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PROKLAMASIES

van die

Staatspresident

van die Republiek van Suid-Afrika

No. R. 13, 1994

WYSIGING VAN DIE REGULASIES BETREFFENDE DIE BROU EN VERKOOP VAN SORGHUMBIEER IN SWART GEBIEDE, 1963 (PROKLAMASIE No. R. 50 VAN 1963)

Kragtens die bevoegdheid my verleen by artikel 87 (1) van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991 (Wet No. 108 van 1991), wysig ek hierby die Regulasies betreffende die Brou en Verkoop van Sorghumbier in Swart Gebiede, 1963 (Proklamasie No. R. 50 van 1963), soos in die Bylae uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vier-entwintigste dag van Januarie Eenduisend Negehoenderd Vier-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. FOURIE,
Minister van die Kabinet.

BYLAE

Wysiging van regulasie 1 van Proklamasie No. R. 50 van 1963

1. Regulasie 1 van die Regulasies betreffende die Brou en Verkoop van Sorghumbier in Swart Gebiede, 1963 (hieronder die Hoofproklamasie genoem), word hierby gewysig —

(a) deur die omskrywing van "Swarte" te skrap;

69589—A

PROCLAMATIONS

by the

State President

of the Republic of South Africa

No. R. 13, 1994

AMENDMENT OF THE REGULATIONS CONCERNING THE BREWING AND SALE OF SORGHUM BEER IN BLACK AREAS, 1963 (PROCLAMATION No. R. 50 OF 1963)

Under the powers vested in me by section 87 (1) of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991), I hereby amend the Regulations concerning the Brewing and Sale of Sorghum Beer in Black Areas, 1963 (Proclamation No. R. 50 of 1963), as set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-fourth day of January, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

A. FOURIE,
Minister of the Cabinet.

SCHEDULE

Amendment of regulation 1 of Proclamation No. R. 50 of 1963

1. Regulation 1 of the Regulations concerning the Brewing and Sale of Sorghum Beer in Black Areas, 1963 (hereinafter referred to as the principal Proclamation), is hereby amended—

(a) by the deletion of the definition of "Black";

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(b) deur die omskrywing van "sorghumbier" deur die volgende omskrywing te vervang:

"(ii) 'sorghumbier'—

(a) die drank wat algemeen as sorghumbier bekend staan en gewoonlik van graansorghum, giers of ander graan vervaardig word; of

(b) enige ander gegiste drank wat in voorkoms en smaak soortgelyk is aan die drank wat algemeen as sorghumbier bekend staan en wat van 'n poeier of stof waarna in die algemeen as 'n kitsbierpoeier verwys word, hetsy met of sonder die toediening van suurdeeg of 'n ander gismiddel, gemaak word; (iv)";

(c) deur die omskrywing van "Kommissaris" te skrap;

(d) deur in die omskrywing van "lisensiehouer" die woorde "of Swart owerheid" te skrap; en

(e) deur die omskrywing van "Sekretaris" deur die volgende omskrywing te vervang:

"(ix) 'Direkteur-generaal' die Direkteur-generaal van 'n provinsiale administrasie, of 'n beampte van daardie provinsiale administrasie wat in die algemeen of met betrekking tot 'n bepaalde aangeleentheid deur die Direkteur-generaal gemagtig is om namens hom op te tree; (x)".

Wysiging van regulasie 2 van Proklamasie No. R. 50 van 1963

2. Regulasie 2 van die Hoofproklamasie word hierby gewysig—

(a) deur in subregulasie (2) die woorde "binne sy regsgebied" te skrap;

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

"(3) Die kennisgewing in subregulasie (2) bedoel, moet afgekondig word—

(a) deur dit op 'n in die oog vallende plek aan te bring by die openbare geboue binne die gebied waarin die betrokke kraal, perseel, plek of omgewing geleë is wat die Direkteur-generaal bepaal; en

(b) deur 'n afskrif daarvan—

(i) aan die kaptein of hoofman binne wie se gebied die betrokke kraal, perseel, plek of omgewing geleë is, indien daar so 'n kaptein of hoofman is, te bestel; en

(ii) aan die hoof van die betrokke kraal of aan die persoon wat die hoof van die bewoners van die betrokke perseel of plek is, te bestel."; en

(c) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) Wanneer enige openbare rusverstoring, wanordelikeheid, oproer of openbare geweldpleging voorkom of dreig by of naby 'n gelisensieerde perseel, kan 'n polisiebeampte met of

(b) by the deletion of the definition of "Commissioner";

(c) by the substitution for the definition of "sorghum beer" of the following definition:

"(iv) 'sorghum beer' means—

(a) the drink generally known as sorghum beer and commonly manufactured from grain sorghum, millet or other grain; or

(b) any other fermented liquor which is similar in appearance and taste to the drink generally known as sorghum beer and which is made, whether with or without the addition of yeast or any other leavening agent, from any powder or substance generally referred to as an instant beer powder; (ii)";

(d) by the deletion in the definition of "licence holder" of the words "or any Black authority"; and

(e) by the substitution for the definition of "Secretary" of the following definition:

"(x) 'Director-General' means the Director-General of a provincial administration, or any officer of that provincial administration authorized in general or in relation to a particular matter by the Director-General to act on his behalf; (ix)".

Amendment of regulation 2 of Proclamation No. R. 50 of 1963

2. Regulation 2 of the principal Proclamation is hereby amended—

(a) by the deletion in subregulation (2) of the words "in his area of jurisdiction;

(b) by the substitution for subregulation (3) of the following subregulation:

"(3) The notice referred to in subregulation (2) shall be published—

(a) by affixing it at a prominent place at such public buildings within the area in which the kraal, site, place or locality concerned is situate as the Director-General may determine; and

(b) by serving a copy thereof—

(i) on the chief or headman in whose area the kraal, site, place or locality concerned is situate, if there is such a chief or headman; and

(ii) on the head of the kraal concerned or on the person who is the head of the residents of the site or place concerned."; and

(c) by the substitution for subregulation (4) of the following subregulation:

"(4) Whenever any public disturbance, disorder, riot or public violence is occurring or threatening at or near any licensed premises, any police officer of or above the rank of warrant

bo die rang van adjudant-offisier die sluiting beveel van so 'n perseel vir die tydperk of gedurende die ure wat so 'n polisiebeampte wenslik ag, en kan hy insgelyks die verkoop of verskaffing van sorghumbier op so 'n perseel verbied."

Wysiging van regulasie 3 van Proklamasie No. R. 50 van 1963

3. Regulasie 3 van die Hoofproklamasie word hierby gewysig deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:

"(c) hy vooraf aan die kaptein of hoofman of, waar daar nie so 'n kaptein of hoofman is nie, die Direkteur-generaal of, waar die Direkteur-generaal 'n beampte gemagtig het om namens hom vir die doeleindes van hierdie paragraaf op te tree, so 'n beampte kennis gegee het van sy voorneme om 'n bierparty te hou."

Wysiging van regulasie 4 van Proklamasie No. R. 50 van 1963

4. Regulasie 4 van die Hoofproklamasie word hierby gewysig deur die woord "tradisionele" deur die woord "inheemse" te vervang.

Wysiging van regulasie 5 van Proklamasie No. R. 50 van 1963, soos gewysig deur Proklamasie No. R. 14 van 1964 en Proklamasie No. R. 265 van 1969

5. Regulasie 5 van die Hoofproklamasie word hierby gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) 'n Persoon wat sorghumbier in 'n Swart gebied wil verkoop, moet 'n aansoek, wesenlik in die vorm soos in Aanhangsel A uiteengesit, by die Direkteur-generaal of, waar die Direkteur-generaal 'n beampte gemagtig het om namens hom vir die doeleindes van hierdie subregulasie op te tree, so 'n beampte indien."

- (b) deur in subregulasie (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Indien die Direkteur-generaal oortuig is dat—";

- (c) deur die voorbehoudsbepaling by genoemde subregulasie (2) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat 'n lisensie nie geweier word nie in die geval van 'n persoon aan wie ingevolge die Drankwet, 1989 (Wet No. 27 van 1989), 'n lisensie vir die verkoop van drank vir verbruik op die betrokke gelisensieerde perseel verleen is."

- (d) deur in subregulasie (3) die woord "wenslik" deur die woord "wesenlik" te vervang;

- (e) deur in subregulasie (5) die woord "Kommissaris" deur die volgende woorde te vervang:

"Direkteur-generaal of, waar die Direkteur-generaal 'n beampte gemagtig het om namens hom vir die doeleindes van hierdie subregulasie op te tree, so 'n beampte"; en

officer may order the closing of such premises for such period or during such hours as as such police officer considers desirable, and he may similarly prohibit the sale or supply of sorghum beer on such premises."

Amendment of regulation 3 of Proclamation No. R. 50 of 1963

3. Regulation 3 of the principal Proclamation is hereby amended by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

"(c) he has given prior notification of his intention to hold a beer party to the chief or headman or, where there is no such chief or headman, the Director-General or, where the Director-General has authorized any officer to act on his behalf for the purposes of this paragraph, any such officer."

Amendment of regulation 4 of Proclamation No. R. 50 of 1963

4. Regulation 4 of the principal Proclamation is hereby amended by the substitution for the word "Black" of the word "indigenous".

Amendment of regulation 5 of Proclamation No. R. 50 of 1963, as amended by Proclamation No. R. 14 of 1964 and Proclamation No. R. 265 of 1969

5. Regulation 5 of the principal Proclamation is hereby amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

"(1) Any person who desires to sell sorghum beer in a Black area shall submit an application, substantially in the form as set out in Annexure A, to the Director-General or, where the Director-General has authorized any officer to act on his behalf for the purposes of this subregulation, any such officer."

- (b) by the substitution in subregulation (2) for the words preceding paragraph (a) of the following words:

"If the Director-General is satisfied that—";

- (c) by the substitution for the proviso to the said subregulation (2) of the following proviso:

"Provided that a licence shall not be refused in the case of a person who has been granted a licence for the sale of liquor for consumption on the licensed premises concerned in terms of the Liquor Act, 1989 (Act No. 27 of 1989).";

- (d) by the substitution in the Afrikaans text of subregulation (3) for the word "wenslik" of the word "wesenlik";

- (e) by the substitution in subregulation (5) for the word "Commissioner" of the following words:

"Director-General or, where the Director-General has authorized any officer to act on his behalf for the purposes of this subregulation, any such officer"; and

- (f) deur in subregulasie (8) die woorde "gelisensieerde perseel", waar dit die tweede keer voorkom, deur die uitdrukking "perseel wat vir dié doel goedgekeur is," te vervang.

Wysiging van regulasie 6 van Proklamasie No. R. 50 van 1963

6. Regulasie 6 van die Hoofproklamasie word hierby gewysig deur subregulasie (1) te skrap.

Wysiging van regulasie 7 van Proklamasie No. R. 50 van 1963

7. Regulasie 7 van die Hoofproklamasie word hierby gewysig deur die tweede voorbehoudsbepaling daarby deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande voorts dat geen sorghumbier op 'n ander "geslote dag", soos omskryf in artikel 2 (1) van die Drankwet, 1989 (Wet No. 27 van 1989), verkoop of verskaf mag word nie."

Wysiging van regulasie 8 van Proklamasie No. R. 50 van 1963

8. Regulasie 8 van die Hoofproklamasie word hierby gewysig deur paragraaf (d) van subregulasie (1) te skrap.

Wysiging van regulasie 9 van Proklamasie No. R. 50 van 1963

9. Regulasie 9 van die Hoofproklamasie word hierby gewysig deur subregulasie (2) te skrap.

Wysiging van regulasie 12 van Proklamasie No. R. 50 van 1963

10. Regulasie 12 van die Hoofproklamasie word hierby gewysig deur paragraaf (e) te skrap.

Wysiging van regulasie 14 van Proklamasie No. R. 50 van 1963

11. Regulasie 14 van die Hoofproklamasie word hierby gewysig deur in paragraaf (b) die uitdrukking "stedelike plaaslike bestuur soos omskryf in artikel een van die Swart (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945)" deur die uitdrukking "plaaslike bestuur soos omskryf in artikel 1 (1) van die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962)" te vervang.

Wysiging van Aanhangsel A by Proklamasie No. R. 50 van 1963

12. Aanhangsel A by die Hoofproklamasie word hierby gewysig—

- (a) deur item 1 van Deel A deur die volgende item te vervang:

"1. Volle name van applikant.....";

- (b) deur in item 17 van genoemde Deel A die woorde "manlike Swartes" deur die woord "persone" te vervang; en

- (c) deur in Deel B die woord "Kommissaris" deur die woorde "Gemagtigde beampte" te vervang.

Wysiging van Aanhangsel B by Proklamasie No. R. 50 van 1963

13. Aanhangsel B by die Hoofproklamasie word hierby gewysig deur die uitdrukking "Kommissaris/Ontvanger van Inkomste" deur die woord "Direkteur-generaal" te vervang.

- (f) by the substitution in subregulation (8) for the words "licenced premises", where they occur for the second time, of the words "premises approved for that purpose".

Amendment of regulation 6 of Proclamation No. R. 50 of 1963

6. Regulation 6 of the principal Proclamation is hereby amended by the deletion of subregulation (1).

Amendment of regulation 7 of Proclamation No. R. 50 of 1963

7. Regulation 7 of the principal Proclamation is hereby amended by the substitution for the second proviso thereto of the following proviso:

"Provided further that no sorghum beer shall be sold or supplied on any other "closed day", as defined in section 2 (1) of the Liquor Act, 1989 (Act No. 27 of 1989)."

Amendment of regulation 8 of Proclamation No. R. 50 of 1963

8. Regulation 8 of the principal Proclamation is hereby amended by the deletion of paragraph (d) of subregulation (1).

Amendment of regulation 9 of Proclamation No. R. 50 of 1963

9. Regulation 9 of the principal Proclamation is hereby amended by the deletion of subregulation (2).

Amendment of regulation 12 of Proclamation No. R. 50 of 1963

10. Regulation 12 of the principal Proclamation is hereby amended by the deletion of paragraph (e).

Amendment of regulation 14 of Proclamation No. R. 50 of 1963

11. Regulation 14 of the principal Proclamation is hereby amended by the substitution in paragraph (b) for the expression "urban local authority as defined in section one of the Black (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945)" of the expression "local authority as defined in section 1 (1) of the Sorghum Beer Act, 1962 (Act No. 63 of 1962)".

Amendment of Annexure A to Proclamation No. R. 50 of 1963

12. Annexure A to the principal Proclamation is hereby amended—

- (a) by the substitution for item 1 of Part A of the following item:

"1. Full names of applicant.....";

- (b) by the substitution in item 17 of the said Part A for the words "male Blacks" of the word "persons"; and

- (c) by the substitution in Part B for the word "Commissioner" of the words "Authorized officer".

Amendment of Annexure B to Proclamation No. R. 50 of 1963

13. Annexure B to the principal Proclamation is hereby amended by the substitution for the expression "Commissioner/Receiver of Revenue" of the word "Director-General".

Wysiging van verordenende paragraaf van Proklamasie No. R. 50 van 1963

14. Die verordenende paragraaf van die Hoofproklamasie word hierby gewysig deur die uitdrukking "met die uitsondering van die Transkeise Gebiede soos in artikel honderd vyf-en-sewentig van die Drankwet, 1928 (Wet No. 30 van 1928), omskryf" en die uitdrukking "behalwe dat genoemde Proklamasies van krag bly in genoemde Transkeise Gebiede" te skrap.

Uitleg van sekere verwysings

15. 'n Verwysing in die Hoofproklamasie—

- (a) na 'n Swart persoon of Swart persone word uitgelê as 'n verwysing na 'n persoon of persone, na gelang van die geval;
- (b) na die Minister van Onderwys en Ontwikkelingshulp word uitgelê as 'n verwysing na die Administrateur;
- (c) na die Direkteur-generaal: Ontwikkelingshulp of na die Hoofkommissaris, of die betrokke Hoofkommissaris, of na die of 'n Kommissaris word uitgelê as 'n verwysing na die Direkteur-generaal.

Uitsluiting van selfregerende gebiede

16. Die bepalinge van hierdie Proklamasie is nie van toepassing nie ten opsigte van 'n gebied wat kragtens die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), tot 'n selfregerende gebied binne die Republiek verklaar is.

Kort titel

17. Hierdie Proklamasie heet die Wysigingsproklamasie op Sorghumbier (Swart Gebiede), 1994.

No. R. 14, 1994

HERROEPING VAN DIE REGULASIES BETREFFENDE DIE BETALING DEUR SWARTES VAN HUURGELD VIR BEWERKBARE EN WOONPERSELE EN VAN WEIGELD VIR SEKERE GROND VAN DIE SUID-AFRIKAANSE ONTWIKKELINGSTRUST, (PROKLAMASIE No. R. 300 VAN 1968)

Kragtens die bevoegdheid my verleen by artikel 87 (1) van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991 (Wet No. 108 van 1991), herroep ek hierby die Regulasies betreffende die Betaling deur Swartes van Huurgeld vir Bewerkbare en Woonpersele en van Weigeld, vir sekere Grond van die Suid-Afrikaanse Ontwikkelingstrust, soos afgekondig by Proklamasie No. R. 300 van 1968.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vier-en-twintigste dag van Januarie Eenduisend Negehoenderd Vier-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. FOURIE,
Minister van die Kabinet.

Amendment of enacting clause of Proclamation No. R. 50 of 1963

14. The enacting clause of the principal Proclamation is hereby amended by the deletion of the expression "other than the Transkeian Territories as defined in section one hundred and seventy five of the Liquor Act, 1928 (Act No. 30 of 1928)" and the expression "save that the said Proclamations shall remain in force in the said "Transkeian Territories".

Construction of certain references

15. A reference in the principal Proclamation—

- (a) to a Black person or Black persons shall be construed as a reference to a person or persons, as the case may be;
- (b) to the Minister of Education and Development Aid shall be construed as a reference to the Administrator;
- (c) to the Director-General: Development Aid or to the Chief Commissioner, or the Chief Commissioner concerned, or to the or a Commissioner shall be construed as a reference to the Director-General.

Exclusion of self-governing territories

16. The provisions of this Proclamation shall not apply in respect of any area declared under the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), to be a self-governing territory within the Republic.

Short title

17. This Proclamation shall be called the Sorghum Beer (Black Areas) Amendment Proclamation, 1994.

No. R. 14, 1994

REPEAL OF THE REGULATIONS CONCERNING THE PAYMENT BY BLACKS OF RENTALS FOR ARABLE AND RESIDENTIAL ALLOTMENTS AND OF FEES FOR GRAZING STOCK ON CERTAIN LAND OWNED BY THE SOUTH AFRICAN DEVELOPMENT TRUST, (PROCLAMATION No. R. 300 OF 1968)

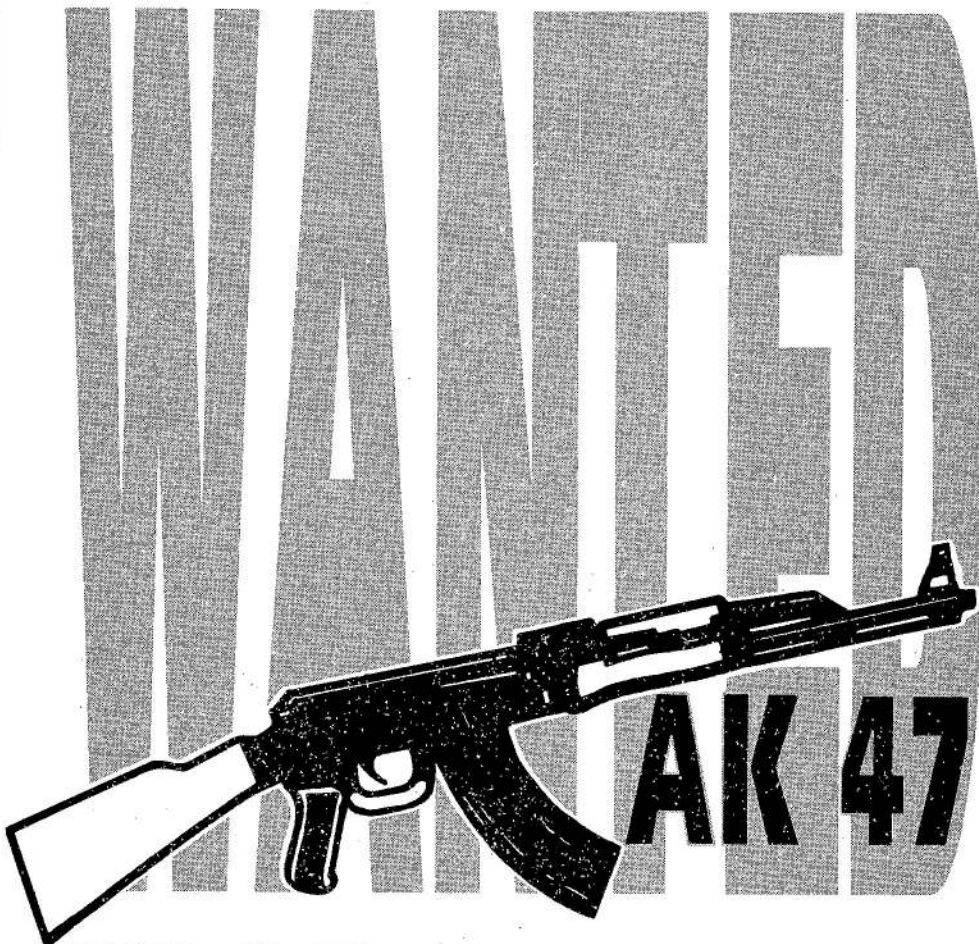
Under the powers vested in me by section 87 (1) of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991), I hereby repeal the Regulations concerning the Payment by Blacks of Rentals for Arable and Residential Allotments and of Fees for Grazing Stock on Certain Land owned by the South African Development Trust as promulgated under Proclamation No. R. 300 of 1968.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-fourth day of January, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

A. FOURIE,
Minister of the Cabinet.



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