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No. 206 (Administrator's), 1979.

PROCLAMATION

Whereas power is vested in me by section 90 of the Republic of South Africa Constitution Act, 1961, to promulgate an Ordinance, assented to by the State President-in-Council;

Now, therefore, I do hereby promulgate the Licences Amendment Ordinance, 1979, which is printed hereunder.

Given under my Hand at Pretoria on this 13th day of November, One Thousand Nine hundred and Seventy-nine.

W. A. CRUYWAGEN,
Administrator of the Province Transvaal.
P.R. 4-11(1979/13)

Ordinance No. 17 of 1979.

(Assented to on 2 November, 1979.)

English copy signed by the State President.)

AN ORDINANCE

To amend the Licences Ordinance, 1974, in respect of the definitions contained in section 1; in respect of licence fees payable as contemplated in section 10; in respect of the issuing authority of a licence as contemplated in section 11; in respect of an application for the issue of a new licence as contemplated in section 12; in respect of the duty of a secretary of a licensing board to obtain certain reports, information and recommendations as contemplated in section 14; in respect of the date of hearing of an application for a new licence as contemplated in section 17; in respect of an application for the renewal of an annual licence as contemplated in section 23; in respect of the removal of a business to other business premises as contemplated in section 25; in respect of the change of ownership of a business as contemplated in section 27; in respect of the giving of notice of any change in connection with a business by the holder of a licence as contemplated in section 29; in respect of the powers of an authorized officer or a health officer as contemplated in section 30; in respect of the disposal of an object seized as contemplated in section 49; in respect of the service of documents as contemplated in section 54; in respect of the application of the Ordinance and general exemptions as contemplated in section 59; in respect of the amendment of Schedule I by the Administrator as contemplated in section 60; in respect of the power to make regulations as contemplated in section 61; in respect of the by-laws or regulations of a local authority as contemplated in section 63; by the repeal of section 65; in respect of Items 21, 25 and 49 of Schedule I; and to provide for matters incidental thereto.

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

Amendment of
Section 1
of
Ordinance
19 of
1974.

1. Section 1 of the Licences Ordinance, 1974 (hereinafter referred to as the principal Ordinance), is hereby amended by —

Buitengewone Offisiële Koerant

(As 'n Nuusblad by die Poskantoor Geregistreer)

PRYS: S.A. 15c OORSEE 20c

No. 206 (Administrateurs-), 1979.

PROKLAMASIE

Nademaal by artikel 90 van die Grondwet van die Republiek van Suid-Afrika, 1961 aan my die bevoegdheid verleen word om 'n ordonnansie, waarin die Staats-president-in-rade toegestem het, af te kondig;

So is dit dat ek hierby die Wysigingsordonnansie op Licensies, 1979, wat hieronder gedruk is, afkondig.

Gegee onder my Hand te Pretoria op hede die 13de dag van November, Eenduisende Negehonderd Negeen-sewentig.

W. A. CRUYWAGEN,
Administrator van die Provincie Transvaal.
P.R. 4-11(1979/13)

Ordonnansie No. 17 van 1979.

(Toestemming verleen op 2 November 1979.)

(Engelse eksemplaar deur die Staatspresident onderteken.)

'N ORDONNANSIE

Tot wysiging van die Ordonnansie op Licensies, 1974, ten opsigte van die woordomskrywings in artikel 1 vervat; ten opsigte van lisenkiegdele betaalbaar soos in artikel 10 beoog; ten opsigte van die uitrekingsoverheid van 'n lisenzie soos in artikel 11 beoog; ten opsigte van 'n aansoek om die uitrekking van 'n nuwe lisenzie soos in artikel 12 beoog; ten opsigte van die plig van 'n sekretaris van 'n lisensicraad om sekere verslag, inligting en aanbevelings te verkry soos in artikel 14 beoog; ten opsigte van die datum van verhoor van 'n aansoek om 'n nuwe lisenzie soos in artikel 17 beoog; ten opsigte van 'n aansoek om die hername van 'n jaarlikse lisenzie soos in artikel 23 beoog; ten opsigte van die verplasing van 'n besigheid na 'n ander besigheidsperceel soos in artikel 25 beoog; ten opsigte van die verandering van eiendomsreg van 'n besigheid soos in artikel 27 beoog; ten opsigte van die gee van kennis van enige verandering in verband met 'n besigheid deur die houer van 'n lisenzie soos in artikel 29 beoog; ten opsigte van die bevoegdheid van 'n gemagtigde beambte of 'n gesondheidscampte soos in artikel 30 beoog; ten opsigte van die beskikking oor 'n voorwerp wat in beslag geneem is soos in artikel 49 beoog; ten opsigte van die betrekking van dokumente soos in artikel 54 beoog; ten opsigte van die toepassing van die Ordonnansie en algemene vrystelling soos in artikel 59 beoog; ten opsigte van die wysiging van Bylae I deur die Administrateur soos in artikel 60 beoog; ten opsigte van die bevoegdheid om regulasies te maak soos in artikel 61 beoog; ten opsigte van die verordeninge of regulasies van 'n plaaslike bestuur soos in artikel 63 beoog; deur artikel 65 te herroep; ten opsigte van Items 21, 25 en 49 van Bylae I; en om vir bykomstige aangeleenthede voorsiening te maak.

DIE Provinciale Raad van Transvaal VERORDEN
SOOS VOLG:—

Wysiging van artikel 1 van
Ordonnansie 19
van 1974
van
1974.

1. Artikel 1 van die Ordonnansie op Licensies, 1974 (hierna die Hoofordonnansie genoem), word hierby gewysig deur —

(a) the substitution for the definition of "health officer" of the following definition:

"(viii) 'health officer' means, in relation to a business carried on or to be carried on—

(a) within a municipality, a medical officer of health and a regional medical officer of health as defined in section 1 of the Health Act, 1977 (Act 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act; or

(b) outside a municipality, the Regional Director of State Health Services concerned or any person acting on his behalf; (x)"; and

(b) the substitution for the definition of "township" of the following definition:

"(xxiv) 'township' means a township as defined in section 1 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), and includes an 'agricultural holding' as defined in section 7 of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919), situated within a municipality and to which a town-planning scheme is applicable; (vii)".

Amendment of section 10 of Ordinance 19 of 1974.

2. Section 10 of the principal Ordinance is hereby amended by the addition of the following subsections:

"(4) If the licence fee or penalty contemplated in this section is paid by cheque and the cheque is dishonoured on presentation, the issuing authority concerned shall serve a notice to that effect on the holder of the licence concerned and unless such holder within 21 days after the date on which the notice has been served honours the cheque or pays the licence fee or penalty in cash, the licence concerned shall lapse: Provided that such holder shall remain liable for the licence fee or penalty.

(5) Any person whose licence has lapsed in terms of subsection (4) shall, if he intends continuing the business concerned, apply in terms of the provisions of Chapter IV for the issue of a new licence and in that event the chairman of the licensing board contemplated in section 12 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."

Amendment of section 1 of Ordinance 19 of 1974.

3. Section 11 of the principal Ordinance is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) in the whole Province —

(i) in, on or from business premises situated within a municipality, by the local authority of that municipality;

(a) die woordomskrywing van "dorp" deur die volgende woordomskrywing te vervang:

"(vii) 'dorp' 'n dorp soos in artikel 1 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965), omskryf en omvat 'n 'landbouwhoeve' soos omskryf in artikel 7 van die Landbouwhoeven (Transvaal) Registratie Wet, 1919 (Wet 22 van 1919), wat binne 'n munisipaliteit geleë is en waarop 'n dorpsbeplanningskema van toepassing is; (xxiv)"; en

(b) die woordomskrywing van "gesondheidsbeampte" deur die volgende woordomskrywing te vervang:

"(x) 'gesondheidsbeampte', met betrekking tot 'n besigheid wat gedryf word of sal word —

(a) binne 'n munisipaliteit, 'n mediese gesondheidsbeampte en 'n streeksmediese gesondheidsbeampte soos in artikel 1 van die Wet op Gesondheid, 1977 (Wet 63 van 1977), omskryf en omvat 'n gesondheidsinspekteur wat deur 'n plaaslike bestuur ingevolge artikel 24 van daardie Wet aangestel is; of

(b) buite 'n munisipaliteit, die betrokke Streekdirekteur van Staatsgesondheidsdienste of iemand wat namens hom optree; (viii)".

Wystiging van artikel 10 van Ordonnansie 19 van 1974.

2. Artikel 10 van die Hoofordonnansie word hierby gewysig deur die volgende subartikels by te voeg:

"(4) Indien die lisensiegeld of boete in hierdie artikel beoog per tjak betaal word en die tjak by aanbieding dishonoreer word, beteken die betrokke uitreikingsowerheid 'n kennisgewing te dien effekte aan die houer van die betrokke lisensie en, tensy sodanige houer binne 21 dae na die datum waarop die kennisgewing beteken is die tjak honoreer of die lisensiegeld of boete in kontant betaal, verval die betrokke lisensie: Met dien verstande dat sodanige houer aanspreeklik bly vir die lisensiegeld of boete.

(5) Iemand wie se lisensie ingevolge subartikel (4) verval het, doen, indien hy die betrokke besigheid wil voortsit, ingevolge die bepalings van Hoofstuk IV aansoek om die uitreiking van 'n nuwe lisensie en in daardie geval kan die voorzitter van die lisensieraad in artikel 12 beoog, afsien van die verskaffing van enige verslag of dokument of die gee van enige kennis wat ingevolge die bepalings van hierdie Ordonnansie vereis word."

3. Artikel 11 van die Hoofordonnansie word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

"(d) in die hele Provincie —

(i) in, op of vanaf 'n besigheidspersel geleë binne 'n munisipaliteit, deur die plaaslike bestuur van daardie munisipaliteit;

- (ii) in, on or from business premises situated outside a municipality, but within the licensing area of the licensing board concerned, by the local authority within whose municipality the seat of that board is situated; or
- (iii) not in, on or from business premises and the applicant —
 - (aa) is resident within a municipality in the Province, by the local authority of that municipality;
 - (bb) is resident outside a municipality in the Province, by the local authority of the municipality where the seat of the licensing board, within whose licensing area he is resident, is situated; or
 - (cc) is not resident in the Province, by the local authority of Pretoria.”.

Amendment of section 12 of Ordnance 19 of 1974.

4. Section 12 of the principal Ordinance is hereby amended by the substitution for subsection (i) of the following subsection:

“(I) An application for the issue of a new licence shall be submitted on the prescribed form to the secretary of the licensing board in whose licensing area the business is or will be carried on: Provided that where such licence will be valid for the whole Province and the business —

- (a) is or will be carried on in, on or from business premises, the application shall, subject to the provisions of Item 25(5)(a) of Schedule I, be submitted to the secretary of the licensing board in whose licensing area the business premises are or will be situated; or
- (b) is or will not be carried on in, on or from business premises and the applicant —
 - (i) is resident in the Province, the application shall be submitted to the secretary of the licensing board in whose licensing area the applicant is resident; or
 - (ii) is not resident in the Province, the application shall be submitted to the secretary of the licensing board of Pretoria.”.

Amendment of section 14 of Ordnance 19 of 1974.

5. Section 14 of the principal Ordinance is hereby amended by the substitution for paragraph (a) of subsection (I) of the following paragraph:

- “(a) the secretary of the licensing board concerned may of his own accord and shall, if so ordered by such board, request the officer in charge of the South African Police who has jurisdiction in the licensing area in which the business is or will be carried on to furnish a report stating whether any conviction is recorded against —

- (ii) in, op of vanaf 'n besigheidspersel geleë buite 'n munisipaliteit, maar binne die lisensiegebied van die betrokke lisensieraad, deur die plaaslike bestuur binne wie se munisipaliteit die setel van daardie raad geleë is; of
- (iii) nie in, op of vanaf 'n besigheidspersel nie en die aansoeker —
 - (aa) woonagtig is binne 'n munisipaliteit in die Provincie, deur die plaaslike bestuur van daardie munisipaliteit;
 - (bb) woonagtig is buite 'n munisipaliteit in die Provincie, deur die plaaslike bestuur van die munisipaliteit waar die setel van die lisensieraad binne wie se lisensiegebied hy woonagtig is, geleë is;
 - (cc) nie in die Provincie woonagtig is nie, deur die plaaslike bestuur van Pretoria.”.

Wysiging van artikel 12 van Ordonnantie 19 van 1974.

4. Artikel 12 van die Hoofordonnantie word hierby gewysig deur subartikel (I) deur die volgende subartikel te vervang:

“(I) 'n Aansoek om die uitreiking van 'n nuwe lisensie word op die voorgeskrewe vorm by die sekretaris van die lisensieraad in wie se lisensiegebied die besigheid gedryf word of sal word, ingedien: Met dien verstande dat waar sodanige lisensie vir die hele Provincie geldig sal wees en die besigheid —

- (a) in, op of vanaf 'n besigheidspersel gedryf word of sal word, die aansoek, behoudens die bepalings van Item 25(5)(a) van Bylae I, by die sekretaris van die lisensieraad in wie se lisensiegebied die besigheidspersel geleë is of sal wees; of
- (b) nie in, op of vanaf 'n besigheidspersel gedryf word of sal word nie en die aansoeker —
 - (i) in die Provincie woonagtig is, die aansoek by die sekretaris van die lisensieraad binne wie se lisensiegebied die aansoeker woonagtig is; of
 - (ii) nie in die Provincie woonagtig is nie, die aansoek by die sekretaris van die lisensieraad van Pretoria, ingedien word.”.

Wysiging van artikel 14 van Ordonnantie 19 van 1974.

5. Artikel 14 van die Hoofordonnantie word hierby gewysig deur paragraaf (a) van subartikel (I) deur die volgende paragraaf te vervang:

- “(a) kan die sekretaris van die betrokke lisensieraad uit eie beweging en moet hy, indien aldus deur sodanige raad gelas, die leefvoerende beampete van die Suid-Afrikaanse Polisie wat jurisdiksie het in die lisensiegebied waarin die besigheid gedryf word of sal word, versoek om 'n verslag te verstrek waarin gemeld word of enige skuldigbevinding teen —

- (i) the applicant;
- (ii) any partner, where the applicant is a partnership; or
- (iii) the person who is or will be in actual and effective control of the business,

and such officer is hereby authorized to furnish such a report: Provided that where the person in respect of whom such report is to be furnished is not resident in such licensing area, the secretary shall request the officer in charge of the South African Police who has jurisdiction in the area where such person is resident to furnish such report."

Substitution of section 17 of Ordinance 19 of 1974. 6. The following section is hereby substituted for section 17 of the principal Ordinance:

Date of hearing of application for new licence. 17. After the expiry of the period for the lodging of an objection contemplated in section 16(1) and after receipt of the reports and recommendation referred to in section 14(1), the chairman of the licensing board contemplated in section 12 shall fix the date, time and place for the hearing of the application and the secretary shall, at least 10 days before the date so fixed, give notice thereof in writing to the applicant and every person whose objection has in terms of section 16 been accepted for consideration as well as to the officer in charge of the South African Police and the local authority or the Regional Director of State Health Services, as the case may be, who or which has furnished a report referred to in section 14(1)(a) or (b) or has furnished a recommendation referred to in section 14(1)(b) and which report or recommendation is unfavourable to the applicant or contains a condition or requirement which he shall comply with."

Amendment of section 23 of Ordinance 19 of 1974. 7.(1) Section 23 of the principal Ordinance is hereby amended by —

- (a) the substitution for subsection (2) of the following subsection:

"(2) The holder of an annual licence contemplated in subsection (1) who intends renewing such licence shall submit an application on the prescribed form, together with such licence or a photostatic or certified copy thereof, to the issuing authority concerned and upon payment of the appropriate licence fee contemplated in section 10, but subject to the provisions of subsections (3) and (4), the issuing authority shall renew such licence: Provided that where application is made for the renewal of a licence referred to in Item 25 of Schedule I which authorizes the holder to carry on business by selling, distributing or delivering milk not produced in the Province within a municipality in the Province, the application shall be submitted to the local authority which is

- (i) die aansoeker;
- (ii) enige vennoot, waar die aansoeker 'n vennootskap is; of
- (iii) die persoon wat in werklike en effektiewe beheer van die besigheid is of sal wees,

aangeteken is en sodanige beampete word hierby gemagtig om sodanige verslag te verstrek: Met dien verstande dat waar die persoon ten opsigte van wie sodanige verslag verstrek moet word, nie binne sodanige lisensiegebied woonagtig is nie, die sekretaris die bevelvoerende beampete van die Suid-Afrikaanse Polisie wat jurisdiksie het in die gebied waar sodanige persoon woonagtig is, versoek om sodanige verslag te verstrek;".

Vervanging van artikel 17 van Hoofordonnansie. 6. Artikel 17 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Datum van verhoor van aansoek om nuwe lisensie. 17. Na verstryking van die tydperk vir indiening van 'n beswaar in artikel 14(1) beoog en na ontvangs van die verslae en aanbeveling in artikel 14(1) genoem, stel die voorzitter van die lisensieaad in artikel 12 beoog die datum, tyd en plek vir die verhoor van die aansoek vas en gee die sekretaris minstens 10 dae voor die datum wat aldus vasgestel is skriftelik kennis daarvan aan die aansoeker en elke persoon wie se beswaar ingevolge artikel 16 vir oorweging aanvaar is asook aan die bevelvoerende beampete van die Suid-Afrikaanse Polisie en die paaëlike bestuur of die Streekdirekteur van Staatsgesondheidsdienste, na gelang van die geval, wat 'n verslag in artikel 14(1)(a) of (b) genoem, verstrek het of 'n aanbeveling in artikel 14(1)(b) genoem, voorsien het en welke verslag of aanbeveling ongunstig vir die aansoeker is of 'n voorwaarde of vereiste bevat waaraan hy moet voldoen".

Wysiging van artikel 23 van Hoofordonnansie. 7.(1) Artikel 23 van die Hoofordonnansie word hierby gewysig deur —

- (a) subartikel (2) deur die volgende subartikel te vervang:

"(2) Die houer van 'n jaarlikse lisensie in subartikel (1) beoog wat sodanige lisensie wil hernuwe, dien 'n aansoek op die voorgeskrewe yorm, tesame met sodanige lisensie of 'n fotostatiese of gesertifiseerde afskrif daarvan, by die betrokke uitreikingsowerheid in en by betaling van die toepaslike lisensiegeld in artikel 10 beoog, maar behoudens die bepalings van subartikels (3) en (4), hernuwe die uitreikingsowerheid sodanige lisensie: Met dien verstande dat waar aansoek gedoen word om die hernuwing van 'n lisensie genoem in Item 25 van Bylae I wat die houer magtig om besigheid te dryf deur melk wat nie in die Provincie geproduseer is nie binne 'n munisipaliteit in die Provincie te verkoop te versprei of te lewer die aansoek ingedien

the issuing authority for the licensing area within which the municipality is situated where all or most of the milk is sold, distributed or delivered at the time of the application and that issuing authority shall renew the licence, whether or not it was originally issued by it.”;

- (b) the substitution in paragraph (b) of subsection (3) for the word ‘January’ of the word ‘March’; and
- (c) the substitution for subsection (5) of the following subsection:

“(5) Any person who was the holder of a licence contemplated in subsection (3)(b) or (c) shall, if he intends continuing the business concerned, apply in terms of the provisions of Chapter IV for the issue of a new licence and in that event the chairman of the licensing board contemplated in section 12 may, if the applicant was the holder of a licence contemplated in subsection (3)(b), dispense with the furnishing of any report or document or the giving of any notice required in terms of the provisions of this Ordinance.”.

(2) A licence issued in terms of Item 25 of Schedule I to the principal Ordinance prior to the substitution of that Item by section 19(b) of this Ordinance and which is in force on the date of the commencement of this Ordinance shall, for the period of validity thereof, remain in force for the whole Province and may thereafter be renewed in accordance with the provisions of section 23 of the principal Ordinance, as amended by subsection (1): Provided that where the holder of a licence to which the provisions of paragraph (4)(a) of the said Item are or were applicable intends renewing it, he shall submit the application to the issuing authority for the licensing area of the licensing board within which the business premises concerned are situated and that issuing authority shall renew the licence, whether or not it was originally issued by it.

8. Section 25 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If the holder of a licence intends removing his business to other business premises he shall apply for the issue of a new licence and where such business is removed from business premises —

- (a) within a municipality to other business premises within the same municipality; or
- (b) outside a municipality to other business premises outside a municipality within the licensing area of the same licensing board,

during the year for which the first-mentioned licence is valid no licence fee shall be payable in respect of the new licence for that year.”.

Amendment of section 25 of Ordinance No. 19 of 1974.

word by die plaaslike bestuur wat die uitreikingsowerheid is vir die licensiegebied waarbinne die munisipaliteit geleë is waar al of die meeste van die melk ten tyde van die aansoek verkoop, versprei of gelewer word en daardie uitreikingsowerheid hernuwe die licensie, hetsy dit oorspronklik deur hom uitgereik is of nie.”;

- (b) in paragraaf (b) van subartikel (3) die woord ‘Januarie’ deur die woord ‘Maart’ te vervang; en
- (c) subartikel (5) deur die volgende subartikel te vervang:

“(5) Iemand wat die houer was van ‘n licensie in subartikel (3)(b) of (c) beoog, doen, indien hy die betrokke besigheid wil voortsit, ingevolge die bepaling van Hoofstuk IV aansoek om die uitreiking van ‘n nuwe licensie en in daardie geval kan die voorzitter van die licensieraad in artikel 12 beoog, indien die aansoeker die houer was van ‘n licensie in subartikel (3)(b) beoog, afsien van die verskaffing van enige verslag of dokument of die gee van enige kennis wat ingevolge die bepaling van hierdie Ordonnansie vereis word.”.

(2) ‘n Licensie wat ingevolge Item 25 van Bylae I by die Hoofordonnansie voor die vervanging van daardie Item deur artikel 19(b) van hierdie Ordonnansie uitgereik is en wat op die datum van inwerkingtreding van hierdie Ordonnansie van krag is, bly vir die geldigheidsduur daarvan van krag vir die hele Provinsie en kan daarna ooreenkomsdig die bepaling van artikel 23 van die Hoofordonnansie, soos gewysig by subartikel (1), hernu word: Met dien verstande dat waar die houer van ‘n licensie waarop die bepaling van paragraaf (4)(a) van genoemde Item van toepassing is of was dit wil hernu, hy die aansoek by die uitreikingsowerheid vir die licensiegebied van die licensieraad waarbinne die betrokke besigheidspersel geleë is, indien en daardie uitreikingsowerheid hernu die licensie, hetsy dit oorspronklik deur hom uitgereik is of nie.

8. Artikel 25 van die Hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien die houer van ‘n licensie sy besigheid na ‘n ander besigheidspersel wil verplaas, doen hy aansoek om die uitreiking van ‘n nuwe licensie en waar sodanige besigheid vanaf ‘n besigheidspersel —

- (a) binne ‘n munisipaliteit na ‘n ander besigheidspersel binne dieselfde munisipaliteit;
- (b) buite ‘n munisipaliteit na ‘n ander besigheidspersel buite ‘n munisipaliteit binne die licensiegebied van dieselfde licensieraad, gedurende die jaar waarvoor eersgenoemde licensie geldig is, verplaas word, is geen licensiegeld ten opsigte van die nuwe licensie vir daardie jaar betaalbaar nie.”.

Amendment of section 27 of Ordinance 19 of 1974.

9. Section 27 of the principal Ordinance is hereby amended by the substitution for subsection (3) of the following subsection:

"(3)(a) Pending the decision of a licensing board on an application for a new licence referred to in subsection (2), the chairman of the licensing board may, on written application of the owner contemplated in that subsection and on payment of the appropriate licence fee which will be payable in terms of section 10 should the application for a new licence be granted, issue a permit to such owner authorizing him to continue the business concerned for a period not exceeding 4 months on such conditions as such chairman may determine.

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

(c) The licensing board concerned shall dispose of an application referred to in subsection (2) within 4 months from the date of issue of the permit referred to in paragraph (a)."

Amendment of section 29 of Ordinance 19 of 1974.

10. Section 29 of the principal Ordinance is hereby amended by —

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

"(1) The holder of a licence shall forthwith notify the secretary of the licensing board contemplated in section 12 in writing where —

- (a) the person who is in actual and effective control of the business concerned has been replaced by another person;
- (b) the name under which the business concerned is carried on has been changed;
- (c) the nature of the business concerned has been changed;
- (d) the ownership of the business concerned has been changed; or
- (e) the carrying on of the business concerned has been discontinued;" and

(b) the substitution for subsection (3) of the following subsection:

"(3) The secretary of the licensing board concerned shall submit the written notice referred to in subsection (1)(a), (b) or (c), together with any report referred to in subsection (2), if any, to the chairman and, where the licence concerned does not in consequence of the information contained in such notice have to be reviewed in terms of section 33(1) or the holder thereof is not required to apply in terms of the provisions of this Ordinance for the issue of a new licence, such secretary shall —

- (a) notify the issuing authority concerned in writing of the relevant change contemplated in subsection (1); and

Wysiging van artikel 27 van Ordonnansie 19 van 1974.

9. Artikel 27 van die Hoofordonnansie word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3)(a) Hangende die besluit van 'n lisensieraad oor 'n aansoek om 'n nuwe lisensie in subartikel (2) genoem, kan die voorsteller van die lisensieraad, op skriftelike aansoek van die eienaar in daardie subartikel beoog en by betaling van die toepaslike lisensiegeld wat ingevolge artikel 10 betaalbaar sal wees indien die aansoek om 'n nuwe lisensie toegestaan word, aan sodanige eienaar 'n permit uitreik wat hom magtig om die betrokke besigheid vir 'n tydperk wat nie 4 maande oorskry nie op die voorwaardes wat sodanige voorsteller bepaal, voort te sit.

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

(c) Die betrokke lisensieraad handel 'n aansoek in subartikel (2) genoem binne 4 maande vanaf die datum van uitreiking van die permit in paragraaf (a) genoem, af."

Wysiging van artikel 29 van Ordonnansie 19 van 1974.

10. Artikel 29 van die Hoofordonnansie word hierby gewysig deur —

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

"(1) Die houer van 'n lisensie stel die sekretaris van die lisensieraad in artikel 12 beoog onverwyld, skriftelik in kennis waar —

- (a) die persoon wat in werklike en effektiewe beheer van die betrokke besigheid is deur iemand anders vervang is;
- (b) die naam waaronder die betrokke besigheid gedryf word, verander is;
- (c) die aard van die betrokke besigheid verander is;
- (d) die eiendomsreg van die betrokke besigheid verander is; of
- (e) die dryf van die betrokke besigheid gestaak is;" en

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

"(3) Die sekretaris van die betrokke lisensieraad le de skriftelike kennisgewing in subartikel (1)(a), (b) of (c) genoem, tesame met enige verslag in subartikel (2) genoem, as daar is, aan die voorsteller voor en waar die betrokke lisensie nie as gevolg van die instigting in sodanige kennisgewing vervat ingevolge artikel 33(1) hersien moet word nie of dit nie van die houer daarvan vereis word om ingevolge die bepalings van hierdie Ordonnansie om die uitreiking van 'n nuwe lisensie aansoek te doen nie —

- (a) stel sodanige sekretaris die betrokke uitreikingsowerheid skriftelik in kennis van die tersaaklike verandering in subartikel (1) beoog; en

(b) by means of a written notice order the holder of the licence concerned to submit the licence within 14 days from the date of such notice to the issuing authority concerned and upon receipt thereof the issuing authority shall make a note of the relevant change contemplated in subsection (1) on the licence and amend its records accordingly.”.

Amendment of section 30 of the principal Ordinance 19 of 1974. 11. Section 30 of the principal Ordinance is hereby amended by —

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

“(d) seize any object whatsoever which, in his opinion, could afford proof of a contravention of any provision of this Ordinance;”;

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

“(f) require any person whom he on reasonable grounds suspects to be carrying on a business to furnish his name and address and to produce a licence, authorization or permit for the carrying on of the business immediately or, where such person is unable to produce the licence, authorization or permit immediately, by means of a written notice order him to produce it within 14 days from the date of such notice to the person and at the place stated therein;”; and

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

“(3) An authorized officer or a health officer who has seized an object in terms of subsection (1)(d) shall —

(a) as soon as possible after the seizure, make an identification mark on the object;

(b) if practicable, give a receipt, in such form as may be determined by the Administrator, to the person from whose possession the object was taken and retain a copy thereof; and

(c) subject to the provisions of section 49(1), keep the object in safe custody until it shall be disposed of in terms of any other provision of that section.

(4) Any person who fails to comply with an order contained in a notice contemplated in subsection (1)(f) or complies with such order in a manner calculated to deceive shall be guilty of an offence.”.

12. The following section is hereby substituted for section 49 of the principal Ordinance:

Disposition of object after seizure. 49.(1) An authorized officer or a health officer who has seized an object in terms of section 30(1)(d) may, if the

(b) gelas sodanige sekretaris die houer van die betrokke licensie by wyse van 'n skriftelike kennisgewing om binne 14 dae vanaf die datum van sodanige kennisgewing die licensie aan die betrokke uitrekingsowerheid voor te lê en by ontvangs daarvan maak die uitrekingsowerheid 'n aantekening van die tersaaklike verandering in subartikel (1) beoog op die licensie en wysig hy sy rekords dienooreenkomsig.”.

Wysiging van artikel 30 van Ordonnansie 19 van 1974. 11. Artikel 30 van die Hoofordonnansie word hierby gewysig deur —

(a) paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) enige voorwerp hoegenaamd wat, na sy mening, bewys kan lewer van 'n oortreding van enige bepaling van hierdie Ordonnansie in beslag neem;”;

(b) paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

“(f) van iemand wat hy op redelike gronde vermoed 'n besigheid dryf, vereis om sy naam en adres te verstrek en om 'n licensie, magtiging of permit vir die dryf van die besigheid onmiddellik te toon of, waar so iemand nie die licensie, magtiging of permit onmiddellik kan toon nie, hom by wyse van 'n skriftelike kennisgewing gelas om dit binne 14 dae vanaf die datum van sodanige kennisgewing aan die persoon en by die plek daarin vermeld, te toon;”; en

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

“(3) 'n Gemagtigde beampte of 'n gesondheidsbeampte wat 'n voorwerp ingevolge subartikel (1)(d) in beslag geneem het —

(a) bring so gou as moontlik na die inbalsagneming 'n identifikasiemerke op die voorwerp aan;

(b) gee, indien dit doenlik is, 'n kwitansie in die vorm wat die Administrator bepaal aan die persoon uit wie se besit die voorwerp geneem is en hy bewaar 'n afskrif daarvan; en

(c) hou die voorwerp, behoudens die bepallings van artikel 49(1), in veilige bewaring totdat daaroor ingevolge enige ander bepaling van daardie artikel bekik word.

(4) Iemand wat versuim om 'n lasgewing vervat in 'n kennisgewing in subartikel (1)(f) beoog, na te kom of wat sodanige lasgewing nakom op 'n wyse wat bereken is om te bedrieg, is aan 'n misdryf skuldig.”.

12. Artikel 49 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

49.(1) 'n Gemagtigde beampte of 'n gesondheidsbeampte wat 'n voorwerp in beslag geneem gevole artikel 30(1)(d) in beslag geneem

object is perishable, with due regard to the interests of the persons concerned, dispose of the object in such manner as the circumstances may require and shall, if the object is not perishable or if a perishable object has not been disposed of, retain it in safe custody or make such other arrangements with regard to the custody thereof as the circumstances may require.

(2)(a) If criminal proceedings are not instituted in connection with an object retained in custody as contemplated in subsection (1) or if it appears that such object is not required at the trial for purposes of evidence or for purposes of an order of court, the object shall be returned to the person from whom it was seized, if such person may lawfully possess such object, or, if such person may not lawfully possess such object, to the person who may lawfully possess it.

(b) If no person may lawfully possess such object or if the authorized officer or health officer concerned does not know of any person who may lawfully possess such object, it shall be forfeited to —

- (i) the local authority in whose municipality the offence was committed or is suspected to have been committed; or
- (ii) the Transvaal Provincial Administration, if the offence was committed or is suspected to have been committed outside a municipality.

(3) The person who may lawfully possess the object concerned shall be notified by registered post at his last-known address that he may take possession of the object and, if such person fails to claim the object within 30 days from the date of such notification, the object shall be forfeited to the local authority concerned or Administration contemplated in subsection (2)(b).

(4)(a) If criminal proceedings are instituted in connection with an object retained in custody as contemplated in subsection (1) and the accused admits his guilt in accordance with section 57 of the Criminal Procedure Act, 1977 (Act 51 of 1977), the object shall be returned to the person from whom it was seized, if such person may lawfully possess such object, or, if such person may not lawfully possess such object, to the person who may lawfully possess it, whereupon the provisions of subsection (3) shall apply *mutatis mutandis*.

het, kan, indien die voorwerp bederbaar is, met behoorlike inagneming van die belang van die betrokke persone, oor die voorwerp beskik op die wyse wat die omstandighede vereis en hou dit, indien die voorwerp nie bederbaar is nie of indien 'n bederfbare voorwerp nie oor beskik is nie, in veilige bewaring of tref die ander reëlings met betrekking tot die bewaring daarvan wat die omstandighede vereis.

(2)(a) Indien strafregtelike verrigtinge in verband met 'n voorwerp wat in bewaring gehou word soos in subartikel (1) beoog, nie ingestel word nie of indien dit blyk dat sodanige voorwerp nie by die verhoor vir doeleindes van bewyslewering of vir doeleindes van 'n hofbevel nodig is nie, word die voorwerp teruggegee aan die persoon van wie dit in beslag geneem is, indien sodanige persoon sodanige voorwerp wettiglik mag besit, of, indien sodanige persoon sodanige voorwerp nie wettiglik mag besit nie, aan die persoon wat dit wettiglik mag besit.

(b) Indien niemand sodanige voorwerp wettiglik mag besit nie of indien die betrokke gemagtigde beampte of gesondheidsbeampte nie weet van iemand wat sodanige voorwerp wettiglik mag besit nie, word dit verbeur aan —

- (i) die plaaslike bestuur binne wie se munisipaliteit die oortreding gepleeg is of vermoed word gepleeg te gewees het; of
- (ii) die Transvaalse Provinciale Administrasie, indien die oortreding gepleeg is of vermoed word gepleeg te gewees het buite 'n munisipaliteit.

(3) Die persoon wat die betrokke voorwerp wettiglik mag besit, word per aangekende pos by sy laaste bekende adres in kennis gestel dat hy besit van die voorwerp mag neem en indien sodanige persoon versuim om die voorwerp binne 30 dae vanaf die datum van sodanige kennisgewing op te fis, word die voorwerp verbeur aan die betrokke plaaslike bestuur of Administrasie in subartikel (2)(b) beoog.

(4)(a) Indien strafregtelike verrigtinge in verband met 'n voorwerp wat in bewaring gehou word soos in subartikel (1) beoog, ingestel word en die beskuldigde sy skuld ooreenkomstig artikel 57 van die Strafproseswet, 1977 (Wet 51 van 1977), erken, word die voorwerp aan die persoon teruggegee van wie dit in beslag geneem is, indien sodanige persoon sodanige voorwerp wettiglik mag besit, of, indien sodanige persoon sodanige voorwerp nie wettiglik mag besit nie, aan die persoon wat dit wettiglik mag besit, waarop die bepalings van subartikel (3) *mutatis mutandis* van toepassing is.

(b) If no person may lawfully possess such object or if the authorized officer or health officer concerned does not know of any person who may lawfully possess such object, it shall be forfeited to the local authority concerned or Administration contemplated in subsection (2)(b).

(5) If criminal proceedings are instituted in connection with an object retained in custody as contemplated in subsection (1) and such object is required at the trial for purposes of evidence or for purposes of an order of court, the authorized officer or health officer concerned shall, subject to the provisions of subsection (6), deliver such object to the clerk of the court where such criminal proceedings are instituted.

(6) If it is by reason of the nature, bulk or value of the object concerned impracticable or undesirable that it should be delivered to the clerk of the court in terms of subsection (5), the clerk of the court may require the authorized officer or health officer concerned to retain such object in custody as contemplated in subsection (1) or in any other custody as such clerk may deem expedient.

(7)(a) The clerk of the court shall retain an object received in terms of subsection (5) in safe custody, which may include the deposit of money in an official banking account if such money is not required at the trial for purposes of evidence.

(b) Where the trial concerned is to be continued in a court other than the court in which the criminal proceedings were instituted, the clerk of the latter court shall —

(i) transfer an object received in terms of subsection (5), other than money deposited in a banking account in terms of paragraph (a), to the clerk of such other court and he shall retain such object in safe custody; or

(ii) in the case of an object retained in custody in accordance with the provisions of subsection (6) or in the case of money deposited in a banking account in terms of paragraph (a), notify the clerk of such other court of the fact of such custody or such deposit, as the case may be.

(8) The judicial officer presiding at criminal proceedings contemplated in subsection (5) shall, at the conclusion of

(b) Indien niemand sodanige voorwerp wettiglik mag besit nie of indien die betrokke gemagtigde beampete of gesondheidsbeampete nie weet van iemand wat sodanige voorwerp wettiglik mag besit nie, word dit verbeur aan die betrokke plaaslike bestuur of Administrasie in subartikel (2)(b) beoog.

(5) Indien strafregtelike verrigtinge in verband met 'n voorwerp wat in bewaring gehou word soos in subartikel (1) beoog, ingestel word en sodanige voorwerp by die verhoor vir doeleinades van bewyslewering of vir doeleinades van 'n hofbvel nodig is, oorhandig die betrokke gemagtigde beampete of gesondheidsbeampete, behoudens die bepalings van subartikel (6), sodanige voorwerp aan die klerk van die hof waar sodanige strafregtelike verrigtinge ingestel word.

(6) Indien dit weens die aard, omvang of waarde van die betrokke voorwerp ondoenlik of onwenslik is dat dit ingevolge subartikel (5) aan die klerk van die hof oorhandig word, kan die klerk van die hof van die betrokke gemagtigde beampete of gesondheidsbeampete vereis om sodanige voorwerp in bewaring te hou soos in subartikel (1) beoog of in enige ander bewaring wat sodanige klerk dienstig ag.

(7)(a) Die klerk van die hof hou 'n voorwerp wat ingevolge subartikel (5) ontvang is in veilige bewaring, wat die inbetalung van geld op 'n amptelike bankrekening insluit indien sodanige geld nie by die verhoor vir doeleinades van bewyslewering nodig is nie.

(b) Waar die betrokke verhoor voortgesit word in 'n ander hof as die hof waarin die strafregtelike verrigtinge ingestel is, moet die klerk van laasgenoemde hof —

(i) 'n voorwerp wat ingevolge subartikel (5) ontvang is, uitgesonderd geld wat ingevolge paragraaf (a) op 'n bankrekening inbetaal is, na die klerk van sodanige ander hof oorplaas en hy hou sodanige voorwerp in veilige bewaring; of

(ii) in die geval van 'n voorwerp wat ooreenkomsdig die bepalings van subartikel (6) in bewaring gehou word of in die geval van geld wat ingevolge paragraaf (a) op 'n bankrekening inbetaal is, die klerk van sodanige ander hof van die feit van sodanige bewaring of sodanige inbetalung, na gelang van die geval, in kennis stel.

(8) Die regterlike amptenaar wat by strafregtelike verrigtinge beoog in subartikel (5) voorsit, gee by beëindiging van

such proceedings, make an order that the object concerned —

- (a) be returned to the person from whom it was seized, if such person may lawfully possess such object;
- (b) if such person is not entitled to such object or may not lawfully possess it, be returned to any other person entitled thereto, if such other person may lawfully possess such object; or
- (c) if no person is entitled to such object or if no person may lawfully possess it or if the person who is entitled thereto cannot be traced or is unknown, be forfeited to the local authority concerned or Administration contemplated in subsection (2)(b).

(9) The judicial officer concerned may, for purposes of an order in terms of subsection (8), hear such additional evidence, whether by affidavit or orally, as he may deem fit.

(10) If the judicial officer concerned does not, at the conclusion of the relevant criminal proceedings, make an order in terms of subsection (8), such judicial officer or, if he is not available, any other judicial officer of the court concerned may at any time after the conclusion of such proceedings make such order and for that purpose hear such additional evidence, whether by affidavit or orally, as he may deem fit.

(11) An order made in terms of subsection (8) or (10) may be suspended pending an appeal or review.

(12) Where an order is made in terms of subsection (8) or (10) for the return of an object, the provisions of subsection (3) shall *mutatis mutandis* apply.

(13) If the circumstances so require or if the relevant criminal proceedings cannot for any reason be disposed of, the judicial officer concerned may, at any stage of such proceedings, make an order as contemplated in subsection (8).

(14) A court which convicts an accused of an offence in terms of this Ordinance may, without notice to any person, make an order that an object which has been seized in terms of section 30(1)(d) and by means of which the offence concerned was committed or which was used in the commission of such offence be forfeited to the local authority concerned or Administration contemplated in subsection (2)(b); Provided that such forfeiture shall

sodanige verrigtinge 'n bevel dat die betrokke voorwerp —

- (a) aan die persoon van wie dit in beslag geneem is, teruggegee word, indien sodanige persoon sodanige voorwerp wettiglik mag besit;
- (b) indien sodanige persoon nie op sodanige voorwerp geregtig is nie of dit nie wettiglik mag besit nie, aan 'n ander persoon wat daarop geregtig is, teruggegee word, indien sodanige ander persoon sodanige voorwerp wettiglik mag besit; of
- (c) indien niemand op sodanige voorwerp geregtig is nie of indien niemand dit wettiglik mag besit nie of indien die persoon wat daarop geregtig is nie opgespoor kan word nie of onbekend is, verbeur word aan die betrokke plaaslike bestuur of Administrasie in subartikel (2)(b) beoog.

(9) Die betrokke regterlike amptenaar kan, vir doeleindes van 'n bevel ingevolge subartikel (8), die bykomende getuenis, hetsy by beëdigde verklaring of mondeling, aanhoor wat hy goedvind.

(10) Indien die betrokke regterlike amptenaar by beëindiging van die betrokke strafregterlike verrigtinge nie 'n bevel ingevolge subartikel (8) gee nie, kan sodanige regterlike amptenaar of, indien hy nie beskikbaar is nie, 'n ander regterlike amptenaar van die betrokke hof, te eniger tyd na beëindiging van sodanige verrigtinge sodanige bevel gee en vir daardie doel die bykomende getuenis, hetsy by beëdigde verklaring of mondeling, aanhoor wat hy goedvind.

(11) 'n Bevel ingevolge subartikel (8) of (10) gegee, kan opgeskort word handende 'n appèl of hersiening.

(12) Waar 'n bevel vir die teruggawe van 'n voorwerp ingevolge subartikel (8) of (10) gegee word, is die bepalings van subartikel (3) *mutatis mutandis* van toepassing.

(13) Indien die omstandighede aldus vereis of indien die betrokke strafregterlike verrigtinge om enige rede nie afgehandel kan word nie, kan die betrokke regterlike amptenaar op enige stadium van sodanige verrigtinge 'n bevel gee soos in subartikel (8) beoog.

(14) 'n Hof wat 'n beskuldigde aan 'n misdryf ingevolge hierdie Ordonnansie skuldig bevind, kan, sonder kennisgewing aan enigiemand, 'n bevel gee dat 'n voorwerp wat ingevolge artikel 30(1)(d) in beslag geneem is en deur middel waarvan die betrokke misdryf gepleeg is of wat by die pleging van sodanige misdryf gebruik is, verbeur word aan die betrokke plaaslike bestuur of Admi-

not affect any right referred to in subsection (16)(a)(i) or (ii) if it is proved that the person who claims such right did not know that such object was being used or would be used for the purpose of or in connection with the commission of the offence concerned or that he could not have prevented such use and that he may lawfully possess such object.

(15) An object which is the subject of an order in terms of subsection (14) shall be kept for a period of 30 days from the date on which the order was made or, if an application is received within that period for the determination of a right contemplated in subsection (16)(a)(i) or (ii), until a final decision in respect of such application has been given.

(16)(a) The court concerned or, if the judicial officer concerned is not available, any other judicial officer of such court may, at any time within a period of 3 years from the date on which an order contemplated in subsection (14) was made, upon the application of any person other than the accused who claims that any right referred to in subparagraph (i) or (ii) is vested in him, inquire into and determine any such right and, if it is found that the object concerned —

(i) is the property of such person, such court shall set aside such order and direct that the object concerned be returned to such person or, if the local authority concerned or Administration contemplated in subsection (2)(b) has disposed of the object concerned, such court shall order that such person be compensated by such authority or Administration to the extent to which such authority or Administration has been enriched by such disposal;

(ii) was sold to the accused in terms of a contract which provides that upon payment of a stipulated price, whether by instalments or otherwise, the accused shall become the owner of such object and that upon default of payment of the stipulated price or any part thereof the seller shall become entitled to the return of such object —

(aa) such court shall order that the object concerned be sold by public auction and that the seller be paid out of the proceeds of the sale an amount equal to the

nistrasic in subartikel (2)(b) beoog: Met dien verstande dat sodanige verbeuring nie enige reg genoem in subartikel (16)(a)(i) of (ii) raak nie indien bewys word dat die persoon wat op sodanige reg aanspraak maak, nie geweet het dat sodanige voorwerp vir die doel van of in verband met die pleging van die betrokke misdryf gebruik was of sou word nie of dat hy nie sodanige gebruik kon verhinder het nie en dat hy sodanige voorwerp wettiglik mag besit.

(15) 'n Voorwerp wat die onderwerp van 'n bevel ingevolge subartikel (14) is, word vir 'n tydperk van 30 dae vanaf die datum waarop die bevel gegee is, gehou of, indien 'n aansoek binne daardie tydperk ontvang word om die bepaling van 'n reg soos in subartikel (16)(a)(i) of (ii) beoog, totdat 'n eindbeslissing ten opsigte van sodanige aansoek gegee is.

(16)(a) Die betrokke hof of, indien die betrokke regterlike amptenaar nie beskikbaar is nie, enige ander regterlike amptenaar van sodanige hof, kan te eniger tyd binne 'n tydperk van 3 jaar vanaf die datum waarop 'n bevel in subartikel (14) beoog, gegee is, op aansoek van iemand anders as die beskuldigde wat daarop aanspraak maak dat enige reg in subparagraaf (i) of (ii) genoem in hom gevëstig is, ondersoek instel na en enige sodanige reg bepaal en, indien dit bevind word dat die betrokke voorwerp —

(i) die eiendom van so iemand is, stel sodanige hof sodanige bevel tersyde en gelas dat die betrokke voorwerp aan so iemand teruggesteek word of, indien die betrokke plaaslike bestuur of Administrasie in subartikel (2)(b) beoog oor die betrokke voorwerp beskik het, gelas sodanige hof dat so iemand deur sodanige plaaslike bestuur of Administrasie vergoed word tot die mate wat sodanige plaaslike bestuur of Administrasie deur sodanige beskikking verryk is;

(ii) aan die beskuldigde verkoop is ingevolge 'n kontrak wat bepaal dat die beskuldigde by betaling van 'n bedonge prys, hetby in paaiemende of andersins, eienaar word van sodanige voorwerp en die verkoper by wanbetaling van die bedonge prys of van 'n deel daarvan op die teruggawe van sodanige voorwerp geregtig word —

(aa) gelas sodanige hof dat die betrokke voorwerp per openbare veiling verkoop word en dat aan die verkoper uit die opbrengs van die verkooping 'n bedrag

'value of his rights in the object in terms of the contract, but not exceeding the proceeds of the sale; or

(bb) if the local authority concerned or the Administration contemplated in subsection (2)(b) has disposed of the object concerned, such court shall order that the seller be likewise compensated.

(b) If a determination by the court in terms of paragraph (a) is adverse to the applicant, he may appeal against it as if it were a conviction by the court which has made such determination and such appeal may be heard either separately of or jointly with an appeal against the conviction as a result of which the order of forfeiture was made or against a sentence imposed as a result of such conviction.

(c) For purposes of the determination of any right in terms of this subsection, the record of the criminal proceedings in which the order of forfeiture was made shall form part of the proceedings of the enquiry contemplated in paragraph (a) and the court may hear such additional evidence, whether by affidavit or orally, as it may deem fit.

(17) If a perishable object is in terms of subsection (1) disposed of by way of sale, the nett proceeds thereof, being the gross proceeds less any expenses incurred in connection with the custody or sale thereof, shall be kept in safe custody and shall, for the purposes of the preceding provisions of this section, excluding subsections (1), (6), (15) and (16)(a)(ii), be deemed to be the object contemplated in those provisions.”.

Amendment of section 54 of Ordinance No. 19 of 1974.

13. Section 54 of the principal Ordinance is hereby amended by the substitution for paragraph (f) of the following paragraph:

“(f) by registered or certified post addressed to his last-known business or residential address;”.

Amendment of section 51 of Ordinance No. 19 of 1974.

14. Section 59 of the principal Ordinance is hereby amended by—

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

“(1) Subject to the provisions of subsection (2)(c), any social, sport, recreation or other club which supplies or provides goods, services or facilities to its members for which a licence is required in terms of the provisions of this Ordinance shall be deemed to

betaal word wat gelykstaande is aan die waarde van sy regte in die voorwerp ingevolge die kontrak, maar wat nie die opbrengs van die verkooping te bove gaan nie; of

(bb) indien die betrokke plaaslike bestuur of Administrasie in subartikel (2)(b) beoog oor die betrokke voorwerp beskik het, gelas sodanige hof dat die verkoper insgelyks vergoed word.

(b) Indien 'n bepaling deur die hof ingevolge paragraaf (a) vir die aansoeker ongunstig is, kan hy daarteen appelleer asof dit 'n skuldigbevinding is deur die hof wat sodanige bepaling gemaak het en so 'n appèl kan of afsonderlik van of saam met 'n appèl teen die skuldigbevinding as gevolg waarvan die verbeuringsbevel gegee is of teen 'n vonnis wat ten gevolge van sodanige skuldigbevinding opgelê is, verhoor word.

(c) Vir doeleindes van die bepaling van enige reg ingevolge hierdie subartikel, vorm die oorkonde van die strafregtelike verrigtinge waarin die verbeuringsbevel gegee is deel van die verrigtinge van die ondersoek in paragraaf (a) beoog en kan die hof die bykomende getuenis, hetsy by 'beëdigde verklaring of mondeling, aanhoor wat hy goedvind.

(17) Indien oor 'n bederbare voorwerp ingevolge subartikel (1) beskik word deur dit te verkoop, word die netto opbrengs daarvan, synde die bruto opbrengs min enige uitgawes wat in verband met die bewaring of verkoop daarvan aangaan is, in veilige bewaring gehou en by die toepassing van die voorafgaande bepaling van hierdie artikel, uitgesonderd subartikels (1), (6), (15) en (16)(a)(ii), geag die voorwerp te wees wat in daardie bepaling beoog word.”.

Wysiging van artikel 54 van Ordinance No. 19 van 1974.

13. Artikel 54 van die Hoofordonnansie word hierby gewysig deur paragraaf (f) deur die volgende paragraaf te vervang:

“(f) per aangetekende of gescertificeerde pos aan sy laasbekende besigheids- of woonadres te rig;”.

Wysiging van artikel 59 van Ordinance No. 19 van 1974.

14. Artikel 59 van die Hoofordonnansie word hierby gewysig deur—

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

“(1) Behoudens die bepaling van subartikel (2)(c), word enige sosiale, sport-, ontspannings- of ander klub wat goedere, dienste of geriewe aan sy lede lewer of verskaf waarvoor 'n lisencie ingevolge die bepaling van hierdie Ordonnansie vereis word, geag 'n

- carry on a business and such club shall take out the appropriate licence which is required for that business.”;
- (b) the substitution for paragraph (d) of subsection (2) of the following paragraph:
- “(d) by a charitable, religious or educational institution of a public nature which does not carry on business as contemplated in Item 21 of Schedule I;” and
- (c) the substitution for subparagraph (i) of subsection (4)(a) of the following subparagraph:
- “(i) the sale of goods in, on or from the business premises where it is manufactured or produced, other than the sale of such goods by retail.”.

Amendment of section 60 of Ordinance 19 of 1974.

15. Section 60 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Administrator may by notice in the *Provincial Gazette* and with effect from a date specified therein, which date may be a date earlier than the date of publication of the notice, amend Schedule I by substituting, altering or deleting any of the items set out therein or by the addition thereto of further items.”.

Amendment of section 61 of Ordinance 19 of 1974.

16. Section 61 of the principal Ordinance is hereby amended by the insertion after paragraph (k) of subsection (1) of the following paragraph:

“(kA) the restriction, regulation and control of the carrying on of a business referred to in Item 49(2)(n) of Schedule I.”.

Amendment of section 63 of Ordinance 19 of 1974.

17. Section 63 of the principal Ordinance is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the levying of a fee to cover the costs in connection with the inspection of business premises as contemplated in section 14(4): Provided that —

- (i) such fee shall not exceed R10 for each inspection; and
- (ii) no fee shall be levied in respect of an application for a licence for the carrying on of a business prescribed by the Administrator.”.

Repeal of section 65 of Ordinance 19 of 1974.

18. Section 65 of the principal Ordinance is hereby repealed.

Amendment of Schedule 1 to Ordinance 19 of 1974.

19. Schedule 1 to the principal Ordinance is hereby amended —

- (a) in Item 21 by —
 - (i) the substitution for paragraph (2) of the following paragraph:
 - “(2) This licence shall be required by a person, including an institution referred

besigheid te dryf en sodanige klub moet die toepaslike lisensie uitneem wat vir daardie besigheid vereis word.”;

- (b) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

“(d) deur 'n liefdadigheids-, godsdiestige of opvoedkundige instelling van 'n openbare aard wat nie besigheid soos in Item 21 van Bylae I beoog, dryf nie;” en

- (c) subparagraaf (i) van subartikel (4)(a) deur die volgende subparagraaf te vervang:

“(i) die verkoop van goedere in, op of vanaf die besigheidspersel waar dit vervaardig of geproduceer word, uitgesonderd die verkoop van sulke goedere by die klein maat.”.

Wysiging van artikel 60 van Ordinance 19 van 1974.

15. Artikel 60 van die Hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Administrateur kan by kennisgewing in die *Provinciale Koerant* en met ingang van 'n datum wat daarin gespesifieer word, welke datum 'n vroeër datum as die datum van publikasie van die kennisgewing kan wees, Bylae I wysig deur enige van die items wat daarin uiteengesit word, te vervang, te verander of te skrap of deur verdere items daarby te voeg.”.

Wysiging van artikel 61 van Ordinance 19 van 1974.

16. Artikel 61 van die Hoofordonnansie word hierby gewysig deur na paragraaf (k) van subartikel (1) die volgende paragraaf in te voeg:

“(kA) die beperking, reëling en beheer van die dryf van 'n besigheid in Item 49(2)(n) van Bylae I genoem.”.

Wysiging van artikel 63 van Ordinance 19 van 1974.

17. Artikel 63 van die Hoofordonnansie word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) die heffing van geld om die koste in verband met die inspeksie van 'n besigheidspersel soos in artikel 14(4) beoog, te dek: Met dien verstande dat —

(i) sodanige geld nie R10 per inspeksie oorskry nie; en

(ii) geld nie gehef word nie ten opsigte van 'n aansoek om 'n lisensie vir die dryf van 'n besigheid wat deur die Administrateur voorgeskryf word.”.

Herroeping van artikel 65 van Ordinance 19 van 1974.

18. Artikel 65 van die Hoofordonnansie word hierby herroep.

Wysiging van Bylae I by Ordinance 19 van 1974.

19. Bylae I by die Hoofordonnansie word hierby gewysig —

- (a) in Item 21 deur —

(i) paragraaf (2) deur die volgende paragraaf te vervang:

“(2) Hierdie lisensie word vereis van iemand, insluitende 'n instelling in artikel

to in section 59(2)(d), who carries on business by maintaining a place or a school where more than 6 white children who have not yet reached the age for compulsory school attendance as contemplated in section 96 of the Education Ordinance, 1953 (Ordinance 29 of 1953), are temporarily or partly looked after or cared for or receive instruction on a level below that of the curriculum for primary education as contemplated in section 2 of that Ordinance, 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)."; and

- (ii) the substitution for the Exemption thereto by the following Exemption:

"Exemption from Licence Fee.

A crèche or a nursery school maintained by an institution referred to in section 59(2)(d).";

- (b) by the substitution for Item 25 of the following Item:

"ITEM 25: DAIRY FARM.

- (1) (a) Application fee R1.
 (b) Licence fee R5 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 milk product made therefrom by him by retail in, on or from any place where such milk is produced.
- (3) This licence is valid for the whole Province.
- (4) For purposes of this Item, 'milk' and 'milk product' shall have the meanings assigned thereto in paragraph (4) of Item 24.
- (5) For purposes of —
 (a) section 12, a dairy farm which is situated in another province and from which a person intends carrying on business as contemplated in paragraph (2)(a) shall be deemed to be business premises situated in the licensing area in which the municipality is situated where he intends selling, distributing or delivering all or most of the milk produced by him;
 (b) section 14(1)(b), (3) and (4), the 'local authority concerned' referred to therein means the local authority in whose municipality all or most of the milk which

59(2)(d) genoem, wat besigheid dryf deur 'n plek of 'n skool in stand te hou waar meer as 6 blanke kinders wat nog nie die ouderdom vir verpligte skoolbesoek soos in artikel 96 van die Onderwysordonnansie, 1953 (Ordonnansie 29 van 1953), beoog, bereik het nie tydelik of gedeeltelik opgepas of versorg word of onderrig op 'n vlak benede dié van die kursus vir laer onderwys soos in artikel 2 van daardie Ordonnansie beoog, ontvang, hetsy sodanige plek of skool ingevolge die bepalings van die Kinderwet, 1960 (Wet 33 van 1960), aan registrasie onderworpe is of nie.;" en

- (ii) die Vrystelling daarby deur die volgende Vrystelling te vervang:

"Vrystelling van Licensiegeld.

'n Kinderbewaarplaas of 'n kleuter-skool wat in stand gehou word deur 'n instelling in artikel 59(2)(d) genoem.".

- (b) deur Item 25 deur die volgende Item te vervang:

"ITEM 25: MELKPLAAS.

- (1) (a) Aansoekgeld R1.
 (b) Licensiegeld R5 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat melk produseer en besigheid dryf deur —
 (a) sodanige melk of 'n melkproduk daarvan deur hom gemaak binne 'n munisipaliteit te verkoop, te versprei of te lever; of
 (b) sodanige melk of 'n melkproduk daarvan deur hom gemaak in, op of vanaf enige plek waar sodanige melk geproduceer word in die kleinhandel te verkoop, te versprei of te lever.
- (3) Hierdie lisensie is geldig vir die hele Provinsie.
- (4) By die toepassing van hierdie Item het 'melk' en 'melkproduk' die betekenisse wat in paragraaf (4) van Item 24 daaraan geheg word.
- (5) By die toepassing van —
 (a) artikel 12 word 'n melkplaas wat in 'n ander provinsie geleë is en waarvandaan iemand besigheid wil dryf soos in paragraaf (2)(a) beoog, geag 'n besigheidsperceel te wees wat geleë is in die lisensiegebied waarbinne die munisipaliteit geleë is waar hy al of die meeste van die melk deur hom geproduceer, wil verkoop, versprei of lever;
- (b) artikel 14(1)(b), (3) en (4) beteken die 'betrokke plaaslike bestuur' daarin genoem die plaaslike bestuur in wie se munisipaliteit al of die meeste van die melk wat deur die aansoeker geprodu-

is produced by the applicant is sold, distributed or delivered.

(6) The holder of this licence may also in terms thereof —

- (a) on his dairy farm cool milk or any 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 milk or any milk product produced or made by him in a municipality other than the municipality contemplated in paragraph (5), if the local authority of that other municipality authorizes him thereto in writing; and
- (c) deal with milk or any 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: Provided that where such holder intends selling, distributing or delivering such milk or milk product within a municipality he shall obtain the written authorization of the local authority concerned.

Exemption.

Any 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.”; and

(c) in Item 49 by —

(i) the substitution for paragraph (1)(a) of the following paragraph:

“(1)(a) Application fee shall be as follows:

- (i) for a billiard or snooker table, riding device or juke box — per business premises R2; or
- (ii) for an amusement apparatus and every other place of entertainment — per business premises R10;”;

(ii) the substitution for subparagraphs (xii) and (xiii) of paragraph (1)(b) of the following subparagraphs:

“(xii) riding device or juke box contemplated in paragraph 2(l) — per riding device or juke box R15 per year;

(xiii) amusement park R5 per day; or R20 per week; or R100 per year; or

seer word, verkoop, versprei of gelewer word.

(6) Die houer van hierdie lisensie kan daar-kragtens ook —

- (a) op sy melkplaas melk of 'n melkproduk wat deur hom geproduseer of gemaak is, verkoel en dit in houers waarin melk of 'n melkproduk versprei word, plaas en sodanige houers verseel;
- (b) melk of 'n melkproduk deur hom geproduseer of gemaak, binne 'n ander munisipaliteit as die munisipaliteit in paraagraaf (5) beoog, verkoop, versprei of lewer indien die plaaslike bestuur van daardie ander munisipaliteit hom skriftelik daartoe magtig; en
- (c) met melk of 'n melkproduk wat aan hom voorsien is deur 'n ander melkplaas wat ingevolge die bepalings van hierdie Item gelisensieer is, handel asof sodanige melk of melkproduk deur hom geproduseer of gemaak is: Met dien verstaande dat waar sodanige houer sodanige melk of melkproduk binne 'n munisipaliteit wil verkoop, versprei of lewer hy die skriftelike magtiging van die betrokke plaaslike bestuur verkry.

Vrystelling.

Iemand wat melk of room wat hy produseer slegs aan 'n fabriek, depot of inrigting in artikel 3 van die Wet op die Suiwelnywerheid, 1961, genoem, waarvan die perseel ingevolge die bepalings van genoemde Wet geregistreer is, verkoop of lewer.”; en

(c) in Item 49 deur —

(i) paragraaf (1)(a) deur die volgende paraagraaf te vervang:

“(1)(a) Aansoekgeld is soos volg:

(i) vir 'n biljart- of snooker-tafel, rytoestel of blêrkas — per besigheidsper-seel R2; of

(ii) vir 'n vermaakklikheidsaparaat en elke ander vermaakklikheidsplek — per besigheidsperseel R10;”;

(ii) subparagrafe (xii) en (xiii) van paraagraaf (1)(b) deur die volgende subpara-grafe te vervang:

“(xii) rytoestel of blêrkas in paraagraaf (2)(l) beoog — per rytoestel of blêrkas R15 per jaar;

(xiii) vermaakklikheidspark R5 per dag; of R20 per week; of R100 per jaar; of

- (xiv) amusement apparatus — per apparatus R15 per year.”; and
- (iii) the substitution for subparagraphs (l) and (m) of paragraph (2) of the following subparagraphs:
- “(l) a riding device, that is to say a machine or device which is designed or used to ride in or on, or a juke box, which riding device or juke box may be put into operation by the insertion of a coin, token coin, disc or other object therein or in an appliance attached thereto or being accessory thereto;
- (m) an amusement park, that is to say a place where amusement is provided for the public by means of a merry-go-round, riding trips or any apparatus for games of skill; or
- (n) an amusement apparatus, that is to say a machine, device or instrument which is designed or may be used for the playing of any game and which apparatus —
- (i) may directly or indirectly be put into operation by the insertion of a coin, token coin, disc or other object therein or in an appliance attached thereto or being accessory thereto; or
 - (ii) is made available to be used for reward.”.

Prohibition to renew certain licences and lapses of certain permits.

20.(1) Notwithstanding the provisions of sections 9 and 23 of the principal Ordinance, a licence referred to in Item 49 of Schedule I to that Ordinance which authorizes the holder thereof to carry on business as contemplated in paragraph (2)(l) of that Item, as that paragraph read prior to the amendment thereof by this Ordinance, shall not be renewed.

(2) Notwithstanding any provision to the contrary contained in the principal Ordinance, a permit issued in terms of section 25(2)(a) or 27(3)(a) of that Ordinance on or after 1 September 1979 and which relates to the carrying on of business as contemplated in subsection (1) shall lapse on 31 December 1979.

Short title and date of commencement of certain sections.

21.(1) This Ordinance shall be called the Licences Amendment Ordinance, 1979.

- (2) The provisions of —
- (a) section 15 shall be deemed to have come into operation on 1 January 1975;
 - (b) sections 19(b) and (c) and 20 shall come into operation on 1 October 1979; and
 - (c) sections 14, 17 and 19(a) shall come into operation on 1 January 1980.

(xiv) vermaaklikeheidsapparaat — per apparaat R15 per jaar.”; en

(iii) subparagraphs (l) and (m) van paragraaf (2) deur die volgende subparagraphs te vervang:

“(l) ’n rytoestel, dit wil sê ’n masjien of toestel wat ontwerp is of gebruik word om in of op te ry, of ’n blêrkas, welke rytoestel of blêrkas in werking gestel kan word deur ’n munstuk, tekenmunstuk, skyf of ander voorwerp daarin of in ’n toestel wat daaraan geheg is of daarmee gepaard gaan, te plaas;

(m) ’n vermaakklikeheidspark, dit wil sê ’n plek waar vermaak aan die publiek verskaf word deur middel van ’n mallemeule, rytoertjies of enige apparaat vir vernufspel; of

(n) ’n vermaakklikeheidsparaat, dit wil sê ’n masjien, toestel of instrument wat ontwerp is of gebruik kan word vir die speel van enige spel en welke apparaat —

(i) direk of indirek in werking gestel kan word deur ’n munstuk, tekenmunstuk, skyf of ander voorwerp daarin of in ’n toestel wat daaraan geheg is of daarmee gepaard gaan, te plaas; of

(ii) beskikbaar gestel word om teen vergoeding gebruik te word.”.

Verbod om sekerheidspermissies te houer en verval van sekere permissies.

20.(1) Ondanks die bepalings van artikels 9 en 23 van die Hoofordonnansie, word ’n lisensie in Item 49 van Bylae I by daardie Ordonnansie genoem wat die houer daarvan magtig om besigheid te dryf soos in paragraaf (2)(l) van daardie Item beoog, soos daardie paragraaf gelui het voor die wysiging daarvan deur hierdie Ordonnansie, nie herno nie.

(2) Ondanks enige andersluidende bepaling in die Hoofordonnansie vervat, verval ’n permit wat ingevalge artikel 25(2)(a) of 27(3)(a) van daardie Ordonnansie op of na 1 September 1979 uitgereik is en wat betrekking het op die dryf van besigheid soos in subartikel (1) beoog op 31 Desember 1979.

Kort titel en datum van inwerkingtreding van sekere artikels.

21.(1) Hierdie Ordonnansie heet die Wysigingsordonnansie op Lisensies, 1979.

(2) Die bepalings van —

- (a) artikel 15 word geag op 1 Januarie 1975 in werking te getree het;
- (b) artikels 19(b) en (c) en 20 tree op 1 Oktober 1979 in werking; en
- (c) artikels 14, 17 en 19(a) tree op 1 Januarie 1980 in werking.

ADMINISTRATOR'S NOTICE

Administrator's Notice 1382 21 November, 1979

LICENCES ORDINANCE, 1974 (ORDINANCE 19 OF 1974): AMENDMENT OF SCHEDULE I.

In terms of section 60(1) of the Licences Ordinance, 1974 (Ordinance 19 of 1974), the Administrator hereby amends Schedule I of the said Ordinance as set out in the Schedule hereto, with effect from 1 January 1980.

SCHEDULE.

Schedule I of Ordinance 19 of 1974 is hereby amended—

(1) in the "Index"—

- (a) by the deletion of the expression "Cycle dealer... 10";
- (b) by the deletion of the expression "Dealer or speculator in livestock or produce... 14";
- (c) by the insertion after the expression "Miller... 27" of the expression "Motor driving school... 27A";
- (d) by the insertion after the expression "Place of entertainment... 49" of the expression "Private investigator... 36A";
- (e) by the substitution for the expression "Debt collector and tracer... 39" of the expression "Debt collector... 39";
- (f) by the insertion after the expression "Restaurant keeper... 37" of the expression "Salesman... 47"; and
- (g) by the substitution for the expression "Fishmonger and fishfrier... 50" of the expression "Fishmonger or fishfrier... 50";

(2) in Item 1—

- (a) by the substitution for subparagraph (d) of paragraph (2) of the following subparagraph:
"(d) the curing, dressing, tanning or stuffing of the the hides or skins of animals"; and
- (b) by the substitution for paragraph (3) of the following paragraph:

"(3) The holder of a licence to carry on a 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, excluding the flesh of poultry.";

(3) in Item 2—

- (a) by the substitution for paragraph (4) of the following paragraph:
"(4) This licence shall be valid for the whole Province: Provided that a separate licence shall be required for every business premises in the Province.); and
- (b) by the deletion of paragraph (D) of the "Exemptions";

ADMINISTRATEURSKENNISGEWINGS

Administrateurskennisgewing 1382 21 November 1979

ORDONNANSIE OP LISENSIES, 1974 (ORDONNANSIE 19 VAN 1974): WYSIGING VAN BYLAE I.

Ingevolge artikel 60(1) van die Ordonnansie op Licensies, 1974 (Ordonnansie 19 van 1974), wysig die Administrateur hierby Bylae I by genoemde Ordonnansie soos in die Bylae hierby uiteengesit, met ingang van 1 Januarie 1980.

BYLAE.

Bylae I by Ordonnansie 19 van 1974 word hierby gewysig deur—

(1) in die "Inhoudsopgawe"—

- (a) die uitdrukking "Fietshandelaar... 10", te skrap;
- (b) die uitdrukking "Haridelaar of spékulant in lewende hawe of produkte... 14", te skrap;
- (c) na die uitdrukking "Meulenaar... 27" die uitdrukking "Motorbestuurskool... 27A", in te voeg;
- (d) na die uitdrukking "Pos- of ander bestellingsonderneming... 36", die uitdrukking "Privaatonderzoeker... 36A", in te voeg;
- (e) die uitdrukking "Skuldinvorderaar en opspoorder... 39" deur die uitdrukking "Skuldinvorderaar... 39", te vervang;
- (f) na die uitdrukking "Verhuurdienst... 46", die uitdrukking "Verkoopsman... 47", in te voeg; en

- (b) die uitdrukking "Vishandelaar en -bakker... 50" deur die uitdrukking "Vishandelaar of -bakker... 50", te vervang;

(2) in Item 1—

- (a) subparagraph (d) van paragraaf (2) deur die volgende subparagraph te vervang;
"(d) die huide of velle van diere insout, brei, looi of opstop;" en
- (b) paragraaf (3) deur die volgende paragraaf te vervang:

"(3) Die houer van 'n lisensie vir die dryf van 'n 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, uitgenomie pluimveevelis, verkoop of verruil.);

(3) in Item 2—

- (a) paragraaf (4) deur die volgende paragraaf te vervang;
"(4) Hierdie lisensie is geldig vir die hele Provincie: Met dien verstande dat 'n afsonderlike lisensie vir elke besigheidspersel in die Provincie vereis word."); en
- (b) deur paragraaf (D) van die "Vrystellings" te skrap;

(4) in Item 3—

- (4) in Item 3—
- (a) by the substitution for subparagraph (b)(i) of paragraph (1) of the following subparagraph:
- “(i)(aa) where the average value of stock on hand does not exceed R4 000: R30 per year;
- (bb) where a manufacturer is not exempted from licensing as contemplated in section 59(4)(a)(i) of the Ordinance and carries on business (other than the sale of goods by retail) in, on or from business premises other than the business premises where the goods are manufactured or produced: R30 per year, irrespective of the value of the stock on hand held at such other business premises;”;
- (b) by the substitution for subparagraph (e), (f) and (g) of paragraph (3) of the following subparagraphs:
- “(e) hides and skins; and
- (f) raw meat, raw venison, raw flesh of poultry or raw fish, which meat or fish has been supplied in a frozen ready-packed, wrapped or processed form by a holder of a licence referred to in Item 40, 50 or 51, as the case may be.”; and
- (c) by the substitution for paragraph (A) of the “Exemptions” of the following paragraph:
- “(A) A *bona fide* farmer, including a *bona fide* grower, who cultivates, produces or grows fruit, vegetables, plants or cut-flowers or who breeds animals or who buys such products or animals in the normal course of his farming or growing operations; in respect of the sale of these products or live animals thus bred or bought, on any land which he occupies lawfully for the purposes of such operations.”;
- (5) in Item 6 by the substitution for paragraphs (2) and (3) of the following paragraphs:
- “(2) This licence shall be required by a person who carries on business by cutting, shaving, washing, waving, straightening or otherwise treating the hair, including a wig, or beard of any other person.
- “(3) A holder of this licence may also in terms thereof sell wigs, toilet, hairdressers’ and smokers’ requisites and manicure the nails of any other person.”;
- (6) by the deletion of Item 10;
- (7) in Item 11 by the substitution for paragraph (2) of the following paragraph:
- “(2) This licence shall be required by a person who carries on business in, on or from a business premises 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 other waste material.”;
- (8) in Item 13—
- (a) by the substitution for paragraphs (2) and (3) of the following paragraphs:
- (a) subparagraaf (b)(i) van paragraaf (1) deur die volgende subparaaf te vervang:
- (i)(aa) waar die gemiddelde waarde van die voorraad voorhande hoogstens R4 000 is: R30 per jaar;
- (bb) waar ’n fabrikant, nie van licensieëring vrygestel is nie soos beoog in artikel 59 (4)(a)(i) van die Ordonnansie en besigheid dryf (uitgesonderd die verkoop van goedere by die klein maat) in, op of vanaf ’n ander besigheidsperseel as die besigheidsperseel waar die goedere vervaardig of geproduseer word: R30 per jaar, ongehande wat by sodanige ander besigheidsag wat die waarde is van die voorraad voorhande wat by sodanige ander besigheidsperseel gehou word;”;
- (b) subparagrawe (e), (f) en (g) van paragraaf (3) deur die volgende subparagrawe te vervang:
- “(e) huide en velle; en
- (f) rou vleis, rou wildsvleis, rou pluimveevleis of rou vis welke vleis of vis in ’n bevroe klap verpakte, toegedraaide of geprosesseerde vorm deur ’n houer van ’n lisensie in Item 40, 50 of 51 genoem, na gelang van die geval, verskaf is.”; en
- (c) paragraaf (A) van die “Vrystellings” deur die volgende paragraaf te vervang:
- “(A) ’n *Bona fide* boer, met inbegrip van ’n *bona fide* kwicker, wat vrugte, groente, plante of snyblomme verbou, produseer of kweek of wat diere teel of wat sodanige produkte of diere in die normale loop van sy boerdery- of kwekerybedrywighede aankoop, ten opsigte van die verkoop van daardie produkte of lewendie diere aldus geteel of aangekoop op enige grond wat hy wettiglik vir die doelendes van sodanige bedrywighede okkupeer.”;
- (5) In Item 6 paragrawe (2) en (3) deur die volgende paragrawe te vervang:
- “(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur iemand anders se hare, met inbegrip van ’n pruik, of baard te sny, te skeer, te was, te krul, reguit te maak of andersins te behandel.
- “(3) ’n Houer van hierdie lisensie kan daarkragtens ook pruike, toilet-, haarkappers- en rokersbenodigdheide verkoop en die naels van iemand anders versorg.”;
- (6) Item 10 te skrap;
- (7) in Item 11 paragraaf (2) deur die volgende paragraaf te vervang:
- “(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in, op of vanaf ’n besigheidsperseel bene of enige van die volgende gebruikte goedere te koop, te verkoop of te ruil:
- Klerasic, skoeisel, timmerhout, boustene of -blokke, boumateriaal of -toebehore, uitgediende masjinerie, dromme, blikke, bottels, pakkiste, dose, kratte of ander houers, metaal, vodde, sakke, papier of ander afvalmateriaal.”;
- (8) in Item 13—
- (a) paragrawe (2) en (3) deur die volgende paragrawe te vervang:

- "(2) This licence shall be required by a person who carries on business in, on or from a business premises by buying, selling, exposing for sale, exchanging or hiring out motor vehicles.
- (3) A holder of this licence may also in terms thereof buy, sell or exchange caravans, trailers, tractors, agricultural implements, irrigation machinery, self-propelled machinery and self-propelled vehicles which are not motor vehicles.;" and
- (b) by the substitution for subparagraph (a) of paragraph (4) of the following subparagraph:
- "(a) 'motor vehicle' means a self-propelled vehicle which has been designed principally for the conveyance on a public road of passengers or goods or both;";
- (9) by the deletion of Item 14;
- (10) in Item 20—
- (a) by the substitution in subparagraph (i) of paragraph (3) for the word "fish" where it appears the first time of the word "flesh"; and
- (b) by the insertion after paragraph (3) of the following paragraph:
- "(4) A holder of this licence may also in terms thereof of fry fish or fish and potatoes or subject it to any other process of preparation and sell or supply it for consumption on or off the business premises.".
- (11) by the insertion after Item 27 of the following Item:
- "Item 27A: Motor Driving School.
- (1)(a) Application fee: R10.
- (b) Licence fee: R30 per year.
- (2) This licence shall be required by a person who as principal carries on business by—
- (a) instructing any person or having such person instructed in the driving of a motor vehicle;
- (b) teaching any person or causing such person to be taught the rules of the road, the road traffic and the road signs; or
- (c) supervising any person or having such person supervised while such person drives a motor vehicle on a public road.";
- (12) in Item 28—
- (a) by the substitution for paragraph (2) of the following paragraph:
- "(2) This licence shall be required by a person who carries on business—
- (a) in, on or from a business premises by repairing (including panel beating), spray painting, upholstering, renovating, servicing, dismantling, washing or cleaning motor vehicles or spares thereof;
- (b) by making available on business premises a machine, an apparatus or any other facility for any purpose referred to in subparagraph (a); or
- (c) in, on or from business premises by building a permanent structure on a motor vehicle.";

- "(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in, op of vanaf 'n besigheidspersel motorvoertuie, te koop, vir verkoop uit te stal, te ruil of te verhuur.
- (3) 'n Houer van hierdie lisensie kan daarkragtens ook trekkers, voorwaens, sleepwaens, landbouimemente, besproeiingsmasjinerie, selfgedrewe masjinerie en selfgedrewe voertuie, wat nie motorvoertuie is nie, koop, verkoop of ruil."; en
- (b) subparagraph (a) van paragraaf (4) deur die volgende subparagraph te vervang:
- "(a) 'motorvoertuig' 'n selfgedrewe voertuig wat ontwerp is hoofsaaklik vir die vervoer op 'n openbare pad van passasiers of goedere of albei;"
- (9) Item 14 te skrap;
- (10) in Item 20—
- (a) die woord "fish" waar dit die eerste keer in subparagraph (i) van paragraaf (3) van die Engelse teks voorkom, deur die woord "flesh" te vervang; en
- (b) na paragraaf (3) die volgende paragraaf in te voeg:
- "(4) 'n Houer van hierdie lisensie kan daarkragtens ook vis of vis en ertappels bak of andersinds gaarmaak en dit vir verbruik op of weg van die besigheidspersel verkoop of verskaf.";
- (11) na Item 27 die volgende Item in te voeg:
- "Item 27A: Motorbestuurskool.
- (1)(a) Aansoekgeld: R10.
- (b) Licensiegeld: R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat as prinsipaal besigheid dryf deur—
- (a) iemand te onderrig of te laat onderrig in die bestuur van 'n motorvoertuig;
- (b) iemand die padreëls, die padverkeerstekens en die padtekens te leer of te laat leer; of
- (c) oor iemand toesig te hou of te laat hou terwyl so iemand 'n motorvoertuig op 'n openbare pad bestuur.";
- (12) in Item 28—
- (a) in paragraaf (2) deur die volgende paragraaf te vervang:
- "(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur—
- (a) in, op of vanaf 'n besigheidspersel motorvoertuie of onderdele daarvan te herstel (met inbegrip van duike uit te klop), te sputterf, te stoffeer, op te knap, te versien, te demonstreer, te was of skoon te maak;
- (b) in, of op 'n besigheidspersel 'n masjien, apparaat of enige ander fasilitet vir enige doel in subparagraph (a) genoem beskikbaar te stel; of
- (c) in, op of vanaf 'n besigheidspersel 'n permanente struktuur op 'n motorvoertuig te bou.";

- (b) by the substitution for subparagraph (b) of paragraph (3) of the following subparagraph:
- “(b) buy, sell or exchange motor vehicles, tractors, caravans, trailers, agricultural implements, irrigation machinery, self-propelled machinery and self-propelled vehicles which are not motor vehicles;”; and
- (c) by the substitution for subparagraph (a) of paragraph (4) of the following subparagraph:
- “(a) ‘motor vehicle’ means a self-propelled vehicle which has been designed principally for the conveyance on a public road of passengers or goods, or both; and”;
- (13) in Item 30 by the substitution for paragraph (4) of the following paragraph:
- “(4) This licence shall be valid for the whole Province: Provided that a separate licence shall be required for every business premises in the Province.”;
- (14) in Item 31 by the substitution in subparagraph (1)(b)(i) for the expression “R20” of the expression “R30”;
- (15) in Item 36 —
- (a) by the substitution for paragraphs (2) and (3) of the following paragraphs:
- “(2) This licence shall be required by a person who carries on business by canvassing or accepting orders for the supply of any goods including instruction, health courses, physical culture courses, slimming or similar courses, by mail or by using samples of any goods or a catalogue or advertisement in which the goods or courses are described or illustrated.
- (3) This licence is valid for the whole Province: Provided that a separate licence shall be required for every business premises in the Province.”; and
- (b) by the substitution for paragraph (A) of the “Exemptions” of the following paragraph:
- “(A) The holder of a licence in terms of any other provision of this Ordinance which authorizes him to sell or supply any goods referred to in paragraph (2).”;
- (16) by the insertion after Item 36 of the following Item:
- “Item 36A: Private Investigator.
- (1)(a) Application fee: R10.
- (b) Licence fee: R30 per year.
- (2) This licence shall be required by a person who as principal or as a representative, agent or employee of such principal carries on business by instituting investigations, obtaining information or tracing persons on instruction of another person.
- (3) This licence shall be valid for the whole Province.”;
- (17) in Item 39 —
- (a) by the substitution for the heading “Debt Collector and Tracer” of the heading “Debt Collector”;
- (b) by the substitution for subparagraphs (b), (c) and (d) of paragraph (2) of the following subparagraphs:
- (b) subparagraph (b) van paragraaf (3) deur die volgende subparagraph te vervang:
- “(b) motorvoertuie, trekkers, woonwaens, sleepwaens, landbou-implemente, besproeiingsmasjinerie, selfgedrewe masjinerie en selfgedrewe voertuie wat nie motorvoertuie is nie koop, verkoop of verruil;”; en
- (c) subparagraph (a) van paragraaf (4) deur die volgende subparagraph te vervang:
- “(a) ‘motorvoertuig’ ’n selfgedrewe voertuig wat ontwerp is hoofsaaklik vir die vervoer op ’n openbare pad van passasiers of goedere, of albei; en”;
- (13) in Item 30 paragraaf (4) deur die volgende paragraaf te vervang:
- “(4) Hierdie lisensie is geldig vir die hele Provinsie: Met dien verstande dat ’n afsonderlike lisensie vir elke besigheidspersel in die Provinsie vereis word.”;
- (14) in Item 31 die uitdrukking “R20” in paragraaf (1)(b)(i) deur die uitdrukking “R30” te vervang;
- (15) in Item 36 —
- (a) paragrawe (2) en (3) deur die volgende paragrawe te vervang:
- “(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur bestellings vir die verskaffing van enige goedere, onderrig-, gesondheids-, liggaamsontwikkeling-, verslankings- of soortgelyk 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 kursusse beskryf of geïllustreer word, te werf of aan te neem.
- (3) Hierdie lisensie is geldig vir die hele Provinsie: Met dien verstande dat ’n afsonderlike lisensie vir elke besigheidspersel in die Provinsie vereis word.”; en
- (b) paragraaf (A) van die “Vrystellings” deur die volgende paragraaf te vervang:
- “(A) ’n Houer van ’n lisensie ingevolge enige ander bepaling van hierdie Ordonnansie wat hom magtig om enige goedere in paragraaf (2) genoem, te verkoop of te verskaf.”;
- (16) na Item 36 die volgende Item in te voeg:
- “Item 36A: Privaatondersoeker.
- (1)(a) Aansoekgeld: R10.
- (b) Licensiegeld: R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat as prinsipaal of as verteenwoordiger, agent of werknemer van sodanige prinsipaal besigheid dryf deur in opdrag van iemand anders ondersoeke in te stel, inligting te bekom of persone op te spoor.
- (3) Hierdie lisensie is geldig vir die hele Provinsie.”;
- (17) in Item 39 —
- (a) die opschrift “Skuldinvorderaar en Opspoorder” deur die opschrift “Skuldinvorderaar” te vervang;
- (b) subparagrawe (b), (c) en (d) van paragraaf (2) deur die volgende subparagrawe te vervang:

- "(b) receiving money from a debtor on the undertaking to pay it to the creditor concerned; or
- (c) settling the debt of a debtor or undertaking to do so after such debtor has undertaken that he will pay the amount so settled to the debt collector."; and
- (c) by the substitution for paragraph (3) of the following paragraph:

"(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.";

(18) in Item 41 —

- (a) by the substitution for the expression that proceeds subparagraph (a) of paragraph (2) of the following expression:

"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' or 'exchanging' or offering or exposing for sale or exchange goods, wares, foodstuffs, produce or live animals—";

- (b) by the substitution for paragraph (4) of the following paragraph:

"(4) For the purpose of paragraph (2)(c) 'place' includes a building or a part thereof."; and

- (c) by the substitution for paragraphs (A), (B) and (C) under the heading "Exemptions from licensing" of the following paragraphs:

"(A) A *bona fide* farmer, including a *bona fide* grower, who cultivates, produces or grows fruit, vegetables, plant or cut-flowers or who breeds animals or who buys such products or animals in the normal course of his farming or growing operations, in respect of the sale outside a municipality of such products or live animals by him or his employee.

(B) A holder of a licence referred to in Item 25, in respect of the carrying on of business as contemplated in paragraph (2), outside a municipality in milk produced by him or in milk products made therefrom by him.

"(C) A person who carries on business by 'selling', 'exchanging' or 'offering' or 'exposing for sale' or 'exchange' —

(i) newspapers or magazines; or

(ii) a programme of a performance of any nature, whether it is written, type-written, printed or produced in any other manner, only.

- (19) in Item 46 by the substitution for the "Exemption" of the following "Exemptions":

"Exemptions."

(A) 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.

(B) The holder of a licence referred to in Item 28, in respect of the making available of any machine, apparatus or other facility for any purpose referred to in paragraph (2)(a) of that Item.";

- "(b) geld van 'n skuldenaar te ontvang met die onderneming om dit aan die betrokke skuldeiser te betaal; of
- (c) 'n skuldenaar se skuld te vereffen of te ondernem om dit te doen, nadat sodanige skuldenaar ondernem het dat hy die bedrag aldus vereffen aan die skuldinvorderaar sal betaal.;"
- (c) paragraaf (3) deur die volgende paragraaf te vervang:

"(3) Hierdie lisensie is geldig vir die hele Provinsie: Met dien verstaande dat 'n afsonderlike lisensie vir elke besigheidspersel in die Provinsie vereis word.";

(18) in Item 41 —

- (a) die uitdrukking wat subparagraph (a) van paragraaf (2) voorafgaan, deur die volgende uitdrukking te vervang:

"Hierdie lisensie word, behoudens die bepalings van paragraaf (5), vereis van iemand wat as principaal, agent of werknemer besigheid dryf deur goedere, ware, voedsel, produkte of lewende diere—";

- (b) paragraaf (4) deur die volgende garagraaf te vervang:

"(4) Vir die toepassing van paragraaf (2)(c), omvat 'plek' ook 'n gebou of 'n gedeelte daarvan."; en

- (c) paragrawe (A), (B) en (C) onder die opskrif "Vrystelling van lisensiëring" deur die volgende paragrawe te vervang:

"(A) 'n *Bona fide* boer, met inbegrip van 'n *bona fide* kweker, wat vrugte, groente, plante of snyblomme verbou, produseer of kweek of wat diere teel of wat sodanige produkte of diere in die normale loop van sy boerdery- of kwekerybedrywigheude aankoop ten opsigte van die verkoop buite 'n munisipaliteit van sodanige produkte of lewende diere deur hom of sy werknemer.

(B) 'n Houer van 'n lisensie in Item 25 genoem, ten opsigte van die dryf van besigheid, soos in paragraaf (2) beoog, buite 'n munisipaliteit in melk wat deur hom geproduseer is of melkprodukte wat daarvan deur hom gemaak is.

(C) Iemand wat besigheid dryf deur slegs —

(i) nuusblaale of tydskrifte; of

(ii) 'n program van 'n verrigting van enige aard, hetsy dit geskryf, getik, gedruk of op enige ander wyse gereproduuseer is, te verkoop, verruil of vir verkoop aan te bied of uit te stal.";

- (19) in Item 46 van die "Vrystelling" deur die volgende vrystellings te vervang:

"Vrystellings."

(A) 'n Houer van 'n lisensie waarkragtens hy enige van die goedere in paragraaf (2) genoem, kan verkoop of vir verkoop kan aanbied of uitstal ten opsigte van die uitverhuur van sodanige goedere.

(B) Die houer van 'n lisensie in Item 28 genoem, ten opsigte van die beskikbaarstelling van enige masjien, apparaat of ander fasiliteit vir enige doel in paragraaf (2)(a) van daardie Item genoem.";

(20) by the insertion after Item 46 of the following Item:

"Item 47: Salesman.

(1)(a) Application fee: R1.

(b) Licence fee: R1 per calendar month or R5 per year.

(2) This licence shall be required by a person who keeps samples only of goods and two carries on business as a principal by travelling or going about and who, at any place away from business premises, 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 goods as per sample.

(3) The 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).";

(21) in Item 48 —

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

"(1)(a) Application fee, irrespective of the number of vending machines for which a licence is applied for at a time: R5.

(b) Licence fee... per vending machine in the licensing area of a licensing board: R1 per year."; and

(b) by the substitution for paragraph (4) of the following paragraph:

"(4) This licence shall be valid for the whole licensing area of a licensing board.";

(22) in Item 49 by the substitution for subparagraph (c) of paragraph (2) of the following subparagraph:

"(c) a dance studio, that is to say, a place where instruction in any form of dancing is given;"

(23) in Item 50 by the substitution for the heading "Fishmonger and Fishfrier." of the heading "Fishmonger or Fishfrier.";

(24) in Item 52 by the substitution for the "Exemption" of the following "Exemption":

"Exemption.

A bona fide farmer, including a bona fide grower, who cultivates, produces or grows fruit, vegetable, plants or plants or cut-flowers or who buys such products in the normal course of his farming or growing operations, in respect of the sale of such, products on any land which he occupies lawfully for the purpose of such operations.";

(25) in Item 55 —

(a) by the substitution for subparagraphs (k) and (l) of paragraph (2) of the following paragraphs:

"(k) repairing television, electrical or other domestic appliances and apparatus;

(l) doing the work of a blacksmith or farrier;

(20) na Item 46 die volgende item in te voeg:

"Item 47: Verkoopsman.

(1)(a) Aansoekgeld: R1.

(b) Licensiegeld: R1 per kalendermaand of R5 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 besigheidspersel, van iemand anders wat nie ingevolge die bepalings van hierdie Ordonnansie gelinsensicer is nie of wat nie 'n fabrikant is nie bestellings vir die verkoop of verskaffing van goedere soos per monster te werf of aan te neem.

(3) Hierdie lisensie is geldig vir die hele Provincie en magtig die houer daarvan om goedere waarvoor hy 'n bestelling aangeneem het af te lever 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.:";

(2) in Item 48 —

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

"(1)(a) Aansoekgeld, ongeag die aantal verkoopsoutomate waarvoor op 'n keer om 'n lisensie aansoek gedoen word: R5.

(b) Licensiegeld... per verkoopsoutomaat in die lisensiegebied van 'n lisensieraad: R1 per jaar."; en

(b) paragraaf (4) deur die volgende paragraaf te vervang:

"(4) Hierdie lisensie is geldig vir die hele lisensiegebied van 'n lisensieraad.";

(22) in Item 49 subparagraph (c) van paragraaf (2) deur die volgende subparagraph te vervang:

"(c) 'n dansateljee, dit wil sê, 'n plek waar onderrig in enige vorm van dans gegee word;"

(23) in Item 50 die opschrift "Vishandelaar en -Bakker" deur die opschrift "Vishandelaar of -Bakker" te vervang;

(24) in Item 52 die "Vrystelling" deur die volgende "Vrystelling" te vervang:

"Vrystelling.

'n Bona fide boer, met inbegrip van 'n bona fide kweker, wat vrugte, groente, plante of snyblomme, verbou, produseer, kweek of in die normale loop van sy boerdery of kwekerybedrywighede aankoop, ten opsigte van die verkoop van sodanige produkte op enige grond wat hy wettiglik vir die doeleindes van sodanige bedrywighede okkypeer.",

(25) in Item 55 —

(a) subparagraphs (k) en (l) van paragraaf (2) deur die volgende subparagraphs te vervang:

"(k) televisie, elektriese of ander huishoudelike toestelle en apparate te herstel;

(l) grof- of hoefsmidwerk te doen;

- (m) doing fitting or turning; or
- (n) constructing and assembling cycles for the purpose of selling all or some of them by retail or repairing cycles."; and
- (b) by the substitution for the "Exemption" of the following "Exemption":

"Exemptions."

(A) A holder of a licence referred to in Item 28, in respect of the business which he may carry on in terms thereof.

(B) The occupier of a factory as defined in section 3 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), and where more than ten persons perform work in connection with one or more of the activities referred to in paragraph (2).

(C) A builder, contractor, artisan or other person in respect of the carrying out of any of the activities referred to in paragraph (2) in the fulfilment of a contract to do work or as part of work done by him in a workshop on the premises where such contract is executed."

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Administrator's Notice 1383 21 November, 1979

LICENCES ORDINANCE, 1974 (ORDINANCE 19 OF 1974): AMENDMENT OF LICENCES REGULATIONS.

In terms of section 61(1) of the Licenses Ordinance, 1974 (Ordinance 19 of 1974), the Administrator hereby amends the Licenses Regulations, promulgated by Administrator's Notice 1782 of 1 October 1974, as set out in the Schedule hereto.

SCHEDULE.

1. The "Division of Regulations" is hereby amended by—
 - (a) the insertion after the expression "5. Poster and newspaper notice of submission of an application for the issue of a new licence." of the following expression:

"5A. Businesses in respect of which inspection fees shall not be levied.", and
 - (b) the substitution for the expression "22. Procedure in relation to the inspection of records and documents." of the expression "22. Procedure in relation to the inspection of the record of the proceedings of a licensing board or a licensing appeal board."
2. Regulation 2(1) is hereby amended by—
 - (a) the substitution in paragraph (a) for the figure "15,00" of the figure "36,00" and for the figure "12,50" of the figure "27,00"; and
 - (b) the substitution in paragraph (2) for the figure "26,00" of the figure "53,50" and for the figure "23,50" of the figure "44,50".
3. Regulation 3(1) is hereby amended by the substitution for the expression "R50" of the expression "R108".

- (m) pas- of draaiwerk te doen; of
- (n) fietse op te bou of te monteer met die doel om almal of sommige daarvan in die kleinhandel te verkoop of deur fietse te herstel."; en
- (b) die "Vrystelling" deur die volgende "Vrystellings" te vervang:

"Vrystellings."

(A) 'n Houer van 'n lisensie in Item 28 genoem, ten opsigte van die besigheid wat hy daarkragtens kan dryf.

(B) Die okkuperer van 'n fabriek soos omskryf in artikel 3 van die Wet op Fabrieke, Masjienerie en Bouwerk, 1941 (Wet 22 van 1941), en waar meer as tien persone werk in verband met een of meer van die bedrywighede in paragraaf (2) genoem.

(C) 'n Bouer, kontrakteur, ambagsman of ander persoon ten opsigte van die uitvoering van enige van die bedrywighede in paragraaf (2) genoem in die uitvoering van 'n kontrak om werk te doen of as deel van werk deur hom gedoen in 'n werkswinkel op die perseel waar sodanige kontrak uitgevoer word.'

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Administrateurskennisgewing 1383 21 November 1979

ORDONNANSIE OP LISENSIES, 1974 (ORDONNANSIE 19 VAN 1974): WYSIGING VAN LISENSIEREGULASIES.

Ingevolge artikel 61(1) van die Ordonnansie op Licensies, 1974 (Ordonnansie 19 van 1974), wysig die Administrateur hierby die Licensieregulasies, afgekondig by Administrateurskennisgewing 1782 van 1 Oktober 1974, soos in die Bylae hierby uiteengesit.

BYLAE.

1. Die "Indeling van Regulasies" word hierby gewysig deur—
 - (a) na die uitdrukking "5. Plakkaat- en nuusbladkennisgewing van indiening van 'n aansoek om die uitreiking van 'n nuwe lisensie.", die volgende uitdrukking in te voeg:

"5A. Besighede ten opsigte waarvan inspeksiegeld nie gehef word nie.>"; en
 - (b) die uitdrukking "22. Prosedure met betrekking tot die insae in rekords en dokumente." deur die uitdrukking "22. Prosedure met betrekking tot die insae in die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad." te vervang.
2. Regulasie 2(1) word hierby gewysig deur—
 - (a) in paragraaf (a) die syfer "15,00" deur die syfer "36,00" en die syfer "12,50" deur die syfer "27,00"; en
 - (b) in paragraaf (b) die syfer "26,00" deur die syfer "53,50" en die syfer "23,50" deur die syfer "44,50", te vervang.
3. Regulasie 3(1) word hierby gewysig deur die uitdrukking "R50" deur die uitdrukking "R108" te vervang.

4. The following regulation is hereby substituted for regulation 5:

"Poster and newspaper notice of submission of an application for the issue of a new licence."

5.(1)(a) Where an application for the issue of a new licence is submitted in terms of section 12 of the Ordinance to carry on a business referred to in—

(i) Items 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 24, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, 38, 40, 43, 45, 46, 49, 50, 51, 52, 53, 54, 55;

(ii) Items 2 and 36, in, or from business premises which is not used as an office only; and

(iii) in so far as it relates to the sale of foodstuffs, Item 48.

of Schedule I to the Ordinance, the secretary of the licensing board concerned shall furnish the applicant with a poster notice, in the form prescribed as Form L.2 in the Schedule hereto which shall be in both official languages and on which the date of issue has been endorsed by means of an official stamp of such licensing board, in order to enable him to give notice of the application concerned as prescribed in this regulation.

(b) The applicant shall, within 3 days after the submission of an application contemplated in paragraph (a) display the poster notice, duly completed, on the business premises concerned in a conspicuous place where it will be clearly visible and legible from a public road, public street or other public place, by affixing it to—

(i) the inside or the outside of the business premises, where it is a building or part of a building; or

(ii) in every other case, a board attached to a pole which has been firmly planted in the ground, on or as near as possible to the business premises concerned,

and shall maintain such notice in a clearly legible condition for a continuous period of 21 days from the date of issue thereof: Provided that where business premises are situated so far away from a public road, public street or other public place that a poster notice will not be clearly visible and legible therefrom, the poster notice shall be displayed and maintained in the manner prescribed in this paragraph at every private entrance to the business premises concerned at the place or places where such entrance or entrances link up with such public road, public street or other public place.

(2)(a) Within 14 days after the date of the submission of an application for the issue of a new licence in terms of section 12 of the Ordinance to carry on a business referred to in—

(i) Items 17, 27A, 36A, 39, 44;

(ii) Items 2 and 36, in, on or from business premises which are used as an office only; and

(iii) in so far as it does not relate to a producer of agricultural produce, Item 41

4. Regulasie 5 word hierby deur die volgende regulasie vervang:

"Plakkaat- en nuusbladkennisgewing van indiening van 'n aansoek om die uitreiking van 'n nuwe lisensie."

5.(1)(a) Waar 'n aansoek om die uitreiking van 'n nuwe lisensie ingevolge artikel 12 van die Ordonnansie ingedien word vir die dryf van 'n besigheid genoem in—

(i) Items 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 24, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, 38, 40, 43, 45, 46, 49, 50, 51, 52, 53, 54, 55;

(ii) Items 2 en 36, in, op of vanaf 'n besigheidsperseel wat nie slegs as 'n kantoor gebruik word nie; en

(iii) sover dit op die verkoop van voedsel betrekking het, Item 48.

van Bylae 1 by die Ordonnansie, voorsien die sekretaris van die betrokke lisensieraad aan die aansoeker 'n plakkaatkennisgewing, in die vorm van Vorm L.2 in die Bylae hierby voorgeskryf wat in albei amptelike tale moet wees en waarop die datum van uitreiking by wyse van 'n amptelike stempel van sodanige lisensieraad gendosseer is, ten einde hom in staat te stel om kennis te kan gee van die betrokke aansoek soos in hierdie regulasie voorgeskryf.

(b) Die aansoeker moet, binne 3 dae na die indiening van 'n aansoek in paragraaf (a) beoog, die plakkaatkennisgewing, behoorlik voltooi, op die betrokke besigheidsperseel in 'n opvallende plek waar dit duidelik sigbaar en leesbaar sal wees vanaf 'n openbare pad, openbare straat of openbare plek vertoon deur dit vas te heg aan—

(i) die binne- of buitekant van die besigheidsperseel, waar dit 'n gebou of 'n gedeelte van 'n gebou is; of

(ii) in elke ander geval, 'n aanplakbord wat vasgeheg is aan 'n paal wat op of so na as moontlik aan die betrokke besigheidsperseel stewig in die grond geplant is,

en hy, hou sodanige kennisgewing in 'n duidelik leesbare toestand in stand vir 'n aaneenlopende tydperk van 21 dae vanaf die datum van uitreiking daarvan: Met dien verstande dat waar 'n besigheidsperseel so ver weg van 'n openbare pad, openbare straat of ander openbare plek geleë is dat 'n plakkaatkennisgewing daarvandaan nie duidelik sigbaar en leesbaar sal wees nie, die plakkaatkennisgewing op die wyse in hierdie paragraaf voorgeskryf, vertoon en in stand gehou word by elke private ingang na die betrokke besigheidsperseel op die plek of plekke waar sodanige ingang of ingange by sodanige openbare pad, openbare straat of ander openbare plek aansluit.

(2)(a) Binne 14 dae na die datum van die indiening van 'n aansoek om die uitreiking van 'n nuwe lisensie ingevolge artikel 12 van die Ordonnansie vir die dryf van 'n besigheid genoem in—

(i) Items 17, 27A, 36A, 39, 44;

(ii) Items 2 en 36, in, op of vanaf 'n besigheidsperseel wat slegs as 'n kantoor gebruik word; en

(iii) vir sover dit nie op 'n produsent van landbouprodukte betrekking het nie, Item 41

of Schedule I to the Ordinance, the applicant shall, subject to the provisions of paragraph (c), cause a notice, in the form prescribed as Form L.3 in the Schedule hereunto, to be published simultaneously in an Afrikaans and English newspaper circulating in the licensing area of the licensing board concerned in which notice is given that he has submitted such an application.

(b) The notice concerned shall be published in the official language in which such newspaper is published.

(c) Where a newspaper published substantially in both official languages is in circulation in the licensing area concerned, the notice may be published in both official languages in such a newspaper: Provided that the notice in each language shall substantially take up the same space.

(3) Within 10 days after the publication of a notice referred to in subregulation (2), the applicant shall transmit to the secretary of the licensing board concerned a specimen of the relevant page of each newspaper in which the notice appeared or a copy of the notice attached to a certificate issued by the printer or publisher of the newspaper concerned stating the date on which the notice was published."

5.(1) The following regulation is hereby inserted after regulation 5:

"Businesses in respect of which inspection fees shall not be levied.

SA. The fees contemplated in section 63(1)(c) of the Ordinance shall not be levied in respect of an application for the issue of a new licence to carry on a business referred to in Items 17, 29, 36A, 39, 44, 47 and, where a vending machine is not used for the selling of food, Item 48 of Schedule I to the Ordinance."

(2) Subregulation (1) shall come into operation on 1 January, 1980.

6. Regulation 7(1) is hereby amended by the substitution for the proviso thereto of the following proviso:

"Provided that in the case of an application for the issue of a new licence to carry on a business referred to in regulation 5(2)(a), such objection shall be lodged within 14 days after the date of publication of the notice referred to in that regulation."

7. Regulation 15 is hereby amended by the substitution —

- in subregulation (1) for the expression "7 days" of the expression "14 days";
- in subregulation (2) for the expression "14 days" of the expression "21 days"; and
- in the Afrikaans text of paragraph (a) of subregulation (2) for the word "applicant" of the word "appellant".

8. Regulation 20 is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) Subject to the provisions of subregulations (1) and (2), the minutes of the proceedings and the record of the evidence which a secretary of a licensing board or licensing appeal board shall keep in terms of sections

van Bylae I by die Ordonnansie laat die aansoeker, behoudens die bepalings van paraaf (c), 'n kennisgewing, in die vorm wat as Vorm L.3 in die Bylae hierby voorgeskryf word, gelykydig in 'n Afrikaanse en Engelse nuusblad wat in die lisensiegebied van die betrokke lisensieraad in omloop is, publiseer waarin kennisgegee word dat hy sodanige aansoek ingedien het.

(b) Die betrokke kennisgewing word in die amptelike taal waarin sodanige nuusblad uitgegee word, gepubliseer.

(c) Waar 'n nuusblad wat wesentlik in albei amptelike tale uitgegee word in die betrokke lisensiegebied in omloop is, kan die kennisgewing in albei amptelike tale in so 'n nuusblad gepubliseer word: Met dien verstande dat die kennisgewing in elke taal wesentlik dieselfde ruimte in beslag neem.

(3) Binne 10 dae na die publikasie van 'n kennisgewing in subregulasie (2) genoem, stuur die aansoeker aan die sekretaris van die betrokke lisensieraad 'n eksemplaar van die betrokke bladsy van elke nuusblad waarin die kennisgewing verskyn het of 'n afskrif van die kennisgewing wat geheg is aan 'n sertifikaat uitgereik deur die drukker of die uitgawer van die betrokke nuusblad wat die datum waarop so 'n kennisgewing gepubliseer is, vermeld."

5.(1) Die volgende regulasie word hereby na regulasie 5 ingevoeg:

"Besigheide ten opsigte waarvan inspeksiegelde nie gehef word nie.

5A. Die geldende in artikel 63(1)(c) van die Ordonnansie bedoel, word nie ten opsigte van 'n aansoek om die uitreiking van 'n nuwe lisensie vir die dryf van 'n besigheid genoem in Item 17, 29, 36A, 39, 44, 47 en, waar 'n verkoopsoutomaat nie vir die verkoop van voedsel gebruik word nie, Item 48 van Bylae I by die Ordonnansie gehef nie."

(2) Subregulasie (1) tree op 1 Januarie 1980 in werking.

6. Regulasie 7(1) word hereby gewysig deur die voorbehoudsbepaling daarby deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat in die geval van 'n aansoek om die uitreiking van 'n nuwe lisensie vir die dryf van 'n besigheid in regulasie 5(2)(a) genoem, sodanige beswaar binne 14 dae na die datum van publikasie van die kennisgewing in daardie regulasie genoem, ingedien moet word."

7. Regulasie 15 word hereby gewysig deur —

- in subregulasie (1) die uitdrukking "7 dae" deur die uitdrukking "14 dae";
- in subregulasie (2) die uitdrukking "14 dae" deur die uitdrukking "21 dae"; en
- in paragraaf (a) van subregulasie (2) die woord "applicant" deur die woord "appellant", te vervang.

8. Regulasie 20 word hereby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Behoudens die bepalings van subregulasies (1) en (2), kan die notule van die verrigtinge en die rekord van die getuienis wat 'n sekretaris van 'n lisensieraad of lisensie-appelaad ingevolge artikel 22(1), 34(2) en 47(1)

22(1), 34(2) and 47(1) of the Ordinance may be recorded by hand or by mechanical means: Provided that where such proceedings or evidence were recorded in shorthand or by mechanical means and any person who, in terms of the provisions of the Ordinance or these Regulations, is entitled to inspect such minutes or record or to make a copy thereof or an extract therefrom wishes to do so, the relevant portion of such minutes or record shall be transcribed and certified as correct by the secretary of the licensing board or licensing appeal board concerned or by any person authorized thereto by such secretary before such portion of such minutes or record is made available to such person: Provided further that such person may, subject to the provisions of regulation 22, at his own cost re-record the proceedings or evidence which has been recorded by mechanical means.”.

9. The following regulation is hereby substituted for regulation 22:

“Procedure in relation to the inspection of the record of the proceedings of a licensing board or a licensing appeal board.

22.(1) Subject to the provisions of regulation 15(2)(a) and subregulation (2), any person who, in terms of the provisions of the Ordinance or these Regulations, is entitled and wishes to inspect the record of the proceedings of a licensing board or a licensing appeal board or to make a copy, Photostatic copy or a re-recording thereof or an extract therefrom, shall —

- (a) pay an amount of R5,00 to the secretary of the licensing board or licensing appeal board concerned: Provided that where such person requests such secretary —
 - (i) to provide a typed transcription of the record concerned or any part thereof, such transcription may be typed and furnished upon payment of the following additional fees for each A4-size page or portion thereof, typed in —

single spacing	80c;
one and a half spacing	60c; or
double spacing	40c;
 - (ii) to provide a photostatic copy of such record or part thereof, such copy may be made and furnished upon payment of an additional amount of 10c for each A4-size page or portion thereof; or
 - (iii) to re-record the proceedings or the evidence which were recorded by mechanical means, such re-recording may be allowed if such person provides the apparatus and magnetic tape for that purpose;
- (b) on the handing over to him of the relevant record of the proceedings, acknowledge receipt thereof in a book provided for that purpose;
- (c) do the necessary at a place set apart for that purpose; and
- (d) when finished with such record of the proceedings, return it to the secretary concerned who shall make or cause a note to be made thereof in the book referred to in paragraph (b).

van die Ordonnansie moet hou of laat hou, met die hand of op meganiese wyse afgeneem word: Met dien verstande dat waar sodanige verrigtinge of getuienis in snelskrif of op meganiese wyse afgeneem is en iemand wat ingevolge die bepalings van die Ordonnansie of hierdie Regulasies geregtig is om insae in sodanige notule of rekord te hê of om 'n afskrif daarvan of 'n uittreksel daaruit te maak, begerig is om dit te doen, die tersaaklik gedeelte van sodanige notule of rekord getranskribeer en deur die sekretaris van die betrokke lisensieraad of lisensie-appèlraad of deur enige persoon deur sodanige sekretaris daartoe gemagtig, as juis gesertificeer word voordat sodanige gedeelte van sodanige notule of rekord aan sodanige persoon beskikbaar gestel word: Met dien verstande voorts dat so iemand, behoudens die bepalings van regulasie 22, op sy eie koste sodanige verrigtinge of getuienis wat op 'n meganiese wyse afgeneem is, weer kan afneem.”.

9. Regulasie 22 word hierby deur die volgende regulasie vervang:

“Procedure met betrekking tot die insae in die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad.

22.(1) Behoudens die bepalings van regulasie 15(2)(a) en subregulasie (2), moet iemand wat ingevolge die bepalings van die Ordonnansie of hierdie Regulasies geregtig en begerig is om insae in die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad te hê of om 'n afskrif, fotostatiese afdruk of herafneming daarvan of 'n uittreksel daaruit te maak —

- (a) 'n bedrag van R5,00 aan die sekretaris van die betrokke lisensieraad of lisensie-appèlraad betaal: Met dien verstande dat waar so iemand sodanige sekretaris versoek om —
 - (i) 'n getikte transkripsie te verskaf van die betrokke oorkonde of 'n gedeelte daarvan, sodanige transkripsie getik en voorseen kan word teen betaling van die volgende addisionele gelde vir elke A4-grootte bladsy of gedeelte daarvan, getik in —

enkelspasiëring	80c;
een-en-'n-halfspasiëring	60; of
dubbelspasiëring	40c;
 - (ii) 'n fotostatiese afdruk te verskaf van sodanige oorkonde of 'n gedeelte daarvan, sodanige afdruk gemaak en verskaf kan word teen betaling van 'n addisionele bedrag van 10c vir elke A4-grootte bladsy of gedeelte daarvan; of
 - (iii) die verrigtinge of die getuienis wat op 'n meganiese wyse afgeneem is weer af te neem, sodanige herafneming toegelaat kan word indien so iemand die apparaat en magnetiese band vir daardie doel verskaf;
- (b) by die oorhandiging aan hom van die betrokke oorkonde van die verrigtinge, ontvangs daarvan erken in 'n boek wat vir daartie doel beskikbaar gestel word;
- (c) die nodige doen by 'n plek wat vir daardie doel beskikbaar gestel word; en
- (d) wanneer hy met sodanige oorkonde van die verrigtinge klaar is, dit aan die betrokke sekretaris terugbesorg wat 'n aantekening daarvan in die boek in subparagraaf (b) genoem, maak of laat maak,

(2) No person shall mutilate, deface or unlawfully remove the record of the proceedings of a licensing board or licensing appeal board.

(3) Where the State or a local authority wishes to inspect the record of the proceedings of a licensing board or a licensing appeal board or to make a copy thereof or an extract therefrom, it shall be done free of charge.

(4) The secretary of the licensing board or licensing appeal board concerned shall ensure that the report referred to in section 14(1)(a) of the Ordinance is not made available together with the record of the proceedings.”.

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(2) Niemand mag die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad beskadig, ontsier of wederregtelik verwyder nie.

(3) Waar die Staat of 'n plaaslike bestuur begerig is om insae in die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad te hê of om 'n afskrif, afdruk of herafneming daarvan of 'n uittreksel daaruit te maak, geskied dit kosteloos.

(4) Die sekretaris van die betrokke lisensieraad of lisensie-appèlraad maak seker dat die verslag in artikel 14(1)(a) van die Ordonnansie genoem, nie saam met die oorkonde van die verrigtinge beskikbaar gestel word nie.”.

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