.

ITEM 33: PANDJIESHOUER.

- (1) (a) Aansoekgeld R10.
- (b) Lisensiegeld R100 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur goedere van waarde in pand of as sekuriteit te neem of te ontvang vir geld geleen of voorgesket.

(3) Hierdie lisensie magtig nie die verkoop van enige goedere nie.

(4) A bill of exchange, promissory note, share certificate or any other document of value shall for the purpose of this Item not be regarded as "goods of value".

Exemption.

Any banking institution which takes or receives goods of value in pledge or as security for money lent or advanced.

ITEM 34: PARKADE.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by providing parking for motor vehicles in any building or structure or in the open air for reward.

Exemptions.

(A) An employer in respect of the provision of parking exclusively for his employees.

(B) The lessor of a building in respect of the garaging of, or the provision of parking space in such building or on the premises thereof, exclusively for motor vehicles belonging to the occupiers of such building.

ITEM 35: PASSENGER TRANSPORT UNDERTAKING.

- (1) (a) Application fee R10.
(b) Licence fee ... per business premises R30 per year.

(2) This licence shall be required by a person who carries on business by conveying passengers by bus or motor car for hire or reward.

(3) For the purpose of this Item —

(a) the premises or place where any of the vehicles of the undertaking concerned are garaged or kept or where the terminus of such vehicles is situated, except where such terminus is in a public street, shall be deemed to be the business premises of such undertaking; and

(b) "bus" and "motor car" has the meaning assigned thereto in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966).

Exemptions.

(A) A person who carries on business by motor car, as contemplated in paragraph (2), from business premises where not more than 2 motor cars are garaged or kept for the carrying on of such business.

(B) A person who conveys exclusively patients in an ambulance or exclusively scholars.

ITEM 36: POULTRY FARMING.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who at any time carries on business by farming with more than 3 000 head of poultry over the age of 3 weeks.

(3) For the purpose of this Item, "poultry" means fowls, ducks, geese, Muscovy ducks or turkeys.

(4) 'n Wissel, 'n skuldbewys, 'n aandelesertifikaat of enige ander dokument van waarde word vir die toepassing van hierdie Item nie as "goedere van waarde" beskou nie.

Vrystelling.

Enige bankinstelling wat goedere van waarde in pand of as sekuriteit neem of ontvang vir geld geleen of voorgeskië.

ITEM 34: PARKADE.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in 'n gebou of 'n struktuur of in die opgelug parkeerruimte vir motorvoertuie teen vergoeding te verskaf.

Vrystellings.

(A) 'n Werkgewer ten opsigte van die verskaffing van parkeerruimte uitsluitlik aan sy werknemers.

(B) Die verhuurder van 'n gebou ten opsigte van die stalling van of die verskaffing van parkeerruimte in sodanige gebou of op die perseel daarvan uitsluitlik vir motorvoertuie wat aan okkupeerders van sodanige gebou behoort.

ITEM 35: PASSASIEVERVOERONDERNEMING.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld ... per besigheidsperseel R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur passasiers per bus of motorkar teen huur of beloning te vervoer.

(3) Vir die toepassing van hierdie Item —

(a) word geag dat die perseel of plek waar enige van die voertuie van die betrokke onderneming gestal of gehou word of waar die terminus van sodanige voertuie geleë is, behalwe waar sodanige terminus in 'n openbare straat is, die besigheidsperseel van sodanige onderneming is; en

(b) het "bus" en "motorkar" die betekenis daaraan geheg in die Ordonnansie op Parverkeer, 1966 (Ordonnansie 21 van 1966).

Vrystellings.

(A) Iemand wat besigheid met 'n motorkar dryf, soos in paragraaf (2) beoog, vanaf 'n besigheidsperseel waar nie meer nie as 2 motorkarre vir die dryf van sodanige besigheid gestal of gehou word.

(B) Iemand wat uitsluitlik pasiënte in 'n ambulans of uitsluitlik skoliere vervoer.

ITEM 36: PLUIMVEEBOERDERY.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur te eniger tyd met meer as 3 000 pluimvee wat bo die ouderdom van 3 weke is, te boer.

(3) Vir die toepassing van hierdie Item, beteken "pluimvee" hoenders, eende, ganse, makoue of kalkoene.

ITEM 37: MAIL-ORDER OR OTHER UNDERTAKING.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by soliciting or canvassing orders for the supply of any goods or services, including instruction, health, physical culture, slimming or similar courses, by mail or by using samples of any goods or a catalogue or advertisement in which the goods or services are described or illustrated.

- (3) This licence is valid for the whole Province.

Exemptions.

(A) The holder of a licence in terms of any other provision of this Ordinance which authorizes him to sell or supply such goods or services.

(B) A registered correspondence college as defined in section 1 of the Correspondence Colleges Act, 1965 (Act 59 of 1965).

ITEM 38: RESTAURANT KEEPER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying in or from a building or structure which is not movable, meals or refreshments for consumption on the business premises.

(3) A holder of this licence may also in terms thereof sell or supply tobacco in any form, matches, aerated or mineral water, cordial, syrup or other beverages of a similar nature for consumption on or off the business premises.

Exemption.

Any person who in a private dwelling sells or supplies one or more meals per day to not more than 4 persons.

ITEM 39: COBBLER.

- (1) (a) Application fee R2.
(b) Licence fee R10 per year.

(2) This licence shall be required by a person who carries on business by making or repairing footwear.

(3) A holder of this licence may in terms thereof also sell footwear made by him.

Exemption.

Any such business carried on outside a municipality or which is carried on within a municipality in an area which in terms of a town-planning scheme is zoned for industrial purposes.

ITEM 40: DEBT COLLECTOR AND TRACER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by—

- (a) collecting money as cessionary of a debt or on behalf of a creditor or undertaking to do so;
(b) receiving money from a debtor with the undertaking to pay it to the creditor concerned;

ITEM 37: POS- OF ANDER BESTELLINGS-ONDERNEMING.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur bestellings vir die verskaffing van enige goedere of dienste, met inbegrip van onderrig-, gesondheids-, liggaamsontwikkeling-, verslankings- of soortgelyke kursusse, deur die pos of deur gebruik te maak van 'n monster van enige goedere of van 'n katalogus of advertensie waarin die goedere of dienste beskryf of geïllustreer word, te versock, te werf of aan te neem.

- (3) Hierdie lisensie is geldig vir die hele Provinsie.

Vrystellings.

(A) 'n Houer van 'n lisensie ingevolge enige ander bepaling van hierdie Ordonnansie wat hom magtig om sodanige goedere of dienste te verkoop of te verskaf.

(B) 'n Geregistreerde korrespondensiekollege soos in artikel 1 van die Wet op Korrespondensiekolleges, 1965 (Wet 59 van 1965), omskryf.

ITEM 38: RESTAURANTHOUER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in of vanaf 'n gebou of struktuur wat nie beweegbaar is nie, maaltye of verversings vir verbruik op die besigheidsperseel te verkoop of te verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook tabak in enige vorm, vuurhoutjies, spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard vir verbruik op of weg van die besigheidsperseel verkoop of verskaf.

Vrystelling.

Iemand wat in 'n privaatwoning een of meer maaltye per dag verkoop of verskaf aan nie meer as 4 persone nie.

ITEM 39: SKOENMAKER.

- (1) (a) Aansoekgeld R2.
(b) Lisensiegeld R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur skoelisel te maak of te herstel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook skoelisel deur hom gemaak, verkoop.

Vrystelling.

Enige sodanige besigheid wat buite 'n munisipaliteit gedryf word of wat binne 'n munisipaliteit gedryf word in 'n gebied wat ingevolge 'n dorpsbeplanningskema vir nywerheidsdoeleindes gesoneer is.

ITEM 40: SKULDINVORDERAAR EN OPSPOORDER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

- (a) geld as sessionaris van 'n skuld of namens 'n skuldeiser in te vorder of te onderneem om dit te doen;
(b) geld van 'n skuldenaar te ontvang met die onderneeming om dit aan die betrokke skuldeiser te betaal;

- (c) settling the debt of a debtor or underaking to do so after such debtor has promised that he will pay the amount so settled to the debt collector; or
- (d) tracing any person.

Exemptions.

(A) A financial institution as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1964 (Act 56 of 1964).

(B) A person undertaking the administration of a deceased estate, the curatorship of an insolvent estate or the judicial management or liquidation of a company in respect of the performance of his duties in that connection.

ITEM 41: BUTCHER.

- (1) (a) Application fee R10.
- (b) Licence fee shall be as follows:
 - (i) a butcher who sells meat to another butcher, irrespective of whether he also supplies meat to a consumer R200 per year; or
 - (ii) any other butcher R30 per year.
- (2) This licence shall be required by a person who carries on business by —
 - (a) selling, offering or exposing for sale raw meat in, on or from business premises; or
 - (b) taking any order for the delivery of raw meat from his business premises.
- (3) A holder of this licence may also in terms thereof —
 - (a) make sausages, brawn, polony and biltong;
 - (b) sell, offer or expose for sale and take orders for delivery from his business premises of sausages, brawn, polony, biltong, offal, ham, bacon, eggs, butter, cheese, frozen or preserved meat or fish;
 - (c) render fat from animals slaughtered by him or from carcasses purchased by him; and
 - (d) cure the hides and skins of animals slaughtered by him.
- (4) For the purpose of this Item, "meat" includes the flesh of poultry, but not the meat of members of the equine family.

Exemption.

The sale of raw venison or the flesh of poultry at any market under the control of a local authority by a market master or out of hand in accordance with the relevant market regulations, or the offering or exposing of such meat on such market for the said purpose.

ITEM 42: HAWKER.

- (1) (a) Application fee shall be as follows:
 - (i) for a hawker contemplated in subparagraphs (b)(i), (ii) and (iii) R5; and
 - (ii) for a hawker contemplated in subparagraphs (b)(iv), (v) and (vi) R1.

- (c) 'n skuldenaar se skuld te vereffen of te onderneem om dit te doen, nadat sodanige skuldenaar belooft het dat hy die bedrag aldus vereffen aan die skuldinvoerder sal betaal; of
- (d) iemand op te spoor.

Vrystellings.

(A) 'n Finansiële instelling soos in artikel 1 van die Wet op Finansiële Instellings (Belegging van Fondse), 1964 (Wet 56 van 1964), omskryf.

(B) Iemand wat die administrasie van 'n bestorwe boedel, die kuratorskap in 'n insolvente boedel of die geregtelike bestuur of likwidasie van 'n maatskappy waarneem, ten opsigte van die uitvoering van sy pligte in dié verband.

ITEM 41: SLAGTER.

- (1) (a) Aansoekgeld R10.
- (b) Lisensiegeld is soos volg:
 - (i) 'n slagter wat vleis aan 'n ander slagter verkoop, ongeag of hy ook vleis aan 'n verbruiker verkoop R200 per jaar; of
 - (ii) enige ander slagter R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —
 - (a) in, op of vanaf 'n besigheidperseel rou vleis te verkoop of te koop aan te bied of uit te stal; of
 - (b) enige bestelling te neem vir rou vleis vir aflewering vanaf sy besigheidperseel.
- (3) 'n Houer van hierdie lisensie kan daarkragtens ook —
 - (a) wors, sult, polonie en biltong maak;
 - (b) wors, sult, polonie, biltong, afval, ham, spek, eiers, botter, kaas en gesoute, bevrore of ingemaakte vleis of vis verkoop, te koop aanbied of uitstal, en bestellings daarvoor neem vir aflewering vanaf sy besigheidperseel;
 - (c) vet uitsmelt van diere wat deur hom geslag word of van karkasse wat deur hom aangekoop word; en
 - (d) huide en velle van diere wat deur hom geslag word, insout.
- (4) Vir die toepassing van hierdie Item, omvat die woord "vleis" ook die vleis van pluimvee, maar nie die vleis van lede van die perdefamilie nie.

Vrystelling.

Die verkoop van rou wilds- of pluimveevleis op enige mark onder beheer van 'n plaaslike bestuur deur 'n markmeester of uit die hand ooreenkomstig die toepaslike markregulasies of die aanbod of uitstal van sodanige vleis op sodanige mark vir genoemde doel.

ITEM 42: SMOUS.

- (1) (a) Aansoekgeld is soos volg:
 - (i) vir 'n smous in subparagraphe (b) (i), (ii) en (iii) beoog R5; en
 - (ii) vir 'n smous in subparagraphe (b) (iv), (v) en (vi) beoog R1.

(b) Licence fee shall be as follows:

- (i) for the carrying on of business in food, drink and other goods R30 per year;
- (ii) for the carrying on of business only in food or drink or both R25 per year;
- (iii) for the carrying on of business only in goods other than food and drink R20 per year;
- (iv) for the carrying on of business only in ice-cream or frozen suckers or both R15 per year;
- (v) for the carrying on of business only in one or more of the following goods: newspapers, magazines and flowers R10 per year;
- (vi) for the carrying on of business by a producer of agricultural produce only in produce produced by him, if he submits to the issuing authority a written statement by the secretary of a farmers' association or by the officer in charge of the police in the area where the produce is produced, wherein it is stated that he is a producer of the kind of fruit, vegetables, or other agricultural produce referred to in the control certificate issued to him R5 per year or R2 per calendar month.

(2) This licence shall, subject to the provisions of paragraph (5), be required by any person who as principal, agent or employee carries on business by selling, exchanging or offering or exposing for sale or exchange goods —

- (a) which he conveys from place to place, whether by vehicle or otherwise;
- (b) in any street or at any other place accessible to the public, at any open stand or in, on or from any vehicle or movable structure; or
- (c) at any place away from business premises in respect of which another licence is held by such person.

(3) A separate licence shall be required for the carrying on of a business as contemplated in paragraph (2) —

- (a) within a municipality; and
- (b) outside a municipality, within the licensing area of a licensing board.

(4) For the purpose of this Item, "place" includes a building or a part thereof.

(5) Instead of an agent or employee of a holder of this licence, who is a principal, taking out a licence in terms of paragraph (2), such holder may in his name take out so many licences in respect of the number of agents or employees as the licensing board may approve, and any such agent or employee may in terms of any such licence carry on business on behalf of such holder if he is in possession of a permit to hawk, issued to such agent or employee by the issuing authority concerned,

(b) Lisensiegeld is soos volg:

- (i) vir die dryf van besigheid in eetware of drinkware en ander goedere R30 per jaar;
- (ii) vir die dryf van besigheid slegs in eet- of drinkware of albei R25 per jaar;
- (iii) vir die dryf van besigheid slegs in ander goedere as eet- en drinkware R20 per jaar;
- (iv) vir die dryf van besigheid slegs in roomys of yslekkers of albei R15 per jaar;
- (v) vir die dryf van besigheid slegs in een of meer van die volgende goedere: nuusblaai, tydskrifte en blomme R10 per jaar;
- (vi) vir die dryf van besigheid deur 'n produsent van landbouprodukte slegs in sodanige produkte deur hom geproduseer, indien hy 'n skriftelike verklaring van die sekretaris van 'n boerevereniging of van die bevelvoerder van die polisie in die gebied waar die produkte geproduseer word, aan die uitreikingsowerheid voorlê waarin verklaar word dat hy 'n produsent is van die soort vrugte, groente of ander landbouprodukte wat genoem word in die kontrolesertifikaat aan hom uitgereik R5 per jaar of R2 per kalendermaand.

(2) Hierdie lisensie word, behoudens die bepalings van paragraaf (5), vereis van iemand wat as prinsipaal, agent of werknemer besigheid dryf deur goedere —

- (a) wat hy van plek tot plek vervoer, hetsy per voertuig of andersins;
- (b) in enige straat of op enige ander vir die publiek toeganklike plek, by enige oop staanplek of in, op of vanaf enige voertuig of beweegbare struktuur; of
- (c) op enige plek weg van 'n besigheidspersoneel ten opsigte waarvan 'n ander lisensie deur so iemand gehou word, te verkoop of te verruil, of vir verkoop of ruil aan te bied of uit te stal.

(3) 'n Afsonderlike lisensie word vereis vir die dryf van 'n besigheid soos in paragraaf (2) beoog —

- (a) binne 'n munisipaliteit; en
- (b) buite 'n munisipaliteit, binne 'n lisensieraad se lisensiegebied.

(4) Vir die toepassing van hierdie Item, omvat "plek" ook 'n gebou of 'n deel daarvan.

(5) In stede dat 'n agent of werknemer van 'n houer van hierdie lisensie, wat 'n prinsipaal is, 'n lisensie ingevolge paragraaf (2) moet uitneem, kan sodanige houer in sy naam soveel lisensies uitneem ten opsigte van die aantal agente of werknemers as wat deur die lisensieraad goedgekeur word en enige sodanige agent of werknemer kan ingevolge enige sodanige lisensie namens sodanige houer besigheid dryf indien hy in besit is van 'n permit om te smous, aan sodanige agent of werknemer deur die betrokke uitreikingsowerheid uitgereik, na voldoening aan

after compliance with such requirements, including the payment of any fee, as may be prescribed.

(6)(a) If the chairman of the licensing board concerned is satisfied that an agent or employee has failed to comply with any law relating to health requirements or health precautions, he may revoke the permit of such an agent or employee by serving a notice to that effect on the holder of the licence.

(b) The secretary of the licensing board concerned shall send a copy of the notice referred to in paragraph (a) to the issuing authority concerned.

Exemptions from licensing.

(A) A producer of agricultural produce in respect of the carrying on of business by him or his employee in such produce, excluding the flesh of poultry, meat, meat and dairy products, outside a municipality.

(B) A holder of a licence referred to in Item 25 in respect of the carrying on of business by him outside a municipality in milk produced by him or in milk products made therefrom by him.

Exemption from licensing fee only.

A producer of agricultural produce in respect of the carrying on of business in such produce produced by him, if such business is carried on —

- (a) outside a municipality; or
- (b) within a municipality on the land where such producer produces such produce,

and if he submits to the issuing authority concerned a written statement by the secretary of a farmers' association or the officer in charge of the police in the area where the produce is produced wherein it is stated that he is a producer of the kind of fruit, vegetables or other agricultural produce referred to in the control certificate issued to him.

ITEM 43: SPECIAL LICENCE.

(1) (a) Application fee R1.

(b) Licence fee R5 per day.

(2) This licence shall be required from any person who, whether or not he is the holder of a licence in terms of the provisions of this Ordinance, carries on a business in respect of which a licence would otherwise be required in terms of the provisions of this Ordinance —

(a) at an exhibition, a show or an international sport gathering organised, conducted or controlled by a society or institution of a public character which has been formed for the advancement of agriculture, commerce, industry, art, science or sport; or

(b) by selling or supplying food or drink at any public gathering.

(3) For the purpose of paragraph (2), the entire area on which an exhibition, show or gathering is held, shall be deemed to be the business premises.

Exemption.

A holder of a licence referred to in Item 44 in respect of the business which he may carry on in terms thereof.

sodanige vereistes, insluitende die betaling van enige geld, soos voorgeskryf mag word.

(6)(a) Indien die voorsitter van die betrokke lisensieraad oortuig is dat daar deur of ten opsigte van 'n agent of werknemer nie aan enige wetsbepaling betreffende gesondheidsvereistes of -voorsorge voldoen is nie, kan hy die permit van so 'n agent of werknemer intrek deur 'n kennisgewing te dien effekte aan die houer van die lisensie te beteken.

(b) Die sekretaris van die betrokke lisensieraad stuur 'n afskrif van die kennisgewing in subparagraaf (a) genoem aan die betrokke uitreikingsowerheid.

Vrystellings van lisensiering.

(A) 'n Produsent van landbouprodukte ten opsigte van die dryf van besigheid deur hom of sy werknemer in sodanige produkte, uitgenoemde pluimveevleis, vleis, vleis- en suiwelprodukte buite 'n munisipaliteit.

(B) 'n Houer van 'n lisensie in Item 25 genoem, ten opsigte van die dryf van besigheid deur hom buite 'n munisipaliteit in melk wat deur hom geproduseer is of melkprodukte wat daarvan deur hom gemaak is.

Vrystelling van slegs lisensiegeld.

'n Produsent van landbouprodukte ten opsigte van die dryf van besigheid in sodanige produkte deur hom geproduseer, indien sodanige besigheid gedryf word —

- (a) buite 'n munisipaliteit; of
- (b) binne 'n munisipaliteit op die grond waar sodanige produsent sodanige produkte produseer,

en indien hy 'n skriftelike verklaring van die sekretaris van 'n boerevereniging of van die bevelvoerder van die polisie in die gebied waar die produkte geproduseer word, aan die betrokke uitreikingsowerheid voorleë waarin verklaar word dat hy 'n produsent is van die soort vrugte, groente of ander landbouprodukte wat genoem word in die kontrolesertifikaat aan hom uitgereik.

ITEM 43: SPESIALE LISENSIE.

(1) (a) Aansoekgeld R1.

(b) Lisensiegeld R5 per dag.

(2) Hierdie lisensie word vereis van iemand wat, hetsy hy ingevolge die bepalings van hierdie Ordonnansie die houer is van enige lisensie, al dan nie, 'n besigheid dryf ten opsigte waarvan 'n lisensie andersins ingevolge die bepalings van hierdie Ordonnansie vereis sou word —

(a) by 'n vertoning, of tentoonstelling of internasionale sportbyeenkoms georganiseer, bestuur of beheer deur 'n vereniging of instelling van 'n openbare aard wat vir die bevordering van landbou, handel, nywerheid, kuns, wetenskap of sport gestig is; of

(b) deur eet- of drinkware by enige openbare byeenkoms te verkoop of te verskaf.

(3) By die toepassing van paragraaf (2), word die hele gebied waarop 'n vertoning, tentoonstelling of byeenkoms gehou word, geag die besigheidsperseel te wees.

Vrystelling.

'n Houer van 'n lisensie in Item 44 genoem, ten opsigte van die besigheid wat hy daarkragtigens kan dryf.

ITEM 44: CATERER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by preparing food and supplying such food, with or without drink, at any function, reception, entertainment, party or other gathering of people.

(3) A holder of this licence may in terms thereof also supply aerated or mineral water, cordial, syrup or other beverage of a similar nature for consumption at a gathering referred to in paragraph (2).

(4) This licence shall not authorize the carrying-on of business in a manner contemplated in paragraph (2) of Item 42.

Exemption.

The holder of a licence referred to in Item 8, 20, 38 or 46, who provides one or more meals per day, in respect of the carrying-on of business in the manner set out in paragraph (2) on the business premises in respect of which such licence is valid.

ITEM 45: STREET PHOTOGRAPHER.

- (1) (a) Application fee R5.
(b) Licence fee R10 per year.

(2) This licence shall be required by a person who, as a principal or as an employee or agent of a principal, carries on business by taking photos of persons in any public street or other public place and inviting such persons to buy such photos.

(3) The holder of this licence may in terms thereof also sell the photographs contemplated in paragraph (2).

ITEM 46: ACCOMMODATION ESTABLISHMENT.

- (1) (a) Application fee R10.
(b) Licence fee shall be as follows:

(i) Where accommodation with one or more meals per person per day is provided and the number of beds available for occupation —
does not exceed 50 R30 per year;
exceeds 50 —
for the first 50 beds R30 per year;
for each bed exceeding 50 up to a total of 100 beds ... an additional 30c per year;
and for each bed exceeding 100 ... an additional 20c per year;
Provided that in calculating the number of beds, a double bed shall be deemed to be 2 beds.

(ii) Where accommodation without meals is provided in rooms and the number of rooms available for letting —
does not exceed 10 R10 per year;
exceeds 10 —
for the first 10 rooms R10 per year;
and for each additional 10 rooms or portion thereof ... an additional R5 per year.

ITEM 44: SPYSENIER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur voedsel voor te berei en sodanige voedsel, met of sonder drinkware, by enige funksie, onthaal, vermaaklikheid, geselligheid of ander byeenkoms van mense te verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard vir verbruik by 'n byeenkoms in paragraaf (2) genoem, verskaf.

(4) Hierdie lisensie magtig nie die dryf van besigheid nie op 'n wyse soos in paragraaf (2) van Item 42 beoog.

Vrystelling.

'n Houer van 'n lisensie in Item 8, 20, 38 of 46 genoem, wat een of meer etes per dag verskaf, ten opsigte van die dryf van besigheid op die wyse in paragraaf (2) uiteengesit op die besigheidsperseel ten opsigte waarvan sodanige lisensie geldig is.

ITEM 45: STRAATFOTOGRAAF.

- (1) (a) Aansoekgeld R5.
(b) Lisensiegeld R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat as prinsipaal of as werknemer of agent van 'n prinsipaal besigheid dryf deur in 'n openbare straat of ander openbare plek foto's van persone te neem en sodanige persone uitnoui om sodanige foto's te koop.

(3) Die houer van hierdie lisensie kan daarkragtens ook die foto's in paragraaf (2) beoog, verkoop.

ITEM 46: VERBLYFSONDERNEMING.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld is soos volg:

(i) Waar huisvesting met een of meer etes per persoon per dag verskaf word, en die getal beddens vir besetting beskikbaar —
nie 50 oorskry nie R30 per jaar;
50 oorskry —
vir die eerste 50 beddens R30 per jaar;
vir elke bed wat 50 oorskry tot en met 'n totaal van 100 beddens ... 'n bykomende 30c per jaar;
en vir elke bed wat 100 oorskry ... 'n bykomende 20c per jaar;
Met dien verstande dat vir die berekening van die aantal beddens, 'n dubbelbed geag word 2 beddens te wees.

(ii) Waar huisvesting sonder etes verskaf word in kamers en die getal kamers wat vir verhuur beskikbaar is —
nie 10 oorskry nie R10 per jaar;
10 oorskry —
vir die eerste 10 kamers R10 per jaar;
en vir elke bykomende 10 kamers of deel daarvan ... 'n bykomende R5 per jaar.

- (iii) Where accommodation without meals is provided in flats and the number of flats available for letting —

does not exceed 10 R15 per year;
exceeds 10 —

for the first 10 flats R15 per year;
and for each additional 10 flats or
part thereof . . . an additional R5 per year.

(2) This licence shall be required by a person who carries on business by providing other persons with accommodation or accommodation and one or more meals per person per day for reward.

(3) For the purpose of this Item —

(a) "accommodation" means —

(i) sleeping or lodging facilities provided in an hotel, motel, hotel or boarding house; or

(ii) flats or rooms which are let furnished or unfurnished;

(b) "room" means any room, hut, bungalow or rondavel without a kitchen; and

(c) "flat" means any room, hut, bungalow or rondavel with a kitchen.

(4) A holder of this licence may in terms thereof also —

(a) provide parking space on the business premises exclusively for the vehicles of residents, employees of or visitors to the accommodation establishment; and

(b) wash or dry-clean linen, carpets, floor rugs, blankets, curtains or any domestic fabrics of such accommodation establishment and the clothing of its residents and employees.

(5) A holder of this licence in respect of an accommodation establishment providing one or more meals per person per day may also in terms thereof bake or make bread, rusks, biscuits, rolls, tarts, cakes and pastry or any other flour confection for consumption on the business premises.

(6) A holder of this licence in respect of an accommodation establishment carried on as a boarding house or which is registered as a hotel in terms of the Hotels Act, 1965 (Act 70 of 1965), may in terms thereof also —

(a) sell or supply aerated or mineral water, cordial, syrup or other beverage of a similar nature, for consumption on the business premises, tobacco in any form, matches and newspapers;

(b) conduct a restaurant as integral part of the accommodation establishment; and

(c) keep a miniature golf course, one or more public halls without fixed seating and one or more billiard or snooker tables, on the business premises.

Exemption from licence fee.

A utility company or other body as defined in section 1 of the Housing Act, 1966.

- (iii) Waar huisvesting sonder etes verskaf word in woonstelle en die getal woonstelle wat vir verhuur beskikbaar is —

nie 10 oorskry nie R15 per jaar;

10 oorskry —

vir die eerste 10 woonstelle R15 per jaar;

en vir elke bykomende 10 woonstelle of gedeelte daarvan . . . 'n bykomende R5 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur aan ander persone huisvesting of huisvesting en een of meer etes per persoon per dag teen vergoeding te verskaf.

(3) Vir die toepassing van hierdie Item, beteken —

(a) "huisvesting" —

(i) slaap- of inwoningsgeriewe wat in 'n hotel, motel, hotel of losieshuis verskaf word; of

(ii) woonstelle of kamers wat gemeubileerd of onge-meubileerd verhuur word;

(b) "kamer" enige kamer, hut, huthuis of rondawel sonder kombuis; en

(c) "woonstel" enige kamer, hut, huthuis of rondawel met 'n kombuis.

(4) 'n Houer van hierdie lisensie kan daarkragtens ook —

(a) parkeerruimte op die besigheidspersoneel uitsluitlik vir voertuie van inwoners, werknemers van of besoekers, aan die verblyfsonderneming verskaf; en

(b) sodanige verblyfsonderneming se linne, tapete, vloermatte, komberse, gordyne of enige huishoudelike weefstof en sy inwoners en werknemers se klere was of droogskoonmaak.

(5) 'n Houer van hierdie lisensie ten opsigte van 'n verblyfsonderneming wat een of meer etes per persoon per dag verskaf, kan daarkragtens ook brood, beskuit, beskui-tjies, rolletjies, tert, koek en pastei- of ander meelgebak vir verbruik op die besigheidspersoneel bak of maak.

(6) 'n Houer van hierdie lisensie ten opsigte van 'n verblyfsonderneming wat as 'n losieshuis gedryf word of wat as 'n hotel ingevolge die Wet op Hotelle, 1965 (Wet 70 van 1965), geregistreer is, kan daarkragtens ook —

(a) spuit- of mineraalwater, verfrissende drank; stroop of ander drank van 'n dergelike aard, vir verbruik op die besigheidspersoneel, tabak in enige vorm, vuurhoutjies en nuusblaaië verkoop of verskaf;

(b) 'n restaurant as 'n onafskeidbare deel van die verblyfsonderneming dryf; en

(c) op die besigheidspersoneel 'n miniatuur gholfbaan, een of meer openbare sale wat geen vaste sitplekke het nie, en een of meer biljart- of snoekertafels hou.

Vrystelling van lisensiegeld.

'n Nutsmaatskappy of ander liggaam soos in artikel 1 van die Behuisingswet, 1966 omskryf.

Exemptions from licensing.

(A) The manager of a home for the aged registered in terms of the Aged Persons Act, 1967 (Act 81 of 1967).

(B) A person who provides accommodation with one or more meals and who has not more than 5 beds available for occupation.

(C) A person who provides accommodation in rooms without meals and who has not more than 3 rooms available for letting.

(D) A person who provides accommodation in one flat only without meals.

(E) The National Housing Commission and Bantu Housing Board referred to in sections 5 and 7 respectively of the Housing Act, 1966.

ITEM 47: HIRING SERVICE.

(1) (a) Application fee R10.

(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by hiring out films, cinematographic apparatus or equipment, gramophone records, electrical appliances or apparatus, tapes, cassettes, building equipment and requisites, clothing, bedding, cutlery, crockery, kitchen utensils, furniture, camping equipment, machinery or tools.

Exemption.

The holder of a licence in terms of which he may sell, offer or expose for sale the goods referred to in paragraph (2) in respect of the hiring out of such goods.

ITEM 48: SALESMAN.

(1) (a) Application fee R5.

(b) Licence fee R15 per year.

(2) This licence shall be required by a person who keeps samples only of goods and who carries on business as a principal by travelling or going about and who, at any place away from business premises invites, canvasses or accepts orders from another person who is not licensed in terms of the provisions of this Ordinance or who is not a manufacturer, for the sale or supply of such goods by him.

(3) This licence shall be valid for the whole Province and shall entitle the holder thereof to deliver the goods for which he has accepted an order on a day other than the day upon which he accepted the order concerned.

(4) For the purpose of this Item, the word "manufacturer" has the meaning assigned thereto in section 59(4)(b)(i).

ITEM 49: VENDING MACHINE KEEPER.

(1) (a) Application fee . . . per business premises R2.

(b) Licence fee . . . per vending machine R1 per year, subject to a minimum licence fee of R5 per year.

(2) This licence shall be required by a person who carries on business by selling or offering for sale goods by means of a vending machine.

Vrystellings van lisensiering.

(A) Die bestuurder van 'n ouetehuis wat ingevolge die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967) geregistreer is.

(B) Iemand wat huisvesting met een of meer etes per persoon per dag verskaf en wat nie meer as 5 beddens vir besetting beskikbaar het nie.

(C) Iemand wat huisvesting in kamers sonder etes verskaf en wat nie meer as 3 kamers vir verhuring beskikbaar het.

(D) Iemand wat huisvesting in slegs een woonstel sonder etes verskaf.

(E) Die Nasionale Behuisingskommissie en die Bantoe-behuisingsraad onderskeidelik in artikels 5 en 7 van die Behuisingswet, 1966 genoem.

ITEM 47: VERHUURDIENS.

(1) (a) Aansoekgeld R10.

(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur films, kinematografiese apparaat of toerusting, grammofoonplate, elektriese toestelle of apparate, bandopnames, kasette, boutoerusting en -benodigdhede, klerasie, beddegoed, tafelgereedskap, breekware of kombuisgereedskap, meubels, kampeertoerusting, masjinerie of gereedskap uit te verhuur.

Vrystelling.

'n Houer van 'n lisensie waarkragtens hy enige van die goedere in paragraaf (2) genoem, kan verkoop of vir verkoop aanbied of uitstal ten opsigte van die uitverhuur van sodanige goedere.

ITEM 48: VERKOOPSMAN.

(1) (a) Aansoekgeld R5.

(b) Lisensiegeld R15 per jaar.

(2) Hierdie lisensie word vereis van iemand wat slegs monsters van goedere aanhou en as 'n prinsipaal besigheid dryf deur rond te reis of rond te gaan en op enige plek weg van 'n besigheidperseel van iemand anders wat nie ingevolge die bepalings van hierdie Ordonnansie gelisensieer is nie of wat nie 'n fabrikant is nie, bestellings vir die verkoop of verskaffing van sodanige goedere deur hom te versoek, te werf of aan te neem.

(3) Hierdie lisensie is geldig in die hele Provinsie en magtig die houer daarvan om goedere waarvoor hy 'n bestelling aangeneem het af te lewer op 'n ander dag as die dag waarop hy die betrokke bestelling aangeneem het.

(4) Vir die toepassing van hierdie Item, het "fabrikant" die betekenis wat in artikel 59(4)(b)(i) daaraan geheg is.

ITEM 49: VERKOOPSOUTOMAATHOUER.

(1) (a) Aansoekgeld . . . per besigheidperseel R2.

(b) Lisensiegeld . . . per verkoopsoutomaat R1 per jaar, onderworpe aan 'n minimum lisensiegeld van R5 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur goedere deur middel van 'n verkoopsoutomaat te verkoop of te koop aan te bied.

(3) For the purpose of this Item "vending machine" means a machine or appliance designed to contain goods which may be obtained by inserting a coin, token coin or disc therein or into any appliance attached thereto or being accessory thereto.

(4) This licence shall be valid for the whole licensing area of a licensing Board: Provided that a separate licence fee shall be required for every vending machine —

- (a) within a municipality; and
- (b) outside a municipality;

in the licensing area of such licensing board.

Exemptions.

(A) A holder of a licence in terms of which goods may be sold, in respect of the sale of such goods by him by means of a vending machine which is either situated entirely inside his business premises or which has been installed in such a manner that it can be stocked from the inside of such premises but is operated from the outside thereof.

(B) An employer in respect of the sale of refreshments by him only to his employees by means of a vending machine kept and stocked by him on his business premises.

ITEM 50: PLACE OF ENTERTAINMENT.

(1) (a) Application fee shall be as follows:

- (i) for a billiard or snooker table, pin table, juke box or any other mechanical contrivance or instrument . . . per business premises R2; or
- (ii) for every other place of entertainment . . . per business premises R10.

(b) Licence fee shall be as follows:

- (i) Billiard or snooker table . . . per table R15 per year.
- (ii) Cinema or theatre . . . per seat 10c per year, subject to a minimum payment of R30 per year.
- (iii) Dance studio R30 per year.
- (iv) Drive-in theatre . . . per motor vehicle parking place 20c per year, subject to a minimum payment of R30 per year and a maximum payment of R100 per year.
- (v) Skittle-alley R30 per year.
- (vi) Miniature golf-course, putt-putt course or golf driving range R30 per year.
- (vii) Motor-racing track R30 per year.
- (viii) Night club R60 per year.
- (ix) Public hall —
 - (aa) having no fixed seats with a floor area of less than 250 m² R20 per year;
 - with a floor area of 250 m² or more, but less than 350 m² R30 per year;
 - or with a floor area of 350 m² or more R40 per year;

(3) Vir die toepassing van hierdie Item, beteken "verkoopsoutomaat" 'n masjien of toestel wat ontwerp is om goedere te bevat wat verkry kan word deur 'n muntstuk, tekenmuntstuk of skyf daarin of in 'n toestel wat daaraan geheg is of daarmee gepaard gaan, te plaas.

(4) Hierdie lisensie is geldig vir die hele lisensiegebied van 'n lisensieraad: Met dien verstande dat 'n afsonderlike lisensiegeld vereis word vir elke verkoopsoutomaat —

- (a) binne 'n munisipaliteit; en
- (b) buite 'n munisipaliteit,

in die lisensiegebied van sodanige lisensieraad.

Vrystelling.

(A) 'n Houer van 'n lisensie waarkragtens goedere verkoop kan word, ten opsigte van die verkoop deur hom van daardie goedere deur middel van 'n verkoopsoutomaat, wat of geheel-en-al binne sy besigheidsperseel is of so geïnstalleer is dat dit vanaf die binnekant van sodanige perseel gevul maar vanaf die buitekant daarvan in werking gestel word.

(B) 'n Werkgewer ten opsigte van die verkoop deur hom van verversings uitsluitlik aan sy werknemers deur middel van 'n verkoopsoutomaat wat deur hom op sy besigheidsperseel aangehou en gevul word.

ITEM 50: VERMAAKLIKHEIDSPLEK.

(1) (a) Aansoekgeld is soos volg:

- (i) vir 'n biljart- of snoekertafel, spykertafel, blêrkas of enige ander meganiese toestel of instrument . . . per besigheidsperseel R2; en
 - (ii) vir elke ander vermaaklikheidsplek . . . per besigheidsperseel R10.
- (b) Lisensiegeld is soos volg:

- (i) Biljart- of snoekertafel . . . per tafel R15 per jaar.
- (ii) Bioskoop of teater . . . per sitplek 10c per jaar, onderworpe aan 'n minimum betaling van R30 per jaar.
- (iii) Dansateljee R30 per jaar.
- (iv) Inryteater . . . per motorvoertuigstaankplek 20c per jaar, onderworpe aan 'n minimum betaling van R30 per jaar en 'n maksimum betaling van R100 per jaar.
- (v) Kegelbaan R30 per jaar.
- (vi) Miniatuurgholfbaan, putt-putt-baan of gholfdryfbaan R30 per jaar.
- (vii) Motorrenbaan R30 per jaar.
- (viii) Nagklub R60 per jaar.
- (ix) Openbare saal —
 - (aa) wat geen vaste sitplekke het nie —
 - met 'n vloerruimte van minder as 250 m² R20 per jaar;
 - met 'n vloerruimte van 250 m² of meer, maar minder as 350 m² R30 per jaar;
 - of met 'n vloerruimte van 350 m² of meer R40 per jaar;

- (bb) having fixed seats . . . per seat 8c per year.
- (x) Roller-skating or ice-skating rink R50 per year.
- (xi) Circus R5 per day, or R20 per week.
- (xii) Pin-table, juke-box or any other mechanical contrivance or instrument . . . per table, contrivance or instrument R15 per year.
- (xiii) Amusement park R5 per day; or R20 per week; or R100 per year.

(2) This licence shall be required by a person who carries on business by keeping or conducting any one or more of the following:

- (a) a billiard or snooker table for use by the public;
- (b) a cinema or theatre;
- (c) a dance studio, that is to say a place where instruction in dancing, not being ballet dancing, is given for remuneration;
- (d) a drive-in theatre;
- (e) a skittle-alley;
- (f) a miniature golf-course, a putt-putt course or a golf driving range;
- (g) a motor-racing track, that is to say a track used for racing or any other form of competition between motor vehicles;
- (h) a night club;
- (i) a public hall, that is to say a hall used for public gatherings and which is not a cinema, theatre or dance studio in respect of which a licence has been issued in terms of this Item;
- (j) a roller-skating or ice-skating rink;
- (k) a circus;
- (l) a pin-table, juke-box or any other mechanical contrivance or instrument which is designed or used for purposes of amusement by playing any game therewith and the operation whereof involves the insertion of a coin, token coin or disc therein or in an appliance attached thereto or being accessory thereto; or
- (m) an amusement park, that is to say a place where amusement is provided for the public by means of any one or more of the following: merry-go-round, riding trips, riding devices or any apparatus for games of skill.

ITEM 51: FISHMONGER AND FISH FRIER.

- (1) (a) Application fee R10.
- (b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by selling or offering for sale raw fish or of frying or otherwise cooking, pickling, currying or subjecting to any other process of preparation, fish or fish and potatoes and of selling it for consumption off the business premises.

(3) The holder of this licence may in terms thereof also sell dried, salted or smoked fish.

- (bb) wat vaste sitplekke het . . . per sitplek 8c per jaar.
- (x) Rol- of ysskaatsbaan R50 per jaar.
- (xi) Sirkus R5 per dag, of R20 per week.
- (xii) Spykertafel, blêrkas of enige ander meganiese toestel of instrument . . . per tafel, toestel of instrument R15 per jaar.
- (xiii) Vermaaklikheidspark R5 per dag; of R20 per week; of R100 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur een of meer van die volgende te hou of te dryf:

- (a) 'n Biljart- of snoekertafel vir gebruik deur die publiek;
- (b) 'n bioskoop of teater;
- (c) 'n dansateljee, dit wil sê 'n plek waar onderrig teen vergoeding in dans, wat nie balletdans is nie, gegee word;
- (d) 'n inryteater;
- (e) 'n kegelbaan;
- (f) 'n miniatuurgholfbaan, 'n putt-putt-baan of 'n gholfdryfbaan;
- (g) 'n motorrenbaan, dit wil sê, 'n baan wat gebruik word vir wedrenne of enige ander vorm van mededinging tussen motorvoertuie;
- (h) 'n nagklub;
- (i) 'n openbare saal, dit wil sê, 'n saal wat vir openbare byeenkomste gebruik word en wat nie 'n bioskoop, teater, of dansateljee is ten opsigte waarvan 'n lisensie ingevolge hierdie Item uitgereik is nie;
- (j) 'n rol- of ysskaatsbaan;
- (k) 'n sirkus;
- (l) 'n spykertafel, blêrkas of enige ander meganiese toestel of instrument wat ontwerp is of gebruik word vir doeleindes van vermaak deur enige spel daarmee te speel en die werking waarvan die plasing van 'n muntstuk, tekenmuntstuk of skyf daarin of in 'n toestel wat daaraan geheg is of daarmee gepaard gaan, meebring; of
- (m) 'n vermaaklikheidspark, dit wil sê, 'n plek waar vermaak aan die publiek verskaf word deur middel van een of meer van die volgende: mallemeule, rytoertjies, rytoestelle of enige apparaat vir vernufspel.

ITEM 51: VISHANDELAAR EN -BAKKER.

- (1) (a) Aansoekgeld R10.
- (b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur rou vis te verkoop of te koop aan te bied of deur vis of vis en ertappels te bak of andersins gaar te maak, te pekel, te kerrie of aan enige ander voorbereidingsproses te onderwerp en dit vir verbruik weg van die besigheidspersoneel te verkoop.

(3) Die houder van hierdie lisensie kan daarkragtens ook gedroogte, gesoute of gerookte vis verkoop.

Exemption.

A holder of a licence referred to in Item 52.

ITEM 52: FOOD MANUFACTURER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by manufacturing, preserving, processing or treating food.

(3) For the purpose of this Item, "food" means anything intended for human consumption or normally used for such purpose and includes any ingredient used in the composition or preparation thereof or which constitutes a part thereof, but does not include medicine, salt, water and ice.

(4) A holder of this licence may in terms thereof also sell by retail or exchange or offer or expose for sale on his business premises any foodstuff manufactured, preserved, processed or treated by him.

Exemption.

A factory, depot or institution referred to in section 3 of the Dairy Industry Act, 1961, the premises of which are registered in terms of the said Act.

ITEM 53: FRUIT, VEGETABLE AND PLANT DEALER.

- (1) (a) Application fee R10.
(b) Licence fee R20 per year.

(2) This licence shall be required by a person who carries on business by selling fresh fruit, fresh vegetables, flowers or plants in, on or from business premises.

(3) A holder of this licence may in terms thereof also sell or supply any container for the goods referred to in paragraph (2).

Exemption.

Any person who grows, cultivates or produces fruit, vegetables, plants or flowers in respect of the sale thereof on the land where it is grown, cultivated or produced.

ITEM 54: LAUNDERER OR DRY-CLEANER.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.

(2) This licence shall be required by a person who carries on business by washing, dry-cleaning or subjecting to any other cleaning process, or dyeing or bleaching clothing, linen, carpets, floor rugs, blankets, curtains or any other household textiles or providing a machine or apparatus for this purpose.

(3) A holder of this licence may in terms thereof also collect any goods referred to in paragraph (2), and for that purpose, use any vehicle of which he is the owner.

ITEM 55: LAUNDRY OR DRY-CLEANING RECEIVING DEPOT.

- (1) (a) Application fee shall be as follows:
(i) for every business premises R5;
(ii) for every self-propelled vehicle R2; and

Vrystellings.

'n Houer van 'n lisensie in Item 52 genoem.

ITEM 52: VOEDSELVERVAARDIGER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur voedsel te vervaardig, in te maak, te verwerk of te behandel.

(3) Vir die toepassing van hierdie Item, beteken "voedsel" enigiets wat vir menslike gebruik bedoel is of wat gewoonlik vir sodanige doel gebruik word, en omvat enige bestanddeel wat in die samestelling of bereiding daarvan gebruik word of 'n deel daarvan uitmaak, maar omvat nie medisyne, sout, water of ys nie.

(4) 'n Houer van hierdie lisensie kan daarkragtens ook op sy besigheidsperseel die voedsel wat deur hom vervaardig, ingemaak, verwerk of behandel is, in die kleinhandel verkoop of verruil, of te koop aanbied of uitstal.

Vrystelling.

'n Fabriek, depot of inrigting genoem in artikel 3 van die Wet op die Suiwelnywerheid, 1961 waarvan die perseel ingevolge genoemde Wet geregistreer is.

ITEM 53: VRUGTE-, GROENTE- EN PLANTEHANDELAAR.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R20 per jaar.

(2) Hierdie lisensie word vereis van iemand wat in, op of vanaf 'n besigheidsperseel besigheid dryf deur vars vrugte, vars groente, blomme of plante te verkoop.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook enige houër vir die goedere in paragraaf (2) genoem, verkoop of verskaf.

Vrystelling.

Iemand wat vrugte, groente, plante of blomme kweek, verbou of produseer ten opsigte van die verkoop daarvan op die grond waar dit gekweek, verbou of geproduseer word.

ITEM 54: WASSER OF DROOGSKOONMAKER.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur klerasie, linne, tapyte, vloermatte, komberse, gordyne of enige ander huishoudelike weefstof te was, droog skoon te maak, of aan enige ander skoonmaakproses te onderwerp, te kleur of te bleik of 'n masjien of toestel vir hierdie doel beskikbaar te stel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook enige goedere in paragraaf (2) genoem, kollekteer en vir daardie doel enige voertuig waarvan hy die eienaar is, gebruik.

ITEM 55: WASSERY- OF DROOGSKOONMAKERY-ONTVANGSDEPOT.

- (1) (a) Aansoekgeld is soos volg:
(i) vir elke besigheidsperseel R5;
(ii) vir elke selfgedrewe voertuig R2; en

- (iii) for every vehicle not self-propelled or for every person who collects on foot R1.
- (b) Licence fee shall be as follows:
- (i) for every business premises R15 per year;
- (ii) for every self-propelled vehicle R10 per year;
- (iii) for every vehicle not self-propelled or for every person who collects on foot R5 per year.

(2) This licence shall be required by a person who carries on business, whether in, on or from business premises or not, by collecting, receiving or keeping any goods referred to in paragraph (2) of Item 54 for delivery of such goods to any person licensed in terms of the provisions of that Item.

ITEM 56: WORKSHOP.

- (1) (a) Application fee R10.
(b) Licence fee R30 per year.
- (2) This licence shall be required by a person who on business premises carries on business by —
- (a) retreading motor vehicle tyres;
- (b) sawing wood;
- (c) doing sheet metal work;
- (d) doing carpentry work;
- (e) doing welding work;
- (f) doing plumbing work;
- (g) doing electroplating work;
- (h) doing galvanising work;
- (i) repairing locks and making keys;
- (j) repairing machines or spares thereof;
- (k) repairing television, electrical or domestic appliances and apparatus; or
- (l) doing the work of a blacksmith or farrier.
- (3) A holder of this licence who retreads motor vehicle tyres may also in terms thereof fit motor vehicle tyres and tubes to a motor vehicle.

Exemption.

A holder of a licence referred to in Item 28, in respect of the business which he may carry on in terms thereof.

SCHEDULE II.

LAWS REPEALED (SECTION 67)

No. and year of law	Short title	Extent of repeal.
Ordinance 3 of 1932	Licences (Control) Ordinance, 1931	The whole.
Ordinance 20 of 1943	Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943	Section 44.
Ordinance 21 of 1945	Peri-Urban Areas Health Board Amendment Ordinance, 1945	Section 8.
Ordinance 3 of 1955	Licences (Control) Amendment Ordinance, 1955	The whole.
Ordinance 15 of 1959	Hawkers and Pedlars Ordinance, 1959	The whole.
Ordinance 16 of 1959	Licences (Control) Amendment Ordinance, 1959	The whole.
Ordinance 38 of 1960	Hawkers and Pedlars Amendment Ordinance, 1960	The whole.
Ordinance 5 of 1961	Licences (Control) Amendment Ordinance, 1961	The whole.
Ordinance 4 of 1962	Licences (Control) Amendment Ordinance, 1962	The whole.

- (iii) vir elke nie-selfgedrewe voertuig of vir elke persoon wat te voet kollekteer R1.
- (b) Lisensiegeld is soos volg:
- (i) vir elke besigheidsperseel R15 per jaar;
- (ii) vir elke selfgedrewe voertuig R10 per jaar; en
- (iii) vir elke nie-selfgedrewe voertuig of vir elke persoon wat te voet kollekteer R5 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf hetsy in, op of vanaf 'n besigheidsperseel, al dan nie, deur enige goedere in paragraaf (2) van Item 54 genoem, te kollekteer, te ontvang of te hou vir lewering van sodanige goedere aan iemand wat ingevolge die bepalings van daardie Item gelisensieer is.

ITEM 56: WERKSWINKEL.

- (1) (a) Aansoekgeld R10.
(b) Lisensiegeld R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat op 'n besigheidsperseel besigheid dryf deur —
- (a) motorvoertuigbande te versool;
- (b) hout op te saag;
- (c) plaatmetaalwerk te doen;
- (d) skrynwerk te doen;
- (e) sweiswerk te doen;
- (f) loodgieterswerk te doen;
- (g) elektrobekkingswerk te doen;
- (h) galvaniseerwerk te doen;
- (i) slotte te herstel en sleutels te maak;
- (j) masjinerie of onderdele daarvan te herstel;
- (k) televisie-, elektriese en huishoudelike toestelle en aparate, te herstel; of
- (l) grof- of hoefsmidwerk te doen.
- (3) 'n Houer van hierdie lisensie wat motorvoertuigbande versool kan daarkragtens ook motorvoertuigbande en binnebande aan 'n motorvoertuig monteer.

Vrystelling.

'n Houer van 'n lisensie in Item 28 genoem, ten opsigte van die besigheid wat hy daarkragtens kan dryf.

BYLAE II.

WETTE HERROEP (ARTIKEL 67)

No. en jaar van wet	Kort titel	Omvang van herroeping.
Ordonnansie van 1932	Lisensie (Kontrole) Ordonnansie, 1931	Geheel.
Ordonnansie van 1943	Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943	Artikel 44.
Ordonnansie van 1945	Wysigingsordonnansie op die Gesondheidsraad vir Buitestedelike Gebiede, 1945	Artikel 8.
Ordonnansie 3 van 1955	Wysigingsordonnansie op Lisen-sies (Kontrole), 1955	Geheel.
Ordonnansie 15 van 1959	Ordonnansie op Marskramers en Venters, 1959	Geheel.
Ordonnansie 16 van 1959	Wysigingsordonnansie op Lisen-sies (Kontrole), 1959	Geheel.
Ordonnansie 38 van 1960	Wysigingsordonnansie op Marskramers en Venters, 1960	Geheel.
Ordonnansie 5 van 1961	Wysigingsordonnansie op Lisen-sies (Kontrole), 1961	Geheel.
Ordonnansie 4 van 1962	Wysigingsordonnansie op Lisen-sies (Kontrole), 1962	Geheel.