

Nothing of Interest



G.



R.

THE UNION OF SOUTH AFRICA
Government Gazette Extraordinary.

PUBLISHED BY AUTHORITY.

Buitegewone Staatskoerant
VAN DIE UNIE VAN SUID-AFRIKA.

UITGEGEE OP GESAG.

Vol. LXIX.] PRICE 6d. CAPE TOWN, 24TH SEPTEMBER, 1927. PRYS 6d. No. 1659.

GOVERNMENT NOTICE No. 1673.

The undermentioned Bill which it is proposed to introduce into Parliament during the ensuing Session thereof is hereby published for general information:—

H. D. J. BODENSTEIN,
Secretary to the Prime Minister.

Office of the Prime Minister,
Pretoria,
21st September, 1927.

Bill to consolidate and amend the Liquor Laws.

GOEWERMENTS KENNISGEWING No. 1673.

Die onderstaande Wetsontwerp wat gedurende die eersvolgende Parlementsitting ingedien sal word, word by dese vir algeene kennisneming gepubliseer:—

H. D. J. BODENSTEIN,
Sekretaris van die Eerste Minister.

Kantoor van die Eerste Minister,
Pretoria,
21 September 1927.

Wetsontwerp om die Drankwette te konsolideer en te wysig.

BILL

To consolidate and amend the laws for the control of the supply of intoxicating liquor.

(Introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

INTRODUCTORY.

1. This Act is divided into Chapters and parts as follows :—

CHAPTER I.

General Exemptions .. Sections five, six and seven.

CHAPTER II.

Classification and issue of Licences. Sections eight to twelve.

CHAPTER III.

Licensing Boards :
(A) Constitution .. Sections thirteen to nineteen.
(B) Meetings .. Sections twenty to twenty-eight.
(C) Review and Appeal .. Sections twenty-nine and thirty.

CHAPTER IV.

Applications for licences and objections thereto. Sections thirty-one to forty-one.

CHAPTER V.

Transfer, removal and temporary continuation of licences. Sections forty-two to fifty-two.

CHAPTER VI.

Prohibition, limitation and restriction of licences. Sections fifty-three to sixty-three.

CHAPTER VII.

Qualification for licences and restrictions as to premises :
(A) Qualifications of licences Sections sixty-four to sixty-seven.
(B) Restrictions as to premises. Sections sixty-eight to seventy-three.
(C) Clubs .. Section seventy-four.

CHAPTER VIII.

Conditions attaching to licences :
(A) Days and hours of sale and delivery. Section seventy-five.
(B) Maximum and minimum quantities to be sold. Section seventy-six.
(C) Place of sale and premises Sections seventy-seven to seventy-nine.
(D) Consumption on or off premises. Section eighty.
(E) Class and other personal restrictions .. Sections eighty-one to eighty-four.
(F) Quality and kinds of liquor to be sold. Sections eighty-five to eighty-eight.

CHAPTER IX.

Prohibited or restricted sale, supply or acquisition of liquor:
(A) Sale by producers .. Section eighty-nine to ninety-one.

WETSONTWERP

Tot samevatting en wysiging van die wette op die reëling van die verstrekking van sterke drank.

(Ingedien deur die MINISTER VAN JUSTISIE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

INLEIDINGSBEPALINGS.

1. Hierdie Wet is ingedeel in hoofstukke en dele, soas volg :— Indeling van Wet.

HOOFSTUK I.

Algemene vrystellings .. Artikels vyf, ses en sewe.

HOOFSTUK II.

Klassifikasie en uitreiking van lisensies. Artikels ag tot twaalf.

HOOFSTUK III.

Lisensierade :
(A) Instelling .. Artikels dertien tot negentien.
(B) Vergaderings .. Artikels twintig tot ag-en-twintig.
(C) Revisie en appél .. Artikels negen-en-twintig en dertig.

HOOFSTUK IV.

Aanvrae om lisensies en besware daarteen. Artikels een-en-dertig tot een-en-veertig.

HOOFSTUK V.

Oordrag, verplasing en tydelike voortsetting van lisensies. Artikels twee-en-veertig tot twee-en-vyftig.

HOOFSTUK VI.

Verbod en beperking van lisensies. Artikels drie-en-vyftig tot drie-en-sestig.

HOOFSTUK VII.

Vereistes vir lisensies en beperkings omtrent geboue :
(A) Vereistes vir lisensiehouders. Artikels vier-en-sestig tot sewen-en-sestig.
(B) Beperkings in verband met geboue. Artikels ag-en-sestig tot drie-en-sewentig.
(C) Klubs .. Artikel vier-en-sewentig.

HOOFSTUK VIII.

Voorwaardes van lisensies :
(A) Dae en ure van verkoop en aflewering. Artikel vyf-en-sewentig.
(B) Grootste en kleinste hoeveelhede wat verkoop mag word. Artikel ses-en-sewentig.
(C) Plek van verkoop en geboue. Artikels sewen-en-sewentig tot negen-en-sewentig.
(D) Drankgebruik in of buite 'n gebou. Artikel tagtig.
(E) Klas- en ander persoonlike beperkings. Artikels een-en-tagtig tot vier-en-tagtig.
(F) Kwaliteit en soorte van drank wat verkoop mag word. Artikels vyf-en-tagtig tot ag-en-tagtig.

HOOFSTUK IX.

Verbod of beperking van verkoop, verstrekking of verkryging van drank.
(A) Verkoop deur vervaardigers. Artikel negen-en-tagtig tot een-en-negentig.

- (B) Supply to particular classes of persons. Sections *ninety-two to ninety-four.*
 (C) Supply to natives, Asiatics and coloured persons. Sections *ninety-five to one hundred and three.*

CHAPTER X.

Conduct of licensed businesses:

- (A) Prohibited employment Sections *one hundred and four and one hundred and five*
 (B) Prohibited access to licensed premises. Sections *one hundred and six and one hundred and seven.*
 (C) Records Sections *one hundred and eight and one hundred and nine.*
 (D) Unlawful restraints .. Sections *one hundred and ten and one hundred and eleven.*
 (E) Licensee and customer.. Sections *one hundred and twelve to one hundred and seventeen.*
 (F) General Sections *one hundred and eighteen to one hundred and twenty-one.*

CHAPTER XI.

Provisions relating to leases of licensed premises:

- (A) Excessive rentals .. Sections *one hundred and twenty-two to one hundred and twenty-six.*
 (B) Liability in respect of alterations, additions or repairs. Sections *one hundred and twenty-seven to one hundred and thirty.*
 (C) Prohibition of premiums in addition to rent. Section *one hundred and thirty-one.*
 (D) Duration of leases .. Sections *one hundred and thirty-two and one hundred and thirty-three.*
 (E) Goodwill Section *one hundred and thirty-four.*

CHAPTER XII.

Kaffir beer and other native liquors and supply of wine and beer to Asiatics and coloured persons:

- (A) Prohibited liquors and substances. Sections *one hundred and thirty-five and one hundred and thirty-six.*
 (B) Kaffir beer Sections *one hundred and thirty-seven to one hundred and forty-two.*
 (C) Wine and beer shops for Asiatics and coloured persons. Section *one hundred and forty-three.*

CHAPTER XIII.

- Methylated spirit Section *one hundred and forty-four.*

CHAPTER XIV.

- Intoxicating medicines .. Section *one hundred and forty-five.*

CHAPTER XV.

- Removal and delivery of liquor Sections *one hundred and forty-six to one hundred and forty-nine.*

CHAPTER XVI.

- Powers and duties of police.. Sections *one hundred and fifty to one hundred and fifty-eight.*

CHAPTER XVII.

Legal proceedings, offences and penalties:

- (A) Evidence and criminal liability. Sections *one hundred and fifty-nine to one hundred and seventy.*
 (B) Offences Sections *one hundred and seventy-five to one hundred and eighty-one.*

- (B) Drankverstrekkung aan bepaalde klasse van mense. Artikels *twee-en-negentig tot vier-en-negentig.*
 (C) Drankverstrekkung aan Asiate, kleurlinge en naturelle. Artikels *vyf-en-negentig tot honderd-en-drie.*

HOOFSTUK X.

Beheer van gelisensieerde besighede:

- (A) Verbode indiensstelling Artikels *honderd-en-vier en honderd-en-vyf.*
 (B) Verbode toegang tot gelisensieerde gebou. Artikels *honderd-en-ses en honderd-en-sewe.*
 (C) Boeke Artikels *honderd-en-ag en honderd-en-nege.*
 (D) Onwettige Handelsbelemmerings. Artikels *honderd-en-tien en honderd-en-elf.*
 (E) Die lisensiehouer en sy klante. Artikels *honderd-en-twaalf tot honderd-en-sewentien.*
 (F) Algemene bepalinge.. Artikels *honderd-en-agtien tot honderd-een-en-twintig*

HOOFSTUK XI.

Bepalinge omtrent huur van gelisensieerde geboue:

- (A) Woekerhuur Artikels *honderd-twee-en-twintig tot honderd-ses-en-twintig.*
 (B) Verpligting tot verbouing, aanbou en herstelling. Artikels *honderd-sewen-en-twintig tot honderd-enderd.*
 (C) Verbod van premies benewens huur. Artikel *honderd-een-enderd.*
 (D) Huurtermyn Artikels *honderd-twee-enderd en honderd-drie-enderd.*
 (E) Klandiesie Artikel *honderd-vier-enderd.*

HOOFSTUK XII.

Kafferbier en ander natuurelledranke en verstrekkung van wyn en bier aan Asiate en kleurlinge:

- (A) Verbode drank en stowwe. Artikels *honderd-vyf-enderd tot honderd-ses-enderd.*
 (B) Kafferbier Artikels *honderd-sewen-enderd tot honderd-twee-en-veertig.*
 (C) Wyn- en Bierwinkels vir Asiate en kleurlinge. Artikel *honderd-drie-en-veertig.*

HOOFSTUK XIII.

- Brandspieritus Artikel *honderd-vier-en-veertig.*

HOOFSTUK XIV.

- Bedwelkende medisyne .. Artikel *honderd-vyf-en-veertig.*

HOOFSTUK XV.

- Vervoer en aflewering van drank. Artikels *honderd-ses-en-veertig tot honderd-negen-en-veertig.*

HOOFSTUK XVI.

- Bevoegdheid en pligte van polisie. Artikels *honderd-en-vyftig tot honderd-ag-en-vyftig.*

HOOFSTUK XVII.

Prosedure, misdrywe en strawwe:

- (A) Bewyslewering en kriminele aanspreeklikheid. Artikels *honderd-negen-en-vyftig tot honderd-vier-en-sewentig.*
 (B) Misdrywe Artikels *honderd-vyf-en-sewentig tot honderd-een-en-tagtig.*

(C) Penalties .. Sections one hundred and eighty-two to one hundred and eighty-five.

CHAPTER XVIII.

Supplementary .. Sections one hundred and eighty-six to one hundred and eighty-nine.

2. This Act shall not apply to the Transkeian Territories except in so far as it may, in whole or in part, be extended thereto by Proclamation issued according to law.

3. (1) The laws mentioned in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule: Provided that, save as may be otherwise provided in this Act—

- (a) all licences issued under any law hereby repealed and which may not have expired at the commencement of this Act shall be dealt with and judged of in respect of the sales and dealings which they authorize and the rights and liabilities of the holders thereof and of all persons in relation to such sales and dealings as if the said laws still remained in force;
- (b) any officer or person appointed, any body elected or constituted, and any office established under any law hereby repealed shall, for the period of such appointment, election, constitution or establishment, be deemed to have been appointed, elected, constituted or established, as the case may be, under this Act;
- (c) any proclamation, bye-law, rule or regulation made under any law hereby repealed shall, save where repugnant to or inconsistent with any provision of this Act, remain of force and effect until repealed, superseded or amended under the authority of this Act, and have the same force and effect as if this Act had not been passed; and
- (d) nothing in this Act shall affect any proceedings of whatever character which at the commencement thereof have been instituted (whether by the filing of any notice or application, or the issue of any summons or other process, or the giving of any warning to attend at any place or in any other manner) under any law hereby repealed and such proceedings shall be continued and concluded in every respect as if this Act had not been passed.

(2) A reference to any law in force at the commencement of this Act to a licence of a class mentioned in the first column of the Second Schedule thereto shall, from and after the first day of January, 1929, be deemed to be a reference to a licence of the class or of each of the classes mentioned in the second column of that Schedule opposite the name of such first-mentioned class.

4. (1) Any person who at the commencement of this Act is the holder of a licence under any law repealed thereby shall, for the purposes of any application made to the first annual meeting of any licensing board under this Act, be deemed to be a holder under this Act of a licence of the class named in the Second Schedule to this Act opposite the name of the class of the licence of which he is a holder at such commencement, or in case more than one class is so named then of a licence of any one of the classes named which he may select, and he may at such meeting make application as for a renewal of the licence so deemed to be held by him under this Act, and such application shall in all respects be deemed to be an application for a renewal.

(2) No renewal so applied for shall be granted—

- (a) if the applicant is not qualified under this Act to hold any licence or the licence in respect of which the application is made; or
- (b) if the premises in respect of which the licence is applied for are not premises in respect of which in terms of any provisions of this Act it is competent for a licensing board to grant a licence of the kind applied for;

(C) Strauwe .. Artikels honderd-twee-en-tagtig tot honderd-vef-en-tagtig.

HOOFSTUK XVIII.

Aanvullingsbepalings .. Artikels honderd-ses-en-tagtig tot honderd-negen-en-tagtig.

2. Hierdie Wet is nie van toepassing op die Transkeise gebied behalwe vir sover as hy deur 'n wettig uitgevaardigde proklamasie geheel of gedeeltelik daarop toepaslik gemaak mag word.

3. (1) Die wette opgenoem in die Eerste Bylae tot hierdie Wet, word hiermee herroep, vir sover as in die derde kolom van daardie Bylae vermeld: Met die verstande, dat, tensy hierdie Wet anders bepaal—

- (a) alle lisensies, uitgereik ingevolge die bepaling van 'n hiermee herroep wet, wat by die inwerkingtreding van hierdie Wet nog nie afgeloop is nie, behandel en beoordeel moet word ten opsigte van die verkoop en die handelings wat hulle veroorloof en van die regte en verpligtings van hulle houters, en van alle persone in verband met daardie verkoop en handelings, asof voormelde wette nog van krag was;
- (b) 'n beampde of persoon wat aangestel is, 'n liggaam wat gekies of samegestel en 'n amp wat ingestel is ingevolge 'n hiermee herroep wet, vir solank as wat hy aangestel, gekies, samegestel of ingestel is, beskou word na gelang van omstandighede aangestel, gekies, samegestel of ingestel te wees ingevolge hierdie Wet;
- (c) 'n proklamasie, verordening, reël of regulasie, uitgevaardig kragtens 'n hiermee herroep wet, vir sover hy nie in stryd of onbestaanbaar is met 'n bepaling van hierdie Wet, van krag bly totdat hy kragtens hierdie Wet herroep, vervang of gewysig word, en ewe geldig is asof hierdie Wet nie ingevoer was nie; en
- (d) hierdie Wet geen inbreuk maak op enige prosedure van watter aard ook, wat by sy inwerkingtreding ingevolge 'n hiermee herroep wet ingestel is (hetsy deur indiening van 'n kennisgewing of aansoek, of uitreiking van 'n dagvaarding of ander lasbrief, of deur waarskuwing om êrens te verskyn of op enige ander manier) en dat die prosedure in elke opsig voortgeset en voltooi moet word asof hierdie Wet nie ingevoer was nie.

(2) 'n Vermelding, in een of ander by die inwerkingtreding van hierdie Wet geldende wet, van 'n soort lisensie opgenoem in die eerste kolom van die Tweede Bylae tot hierdie Wet, word, vanaf en na die eerste dag van Januarie 1929 beskou as 'n vermelding van 'n soort lisensie of van elkeen van die soorte lisensies opgenoem in die tweede koloms van daardie Bylae teenoor die benaming van daardie eersbedoelde soort.

4. (1) Iemand wat by die inwerkingtreding van hierdie Wet die houer is van 'n lisensie ingevolge 'n hiermee herroep wet, word, vir die doeleindes van 'n aanvraag op die eerste jaarlikse vergadering van 'n lisensieraad ingevolge hierdie Wet, beskou as 'n houer, ingevolge hierdie Wet, van die soort van lisensie genoem in die Tweede Bylae tot hierdie Wet teenoor die naam van die soort van lisensie waarvan hy, by bedoelde inwerkingtreding, houer is, of as meer dan een soort van lisensie aldus genoem is, dan van enigeen van die genoemde soorte van lisensies wat hy mag verkies, en hy mag op bedoelde vergadering aanvraag doen om 'n vernuwing van die lisensie wat hy aldus beskou word ingevolge hierdie Wet te hou. So 'n aanvraag word in elke opsig beskou as 'n aanvraag om 'n vernuwing.

(2) Geen aldus aangevraagde vernuwing mag verleen word—

- (a) as die aanvrager ingevolge hierdie Wet onbevoeg is om enige lisensie of om die lisensie wat hy aanvra, te hou; of
- (b) as die gebou ten opsigte waarvan die lisensie aangevra word, nie 'n gebou is ten opsigte waarvan 'n lisensieraad ingevolge 'n bepaling van hierdie Wet bevoeg is om 'n lisensie van die aangevraagde aard te verleen;

Wet nie van toepassing op Transkei.

Wetsherroeping en sekere daaruit spruitende bepalinge.

Besondere bepalinge omtrent vernuwing van lisensie uitgereik kragtens herroep wet.

Act not to apply to Transkeian Territories.

Repeal of laws, and certain consequential provisions.

Special provision as to renewal of licences held under repealed law.

Provided that in and for the year 1928 the provisions of this sub-section shall not apply to or in respect of any person who at the date of an application made under sub-section (1) was the holder of a licence under any law repealed by this Act and actually carried on business under such licence.

CHAPTER I.

GENERAL EXEMPTIONS.

Transactions
exempted
from
operation
of Act.

5. (1) Nothing in this Act shall apply to—

- (a) any person selling any spirituous or distilled perfume or perfumery or medicated spirit if such perfume, perfumery or spirit is not, or has not been declared, methylated spirit under sub-section (5) of section one hundred and forty-four;
- (b) any registered medical practitioner, or chemist and druggist *bona fide* administering or selling, for purely medicinal purposes and in accordance with any law governing the administration and sale of medicine, any medicine containing liquor;
- (c) any person selling *bona fide* for medicinal purposes and in reasonable quantities for consumption as medicine, under any general dealer's licence or other licence permitting such sale, any patent, proprietary or Dutch medicine containing liquor: Provided that any such medicine declared under section one hundred and forty-five to be an intoxicating medicine shall be sold or supplied only in accordance with the provisions of that section;
- (d) the sale of liquor in any refreshment room at the Houses of Parliament if sold under the permission of either House of Parliament or of any committee thereof;
- (e) the sale of liquor in any refreshment room in premises in which a Provincial Council is held if sold under the permission of the Council or of any committee thereof.

(2) Nothing in this Act save sections *ninety-two, ninety-three, sub-sections (3), (4) and (5) of section ninety-four, section ninety-five, sub-sections (1) and (2) of section ninety-six, section ninety-seven, sub-section (1) of section ninety-eight, sections one hundred and four, one hundred and five, one hundred and six and one hundred and seven* shall apply to the sale or supply of liquor in refreshment rooms at railway stations and in railway refreshment cars under the authority of the Railways and Harbours Regulations Control and Management Act, 1916, (Act No. 22 of 1916), or any other law save in so far as the provisions of this Act are by that Act or such law applied in respect of such sale and supply, or shall apply to any such refreshment rooms or refreshment cars or to any matter relating to such rooms or cars.

(3) For the purposes of the sections and sub-sections referred to in sub-section (2) every such refreshment room or refreshment car shall be deemed to be premises in respect of which an on-consumption licence has been issued and the person in charge of such room or car shall be deemed to be the holder of such licence and to be the employer of all persons working in such room or car.

Exemption
from
obligation
to hold
licence.

6. (1) Nothing in this Act relating to the application for or the holding of licences shall apply to—

- (a) any person selling under the authority of the Secretary for Defence liquor in any canteen referred to in section eleven of the South Africa Defence Act Amendment Act, 1922, where liquor is supplied solely to and for consumption by members of the Union Defence forces or His Majesty's Naval Forces;
- (b) any person selling, under the authority of the Commissioner of Police, liquor in a canteen where liquor is supplied solely to and for consumption by members of the police force;

Met die verstande dat in die jaar 1928 die bepalings van hierdie sub-artikel nie van toepassing sal wees nie op of ten opsigte van iemand wat op die dag van 'n aanvraag ingevolge sub-artikel (1), die houer was van 'n lisensie ingevolge 'n deur hierdie Wet herroepde wet en kragtens daardie lisensie werklik besigheid gedryf het.

HOOFSTUK I.

ALGEMENE VRYSTELLINGS.

5. (1) Hierdie Wet is nie van toepassing op—

- (a) iemand wat alkoholhoudende of gedistilleerde leventel of reukwerk of met medisyne gemengde spiritualeë verkoop, as daardie leventel, reukwerk of spiritualeë nie ingevolge sub-artikel (5) van artikel honderd-vier-en-veertig brandspieritus is of tot brandspieritus verklaar is nie;
- (b) 'n geregistreerde geneesheer of apteker wat te goeder trou drankhoudende medisyne uitsluitend as geneesmiddel toedien of verkoop in ooreenstemming met 'n wet op die toediening en verkoop van medisyne;
- (c) iemand wat gepatenteerde private of Hollandse drankhoudende medisyne te goeder trou as geneesmiddel in redelike, hoeveelhede om as medisyne gebruik te word, verkoop kragtens 'n algemene handelaars-lisensie of 'n ander lisensie wat die verkoop veroorloof: Met die verstande dat sodanige medisyne wat ingevolge artikel honderd-vyf-en-veertig tot bedwelmende medisyne verklaar is, alleen volgens die bepalings van daardie artikel verkoop of verstrek mag word;
- (d) die verkoop van drank in 'n verversingslokaal in die Parlementsgebou, indien verkoop met toestemming van een van beide Huise van die Parlement of 'n komitee daarvan;
- (e) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin 'n Prowinsiale Raad sitting hou, indien verkoop met toestemming van die Raad of 'n komitee daarvan.

(2) Hierdie Wet, behalwe artikels *twee-en-negentig, drie-en-negentig, sub-artikels (3), (4) en (5) van artikel vier-en-negentig, artikel vyf-en-negentig, sub-artikels (1) en (2) van artikel ses-en-negentig, artikel sewen-en-negentig, sub-artikel (1) van artikel ag-en-negentig, artikels honderd-en-vier, honderd-en-vyf, honderd-en-ses en honderd-en-sewe*, is nie van toepassing op die verkoop of verstrekking van drank in verversings-lokale of spoorwegstasies en in spoorweg-verversingswagons kragtens die Spoorwega en Havens Reglement, Bestuur en Beheer Wet, 1916 (Wet No. 22 van 1916) of enige ander wet, behalwe vir so ver as wat die bepalings van hierdie Wet deur daardie Wet op daardie verkoop of verstrekking toegepas word of van toepassing op sulke verversingslokale of verversingswagons of op iets wat op sulke lokal of wagons betrekking het.

(3) Vir die doeleindes van die artikels en sub-artikels vermeld in sub-artikel (2) word elke sodanige verversingslokaal of verversingswagons geag 'n gebou te wees ten opsigte waarvan 'n binneverbruik-lisensie uitgereik is, en die persoon onder wie se beheer so 'n lokaal of wagon staan, word geag die houer van so 'n lisensie en die werkgewer van alle in daardie lokaal of wagon werkende persone te wees.

6. (1) Die bepalings van hierdie Wet aangaande die aanvraag of hou van lisensies is nie van toepassing nie op—

- (a) iemand wat op gesag van die Sekretaris van Verdediging drank verkoop in 'n winkel vermeld in artikel elf van die Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922, waar drank verstrek word alleen aan en vir gebruik van lede van die Unie Verdedigingsmag of van sy Majesteit se seemag.
- (b) iemand wat op gesag van die Kommissaris van Polisie drank verkoop in 'n kantien waar drank verstrek word alleen aan en vir gebruik van lede van die Poliesiemag;

Handelings
waarop Wi
nie van to
passing.

Vrystellin
van ver-
pligting c
lisensie te
hou.

(c) any person selling, under the authority of the Director of Prisons, liquor in a canteen in which liquor is supplied solely to and for consumption by members of the Prisons Department;

(d) to any person selling liquor in any hotel established and maintained by any department of state, including the Railways and Harbours Administration: Provided that—

(i) nothing in this paragraph shall be deemed to affect any provision of the said Chapter V. of Act No. 22 of 1916; and

(ii) for all purposes of this Act the manager or person in charge of such hotel, shall be deemed to be a licensee in respect thereof, and such hotel shall be deemed to be premises in respect of which an hotel liquor licence has been granted and issued under this Act.

(e) any sheriff, deputy sheriff, messenger or other officer acting under the authority of any judge, magistrate or court, or any officer of Customs in the exercise or discharge of his duties;

(f) any duly licensed auctioneer selling by auction, upon the licensed premises of the holder of any wholesale liquor licence or of any licensee authorized by any provision of this Act to dispose of his stock of liquor by auction, liquor belonging to such a licensee in quantities not less than such as are authorized to be sold under a wholesale liquor licence.

(2) Subject to the provisions of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) or any amendment thereof, any person who, or association of persons which, is *bona-fide* engaged in viticulture may, without obtaining a licence under this Act, sell or dispose of wine or brandy as defined in section six of the first mentioned Act which—

(a) is made from grapes the produce of the vine grown on land owned or lawfully occupied by such person or association or from grapes purchased or otherwise procured by such person or association; and

(b) is made upon such land or in a central cellar owned or lawfully occupied by such person or association:

Provided that—

(i) the sale, delivery or disposal of such wine or brandy shall be to a person who holds a licence under this Act, and to no other person;

(ii) the sale, delivery or disposal shall be in quantities of not less than two gallons contained in one receptacle securely corked or stoppered;

(iii) such wine or brandy shall have been sold or ordered before being removed from the owner's cellar;

(iv) such person or association of persons shall keep proper books, which shall be open to the inspection of any member of the police, showing particulars in the English or Dutch language of—

(a) the quantity and description of the wine or brandy manufactured or sold and the price at which it has been sold;

(b) the names and addresses of the purchasers; and

(c) the date of each sale.

(3) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sub-section (2) shall, with such modifications as the Governor-General may in such proclamation set forth, apply to any person or association of persons named therein engaged in the production of cider or any other liquor in such proclamation defined which is made from apples or other fruit grown on land owned or lawfully occupied by such person or association or from apples or other fruit purchased or procured by such person or association,

(c) iemand wat op gesag van die Direkteur van Gevangenisde drank verkoop in 'n kantien waar drank verstrekt word alleen aan en vir gebruik van lede van die Gevangenisdepartement;

(d) iemand wat drank verkoop in 'n hotel wat opgerig en onderhou is deur 'n Staatsdepartement (waaronder die Spoorweg- en Hawe-Administrasie val): Met die verstande dat—

(i) hierdie paragraaf geen inbreuk maak op enige bepaling van bedoelde Hoofstuk V van Wet No. 22 van 1916; en

(ii) vir alle doeleindes van hierdie Wet die bestuurder van daardie hotel, of die persoon wat aan die hoof daarvan staan as lisensiehouer ten opsigte daarvan beskou word en dat daardie hotel beskou word as 'n gebou ten opsigte waarvan 'n hotel-dranklisensie kragtens hierdie Wet verleen en uitgereik is.

(e) 'n balju, onder-balju, geregsbode of ander amptenaar wat handel op gesag van 'n regter, magistraat of hof, of op 'n doeanebeampste by die verrigting van sy werksaamhede;

(f) 'n behoorlik gelisensieerde vendusfslaer wat by opveiling in die gelisensieerde gebou van die houer van 'n groothandelaars dranklisensie, of van 'n lisensiehouer wat kragtens 'n bepaling van hierdie Wet sy drankvoorraad by opveiling van die hand mag sit, drank, wat aan so 'n lisensiehouer behoort, verkoop in hoeveelhede wat nie minder bedra as die wat kragtens 'n groothandelaars dranklisensie verkoop mag word.

(2) Met inagneming van die bepalinge van die Wijn, Spirituallien en Azijn Wet, 1913 (Wet No. 15 van 1913) of enige wysiging daarvan, mag enige persoon of vereniging van persone wat te goeder trou die wynbou beoefen, sonder om 'n lisensie ingevolge hierdie Wet te verkry, wyn of brandewyn soos omskrywe in artikel ses van eersgenoemde Wet verkoop of van die hand sit wat—

(a) gemaak is uit duiwe die produk van die wynstok op grond wat behoort aan of in die wettige besit is van daardie blanke of vereniging, of uit duiwe wat deur daardie blanke of vereniging gekoop of verkry is; en

(b) gemaak is op daardie grond of in 'n sentrale kelder wat behoort aan of in die wettige besit is van daardie blanke of vereniging.

Mits—

(i) daardie wyn of brandewyn verkoop, gelewer of van die hand gesit word aan iemand wat ingevolge hierdie Wet 'n lisensie hou, en aan niemand anders;

(ii) hoeveelhede van nie minder dan twee gallon, in een dig toegekurkte of gepropte houer aldus verkoop, gelewer of van die hand gesit word;

(iii) daardie wyn of brandewyn verkoop of bestel is voordat hy uit die eienaar se kelder vervoer word;

(iv) daardie blanke of vereniging behoorlik boeke hou wat ter insage van enige lid van die poliesiemag beskikbaar moet wees, en wat in die Engelse of Hollandse taal besonderhede aangee omtrent—

(a) die hoeveelheid en soort van wyn of brandewyn wat gemaak of verkoop is en die prys waarteen dit verkoop is;

(b) die name en adresse van die kopers; en

(c) die dag van elke verkoop.

(3) Die Goewerneur-generaal mag by proklamasie in die *Staatskoerant* verklaar dat die bepalinge van sub-artikel (2), met sodanige afwykings as wat die Goewerneur-generaal in daardie proklamasie mag bepaal, van toepassing is op enige daarin genoemde persoon of vereniging van persone wat hom toelê op die vervaardiging van appelwyn of enige ander drank in daardie proklamasie omskrywe, wat gemaak word uit appels of ander vrugte, verbou op grond wat behoort aan, of in die wettige besit is van, daardie blanke of vereniging, of uit appels of ander vrugte, deur daardie blanke of vereniging gekoop

and is made upon such property or in a central cellar, factory or brewery owned or lawfully occupied by such person or association.

Exemption from certain differential provisions of certain accredited persons. 7. No provision of, or condition imposed under the authority of, this Act which differentially affects any native, Asiatic or coloured person shall apply to any person who is duly accredited to the Union by the Government of any foreign state, or to any member of his family living with him or to such members of his staff as are not domiciled within the Union.

CHAPTER II.

CLASSIFICATION AND ISSUE OF LICENCES.

Classification and description of licences. 8. (1) The licences which may be granted or renewed under this Act are of the several descriptions following—

- (a) off-consumption licences, that is to say, licences for the sale of liquor to be consumed off the premises where it is sold—
 - (i) wholesale liquor licences;
 - (ii) foreign liquor licences;
 - (iii) brewer's licences;
 - (iv) bottle liquor licences;
 - (v) wine farmers' licences;
- (b) on-consumption licences, that is to say, licences for the sale of liquor to be consumed on the premises where it is sold—
 - (i) restaurant liquor licences;
 - (ii) hotel liquor licences;
 - (iii) bar licences;
 - (iv) wine and malt liquor licences;
 - (v) club liquor licences;
 - (vi) theatre or sports' ground liquor licences;
 - (vii) temporary liquor licences;
 - (viii) late hours occasional licences.

(2) Subject to the provisions of section four no licence shall be granted or renewed in favour of any person who, in terms of any provision of Part A of Chapter VII. of this Act, is incompetent to hold it, or in respect of any premises for which in terms of any provision of Part B of Chapter VII. it may not be issued. If any licence is granted or renewed in contravention of this sub-section it shall be null and void, and any person holding any such licence shall be deemed not to be licensed.

Duration of licences. 9. Save as otherwise expressly provided in this Act, a licence granted or renewed under this Act shall be of force from the first day of January, or from the date of grant or renewal if such date be later than the first day of January, in the year for which the licence is to be available, until the thirty-first day of December in the same year, both days inclusive: Provided that—

- (a) in the case of the renewal for the first time in terms of this Act of a licence held at the commencement thereof under a law repealed thereby and which expires upon some date other than the first day of January, 1928, or the thirty-first day of December, 1927, the renewal of that licence under this Act shall be as from such other date and the licence so renewed shall be of force from such other date to the thirty-first day of December, 1928; and
- (b) wherever a licensing board has been compelled to adjourn beyond the thirty-first day of December without having come to a decision upon an application for the renewal of a licence, such licence shall continue in force until the board shall have decided upon the application.

Form of licences. 10. (1) Licences issued under this Act shall be in prescribed form.

(2) Every such licence shall contain—

- (a) a statement as to the situation of the premises in respect of which it is granted;
- (b) any special conditions imposed upon, and any privilege granted to, the holder thereof by the licensing board; and

of verkry, en wat gemaak is op daardie grond of in 'n sentrale kelder, fabriek of brouery wat behoort aan, of in die wettige besit is van, daardie blanke of vereniging.

7. Geen bepaling van, of voorwaarde gestel kragtens, hierdie Wet, wat 'n onderskeid maak ten opsigte van naturelle, Asiatische of kleurlinge, is van toepassing op iemand wat na die Unie afgevaardig is deur die regering van 'n vreemde staat, of op 'n lid van sy familie wat by hom in woon, of op die lede van sy personeel wat nie in die Unie gedomicilieer is nie.

Sekere afgevaardigdes word vrygestel van sekere onderskeid makende bepalinge.

HOOFSTUK II.

KLASSIFIKASIE EN UITREIKING VAN LISENSIES.

8. (1) Die lisensies wat kragtens hierdie Wet uitgereik of vernuwe mag word is van die volgende onderskeie soorte—

- (a) buiteverbruik-lisensies, dit wil sê lisensies vir die verkoop van drank om gebruik te word buite die gebou waar dit verkoop word—
 - (i) groothandelaars dranklisensies;
 - (ii) buitelandse dranklisensies;
 - (iii) bierbrouers lisensies;
 - (iv) bottel dranklisensies;
 - (v) wynboer lisensies;
- (b) binneverbruik-lisensies, dit wil sê lisensies vir die verkoop van drank om gebruik te word in die gebou waar dit verkoop word—
 - (i) restaurant dranklisensies;
 - (ii) hotel dranklisensies;
 - (iii) kantien lisensies;
 - (iv) wyn- en bier-lisensies;
 - (v) klub dranklisensies;
 - (vi) teater of sportgronde dranklisensies;
 - (vii) tydelike dranklisensies;
 - (viii) nagtelike geleentheids-lisensies.

(2) Behoudens die bepalinge van artikel vier mag geen lisensie verleen of vernuwe word ten gunste van iemand wat, kragtens 'n bepaling van Deel A van Hoofstuk VII van hierdie Wet, onbevoeg is om dit te hou, of ten opsigte van 'n gebou waarvoor dit, kragtens 'n bepaling van Deel B van Hoofstuk VII, nie uitgereik mag word nie. As 'n lisensie in stryd met hierdie sub-artikel verleen of vernuwe word, dan is dit ongeldig en iemand wat so 'n lisensie hou, word as ongelisensieer beskou.

9. Behalwe waar hierdie Wet uitdruklik anders bepaal is 'n lisensie, verleen of vernuwe ingevolge hierdie Wet, van krag van en met die eerste dag van Januarie, of van en met die dag van verlening of vernuwing as daardie dag later is van die eerste dag van Januarie, in die jaar waarin die lisensie van krag sal wees, tot en met die een-en-dertigste dag van Desember van dieselfde jaar: Met die verstande dat—

- (a) by die eerste vernuwing, kragtens hierdie Wet, van 'n lisensie wat by die inwerkingtreding van hierdie Wet gehou word ingevolge 'n hiermee herroepende wet, en wat eindig op 'n ander dag dan die eerste dag van Januarie, 1928, of die een-en-dertigste dag van Desember, 1927, daardie lisensie ingevolge hierdie Wet vanaf daardie ander dag vernuwe word; en die aldus vernude lisensie is van krag van daardie ander dag tot die een-en-dertigste Desember, 1928; en
- (b) wanneer 'n lisensieraad verplig is gewees om te verdaag tot na die een-en-dertigste dag van Desember, sonder om tot 'n beslissing te kom omtrent 'n aanvraag om vernuwing van 'n lisensie, daardie lisensie van krag bly totdat die raad omtrent die aanvraag beslis het.

10. (1) Lisensies, ingevolge hierdie Wet uitgereik, moet in die voorgeskrewe vorm wees.

(2) Elke sodanige lisensie moet bevat—

- (a) 'n beskrywing van die ligging van die gebou waarvoor dit verleen is;
- (b) enige besondere voorwaardes en enige voorreg wat die lisensieraad aan die houder daarvan opgelê of verleen het; en

Vorm van lisensie.

- (c) if the holder has paid reduced licence fees as provided in sub-section (3) of section *twelve*, the condition that the holder is prohibited from selling any liquor other than liquor which has been produced within the Union.

(3) Failure to endorse any conditions upon a licence shall not relieve the holder thereof from any obligation whatsoever in respect of such condition, nor shall failure to endorse upon a licence a privilege granted to the licence holder by the board deprive such holder of such privilege.

Issue of
licences.

11. (1) A temporary licence, a late hours occasional licence and a wine farmer's licence shall be granted and issued by the magistrate of the district.

(2) A foreign liquor licence shall be issued by the Receiver of Revenue of the district, but only on the written authority of the magistrate of the district.

(3) Any other licence authorized to be granted under this Act shall be issued by the Receiver of Revenue of the district.

(4) No licence shall be issued under this Act except on payment of the fee prescribed therefor by this Act, and (save in the cases of a foreign liquor licence, a temporary liquor licence, a late hours occasional licence, or a wine farmer's licence) except upon production to the issuing authority of a certificate signed by the chairman or the secretary of the licensing board of the district, setting forth that the board has authorized the issue of such licence, the terms and conditions, if any, which the board has decided shall be annexed thereto.

(5) Every licence issued under this Act shall be made out in quadruplicate, of which one part shall be retained by the issuing officer, one transmitted by him to the licensing board and one to the senior officer of police in the district respectively, and one handed by him to the licensee.

(6) The issuer of any licence under this Act shall, as to the form thereof, and as to endorsements thereon, conform to the relative provisions of this Act and of the regulations.

Licence fees.

12. (1) Save as otherwise provided in this section, upon the issue under this Act of any new licence or of a licence in renewal of a licence held or deemed to be held thereunder, or upon the issue of any authority for the transfer or removal of a licence under this Act there shall be paid the fees set out in respect of such issue, renewal, transfer or removal in the Third Schedule to this Act.

(2) In the case of a wholesale liquor licence, a bottle liquor licence, a restaurant liquor licence, a hotel liquor licence, a bar licence, a club licence, a theatre licence and a temporary licence, the fees payable in respect of the issue of a new licence or for the renewal of a licence shall be reduced by one-half if the licensee elects that his licence shall be issued subject to the condition that no liquor shall be sold by him other than liquor which has been produced in the Union.

(3) Whenever a licence issued under any law repealed by this Act extends beyond the thirty-first day of December, 1928, the amount payable for any licence granted under this Act for the remaining portion of the year 1929 to the holder thereof in renewal of such licence shall be reduced by one twelfth in respect of each complete calendar month of 1929 for which the first mentioned licence is of force.

(4) Whenever after the thirty-first day of January in any year a licence is granted, renewed, transferred or removed under the authority of this Act, the amount payable in terms of the Third Schedule to this Act in respect of such grant, renewal, transfer or removal shall be reduced by one twelfth in respect of each complete calendar month which has passed from the preceding thirty-first day of December to the date of the actual issue of the licence.

- (c) as die houer verminderde lisensiefooi betaal het volgens bepaling van sub-artikel (5) van artikel *twalf*, die voorwaarde dat die houer geen ander drank mag verkoop nie dan drank wat in die Unie voortgebring is.

(3) 'n Versuim om 'n voorwaarde op 'n lisensie aan te teken onthef die houer daarvan nie van enige verpligting hoegenaamd met betrekking tot daardie voorwaarde, en 'n versuim om 'n voorreg, wat die raad aan die lisensiehouer verleen het, op die lisensie aan te teken, ontnem aan hom ook nie daardie voorreg nie.

11. (1) 'n Tydelike lisensie, 'n nagtelike geleentheids-lisensie en 'n wynboer-lisensie moet verleen en uitgereik word deur die Uitreiking van distrik.

(2) 'n Buitelandse dranklisensie moet deur die Ontvanger van Staatsinkomste van die distrik uitgereik word, maar alleen op skriftelike magtiging van die magistraat van die distrik.

(3) Elke ander lisensie, wat krachtens hierdie Wet verleen mag word, moet uitgereik word deur die Ontvanger van Staatsinkomste van die distrik.

(4) Geen lisensie mag in gevolge hierdie Wet uitgereik word tensy die fooi, wat hierdie Wet daarvoor voorskryf, betaal word en tensy (behalwe in die geval van 'n buitelandse dranklisensie, 'n tydelik dranklisensie, 'n nagtelike geleentheids-lisensie of 'n wynboer-lisensie) aan die uitreikende gesag voorgelê word 'n sertifikaat, geteken deur die voorsitter of die sekretaris van die lisensieraad van die distrik, waarin staan dat die raad die uitreiking van die lisensie gemagtig het, en die voorwaardes (as die gestel is) wat volgens besluit van die raad daaraan geheg moet word.

(5) Elke ingevolge hierdie Wet uitgereikte lisensie moet in viervoud opgestel word, en een eksemplaar daarvan moet deur die uitreikende beampte behou, een deur hom respektieflik aan die lisensieraad en een aan die eerste polisiebeampte in die distrik gestuur, en een deur hom aan die lisensie-houer oorhandig word.

(6) Die uitreiker van 'n lisensie ingevolge hierdie Wet moet wat betref die vorm daarvan en wat betref die aantekeninge daarop, voldoen aan die toepaslike bepalings van hierdie Wet en van die regulasies.

12. (1) Tensy hierdie artikel anders bepaal, moet daar Lisensie-fooi by die uitreiking ingevolge hierdie Wet, van 'n nuwe lisensie of van 'n lisensie as vernuwing van 'n lisensie wat ingevolge daarvan gehou of as 'n aldus gehoue lisensie beskou word, of by die verlening van verlof om 'n lisensie ingevolge hierdie Wet oor te dra of te verplaas, die fooi betaal word wat die Derde Bylae tot hierdie Wet vir die uitreiking, vernuwing, oordrag of verplasing voorskryf.

(2) By 'n groothandelaars-dranklisensie, 'n bottel-dranklisensie, 'n restaurant-dranklisensie, 'n hotel-dranklisensie, 'n kantien-lisensie, 'n klub-lisensie, 'n teater-lisensie en 'n tydelike lisensie word die fooi wat vir die uitreiking van 'n nuwe lisensie of vir die vernuwing van 'n lisensie verskuldig is met die helfte verminder, as die lisensiehouer verkies dat sy lisensie uitgereik word onder die voorwaarde dat geen ander drank deur hom verkoop mag word nie dan drank wat in die Unie voortgebring is.

(3) Wanneer 'n lisensie, uitgereik ingevolge 'n wet wat hierdie Wet herroep, tot na die een-en-dertigste dag van Desember 1928, duur, dan word die bedrag, verskuldig vir 'n lisensie, ingevolge hierdie Wet vir die orige deel van die jaar 1929 aan die houer daarvan verleen as 'n vernuwing van daardie lisensie, verminder met een twaalfde vir elke voltooide kalendermaand van 1929 waarin eersgenoemde lisensie van krag is.

(4) Wanneer 'n lisensie na die een-en-dertigste dag van Januarie van enige jaar kragtens hierdie Wet verleen, vernuwe, oorgedra of verplaas word, dan word die bedrag, ingevolge die Derde Bylae tot hierdie Wet verskuldig vir daardie verlening, vernuwing, oordrag of verplasing, verminder met een twaalfde vir elke voltooide kalendermaand wat verstryk is tussen die voorafgaande een-en-dertigste Desember en die dag waarop die lisensie werklik uitgereik word.

CHAPTER III.

LICENSING BOARDS.

(4) Constitution.

Constitution of licensing boards.

13. (1) A board for the consideration and determination of applications for or relating to the grant, renewal, transfer or removal of licences for the sale of liquor is hereby constituted in and for each district of the Union.

(2) Every board constituted under sub-section (1) shall consist of:

- (a) the magistrate or acting magistrate or, in his absence from any cause, the senior additional or assistant magistrate of the district or, if there is no additional or assistant magistrate, then such officer in the public service as the Governor-General may designate; and
- (b) four other members to be appointed by the Governor-General, two of whom shall, if there be within the district one or more urban local authorities, be members thereof.

(3) The member of the board mentioned in paragraph (a) of sub-section (2) shall be the chairman of the board and shall preside at every meeting thereof. In the absence of such member from any meeting the members present shall choose one of their number to preside.

Provision where new district constituted.

14. (1) In the event of the Governor-General in the exercise of any power vested in him detaching any portion of a district for the purpose of creating a new district or to form part of a new district, the licensing board of such first-mentioned district shall, from the date of the creation of such new district, cease to have jurisdiction in the detached portion of the first mentioned district, but all licences issued, all conditions imposed and all things done under the authority of this Act in such portion shall remain of force and effect as if no such detachment had taken place.

(2) In the event of the Governor-General in the exercise of any power vested in him creating any new district, a licensing board for such district shall forthwith be constituted in manner provided in section thirteen of this Act. The first members of such board shall hold office from the date of their appointment until the last day of December next ensuing.

General disqualification for membership of board.

15. (1) The following persons shall be disqualified for election or appointment or, if elected or appointed, from sitting as members of a licensing board:—

- (a) The holder of, or applicant for, any licence for the sale of intoxicating liquors;
- (b) any brewer or distiller;
- (c) any person engaged in viticulture;
- (d) any spouse, partner, agent or employee of any person described in paragraph (a), (b) or (c);
- (e) any officer or agent of any partnership or association of persons or society interested in the sale or the prevention of the sale of intoxicating liquor, any person who holds, or during the preceding period of three years has held, an official position in an association or society having as its main object the suppression or promotion of the liquor trade.
- (f) any person employed directly or indirectly as an agent for the purpose of making application to a licensing board for any other person, or any partner of any person so employed as an agent;
- (g) any person who is a director, agent, manager or employee of, or a partner in, any business, trade or calling carried on upon any licensed premises or the owner lessor, or lessee of or the holder of any mortgage bond upon such premises;
- (h) any unrehabilitated insolvent;
- (i) any person who, within the Union or elsewhere, has had a sentence of imprisonment without the option of a fine imposed upon him for the commission of some crime or offence not of a political character and has not received a free pardon therefor;
- (j) the chairman or the member of a committee or an officer of any club.

HOOFSTUK III.

LISENSIERADE.

(A) Instelling.

13. (1) Hiermee word 'n raad ingestel in en vir elke distrik van die Unie, om aanvrae om, of in verband met, die verlening, vernuwing, oordrag of verplasing van lisensies vir die verkoop van drank te oorweeg en te beslis.

Instelling van lisensierade.

(2) Elke ingevolge sub-artikel (1) ingestelde raad bestaan uit—

- (a) die magistraat of waarnemende magistraat, of in sy afwesigheid om watterrede ook, die eerste addisionele of assistent-magistraat van die distrik of, as daar geen addisionele of assistent-magistraat is nie, dan 'n amptenaar in die staatsdiens wat die Goewerneur-generaal mag aanwys, en
- (b) vier ander lede, te benoem deur die Goewerneur-generaal, van wie twee, as die distrik een of meer stedelike plaaslike besture omvat, lede daarvan moet wees.

(3) Die lid van die raad vermeld in paragraaf (a) van sub-artikel (2), is voorsitter van die raad en moet by elke vergadering daarvan voorsit. As daardie lid van 'n vergadering afwesig is, moet die teenwoordige lede iemand uit hulle midde kies om voor te sit.

14. (1) Wanneer die Goewerneur-generaal by die uitoefening van sy bevoegdheide 'n deel van 'n distrik afsonder om 'n nuwe distrik te stig of om 'n deel van 'n nuwe distrik uit te maak, dan vervalt die bevoegdheid van die lisensieraad van eersgenoemde distrik, vanaf die dag waarop die nuwe distrik gestig word, in die afgesonderde deel van eersgenoemde distrik, maar alle lisensies uitgereik, alle voorwaardes gestel en alle handelings verrig kragtens hierdie Wet in daardie deel, bly van krag asof die afsondering nie plaasgevind het nie.

Wanneer nuwe distrik gestig word.

(2) Wanneer die Goewerneur-generaal by die uitoefening van sy bevoegdheide 'n nuwe distrik stig, moet onverwyld 'n lisensieraad vir daardie distrik ingestel word soos in artikel dertien bepaal. Die eerste lede van so 'n raad beklee hulle amp van die dag van hulle benoeming tot die laaste dag van die daaropvolgende Desember.

15. (1) Die volgende persone is onbevoeg om gekies of benoem te word, of indien gekies of benoem, om sitting te neem as lede van 'n lisensieraad—

Algemene onbevoegdheid om lid van raad te wees.

- (a) Die houër van, of aanvrager om, 'n lisensie vir die verkoop van sterke drank;
- (b) 'n bierbrouer of drankstoker;
- (c) iemand wat die wynbou beoefen;
- (d) 'n eggenoot, vennoot, lashebber of dienaar van iemand vermeld in paragraaf (a), (b) of (c);
- (e) 'n beampde of lashebber van 'n vennootskap of vereniging van persone of genootskap wat belang het by die verkoop of by die verhinderings van die verkoop van sterke drank, of iemand wat 'n offisiële betrekking beklee of gedurende die voorafgaande vier jaar beklee het in 'n vereniging of genootskap wat die onderdrukking of bevordering van die drankhandel as sy hoofdoel beskou;
- (f) iemand wat direk of indirek opdrag ontvang het om by 'n lisensieraad namens iemand anders 'n aanvraag in te dien of 'n vennoot van iemand wat aldus opdrag ontvang het;
- (g) iemand wat is: direkteur, lashebber, bestuurder, of in diens van, of 'n vennoot in, 'n besigheid, bedryf of beroep uitgeoefen in 'n gelisensieerde gebou, of die eienaar, verhuurder, huurder of verbandhouer van so 'n gebou;
- (h) 'n ongerehabiliteerde insolvent;
- (i) iemand wat in die Unie of elders tot gevangenisstraf sonder keus van boete veroordeel is weens een of ander misdryf, nie van politieke aard, en aan wie desweë geen gracie verleen is nie;
- (j) die voorsitter of 'n lid van die bestuur of 'n beampde van 'n klub.

(2) The fact that a person is a member of a club holding a club liquor licence shall not of itself disqualify him from being a member of a licensing board.

(3) No member of a board shall take his seat at any annual meeting thereof unless he has, not more than seven days previously, signed and handed to the president a declaration that to the best of his knowledge and belief he is not disqualified from sitting as a member of the licensing board by reason that he is a person, or one of a class of persons, described in sub-section (1).

16. No member of a licensing board shall take any part in the hearing or decision of any application for a licence under this Act if he is—

- (a) an owner, mortgagee, lessor or lessee of the premises in respect of which the application is made;
- (b) a partner, agent or employee of the applicant or of any objector to the application;
- (c) a director, manager or other officer, employee or agent of any company or association which would, if it were an individual fall within paragraph (a) or (b); or
- (d) a member of a club in respect of which the application is made.

17. (1) Every member of a licensing board appointed by the Governor-General shall hold office from the first day of January next ensuing after his appointment and continue therein until the last day of December in the same year or, in the event of an adjournment of the annual meeting beyond the thirty-first day of December, until the close of the annual meeting.

(2) In the event of any member of a licensing board vacating his office by death, resignation, disqualification or for any other cause whatever, the vacancy shall be filled by some person appointed by the Governor-General who shall, where in his opinion practicable, in making such appointment cause to be maintained the quota of local authority representations upon that board provided by section thirteen of this Act in respect of the constitution thereof. The person so appointed shall hold office for the unexpired portion of the period of office of the vacating member.

18. The chairman of a licensing board may, with the approval of the Minister, appoint as secretary thereof any member of the public service upon the staff of the magistrate of the district. If no such appointment is made, the clerk of the magistrate's court of the district shall be the secretary of the board.

19. (1) In any legal proceedings instituted against a licensing board in its official capacity service of any process on the magistrate of the district and upon the Government Attorney at Pretoria shall, subject to the provisions of sub-section (2), be deemed to be sufficient service on the board. No action shall be taken by the board in any such proceedings, save through the magistrate and the Government Attorney.

(2) Save in any case where the court out of which the summons has issued or before which the hearing of the application is to take place shall have specially authorized to the contrary, the time to be allowed for the entering of appearance to a summons issued in any legal proceedings referred to in sub-section (1) shall be not less than one month after service thereof upon the magistrate and the Government Attorney, and in applications by way of motion or petition the time to be allowed for the hearing of the application or for the return of a rule nisi shall be not less than fourteen days after service of the notice of motion or of the rule nisi, as the case may be, upon the magistrate and the Government Attorney.

(B) Meetings.

20. (1) A meeting of the licensing board shall be held in each district at the seat of magistracy on the first Wednesday in the month of December of each year or, if that day be a public holiday, on the following day, for the purpose of taking into consideration applications for the grant, renewal, transfer or removal of any licence or an authority under section thirty-two for or in respect of which notice in terms of the relative provision of this Act shall have been given. Such meeting is in this Act called the annual meeting.

(2) Die feit dat iemand lid is van 'n klub wat 'n klub-drank-lisensie besit, maak hom nie sonder meer onbevoeg om lid van 'n lisensieraad te wees.

(3) Geen lid van 'n lisensieraad mag op 'n jaarlikse vergadering daarvan sitting neem, tensy hy, nie meer dan sewe dae van tevore, 'n verklaring dat hy, vir sover hy weet, nie onbevoeg is om as lid van 'n lisensieraad sitting te neem omdat hy iemand is of behoort tot 'n klas van persone vermeld in sub-artikel (1), geteken en aan die voorsitter oorhandig het.

16. Geen lid van 'n lisensieraad mag deelneem aan die verhoor of beslissing van 'n aanvraag om 'n lisensie ingevolge hierdie Wet as hy is—

- (a) 'n eienaar, verbandhouer, verhuurder of huurder van die gebou ten opsigte waarvan die aanvraag gemaak word;
- (b) 'n vennoot, lashebber of dienaar van die aanvrager of van iemand wat die aanvraag opponeer;
- (c) 'n direkteur, bestuurder of ander beampte, dienaar of lashebber van 'n maatskappy of vereniging wat onder paragraaf (a) of (b) sou val as dit 'n mens was; of
- (d) 'n lid van 'n klub ten opsigte waarvan die aanvraag gemaak word.

17. (1) Elke lid van 'n lisensieraad deur die Goewerneur-generaal benoem, beklee sy amp van die eerste dag van die eerskomende Januarie na sy benoeming tot die laaste dag van Desember van dieselfde jaar, of, in geval van 'n verdaging van die jaarlikse vergadering tot na die een-en-dertigste dag van Desember, tot die sluiting van die jaarlikse vergadering.

(2) In geval 'n lid van 'n lisensieraad sy amp ontruim deur die dood, bedanking, onbevoegdheid of weens welke ander rede ook, word die vakature vervul deur iemand, benoem deur die Goewerneur-generaal, wat by die benoeming, as dit na sy oordeel doenlik is, die kwota van verteenwoordigers van plaaslike besture op daardie raad, soos deur artikel dertien van hierdie Wet met betrekking tot sy samestelling bepaal, moet laat voortbestaan. Die aldus benoemde persoon beklee sy amp gedurende die onafgelope deel van die ampsduur van die afgetrede lid.

18. Die voorsitter van 'n lisensieraad mag, met goedkeuring van die Minister, iemand in die Staatsdiens van die personeel van die magistraat van die distrik tot sekretaris van die raad benoem. As niemand aldus benoem word nie, is die klerk van die magistraatshof van die distrik, sekretaris van die lisensieraad.

19. (1) In enige regsgeding ingestel teen die lisensieraad in sy offisiële hoedanigheid, word 'n bediening van geregtelike stukke op die magistraat van die distrik en op die regeringsprokureur in Pretoria, met inagneming van die bepaling van sub-artikel (2), beskou as 'n voldoende bediening op die raad. Die raad mag in so 'n geding geen stappe neem behalwe deur middel van die magistraat en die regeringsprokureur.

(2) Behalwe wanneer die hof waaruit die dagvaarding afkomstig is of waarin die verhoor van die applikasie sal plaasvind, in 'n saak uitdruklik anders gelas, word vir die aantekening van verskyning op 'n dagvaarding uitgereik in 'n regsgeding vermeld in sub-artikel (1), 'n termyn gestel van nie minder dan een maand na bediening van die dagvaarding op die magistraat en die regeringsprokureur, en by 'n applikasie deur mosie of versoekskrif, word vir die verhoor van die applikasie of vir die verskyndag van 'n order nisi 'n termyn gestel van nie minder dan veertien dae na die bediening van die kennisgewing van die mosie of order nisi, na gelang van omstandighede, op die magistraat en die regeringsprokureur.

(B) Vergaderings.

20. (1) Op die eerste Woensdag in die maand Desember in elke jaar of as daardie dag 'n openbare feesdag is, op die volgende dag, moet die lisensieraad in elke distrik op die plek waar die magistraatskap gevestig is, 'n vergadering hou ter oorweging van aanvrae om verlening, vernuwung, oordrag, of verplasing van 'n lisensie of om 'n magtiging ingevolge artikel twee-en-dertig, waarvoor, of in verband waarmee, kennis gegee is ingevolge die toepaslike bepalings van hierdie Wet. So 'n vergadering word in hierdie Wet die jaarlikse vergadering genoem.

Spesiale onbevoegdheid van lede van raad in besondere gevalle.

Ampsduur van lede van lisensieraad en aanvulling van vakatures.

Sekretaris van lisensieraad.

Regsgeding teen lisensieraad.

Jaarlikse vergadering van lisensieraad.

(2) Not earlier than sixty and not later than thirty days before such meeting the magistrate shall by notice in the *Gazette* notify the date, place and time thereof.

interim
meetings
licensing
board.

21. (1) An interim meeting of a licensing board may be convened by the magistrate of the district in any month other than December, but not oftener than once in any calendar month, for the purpose of considering—

- (a) any application for the transfer or removal of a licence referred to it in terms of section *forty-five*;
- (b) any application made by the senior officer of police of the district for the cancellation of any existing licence referred to it by the magistrate in terms of sub-section (2) of section *one hundred and fifty-two*; or
- (c) any report referred to it by the magistrate in terms of sub-section (2) of section *one hundred and fifty-one* alleging the non-compliance by a licensee with a condition imposed by the board.

(2) Notice of any such meeting stating the date, time and place thereof and the matter to be dealt with shall be given personally or by post to every member of the board not less than seven days before such date, and in addition a like notice shall be published in the *Gazette* not less than seven days before the date of the meeting.

(3) If the matter for consideration is a police application for the cancellation of a licence or an allegation of the non-fulfilment of a condition by a licensee, a copy of the report upon which the application is made shall be forwarded by post to the licensee concerned at least fourteen days before the date fixed for the meeting.

22. (1) The Minister may at any time, if he thinks fit, direct the holding of a special meeting of any board for the consideration of—

- (a) any application for a licence in respect of premises which were not complete or ready for occupation prior to the last previous annual meeting of such board and which, apart from the value of the land on which they are situated, are valued for the purposes of any local authority at ten thousand pounds or more, or which, in the absence of any such valuation, are in the opinion of the Minister of that value; or
- (b) any application under this Act for a renewal of a licence which should have been made to the annual meeting if, in the opinion of the Minister, the circumstances connected with the failure to make such application to the annual meeting and the hardship which would be occasioned by postponing the application to the next annual meeting are such as to render it just that relief should be granted, and the board shall, at such special meeting, have power to deal with any such application as if it were an application duly made at an annual meeting.

(2) Notice of any such meeting stating the date, time and place thereof and the matter to be dealt with shall be given personally or by post to every member of the board not less than seven days before such date, and in addition a like notice shall be published in the *Gazette* not less than fourteen days before the date of the meeting.

quorum

23. (1) Three members of a licensing board shall form a quorum.

(2) If a quorum be not present at any meeting of a board on the day appointed or any adjournment thereof, the said meeting shall be adjourned from day to day until a quorum shall be present to hold such meeting.

(3) If, by reason of the provisions of section *sixteen*, a quorum of a board cannot be obtained for the hearing of any matter, the Minister shall nominate as members sufficient persons to complete such quorum, and such persons shall be members of the board for the hearing of such matter only.

(2) Die magistraat moet, nie meer dan sestig en nie minder dan dertig dae voor daardie vergadering by kennisgewing in die *Staatskoerant* die dag, plek en tyd daarvan aankondig.

21. (1) Die magistraat van die distrik mag 'n tussentydse vergadering van die lisensieraad belê in enige maand behalwe Desember, maar nie meer dan eenmaal in een kalendermaand, ter oorweging van—

Tussen-
tydse ver-
gaderings
van lisensie-
raad.

- (a) 'n aanvraag om die oordrag of verplasing van 'n lisensie, na die raad verwys ingevolge artikel *vyf-en-veertig*;
- (b) 'n versoek van die eerste polisiebeampte van die distrik om intrekking van 'n bestaande lisensie, deur die magistraat na die raad verwys, ingevolge sub-artikel (2) van artikel *honderd-twee-en-vyftig*; of
- (c) enige berig, deur die magistraat na die raad verwys ingevolge sub-artikel (2) van artikel *honderd-een-en-vyftig*, waarin 'n lisensiehouer beskuldig word van nie-nakoming van 'n voorwaarde deur die raad gestel.

(2) Van so 'n vergadering moet aan elke lid van die raad sewe dae van tevore persoonlik of deur die pos kennisgegee word, met vermelding van die dag, tyd en plek daarvan en van die onderwerp wat behandel sal word, en buitendien moet 'n gelykluidende kennisgewing nie minder dan sewe dae voor die dag van die vergadering in die *Staatskoerant* gepubliseer word.

(3) As 'n polisieversoek om intrekking van 'n lisensie, of 'n beweerde nie-nakoming van voorwaardes deur 'n lisensiehouer die oorwegings-onderwerp uitmaak, moet 'n kopie van die berig waarop die versoek steun minstens veertien dae voor die dag wat vir die vergadering vasgestel is, deur die pos aan die betrokke lisensiehouer gestuur word.

22. (1) Die Minister mag te eniger tyd, as hy dit wenslik ag, die hou van 'n spesiale vergadering van enige raad gelas ter oorweging van—

Spesiale
vergadering
van raad.

- (a) 'n aanvraag om 'n lisensie ten opsigte van 'n gebou wat voor die voorafgaande jaarlikse vergadering van daardie raad nie voltooi of gebruiksgereed was nie en wat, afgesien van die waarde van die grond waarop hy staan, vir die doeleindes van 'n plaaslike bestuur gewaardeer is op tien-duisend pond of meer of wat, indien nie aldus gewaardeer nie, volgens oordeel van die Minister soveel werd is;
- (b) 'n aanvraag ingevolge hierdie Wet om 'n vernuwing van 'n lisensie, wat op die jaarlikse vergadering moes gemaak geword het, as volgens oordeel van die Minister die omstandighede in verband met die versuim om die aanvraag op die jaarlikse vergadering te maak en die nadeel wat die gevolg sou wees van 'n uitsel van die aanvraag tot die volgende jaarlikse vergadering van die raad sodanig is, dat dit billik is om verligting te verleen en die raad is bevoeg om op so 'n spesiale vergadering so 'n aanvraag af te handel asof dit 'n behoorlik op 'n jaarlikse vergadering gemaakte aanvraag was.

(2) Van so 'n vergadering moet aan elke lid van die raad, nie minder dan sewe dae van te vore, persoonlik of deur die pos kennis gegee word, met vermelding van die dag, tyd en plek daarvan, en van die onderwerp wat behandel sal word, en buitendien moet 'n gelykluidende kennisgewing nie minder dan veertien dae voor die dag van die vergadering in die *Staatskoerant* gepubliseer word.

23. (1) Drie lede van 'n lisensieraad maak 'n kworum uit. Kworum.

(2) As op die vasgestelde dag op 'n vergadering of verdaagde vergadering van die raad geen kworum aanwesig is nie, word die vergadering van dag tot dag verdaag totdat 'n kworum aanwesig is om die vergadering te hou.

(3) As daar, weens die bepalinge van artikel *sestien*, vir die verhoor van 'n saak geen kworum beskikbaar is nie, moet die Minister 'n voldoende aantal persone as lede benoem om die kworum voltallig te maak, en daardie persone is lede van die raad net om daardie saak te verhoor.

Procedure
at board
meetings.

24. (1) Subject to any regulation, the order of business at any licensing board meeting shall be as determined by the board: Provided that all applications for the renewal of licences shall be heard and disposed of before applications for the grant of new licences are considered.

(2) All meetings of a board shall be open to the public, provided that, if the board so determines, the deliberation and voting upon any matter shall be in private.

Evidence
on oath.

25. (1) When any licensing board deems it necessary to take evidence respecting any question to be determined by such board, such evidence shall be given on oath to be administered by the chairman and shall be recorded.

(2) A licensing board may, by written notice under the hand of its chairman or secretary, require the attendance before it of any person who has made application to it for a new licence or for the renewal, transfer or removal of any licence, or in the case of the absence of the holder of any licence, of any person who in such absence is charged with the conduct of the business carried on under such licence, or of any other person who, in the opinion of the board, is able to testify as to any matter which the board has to determine; and may also by like notice require such applicant or person to produce any books or documents in his possession or under his control.

Decision of
matters of
law.

26. (1) Any matter of law arising for decision at any meeting of a licensing board, and any question arising at any such meeting as to whether a matter for decision is a matter of fact or a matter of law, shall be decided by the chairman, and no other member of the board shall have a voice in the decision of any such matter.

(2) The chairman may adjourn the argument upon any such matter as may arise in terms of sub-section (1) and may sit without any other member of the board for the hearing of such argument and the decision of such matter.

(3) Whenever the chairman shall give any decision in terms of sub-section (1), he shall state his reasons for that decision.

Decision of
matters of
fact.

27. (1) Upon all matters of fact (which shall be deemed to include any question as to the taking of evidence, or the calling of any witness, or the order of the board's proceedings, or the taking of its own motion of any objection in terms of section thirty-nine) the decision or opinion of the majority of the members present and qualified to vote shall be the decision or opinion of the board.

(2) The chairman shall have a deliberative vote, and in the event of an equality of votes shall have a casting vote.

(3) It shall not be incumbent upon the board to give any reason for its decision upon any matter decided under sub-section (1).

Record of
board's
proceedings.

28. (1) A record of the proceedings in public of a licensing board at every meeting shall be kept and shall be filed in the office of the magistrate of the district, and the same may be inspected and copies thereof obtained upon like conditions and upon payment of the same fees as if they were civil records of a magistrate's court.

(2) A separate record shall be kept of the proceedings in private of a licensing board, and such record shall not be disclosed to any person other than the Minister save upon an order of a provincial or local division of the Supreme Court.

(C) Review and Appeal.

Review of
board's
proceedings.

29. (1) Save as provided by sub-section (2) of section thirty-five, and sub-section (3) of section forty, any proceedings of a licensing board may be reviewed by any provincial or local division of the Supreme Court having jurisdiction, on the petition of any applicant or objector if it appears to the court that—

- (a) in the proceedings in question the board exceeded its powers, or refused to exercise powers which it was bound to exercise, or exercised its powers in an arbitrary or *mala fide* or grossly unreasonable manner; or
- (b) a conviction of an applicant which was before the board at the time of its decision has since been reversed or set aside on review or appeal, or that in respect of such conviction a free pardon has been granted; or

24. (1) Met inagneming van enige regulasie daaromtrent, word die volgorde van werksaamhede op 'n lisensieraad-vergadering deur die raad gereël. Alle aanvrae om vernuwing van lisensies moet egter verhoor en afgehandel word voordat aanvrae om verlening van nuwe lisensies in oorweging geneem word.

(2) Alle vergaderings van 'n raad moet vir die publiek toeganklik wees, dog as die raad aldus besluit, word oor 'n onderwerp privaat beraadslaag en gestem.

25. (1) Wanneer 'n lisensieraad dit nodig ag om getuienis af te neem in verband met enige kwessie wat hy moet beslis, moet daardie getuienis gegee word onder 'n eed, op te lê deur die voorsitter, en moet genotuleer word.

(2) 'n Lisensieraad mag iemand wat by die raad aanvraag gemaak het om 'n nuwe lisensie of om die vernuwing, oordrag of verplasing van 'n lisensie, of as die houder van so 'n lisensie afwesig is, iemand wat in sy afwesigheid belas is met die verrigting van die besigheid wat kragtens die lisensie gedryf word, of iemand anders wat, volgens oordeel van die raad, in staat is om getuienis te gee omtrent iets wat die raad moet beslis, by skriftelike kennisgewing, geteken deur sy voorsitter of sekretaris, voor hom daag en mag, by 'n dergelike kennisgewing die gedaagde gelas om enige boeke, papiere of dokumente wat hy besit of waaroor hy beskik, oor te lê.

26. (1) Enige regspunt wat op 'n vergadering van die raad ter beslissing opkom en enige kwessie wat op so 'n vergadering ontstaan of 'n punt, wat beslis moet word, 'n regspunt is dan wel op feite berus, word deur die voorsitter beslis en geen ander lid van die raad het seggenskap by die beslissing van so 'n punt.

(2) Die voorsitter mag die bepleiting van 'n punt wat ingevolge sub-artikel (1) ontstaan, verdaag en mag sonder 'n ander lid van die raad sit om die bepleiting te verhoor en die punt te beslis.

(3) Wanneer die voorsitter ingevolge sub-artikel (1) 'n beslissing gee, moet hy dit met redes omklee.

27. (1) By alle kwessies wat op feite berus (wat geag word in te sluit 'n kwessie omtrent die afneem van getuienis of die oproep van 'n getuie of die volgorde van die werksaamhede van die raad of die opper, uit eie beweging, van 'n beswaar, volgens artikel *nege-en-dertig*) is die beslissing of oordeel van die meerderheid van die aanwesige en stembevoegde lede die beslissing of oordeel van die raad.

(2) Die voorsitter het 'n beraadslagende stem en by staking van stemme 'n beslissende stem.

(3) Die raad is nie verplig om sy beslissing van 'n kwessie ingevolge sub-artikel (1) met redes te omklee nie.

28. (1) Van die openbare verrigtings van elke vergadering van 'n lisensieraad moet notule gehou en op die kantoor van die magistraat van die distrik bewaar word, en insage en kopieë daarvan kan verkry word op dieselfde voorwaardes en teen betaling van dieselfde fooie asof dit siviele notule van 'n magistraatshof was.

(2) Die private verrigtings van 'n lisensieraad moet afsonderlik genotuleer word en daardie notule mag, behalwe aan die Minister alleen op las van 'n provinsiale of plaaslike afdeling van die Hooggeregshof openbaar gemaak word.

(C) Revisie en Appèl.

29. (1) Behoudens die bepalings van sub-artikel (2) van artikel *vyf-en-dertig* en sub-artikel (3) van artikel *veertig* mag 'n bevoegde provinsiale of plaaslike afdeling van die Hooggeregshof die verrigtings van 'n lisensieraad in revisie neem op 'n versoekskrif van 'n aanvrager of beswaarmaker, of as aan die hof blyk dat—

- (a) die raad by die betrokke verrigtings sy bevoegdheid te buite gegaan het of geweier het om bevoegdhede uit te oefen wat hy verplig was om uit te oefen, of sy bevoegdhede willekeurig of te kwader trou of uiters onbillik uitgeoefen het; of
- (b) die raad by sy beslissing in aanmerking geneem het 'n veroordeling van 'n aanvrager, wat sedert die tyd by 'n appèl of revisie vernietig is, of dat ten opsigte van daardie veroordeling gracie verleen is; of

Procedure of
raadsver-
gadering.

Getuienis
onder eed.

Beslissing
van regs-
punte.

Beslissing
van feite.

Notule van
raad se ver-
rigtings.

Revisie va
raad se ver-
rigtings.

- (e) a person who was disqualified from being a member, or, if a member, from taking any part in the proceedings in question, took part in such proceedings.

(2) If upon the consideration on review of any proceedings of a licensing board a court should find that the allegations of the petitioner for the review have been proved, it may set aside the proceedings in question and make such order as it may deem fit, including an order that a meeting of a board be convened for the rehearing or reconsideration of the matter: Provided that no proceedings shall be set aside—

- (a) by reason merely of a formal or technical defect in any of the proceedings which have not in the opinion of the court resulted in substantial injustice; or
(b) in any other case, unless the reviewing court is satisfied that the matter proved was calculated to cause substantial prejudice to the petitioner or any other person.

Cases in which appeal allowed.

30. (1) In respect of any matter decided upon by the chairman solely, in terms of section *twenty-six*, not being a matter decided under sub-section (2) of section *forty*, an appeal shall lie at the instance of any applicant in respect of or in connection with those application, or of any objector in respect of or in connection with whose objection, such decision was given.

(2) Such appeal shall be noted and prosecuted as if it were an appeal from a judgment of a magistrate's court in a civil matter, and all rules applicable to such an appeal, whether in respect of the hearing thereof or of the confirmation or setting aside of the proceedings appealed against, shall *mutatis mutandis* apply to an appeal under this section.

(3) Save as provided in this section, there shall be no appeal from the decision of a licensing board.

CHAPTER IV.

Applications for licences.

APPLICATIONS FOR LICENCES AND OBJECTIONS THERETO.

31. (1) Any person desiring to obtain a licence under this Act for which the authority of the licensing board is required, or the renewal of any such licence, or the removal of any such licence from the licensed premises to any other premises in the same district, or the transfer of such a licence by the holder thereof to any other person may make application in writing to the magistrate of the district on or before the fifteenth day of October if the matter is to be heard at an annual meeting, and at any time other than in the month of September or October if the matter is the grant or renewal of a licence for which application is desired to be made to a special meeting.

(2) Every such application shall set forth—

- (a) the full name and address of the applicant, and the full names of his partners, if any;
(b) the nature or description of the licence sought to be obtained, renewed, removed or transferred;
(c) the situation of the premises where the business is intended to be carried on, including the number or name (if any) of the house and of the street or road and the number or other designation of the lot or erf;
(d) a description of the premises which, save in the case of a renewal or a transfer where the premises have since the last application for a licence in respect thereof undergone no change of structural arrangement, shall be accompanied by a plan drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows and means of external and internal communication, and the streets or places to which such means of external communication lead; and
(e) that a special meeting of the board is desired, if such be the fact, and the grounds on which the request therefor is based.

(3) With every such application there shall be submitted to the board—

- (a) an affidavit by the applicant fully setting forth—

- (e) iemand wat onbevoeg was om lid te wees, of as hy lid was, om aan die betrokke verrigtings deel te neem, daaraan deelgeneem het.

(2) As 'n hof, by die reviesie van verrigtings van 'n lisensieraad mag bevind dat die bewerings van die versoeker om reviesie bewys is, mag hy die betrokke verrigting vernietig en 'n sodanige order verleen as wat hy wenslik ag, en mag onder ander 'n belegging van 'n vergadering van die raad gelas om die saak opnuut te verhoor en te oorweeg: Met die verstande dat geen verrigtings vernietig mag word nie—

- (a) alleen weens 'n formele of tegniese gebrek in enige van die verrigtings wat volgens oordeel van die hof nie 'n wesenlike onreg ten gevolge gehad het nie; of
(b) in enige ander geval tensy die reviesiehof oortuig is dat die bewese feite die versoeker of iemand anders wesenlik sou kan benadeel het.

30. (1) Wanneer die voorsitter alleen enige kwessie kragtens artikel *ses-en-twintig* beslis, mits dit nie 'n beslissing is kragtens sub-artikel (2) van artikel *veertig*, kan 'n aanvrager ten opsigte van of in verband met wie se aanvraag, of 'n beswaarmaker ten opsigte van of in verband met wie se beswaar daardie beslissing gegee is, daarteen appelleer.

Wanneer appél geoorloof is.

(2) So 'n appél moet aangeteken en voortgeset word asof dit 'n appél was teen 'n vonnis van 'n magistratshof in 'n siviele saak, en alle reëls op so 'n appél van toepassing, wat betref sy verhoor of wat betref die bekragtiging of vernietiging van die verrigtings waarteen geappelleer word, is *mutatis mutandis* van toepassing op 'n appél ingevolge hierdie artikel.

(3) Afgesien van hierdie artikel kan teen die beslissing van 'n lisensieraad nie geappelleer word nie.

HOOFSTUK IV.

AANVRAE OM LISENSIES EN BESWARE DAARTEEN.

31. (1) Iemand wat 'n lisensie ingevolge hierdie Wet, waartoe magtiging deur die lisensieraad nodig is, of 'n vernuwing van so 'n lisensie, of die verplasing van so 'n lisensie van die gelisensieerde gebou na 'n ander gebou in dieselfde distrik, of die oordrag van so 'n lisensie deur die houder daarvan aan iemand anders, wens te verkry, mag by die magistraat van die distrik 'n skriftelike aanvraag indien, en wel op of voor die vyftiende dag van Oktober, as die saak op 'n jaarlikse vergadering verhoor moet word, en op enige ander tyd dan in die maand September of Oktober, as die saak betref die verlening of vernuwing van 'n lisensie waarom hy by 'n spesiale vergadering aanvraag wil maak.

Aanvrae om lisensies.

(2) Elke sodanige aanvraag moet bevat—

- (a) die volledige naam en adres van die aanvrager en die volledige name van sy vennote (as hy het);
(b) die aard of soort van lisensie waarvan die verkryging, vernuwing, verplasing of oordrag verlang word;
(c) aangifte van die ligging van die gebou waar die besigheid volgens voorneme gedryf sal word, met vermelding van die nommer of naam (as die bestaan) van die huis en van die straat of pad, en van die nommer of ander beskrywing van die perseel of erf;
(d) 'n beskrywing van die gebou wat (behalwe wanneer, in die geval van 'n vernuwing of oordrag, die gebou sedert die laaste aanvraag om 'n lisensie ten opsigte daarvan, nie deur ombou verander is nie), vergesel moet wees van 'n plan, volgens 'n skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binne-gebou met alle deure, vensters en uitwendige en inwendige verkeersweë en die strate of plekke waarheen die uitwendige verkeersweë voer; en
(e) die vermelding dat 'n spesiale vergadering van die raad versoek word, as dit die geval is, en van die redes waarop die versoek steun.

(3) Met elke sodanige aanvraag moet aan die raad voorgelê word—

- (a) 'n beëdigde verklaring van die aanvrager, waarin volledig aangegee word:

- (i) particulars of any tie by which the applicant is or is supposed to be, bound in respect of the business conducted under the licence; and
- (ii) the name and address of any person, other than the applicant, who has or to whom it is proposed to grant, any financial interest in such business, and the nature and extent of such interest, or that no other person than himself has, or is to receive, any financial interest, if such be the case;
- (b) a true copy of any documents by which the agreement respecting any such tie or financial interest was concluded; and
- (c) a true copy of any lease or contract under which the premises are held or to be held on which the licensed business is or is proposed to be carried on.

(4) In case any application for the renewal of a licence to be heard at an annual meeting of a board is not made in due time, but is made within seven days after the last date on which it should have been made, the magistrate shall accept the same for the consideration thereof by the licensing board at the annual meeting or any adjournment thereof, upon payment of the sum of ten pounds in addition to any sum ordinarily payable under section *thirty-three*, and upon such terms as to notice being given as the magistrate may prescribe such additional sum to be denoted by revenue stamps to be affixed to the application and cancelled by the magistrate.

32. (1) Any person desiring to obtain an authority under sub-section (3) of this section in respect of premises proposed to be used as a hotel, which are not erected, or which, if already erected, require additions or alterations to make them suitable as a hotel, and which when erected, altered or added to will, apart from the land on which they are built, be of the value of ten thousand pounds or upwards, may, before or after the commencement of such erection or of the making of such additions or alterations, but not later than the last day of October, make application in writing to the magistrate of the district for such authority to be granted by the board at its next annual meeting.

(2) Such application shall set forth—

- (a) the full name and address of the applicant and the full names of his partners, if any;
- (b) the exact situation of the premises proposed to be added to or altered or of the land on which the premises are proposed to be built;
- (c) a description of the premises as they will be when completed, which shall be accompanied by a plan drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows and means of external and internal communication and the streets or places to which such means of external communication will lead.

(3) A board considering any such application and any objections thereto, if satisfied that—

- (a) the premises in respect of which the application is made will on completion, apart from the value of any land on which they are situated, be of the value of ten thousand pounds or more;
- (b) having regard to the number of existing licences and to any other fact, it would be competent, if the premises were completed at the date of the consideration of the application, to grant a licence for a hotel to be conducted thereon;
- (c) it is *bona fide* the intention of the applicant, if the application is granted, to complete the erection, addition to or alteration of the premises within six months from the date of the grant of the application or such longer period as the licensing board may determine;
- (d) the premises when completed will be suitable in all respects as a hotel; and

(i) besonderhede van enige koopverplichting wat op die aanvrager rus of beweer word te rus met betrekking tot die besigheid wat kragtens die lisensie gedryf word; en

(ii) die naam en adres van enigeen buiten die aanvrager wat geldelike belang in daardie besigheid het of aan wie so 'n belang volgens voorneme verleen sal word en die aard en omvang van daardie belang, of dat niemand anders as hyself enige geldelike belang het of staan te ontvang, as dit die geval is;

(b) 'n juiste kopie van enige dokumente waardeur die ooreenkoms omtrentso 'n koopverplichting of geldelike belang aangegaan is; en

(c) 'n juiste kopie van enige huur of kontrak waaronder die gebou besit word of besit sal word waarin die gelisensieerde besigheid gedryf word of volgens voorneme gedryf sal word.

(4) In geval 'n aanvraag om vernuwing van 'n lisensie wat op 'n jaarlikse vergadering van die raad verhoor moet word, nie intyds ingedien word nie, maar ingedien word binne sewe dae na die laaste dag waarop dit kon ingedien geword het, dan moet die magistraat dit aanneem, ter oorweging deur die lisensie-raad op die jaarlikse vergadering of 'n verdaging daarvan, teen betaling van tien pond buiten die som wat in die gewone loop kragtens artikel *drie-en-dertig* verskuldig is, en op sodanige voorwaardes wat betref kennisgewing, as wat die magistraat mag stel. Daardie bykomende som moet uitgedruk word in belastingseëls wat aan die aanvraag geheg en deur die magistraat gerojear moet word.

32. (1) Iemand wat 'n magtiging ingevolge sub-artikel (3) van hierdie artikel wens te verkry ten opsigte van 'n gebou wat as hotel sal gebruik word maar wat nog nie opgerig is nie of wat, as dit reeds opgerig is, aangebou of verander moet word om dit vir 'n hotel geskik te maak, en wat, na die oprigting, aanbou of verandering, afgesien van die grond waarop dit staan, tienduizend pond of meer werd sal wees, mag, vóór of na die begin van die oprigting of van die aanbou of verandering maar nie later dan die laaste dag van Oktober by die magistraat van die distrik skriftelik aanvraag maak om sodanige magtiging te verleen deur die raad op sy volgende jaarlikse vergadering.

(2) Die aanvraag moet bevat—

- (a) die volledige naam en adres van die aanvrager en van sy vennote, as hy het;
- (b) die juiste ligging van die gebou waarvan die aanbou of verandering voorgestel word, of van die grond waarop dit voorgestel word om die gebou op te rig;
- (c) 'n beskrywing van die gebou soos dit na voltooiing sal wees, wat vergesel moet wees van 'n plan, volgens 'n skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnegebou met alle deure, vensters en uitwendige en inwendige verkeersweë en die strate of plekke waarheen die uitwendige verkeersweë voer.

(3) As die raad, wat die aanvraag en enige beswaar daarteen oorweeg, oortuig is—

- (a) dat die gebou ten opsigte waarvan die aanvraag gemaak word, na sy voltooiing, afgesien van die waarde van die grond waarop dit staan, tienduizend pond of meer sal werd wees;
- (b) dat hy, as die gebou voltooi was op die dag waarop die aanvraag oorweeg word, met die oog op die aantal bestaande lisensies en op enige ander feit, bevoeg sou gewees het om 'n lisensie te verleen vir 'n hotel wat daarin gedryf sou word;
- (c) dat die aanvrager te goeder trou beoog, as die aanvraag bewillig word, om die oprigting, aanbou of verandering van die gebou te voltooi binne ses maande na die bewilliging van die aanvraag of so 'n langere termyn as wat die lisensieraad mag vasstel;
- (d) dat die gebou na sy voltooiing in elke opsig vir 'n hotel geskik sal wees; en

Application for authority for hotel licence in respect of premises to be erected.

Aanvraag om magtiging vir hotel-lisensie ten opsigte van gebou.

- (e) generally that it is desirable that a hotel licence should be granted in respect of the premises,

may issue to the applicant a conditional authority for a hotel licence in respect of such premises.

(4) If the magistrate of the district in which the premises are situated endorses upon an authority granted under sub-section (3) a certificate that the premises to which such authority refers have been completed substantially in accordance with the plans produced under sub-section (2) to the licensing board, and are, in his opinion, in a suitable condition for occupation as a hotel and for the conducting thereon of the business of a hotel, the issuer of licences to whom there is produced the authority so endorsed shall issue in respect of such premises to the person to whom the authority was granted a hotel liquor licence which shall be of force and effect until the thirty-first day of December inclusive in the year in which the certificate was granted.

Stamping of applications

33. (1) Any application made under this Act shall have affixed to it—

- if it is made for a special meeting to consider an application for the grant or renewal of a licence revenue stamps of the value of twenty-five pounds;
- if it is made to an annual meeting for the grant of a licence or of a conditional authority under section *thirty-two*, revenue stamps of the value of ten pounds;
- if it is made to an annual meeting for the renewal of any licence, stamps of the value of five pounds;
- if it is made to an interim meeting or to a magistrate for the transfer or removal of a licence, stamps of the value of ten pounds;
- if it is made to an annual meeting, for the transfer or removal of a licence, stamps of the value of five pounds.

(2) Such stamps shall be cancelled by the magistrate receiving the application.

(3) In the event of the application being for a special meeting of the board and the Minister, in the exercise of his discretion under section *twenty-two*, refusing such application, seventy-five per centum of the value of the stamps attached to the application shall be refunded to the applicant. In no other case shall the value or any part of the value of the stamps attached to an application be refunded.

Application for special meeting to be transmitted to Minister.

34. (1) A magistrate receiving an application for a special meeting of a board shall with all reasonable despatch transmit the same to the Minister together with any report or recommendation he may wish to make thereon.

(2) The Minister upon consideration of any such application and of such reports or information in respect thereof as he may deem fit to call for, shall notify to the magistrate his decision upon such application.

Publication of applications.

35. (1) Subject to the provisions of sections *forty-two*, *forty-three* and *forty-five*, the magistrate receiving an application to be made to an annual meeting of the board for the grant, renewal, transfer or removal of a licence or for a conditional authority under section *thirty-two*, or receiving the Minister's authority granted under section *twenty-two* for the holding of a special meeting of the board for the consideration of any application for the grant or renewal of a licence shall, as soon as may be after the receipt of the application or of the authority, as the case may be, and not less than thirty days before the date fixed for the meeting—

- cause to be posted in some conspicuous place open to the public at or in his office and to be published in the *Gazette* and in an English and a Dutch newspaper circulating in the district in which the board meets, a notice showing—
 - the name of the applicant;
 - the nature of the application;
 - the situation of the premises upon which the business which is the subject of the application is proposed to be carried on;

- (e) oor die algemeen, dat dit wenslik is om 'n hotel-lisensie ten opsigte van die gebou te verleen,

dan mag hy aan die aanvrager ten opsigte van daardie gebou 'n voorwaardelike magtiging vir 'n hotel-lisensie verleen.

(4) As die magistraat van die distrik waarin die gebou geleë is, op die magtiging, verleen ingevolge sub-artikel (3), 'n sertifikaat aanteken dat die gebou, waarop daardie magtiging betrekking het, voltooi is en wel wesenlik ooreenkomstig die planne wat ingevolge sub-artikel (2) aan die lisensieraad voorgelê is, en dat dit na sy oordeel in 'n geskikte toestand is om as hotel bewoon te word en vir 'n hotelbedryf, dan moet die uitreiker van lisensies aan wie die magtiging met daardie aantekening daarop vertoon word ten opsigte van daardie gebou aan die persoon aan wie die magtiging verleen is, 'n hotel-dranklisensie uitreik wat van krag sal wees tot en met die een-en-dertigste dag van Desember van die jaar waarin die sertifikaat verleen is.

33. (1) Aan enige aanvraag, ingevolge hierdie Wet ingedien, moet geheg wees—

Seëls op aansoek.

- as daarmee 'n spesiale vergadering aangevra word ter oorweging van 'n aanvraag om die verlening of vernuwing van 'n lisensie, belastingseëls van 'n waarde van vijf-en-twintig pond;
- as daarmee op 'n jaarlikse vergadering die verlening van 'n lisensie of 'n voorwaardelike magtiging kragtens artikel *twee-en-dertig* aangevra word, belastingseëls van 'n waarde van tien pond;
- as daarmee op 'n jaarlikse vergadering die vernuwing van 'n lisensie aangevra word, seëls van 'n waarde van vyf pond;
- as daarmee op 'n tussentydse vergadering of by 'n magistraat die oordrag of verplasing van 'n lisensie aangevra word, seëls van 'n waarde van tien pond;
- as daarmee op 'n jaarlikse vergadering die oordrag of verplasing van 'n lisensie aangevra word, seëls van 'n waarde van vyf pond.

(2) Daardie seëls moet gerojear word deur die magistraat wat die aanvraag ontvang.

(3) As dit 'n aanvraag is om 'n spesiale vergadering van die raad en die Minister wys die aanvraag af, kragtens sy diskresie ingevolge artikel *twee-en-twintig*, dan moet vyf-en-sewentig persent van die waarde van die seëls wat aan die aanvraag geheg is, aan die aanvrager terugbetaal word. In geen ander geval word die waarde of 'n deel van die waarde van die seëls, wat aan 'n aanvraag geheg is, terugbetaal.

34. (1) 'n Magistraat wat 'n aanvraag om 'n spesiale vergadering van die raad ontvang, moet dit met redelike spoed aan die Minister deurstuur, met enige verslag of aanbeveling wat hy daaromtrent wil maak.

Deursending van aanvraag om spesiale vergadering aan Minister.

(2) Nadat die Minister so 'n aanvraag en die verslag of die inligtings daaromtrent wat hy mag wenslik beskou en opgevra het, oorweeg het, moet hy sy beslissing omtrent die aanvraag aan die magistraat meedeel.

35. (1) Met inagneming van die bepalinge van artikels *twee-en-veertig*, *drie-en-veertig* en *vyf-en-veertig*, moet 'n magistraat, na ontvangs van 'n aanvraag wat op 'n jaarlikse vergadering van die raad gemaak sal word om 'n verlening, vernuwing, oordrag of verplasing van 'n lisensie of om 'n voorwaardelike magtiging kragtens artikel *twee-en-dertig* of na ontvangs van die Minister se opdrag, kragtens artikel *twee-en-twintig*, om 'n spesiale vergadering van die raad te hou ter oorweging van 'n aanvraag om die verlening of vernuwing van 'n lisensie, so spoedig doenlik en nie minder dan dertig dae voor die dag wat vir die vergadering vasgestel is—

Bekendmaking van aanvraag.

- by of in sy kantoor op 'n plek wat in die oog val en vir die publiek toeganklik is, laat aanheg, en in die *Staatskoerant* en in 'n Engelse en Hollandse nuusblad in omloop in die distrik waarin die raad vergader, laat publiseer, 'n kennisgewing wat vermeld—
 - die naam van die aanvrager;
 - die geaardheid van die aanvraag;
 - die ligging van die gebou waar voorgestel word om die besigheid wat die onderwerp van die aanvraag uitmaak, te dryf;

(iv) the day on and the hour at which and the place where the board will meet for the hearing of the application; and

(b) send a copy of such notice by post or otherwise to every member of the licensing board and to the senior officer in police charge of the district.

(2) The validity of a licence granted by a licensing board shall not be effected merely by reason of the fact that any notice required by this section was not duly posted, published or sent as herein provided.

36. (1) Not later than seven days before any annual or special meeting of a licensing board any person ordinarily resident within the district, either individually or jointly with other persons so resident and any local authority within the district may lodge with the magistrate or with the secretary of the board a written objection to any application to be considered at that meeting.

(2) Such objection shall clearly indicate the application to which objection is taken and shall shortly state the grounds of the objection.

37. (1) The magistrate or secretary receiving any objection lodged under section *thirty-six* shall forthwith in writing inform the applicant concerned of the fact of such objection and briefly the ground thereof, and shall allow the applicant or his agent at any time before the meeting to inspect and take a copy of the objection.

(2) A police report received in terms of section *one hundred and fifty* or *one hundred and fifty-one* shall be open to the inspection of the applicant or licensee concerned or of any person entitled to lodge an objection to the application at the office of the magistrate receiving it who shall, at any time before the consideration of the application, allow such applicant or his agent or any such person or his agent to take a copy of such report.

38. (1) Any person who has lodged an objection under section *thirty-six* to any application may appear before the licensing board personally or by counsel or attorney or by some person deputed by him in writing to object to the granting of the application against which he has lodged an objection. If such person is a local authority, the mayor or chairman thereof or any person authorized in writing by the mayor or chairman thereof may so appear on its behalf.

(2) The board may in its absolute discretion hear any objection to an application made by any local authority within, or person resident within, the district, notwithstanding that notice of such objection has not been given in terms of section *thirty-six*, but in the event of its doing so it shall allow the applicant a reasonable opportunity of answering the objection so made, and shall if necessary adjourn the meeting for that purpose.

(3) The senior police officer who in terms of section *one hundred and fifty* has signed any report relating to any application may be called as a witness by the applicant concerned for the purpose of cross-examination as to such report, and such officer, whether so called or not, or any other member of the police force shall have the right to call evidence or present arguments in support of that report.

39. (1) A licensing board may, of its own motion, take notice of any matter or thing whatsoever which, in its opinion would be an objection to the granting or to the renewal, transfer or removal of a licence, although no objection has been made thereto by any person.

(2) Where the application is for the renewal, transfer or removal of a licence, the board shall inform the applicant of such matter or thing, and shall adjourn the further consideration of the application, should the applicant so request for any period not less than four days in order that the person affected by the objection may have an opportunity of replying thereto.

(3) The board shall, at or forthwith after such adjournment give notice in writing, signed by the secretary, and if there be

(iv) die dag en uur waarop en die plek waar die raad sal vergader om die aanvraag te hoor;

(b) 'n kopie van die kennisgewing deur die pos of andersins stuur aan elke lid van die lisensieraad en aan die eerste polisiebeampte onder wie se toesig die distrik staan.

(2) Die geldigheid van 'n lisensie wat deur 'n lisensieraad verleen is, word nie beïnvloed alleen omdat 'n kennisgewing wat hierdie artikel voorskryf, nie behoorlik aangeheg, gepubliseer of gestuur is soos hierin bepaal.

36. (1) Nie later as sewe dae voor 'n jaarlikse of spesiale vergadering van 'n lisensieraad mag iemand wat gewoonlik in die distrik woon, hetsy alleen of gesamentlik met ander sodanige inwoners, en enige plaaslike bestuur in die distrik, by die magistraat of by die sekretaris van die raad 'n beswaarskrif indien teen 'n aanvraag wat op die vergadering oorweeg sal word.

(2) Die beswaarskrif moet duidelik vermeld teen watter aanvraag beswaar gemaak word en moet kortliks die gronde aangee waarop die beswaar steun.

37. (1) Die magistraat of sekretaris wat 'n beswaarskrif, ingedien ingevolge artikel *ses-en-dertig*, ontvang, moet onverwyld aan die betrokke aanvrager skriftelik van die beswaar kennis gee en hom kortliks die gronde meedeel waarop die beswaar steun, en moet aan die aanvrager of sy gemagtigde te eniger tyd voor die vergadering toestaan om die beswaarskrif in te sien en af te skrywe.

(2) 'n Polisie-berig, ontvang ingevolge artikel *honderd-en-vyftig* of *honderd-een-en-vyftig* moet vir die betrokke aanvrager of lisensiehouer of vir iemand anders wat geregtig is om teen die aanvraag 'n beswaarskrif in te dien, ter insage beskikbaar wees op die kantoor van die ontvangende magistraat, wat te eniger tyd voordat die aanvraag oorweeg word, aan die aanvrager of sy gemagtigde of aan daardie ander persoon of sy gemagtigde moet toestaan om 'n afskrif van die berig te neem.

38. (1) Iemand wat ingevolge artikel *ses-en-dertig* 'n beswaarskrif ingedien het teen 'n aanvraag, mag persoonlik of deur 'n advokaat of prokureur of deur 'n skriftelik gelastigde voor die lisensieraad verskyn om beswaar te maak teen die bewilliging van die aanvraag waarteen hy 'n beswaarskrif ingedien het. Word deur 'n plaaslike bestuur beswaar gemaak, dan mag sy burgemeester of voorsitter of iemand, wat deur sy burgemeester of voorsitter skriftelik gemagtig is, aldus namens hom verskyn.

(2) Die raad mag geheel en al volgens diskresie 'n beswaar, teen 'n aanvraag ingebring deur 'n plaaslike bestuur in, of ingesetene van die distrik, verhoor, alhoewel van die beswaar geen kennis gegee is ingevolge artikel *ses-en-dertig*, maar in geval hy dit doen, moet hy aan die aanvrager 'n redelike geleentheid gee om op die ingediende beswaar te antwoord en moet, indien nodig, vir die doel die vergadering verdaag.

(3) Die eerste polisie-beampte wat kragtens artikel *honderd-en-vyftig* 'n berig aangaande 'n aanvraag geteken het, mag deur die betrokke aanvrager as 'n getuie opgeroep word om oor daardie berig onder kruisverhoor geneem te word, en daardie beampte, of hy al dan nie aldus opgeroep is, of enige ander lid van die polisie-mag, is geregtig om die berig deur getuienis of argumente te staaf.

39. (1) 'n Lisensieraad mag uit eie beweging kennis neem van enige saak of feit van watter aard ook, wat na sy oordeel 'n beswaar oplewer teen die verlening, vernuwing, oordrag of verplasing van 'n lisensie, alhoewel niemand daarteen beswaar gemaak het nie.

(2) Wanneer die vernuwing, oordrag, of verplasing van 'n lisensie aangevra word, moet die raad aan die aanvrager van daardie saak of feit kennis gee en moet, as die aanvrager dit versoek, die verdere oorweging van die aanvraag uitstel vir 'n tydperk van nie minder dan vier dae, om aan die persoon wat met die beswaar gemoei is 'n geleentheid te gee om daarop te antwoord.

(3) Die raad moet by of onmiddellik na daardie verdaging in geskrifte, geteken deur die sekretaris, of as hy ontbreek,

Indiening van beswaarskrif.

Meedeling van beswaarskrif en polisie-berig.

Verhoor van besware.

Lisensieraad bevoeg om self beswaar te opper.

Lodging of objections.

Information of objections and police reports.

Hearing of objections.

Power of licensing board to take objection.

none then by the chairman, of the cause of objection, to the person affected thereby and of the day on which the application will be further considered.

General
addresses
to licensing
boards.

40. (1) Any person, or any one person representing an association of persons, may at any annual or special meeting of a licensing board address such board generally on the question of the desirability of—

- (a) reducing or increasing the number of licences which may be granted by such board; or
- (b) reducing or increasing the number of hours, or curtailing or extending the times, during which liquor may be sold or supplied under licences so granted; or
- (c) withdrawing, withholding, granting or enlarging any other privilege which it is within the power of the board to grant or imposing any condition or restriction which it is within the power of the board to impose; or
- (d) the exercising by the board of any other power or function entrusted to it under this Act:

Provided that no such address shall be received unless at least seven days before the date of the meeting of the board there has been lodged with the magistrate concerned a notice in writing stating the person by whom, or the association of persons on behalf of which, the address will be made, and the nature of the general representation which will in such address be submitted. A copy of such notice shall for a period of seven days before the meeting of the board be posted by the magistrate in a conspicuous place open to the public at or in his office, but any failure to post or to keep posted such notice shall not invalidate the reception by the board of any such address.

(2) The chairman at a meeting of a board to which any such general address is presented or proposed to be presented may refuse to allow the hearing of such address or the continuance of such address on the ground that—

- (a) any limitation imposed by sub-section (1) has not been observed; or
- (b) any representation is irrelevant or a repetition of representations already submitted at that meeting.

(3) The decision of the chairman as to the allowing or the refusing to allow the hearing, or the continuance, of any such address shall be final and not subject to appeal or review.

(4) The board may, if it think fit, permit any applicant or his representative or any other person to reply to any address made to the board in terms of sub-section (1).

Death or
disability
of
applicant.

41. If any person applies for the grant, renewal, removal or transfer of a licence and, on or before the day for considering such application by the licensing board dies, or becomes insolvent, or assigns his estate under the law relating to insolvency, or is declared incapable of managing his own affairs—

- (a) his executor, trustee, assignee or curator, and in the event of there being no executor, trustee, assignee or curator, or of any such officer being unable or unwilling to act, any member of his family authorized by the magistrate shall, in respect of the taking of copies of objections and reports have all such rights as the applicant would have had but for his death or disability;
- (b) his executor, trustee, assignee or curator, and in the event of there being no executor, trustee, assignee or curator, or of any such officer being unable or unwilling to act, any member of his family authorized by the board may at the hearing of the application and of any objection thereto exercise all such rights as the applicant would have been entitled to exercise but for his death or disability; and
- (c) the board may, if it thinks fit, grant the application in favour of the executor, trustee, assignee or curator of such applicant, or in the event of there being no

deur die voorsitter, van die grond van die beswaar kennis gee aan die persoon wat daarmee gemoei is, en van die dag waarop die aanvraag verder oorweeg sal word.

40. (1) Iemand, of 'n enkele verteenwoordiger van 'n vereniging, mag op 'n jaarlikse of spesiale vergadering van 'n lisensieraad voor die raad in algemene terme 'n vertoog hou aangaande die wenslikheid—

Algemene
vertoeg voor
raad.

- (a) van 'n vermindering of vermeerdering van die aantal lisensies wat deur die raad verleen kan word; of
- (b) van 'n vermindering of vermeerdering van die aantal ure, of van 'n verkorting of verlenging van die tye, gedurende welke drank kragtens 'n aldus verleende lisensie verkoop of verstrekt mag word; of
- (c) van die intrekking, weiering, verlening of uitbreiding van enige ander voorreg wat die raad bevoeg is om te verleen, of om enige voorwaarde of beperking te stel wat die raad bevoeg is om te stel; of
- (d) van uitoefening deur die raad van enige ander bevoegdheid of ampsplig wat hierdie Wet aan hom toevertrou:

Met die verstande dat so 'n vertoog nie toegelaat mag word nie, tensy minstens sewe dae voor die vergadering van die raad by die betrokke magistraat 'n skriftelike kennisgewing ingedien is waarin vermeld word die persoon deur wie of die vereniging namens wie die vertoog gehou sal word, en op watter punte in die vertoog oor die algemeen aangedring sal word.

'n Kopie van die kennisgewing moet gedurende 'n tydperk van sewe dae voor die vergadering van die raad deur die magistraat by of in sy kantoor aangeheg word op 'n plek wat in die oog val en vir die publiek toeganklik is, maar 'n versuim om die kennisgewing aldus aan te heg of aangeheg te hou maak die toelating deur die raad van so 'n vertoog nie ongeldig nie.

(2) Op 'n vergadering van 'n raad waarop die voordrag van so 'n algemene vertoog plaasvind of voorgestel word, mag die voorsitter die verhoor van die vertoog weier of sy voortsetting belet op grond dat—

- (a) enige van die beperkings in sub-artikel (1) genoem, veronagsaam is; of
- (b) 'n punt waarop aangedring word, nie ter sake is nie, of reeds op daardie vergadering geopper is.

(3) Die beslissing van die voorsitter om die verhoor of die voortsetting van so 'n vertoog toe te staan of te belet is finaal en aan geen appèl of reviesie onderhewig nie.

(4) Die raad mag, as hy dit wenslik ag, aan 'n aanvrager of sy verteenwoordiger of aan iemand anders toestaan om te antwoord op 'n vertoog, aan die raad voorgedra kragtens sub-artikel (1)

41. As iemand die verlening, vernuwing, verplasing of oordrag van 'n lisensie aanvra en op of voor die dag waarop die lisensieraad die aanvraag sou oorweeg het, sterf of insolvent word, of sy boedel afstaan kragtens die wet op insolvensie, of onbekwaam verklaar word om sy eie sake te beheer, dan—

Dood of on-
bekwaam-
heid van
aanvrager.

- (a) het sy eksekuteur, kurator, of boedelredder of by ontstentenis van 'n eksekuteur, kurator of boedelredder of as die bekleder van so 'n amp nie kan of wil optree nie, enige lid van sy famielie wat die magistraat daartoe magtig, dieselfde regte om afskrifte van beswaarskrifte en berigte te neem, as wat die aanvrager sou gehad het as hy nie gesterf of onbekwaam geword het nie;
- (b) mag sy eksekuteur, kurator, of boedelredder, of by ontstentenis van 'n eksekuteur, kurator of boedelredder, of as die bekleder van so 'n amp nie kan of wil optree nie, enige lid van sy famielie wat die raad daartoe magtig, by die verhoor van die aanvraag en van enige beswaar daarteen, al die regte uitoefen wat die aanvrager sou kan uitgeoefen het as hy nie gesterf of onbekwaam geword het nie; en
- (c) mag die raad, as hy dit wenslik ag, die aanvraag bewilligen gunste van die aanvrager se eksekuteur, kurator of boedelredder, en by ontstentenis van 'n eksekuteur,

executor, trustee, assignee or curator, or of any such officer being unable or unwilling to accept the grant, of a member of the family of such applicant.

CHAPTER V.

TRANSFER, REMOVAL AND TEMPORARY CONTINUATION OF LICENCES.

42. (1) Any person being the holder of a licence (other than a licence for which the authority of a licensing board is not required) who during the currency thereof sells or disposes of his business or the premises in respect of which the licence was issued may apply to the magistrate of the district for a temporary transfer of the licence to the purchaser of such business or the purchaser or lessee of the premises and the magistrate and any two members of the licensing board, after calling for receiving and considering a police report, and if satisfied that to wait for the next meeting of the licensing board would subject the applicant to serious loss or inconvenience may, subject to the provision of section forty-five and upon payment by the applicant of the fee prescribed in the Third Schedule to this Act as payable for such transference, grant temporary transfer of such licence accordingly: Provided that no such application shall be granted—

- (a) unless not less than fourteen days before such grant there shall have been inserted in a newspaper circulating in the district a notice stating the fact of the application, and the name of the proposed transferee, and calling upon any person desiring to oppose the transfer to lodge his objection and state his reasons therefor in writing to the magistrate on or before a date fixed in the notice;
- (b) unless the applicant adduces proof to the satisfaction of the magistrate and members considering the application that he has given reasonable notice of the application to every person who is financially interested in the business which is the subject of the application;
- (c) if any complaint against the applicant, his agent or his servant of having committed any offence against any law relating to the supply of intoxicating liquor has been lodged with and is under the consideration of the police, or if any proceedings against the applicant, his agent or servant on any such charge are pending in any court; or
- (d) if the applicant or his agent or servant has since the last annual meeting of the licensing board been convicted of any offence against any law relating to the supply of intoxicating liquor for which he has been sentenced to pay a fine of ten pounds or more, or of any other offence for which he has been sentenced to imprisonment without the option of a fine.

(2) Any person to whom a licence may be temporarily transferred under this section, shall at the next annual meeting of the licensing board make application for the renewal of the licence in his favour as if he were the holder of a licence the period of which would, unless renewed at such meeting, expire.

(3) The temporary transfer under this section of a licence under this Act may include the transfer for its unexpired period of any billiard table licence or bagatelle table licence held in respect of any table upon the same premises as the premises in respect whereof such first mentioned licence is held. The provisions of the Licences Consolidation Act 1925 (Act No. 32 of 1925) or any amendment thereof shall not apply, to or in respect of any such transfers of a billiard table licence or bagatelle table licence.

43. The holder of any licence other than a temporary licence or a licence for which the authority of a licensing board is not required, who may desire to remove his licence, whether permanently or temporarily, from the licensed premises to any other premises in the same district distant not more than one mile from such licensed premises may make application to the magistrate to authorize such removal; and, such magistrate, and any two members of the licensing board after calling for, receiving and considering a police report and if satisfied that to

kurator of boedelredder, of as die bekleder van so 'n amp nie kan of wil optree nie, van enige lid van die aanvraer se famielie.

HOOFSTUK V.

OORDRAG, VERPLASING EN TYDELIKE VOORTSETTING VAN LISENSIES.

42. (1) Enige houer van 'n lisensie (behalwe 'n lisensie waarvoor geen magtiging van 'n lisensieraad nodig is nie) wat, terwyl die lisensie van krag is, sy besigheid of die gebou ten opsigte waarvan die lisensie uitgereik is, verkoop of van die hand sit, mag by die magistraat van die distrik aanvraag maak om 'n tydelike oordrag van die lisensie aan die koper van die besigheid of die koper of huurder van die gebou; en nadat die magistraat en enige twee lede van die lisensieraad 'n polisie-berig opgevra, ontvang en oorweeg het, mag hulle, indien oortuig dat die aanvraer ernstige verlies en ongerief sou ly as hy op die volgende vergadering van die lisensieraad moes wag, met inagneming van die bepalinge van artikel vyf-en-veertig en teen betaling, deur die aanvraer, van die fooi wat die Derde Bylae tot hierdie Wet vir so 'n oordrag voorskryf, dienoooreenkomstig 'n tydelike oordrag van die lisensie verleen:

Met die verstande dat so 'n aanvraag nie toegestaan mag word nie—

- (a) tensy nie minder dan veertien dae voor daardie verlening in 'n nuusblad in omloop in die distrik, 'n kennisgewing verskyn het waarin die aanvraag en die naam van die oordrag-ontvanger bekendgemaak word, en waarin enigeen wat beswaar wil maak teen die oordrag, opgeroep word om op of voor 'n dag, in die kennisgewing vasgestel, sy beswaar en sy redes daarvoor skriftelik by die magistraat in te dien;
- (b) tensy die aanvraer die magistraat en lede wat die aanvraag oorweeg, met bewyse oortuig dat hy van die aanvraag redelik kennis gegee het aan elkeen wat 'n geldelike belang het in die besigheid waarop die aanvraag betrekking het;
- (c) as 'n klagte teen die aanvraer, sy verteenwoordiger of sy bediende, dat hy 'n wet op die verstrekking van sterke drank oortree het, by die polisie ingedien en in oorweging is of as 'n geding teen die aanvraer, sy verteenwoordiger of bediende op so 'n beskuldiging in 'n hof aanhangig is; of
- (d) as die aanvraer of sy verteenwoordiger of bediende sedert die laaste jaarlikse vergadering van die lisensieraad weens 'n oortreding van enige wet op die verstrekking van sterke drank veroordeel is tot 'n boete van tien pond of meer of weens enige ander misdryf tot gevangenisstraf sonder die keus van boete.

(2) Iemand aan wie 'n lisensie kragtens hierdie artikel tydelik oorgedra is, moet op die volgende jaarlikse vergadering van die lisensieraad die vernuwing van die lisensie in sy gunste versoek asof hy die houer was van 'n lisensie wat sou afloop tensy dit op daardie vergadering vernuwe word.

(3) Die tydelike oordrag kragtens hierdie artikel van 'n lisensie ingevolge hierdie Wet mag ook die oordrag omvat vir sy onverstreke tydperk van 'n biljarttafel-lisensie van 'n bagateltafel of lisensie gehou in verband met 'n tafel in dieselfde gebou as die gebou in verband waarmee eersbedoelde lisensie gehou word. Die bepalinge van die Licenties Konsolidatie Wet 1925 (Wet No. 32 van 1925) of 'n wysiging daarvan is nie van toepassing op of ten opsigte van so 'n oordrag van 'n biljarttafel-lisensie of bagateltafel-lisensie.

43. Die houer van 'n ander lisensie dan 'n tydelike lisensie of 'n lisensie waarvoor die magtiging van 'n lisensieraad nie nodig is nie, wat sy lisensie wil verplaas, hetsy tydelik of permanent, van die gelisensieerde gebou na 'n ander gebou in dieselfde distrik wat nie meer dan een myl van daardie gelisensieerde gebou verwyder is nie, mag die magistraat versoek om die verplasing te magtig; en nadat die magistraat en enige twee lede van die lisensieraad 'n polisie-berig opgevra, ontvang en oorweeg het, mag hulle, indien oortuig dat die versoeker ernstige

Tydelike oordrag van lisensies.

Verplasing van gelisensieerde besigheid na ander gebou

Temporary transfer of licence.

Removal of licensed business to other premises.

wait for the next meeting of the licensing court would subject the applicant to serious loss or inconvenience, may, subject to the provisions of section *forty-five*, and upon the payment of the fee prescribed in the Third Schedule to this Act as payable for such removal, authorize such removal: Provided that not less than thirty days before the grant of such authority there shall have been given, by advertisement in the *Gazette* and in a newspaper circulating in the district and by notice affixed in a conspicuous place on the outside of the premises to which it is proposed to remove the licence, a notice stating the fact of the application and a description of the premises from and to which the licence is proposed to be transferred, and calling upon any person desiring to oppose the removal to lodge his objection and state his reasons therefor in writing to the magistrate on or before a date fixed in the notice.

Application to be made to board for ratification of temporary transfer or removal.

44. (1) Any person to whom a licence has been temporarily transferred by authority granted under section *forty-two*, and any person who has been authorized under section *forty-three* to remove his licence to other premises shall at the next annual meeting of the licensing board apply for a ratification of such transfer or removal.

(2) If the board refuses to ratify the transfer or removal, the licence concerned shall as to the person to whom it was originally granted, or in respect of the premises originally licensed, be considered to be in the same position as if no such transfer or removal had taken place, and an application for the renewal of the licence by the transferee shall at the request of the transferor, be deemed and taken to be an application by the transferor for such renewal.

Reference to board meeting of application for transfer or removal of licence.

45. A magistrate and the two members of a board considering any application for the transfer or removal of a licence made under section *forty-two* or *forty-three* may, if they or the majority of them think fit, refer such application for the decision—

- (a) of the annual meeting of the board if in their opinion or the opinion of the majority of them no prejudice would arise to any person through any delay thus occasioned; or
- (b) of an interim meeting of the board if they or the majority of them are of opinion that such prejudice might arise through such delay, and shall so refer such application for decision if any objection is made by any person or by the police to the transfer or removal, as the case may be.

Notice of and objections to applications to board for removal or transfer.

46. In respect of any application for a ratification of the transfer or removal of a licence made under section *forty-four*, or of any application for a transfer or removal of a licence referred to an annual or interim meeting of a board under section *forty-five*, there shall be given the like notices as are in terms of section *thirty-five* to be given in respect of an application for the transfer or removal of a licence to be made to an annual meeting, and all and several the provisions of sections *thirty-six* to *forty*, both inclusive, shall *mutatis mutandis* apply in respect of such application:

Provided that such notices shall clearly and specifically state that the application is for the ratification of an authority for the transfer or removal, as the case may be.

Provision for carrying on business under certain circumstances.

47. (1) If a licensee or person in whose favour an authority for the issue of a licence has been granted dies, or is declared by any court to be incapable of managing his own affairs or a prodigal, or is detained as a mental patient under the order of a judge issued under the Mental Disorders Act, 1916 (Act No. 38 of 1916), or any amendment thereof, or if the estate of any licensee or of any such person is sequestered or assigned under the law relating to insolvency, his licence or authority, as the case may be, shall enure for the benefit of his executor, curator, trustee or assignee as the case may be, who may, subject to any law relating to mental disorders, deceased estates or insolvency, as the case may be, without formal transfer carry on the business either personally or by some agent approved by writing under the hand of the magistrate until the next annual meeting of the licensing board and thereafter for such

verlies en ongerief sou ly as hy op die volgende vergadering van die lisensieraad moes wag, met inagneming van die bepaling van artikel *vyf-en-veertig* en teen betaling deur die versoeker van die fooi wat die Derde Bylae tot hierdie Wet vir so 'n verplasing voorskryf, die verplasing veroorloof: Mits nie minder dan dertig dae voor daardie magtiging, by advertensie in die *Staatskoerant* en in 'n nuusblad in omloop in die distrik en by kennisgewing aangeheg op 'n in die oog vallende plek aan die buitekant van die gebou waarheen die verplasing van die lisensie beoog word, die versoek en 'n beskrywing van die geboue vanwaar en waarheen die verplasing van die lisensie beoog word, bekendgemaak word, en enigeen wat teen die verplasing beswaar wil maak, opgeroep word om op of voor 'n dag, in die kennisgewing vasgestel, sy beswaar en sy redes daarvoor skriftelik by die magistraat in te dien.

44. (1) Iemand aan wie 'n lisensie kragtens artikel *twee-en-veertig* tydelik oorgedra is en iemand aan wie kragtens artikel *drie-en-veertig* magtiging verleen is om sy lisensie na 'n ander gebou te verplaas, moet op die volgende jaarlikse vergadering van die lisensieraad die bekragtiging van die oordrag of verplasing aanvra.

(2) As die raad weier om die oordrag of verplasing te bekrachtig, word die betrokke lisensie, wat betref die persoon aan wie dit oorspronklik verleen is, of wat betref die oorspronklik gelisensieerde gebou, geag in dieselfde toestand te wees asof geen sodanige oordrag of verplasing geskied was nie, en 'n aanvraag van die oordrag-ontvanger om 'n vernuwing van die lisensie word, op versoek van die oordraer, beskou as 'n aanvraag van die oordraer om daardie vernuwing.

45. 'n Magistraat en die twee lede van 'n raad wat 'n aanvraag om 'n oordrag of verplasing van 'n lisensie kragtens artikel *twee-en-veertig* of *drie-en-veertig* oorweeg, mag, as hulle of die meerderheid van hulle dit wenslik ag, die aanvraag ter beslissing verwys na—

- (a) die jaarlikse vergadering van die raad, as hulle of die meerderheid van hulle van oordeel is dat niemand deur die aldus veroorsaakte vertraging benadeel sou word nie;
- (b) 'n tussentydse vergadering van die raad, as hulle of die meerderheid van hulle van oordeel is dat iemand deur daardie vertraging wel benadeel sou kan word en hulle moet daardie aanvraag aldus verwys as enigeen of die polisie beswaar maak teen die oordrag of verplasing, na gelang van omstandighede.

46. Ten opsigte van 'n aanvraag ingevolge artikel *vier-en-veertig* om die bekragtiging van die oordrag of verplasing van 'n lisensie of van 'n aanvraag om die oordrag of verplasing van 'n lisensie, wat ingevolge artikel *vyf-en-veertig* na 'n jaarlikse of tussentydse vergadering verwys is, moet dieselfde kennisgewings uitgevaardig word as wat ingevolge artikel *vyf-en-dertig* uitgevaardig moet word in verband met 'n aanvraag op 'n jaarlikse vergadering om die oordrag of verplasing van 'n lisensie, en al die verskillende bepalinge van artikels *ses-en-dertig* tot en met *veertig* is *mutatis mutandis* op daardie aanvraag van toepassing: Met die verstande dat daardie kennisgewings duidelik en uitdruklik moet vermeld dat dit 'n aanvraag is om bekragtiging van 'n magtiging tot oordrag of verplasing, na gelang van omstandighede.

47. (1) Wanneer 'n lisensiehouer of iemand ten gunste van wie 'n magtiging tot uitreiking van 'n lisensie verleen is sterf of deur 'n hof onbekwaam om sy eie sake te beheer of tot 'n verkwister verklaar word, of as kranksinnig aangehou word kragtens die order van 'n regter, uitgevaardig ingevolge die Wet op Geestesgebreken, 1916 (Wet No. 38 van 1916) of 'n wysiging daarvan, of as die boedel van 'n lisensiehouer of so iemand gesekwestreer of afgeestaan word kragtens die wet op insolvensie, dan gaan sy lisensie of magtiging na gelang van omstandighede oor op sy eksekuteur, kurator, of boedelredder, na gelang van omstandighede, wat, met inagneming van die regs-bepalinge op geestesgebreke, bestorwe boedels of insolvensies, sonder formele oordrag die besigheid self of deur 'n verteenwoordiger wat deur die magistraat skriftelik goedgekeur is, mag voortset tot die volgende jaarlikse vergadering van die lisensieraad en

Bekragtiging van tydelik oordrag of verplasing moet by raad aanvra word

Verwysing van oordrag of verplasing na raadsvergadering.

Kennisgewing van oordrag of verplasing

Voortsetting van besigheid onder sekere omstandighede

period not exceeding twelve months for which the board may deem it fit to grant, on application, a renewal of the licence.

(2) If a licensee being a company or co-operative society or company is placed under liquidation, the liquidator shall, subject to the law relating to companies, or to co-operative societies and companies, as the case may be, have all such powers and rights in respect of the licence as would, under this section, be held by a trustee where the estate of a licensee is sequestrated under the law relating to insolvency.

(3) If during the currency of any licence the licensee absconds without making provision for the carrying on of the licensed business, or if for any other reason such business cannot during such currency be carried on because of the absence of any person authorized under this Act to carry it on, the magistrate and any two members of the licensing board, if no specific provision for the circumstances is made in this Act, may authorize any person whom they think fit to carry on such business for the remainder of the term for which the licence was granted or for any less period: Provided that no such authority shall be granted unless reasonable notice to the satisfaction of the magistrate and members considering the matter has been given of the proposal to every person who is financially interested in the business.

(4) Nothing in this section contained shall prejudice any right or claim of any person who has any lawful interest in any business concerned.

48. Any person to whom a licence has been temporarily transferred or who is carrying on or conducting the licensed business under the provisions of section *forty-seven* or under any authority granted under that section shall possess all the rights and be subject and liable to all the duties, obligations and penalties of the original holder of the licence.

49. In the event of the chief steward or manager or secretary of any club in whose name a club liquor licence has been issued vacating his position for any reason, it shall be the duty of the chairman or chief officer of the club forthwith to give notice to the magistrate of the district in writing of the name of the person appointed, whether temporarily or permanently, to the vacancy, and to cause the notice to be countersigned by such person. Such person shall be deemed to be the holder of the licence and be entitled to the rights and privileges and be subject to the duties and liabilities of the holder of the licence.

50. (1) Whenever a licensing board refuses to renew any licence, such board may authorize the continuation for a period of one month of the validity of the licence, the renewal of which has been refused.

(2) A licence continued in terms of sub-section (1) shall authorize for the said period and subject to the conditions of the licence so continued and to any other conditions which may be imposed by the board, the disposal of the liquor which was on the licensed premises at the date when the application for the renewal was refused but of no other liquor whatsoever.

(3) There shall be paid in respect of any continuation of licence authorized under this section one-twelfth of the amount which would have been paid for the renewal of the licence.

51. (1) Whenever in terms of sub-section (2) of section *one hundred and eighty-two* or sub-section (2) of section *one hundred and eighty-three* or under any other law a licence is declared by a court to be forfeited, and whenever at any interim meeting a board has ordered the cancellation of a licence, the licence concerned shall immediately become null and void: Provided that the holder thereof may, within fourteen days after such declaration or order, or in the event of any review thereof or of any appeal therefrom within fourteen days after the final confirmation thereof, sell by public auction upon the premises in respect of which the licence was held, through a duly licensed auctioneer, and in quantities of not less than two gallons of liquor of the same kind, any liquor which was upon his licensed premises at the date of the declaration or order.

daarna gedurende 'n sodanige tydperk van nie langer dan twaalf maande as waarvoor die raad, op aanvraag, dit mag wenslik ag om 'n vernuwing van die lisensie te verleen.

(2) As 'n lisensiehouer wat 'n maatskappy of 'n koöperatiewe vereniging is, in staat van likwidasië geplaas word, het die likwidateur met inagneming van die wette op maatskappye of op koöperatiewe verenigings en maatskappye al die bevoegdhede en regte ten opsigte van die lisensie, wat 'n kurator in-gevolge hierdie artikel het wanneer die boedel van 'n lisensiehouer gesekwestreer word kragtens die wet op insolvensie.

(3) As 'n lisensiehouer gedurende die geldigheid van sy lisensie wegloop sonder om te sorg dat die gelisensieerde besigheid voortgeset word, of as daardie besigheid om enige ander rede gedurende daardie geldigheid nie voortgeset kan word weens afwesigheid van iemand wat kragtens hierdie Wet gemagtig is om dit te dryf, dan mag die magistraat en enige twee van die lede van die lisensieraad, as hierdie Wet nie uitdruklik in die omstandighede voorsien nie, enigeen wat hulle geskik ag, magtig om die besigheid voort te set tot die einde van die tydperk waarvoor die lisensie verleen is, of gedurende 'n kortere tydperk: Met die verstande dat so 'n magtiging nie verleen mag word nie tensy van die voorstel redelik kennis gegee is, tot tevredenheid van die magistraat en lede wat die saak oorweeg, aan elkeen wat in die besigheid geldelike belang het.

(4) Die bepalinge van hierdie artikel verkort nie enige reg of aanspraak wat mag toekom aan iemand wat 'n wettige belang in 'n betrokke besigheid het.

48. Iemand aan wie 'n lisensie tydelik oorgedra is of wat kragtens die bepalinge van artikel *sewen-en-veertig* of kragtens 'n magtiging ingevolge daardie artikel verleen, die gelisensieerde besigheid voortset of dryf, besit al die regte en is onderhewig aan al die verpligtings en strawwe van die oorspronklike houer van die lisensie.

49. In geval die eerste hofmeester of bestuurder of sekretaris van 'n klub, op wie se naam 'n klub-dranklisensie uitgereik is, om enige rede sy betrekking ontruim, dan is die voorsitter of hoofamptenaar van die klub verplig om onverwyld aan die magistraat van die distrik skriftelik kennis te gee van die naam van die persoon wat, hetsy tydelik of permanent, in die vakature aangestel is en om die kennisgewing deur daardie persoon te laat medeonderteken. Daardie persoon word beskou as die houer van die lisensie, en hy het die regte en voorregte en is onderhewig aan die verpligtings en aanspreeklikhede van die houer van die lisensie.

50. (1) Wanneer 'n lisensieraad weier om 'n lisensie te vernuwe, mag hy die verlenging van die geldigheid van die lisensie, waarvan die vernuwing geweier is, gedurende 'n tydperk van een maand toestaan.

(2) 'n Lisensie wat kragtens sub-artikel (1) verleng is, veroorloof gedurende voormelde tydperk en met inagneming van die aldus verlengde lisensie se voorwaardes en van enige ander voorwaardes wat die raad mag stel, die vervreemding van die drank wat in die gelisensieerde gebou was op die dag toe die aanvraag om vernuwing geweier is, maar van geen ander drank hoegenaamd.

(3) Vir die verlenging van 'n lisensie, ingevolge hierdie artikel toegestaan, moet een twaalfde van die bedrag betaal word wat vir die vernuwing van die lisensie sou betaal geword het.

51. (1) Wanneer 'n lisensie kragtens sub-artikel (2) van artikel *honderd-twee-en-tagtig* of sub-artikel (2) van artikel *honderd-drie-en-tagtig* of kragtens 'n ander wet deur die hof verbeurdverklaar word, en wanneer 'n raad op 'n tussentydse vergadering die intrekking van 'n lisensie gelas het, word die betrokke lisensie onmiddellik ongeldig, maar die houer daarvan mag binne veertien dae na die verbeurdverklaring of intrekking, of as dit in reviesie gebring of daarteen geappelleer word, binne veertien dae nadat dit finaal bekragtig is, enige drank wat op die dag van die verbeurdverklaring of intrekking in sy gelisensieerde gebou was by publieke veiling verkoop in die gebou ten opsigte waarvan die lisensie bestaan het, deur 'n behoorlik gelisensieerde venduafslaer, in hoeveelhede van nie minder dan twee gallon van dieselfde soort drank.

Regte en pligte van verteenwoordiger van lisensiehouer.

Oordrag van klublensie by verandering van eerste hofmeester of bestuurder.

Tydlike voortsetting van lisensie by weiering van vernuwing.

Reg om drank van die hand te sit by verbeurde of intrekking van lisensie.

(2) If any declaration of the forfeiture or order for the cancellation of any licence is reversed by any competent court on review or appeal, the licence concerned shall *ipso facto* again become of full force and effect.

(3) No portion of the sum paid in respect of any licence so forfeited or cancelled, or in respect of any licence which by reason of any declaration or order which was reversed by a superior court on review or appeal was suspended for any period, shall be refunded to the holder or person who was the holder of such licence.

Grant of new licence where renewal refused for personal reason.

52. Whenever a licensing board refuses, for some reason personal to the licensee, to renew any licence, it may, subject to any condition it may then and there determine as to the publication and the giving of notices or otherwise—

- (a) authorizes an application for a licence in respect of the same premises to be made to it on a date fixed by the board, by any person other than the licensee to whom a renewal was refused;
- (b) adjourn the meeting until such date; and
- (c) appoint such date, if the board is satisfied that the conditions so determined have been complied with, consider the application and, notwithstanding the provisions of section *sixty-four*, grant authority for the licence so applied for.

CHAPTER VI.

PROHIBITION, LIMITATION AND RESTRICTION OF LICENCES.

Absolutely prohibited areas.

53. (1) No licence under this Act shall be granted for the sale of liquor—

- (a) in or within half a mile of the boundary of any native location or native village established under the provisions of any law;
- (b) in or within three miles of the boundary of any area set apart under the provisions of the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof or of any other law for the occupation of natives;
- (c) on any ground given out as a mynpacht claim, storage site (bewaarplaas), machinery stand or water-right, or on any stand situated on any of the places mentioned in or on any ground reserved under Article 53 of Law No. 15 of 1898 of the Transvaal.

(2) Nothing in sub-section (1) shall be deemed—

- (a) to affect any provisions of Chapter XII;
- (b) to apply to mynpachts on the farm Elandsfontein No. 1 numbered 302A, 302B, 333 and 337 on which the townships of Germiston and Georgetown in the Province of the Transvaal are situated; or
- (c) to prevent a renewal otherwise permitted by this Act of any licence existing at the commencement thereof.

Restriction of licences within rural areas.

54. (1) Save as is otherwise provided in this section, no licence under this Act shall be granted or renewed for the sale of liquor at any place within a rural area.

(2) Whenever any person shall prove to the satisfaction of the Minister—

- (a) that any place within a rural area is, or is likely to become, a health or pleasure resort;
- (b) that he is *bona fide* prepared at that place to erect or convert premises to be used as a hotel or club which, when erected or converted, will apart from the land on which they are built, be of the value of ten thousand pounds or upwards in the case of a hotel and five thousand pounds or upwards in the case of a club; and
- (c) that it would be in the general public interest that such a hotel or club should be established at that place,

the Minister may, by writing under his hand, authorize the licensing board, within whose jurisdiction such place falls, to consider an application by such person under section *thirty-one* for a hotel licence or a club licence at that place, or under

(2) As 'n verbeurdverklaring of intrekking van 'n lisensie deur 'n bevoegde hof in appèl of reviesie vernietig word, dan word die betrokke lisensie vanself weer ten volle geldig.

(3) Geen gedeelte van die som, betaal vir 'n lisensie wat aldus verbeurdverklaar of ingetrek word, of vir 'n lisensie wat 'n tydlang geskors was deur 'n verbeurdverklaring of intrekking wat in appèl of reviesie deur 'n hoër hof vernietig is, word terugbetaal aan die houer of persoon wat die houer was van die lisensie.

52. Wanneer 'n lisensieraad om 'n rede wat op die lisensiehouer persoonlik steun, weier om 'n lisensie te vernuwe dan mag hy onder sodanige voorwaardes as wat hy dan dadelik mog bepaal aangaande bekendmaking en kennisgewing of andersins—

- (a) iemand anders dan die lisensiehouer aan wie 'n vernuwing ontseeg is, magtig om op 'n deur die raad vasgestelde dag 'n lisensie vir dieselfde gebou aan te vra;
- (b) die vergadering tot daardie dag verdaag; en
- (c) op daardie dag, as die raad oortuig is dat aan die aldus bepaalde voorwaardes voldoen is die aanvraag oorweeg en niesteenstaande die bepalinge van artikel *vier-en-sestig*, magtiging verleen vir die aldus aangevraagde lisensie.

HOOFSTUK VI.

VERBOD EN BEPERKING VAN LISENSIES.

53. (1) Geen lisensies mag kragtens hierdie Wet vir die verkoop van drank verleen word—

- (a) in, of binne 'n halfmyl van die grens van 'n natuurlike lokasie of natuureldorp, gestig ingevolge die bepalinge van enige wet;
- (b) in, of binne drie myl van die grens van 'n streek wat kragtens die Naturellen Grond Wet 1913 (Wet No. 27 van 1913) of enige wysiging daarvan of enige ander wet opsygesit is vir besetting deur natuurlike; of
- (c) op enige grond uitgegee as 'n mynpag-claim, bewaarplaas, masjiestandplaas, of waterreg, of op enige standplaas geleë op enige plek vermeld in, of op enige grond gereserveer kragtens artikel 53 van Wet No. 15 van 1898 van Transvaal.

(2) Die bepalinge van sub-artikel (1)—

- (a) maak geen inbreuk op die bepalinge van Hoofstuk XII;
- (b) is nie van toepassing op die mynpagte op die plaas Elandsfontein No. 1, genommer 302A, 302B, 333 en 337, waarop die dorpe Germiston en Georgetown in die Provinsie Transvaal geleë is; en
- (c) belet nie 'n andersins deur hierdie Wet geoorloofde vernuwing van 'n lisensie wat by die inwerking-treding daarvan bestaan.

54. (1) Behalwe vir sover hierdie artikel anders bepaal, mag geen lisensie kragtens hierdie Wet vir die verkoop van drank êrens op die platteland verleen of vernuwe word.

(2) Wanneer iemand die Minister met bewyse oortuig—

- (a) dat 'n plek op die platteland 'n gesondheids- of ontspanningsoord is of waarskynlik sal word;
- (b) dat hy te goeder trou bereid is om op daardie plek 'n gebou op te rig of te verbou om as hotel of klub gebruik te word, wat na die oprigting of verbouing, afgesien van die grond waarop dit gebou is, in die geval van 'n hotel tien-duisend pond of meer en in die geval van 'n klub vyf-duisend pond of meer werd sal wees; en
- (c) dat die oprigting van 'n hotel of klub op daardie plek in die algemene publieke belang sal wees,

dan mag die Minister die lisensieraad binne wie se gebied daardie plek val, skriftelik onder sy handtekening magtig om 'n aanvraag van die betrokke persoon te oorweeg vir 'n hotel-lisensie of klub-lisensie op daardie plek ingevolge artikel *een-en-dertig* of vir 'n voorwaardelike magtiging tot 'n hotel-

Verleen van nu lisensie neer verwing of soonlik des gew word.

Volstreke verbode streke.

Beperk van lis op die plattela

section *thirty-two* for a conditional authority for a hotel licence or a club licence in respect of premises proposed to be constructed or converted at that place.

(3) The magistrate of the district within which any rural area falls may receive, and the licensing board concerned may consider, any application for the grant of a hotel liquor licence or a club liquor licence at a place within that area, or for authority for the construction or conversion of premises to be used at a place in such area as a hotel or a club, if all the requirements of this Act ordinarily appertaining to such application are complied with, and if, at the same time, there be presented by the applicant the written authority of the Minister granted under sub-section (2).

(4) A licence for the sale of liquor existing at the commencement of this Act in a rural area may from time to time, and in accordance with the provisions of this Act, relating to the renewal of licences, be renewed by the licensing board, but no such renewal may be granted in respect of any period after the thirty-first day of December, 1937, unless there be produced to the board a certificate granted by the Minister that the premises, apart from the land on which they are built, are of the value of ten thousand pounds and upwards, and that they are situated in a place which is, or is likely to become, a health or pleasure resort.

55. (1) From and after the commencement of this Act no new bar licence shall be granted.

(2) No bar licence shall be renewed in respect of any period after the thirty-first day of December, 1937.

(3) At an annual meeting of a licensing board prior to the thirty-first day of December 1937, the holder of a bar licence may, instead of a renewal of his bar licence, apply for, and if the licensing board deem fit, may be granted a hotel liquor licence, or a wine and malt liquor licence, or a restaurant liquor licence in respect either of the premises on which the business under the bar licence was conducted or any other premises to which the board may grant authority for the removal of the licence: Provided that no such grant shall be made—

(a) if the applicant is not qualified under this Act to hold any licence, or the licence in respect of which the application is made; or

(b) if the premises in respect of which the licence is applied for are not premises in respect of which, in terms of any provision of this Act, it is not competent for a licensing board to grant a licence of the kind applied for.

(4) An application or grant made under sub-section (2) shall in all respects be deemed to be an application or grant of a renewal.

56. (1) Whenever the Governor-General deems it desirable in the interests of the population or any section of the population of any area, not being an area to which section *fifty-three* applies, or that the sale or supply of intoxicating liquor in that area should be placed under restrictions or be subjected to conditions imposed by himself, he may by proclamation in the *Gazette* declare such area to be a restricted area.

(2) In any restricted area the Governor-General may, in respect of any licence authorized by the licensing board, veto the issue of such licence or impose such conditions or restrictions as he may think fit, and it shall not be competent for any receiver of revenue to issue any licence or renew any licence for the sale of liquor in that area until he has received from the magistrate an intimation that the Governor-General has decided not to exercise in respect thereof his power of veto or of imposing conditions, or that the Governor-General has authorized the issue of the licence in terms of the licensing board's authority or under other conditions stated in such intimation.

(3) The conditions or restrictions imposed by the Governor-General under sub-section (2) may have reference to—

(a) the quantity and kind of liquor to be sold;

licence of 'n klub-lisensie op daardie plek ingevolge *artikel twee-en-dertig* vir 'n gebou wat volgens voorneme op daardie plek opgerig of verbou sal word.

(3) Die magistraat van die distrik wat platteland omvat mag 'n aanvraag om verlening van 'n hotel-dranklisensie of klub-dranklisensie op 'n plek op daardie platteland, of om magtiging tot oprigting of verbouing van 'n gebou om op 'n plek op daardie platteland as 'n hotel of klub gebruik te word, in ontvangs neem en die betrokke lisensieraad mag dit oorweeg as voldoen is aan al die vereistes van hierdie Wet wat gewoonlik op daardie aanvraag van toepassing is en as die aanvrager tewens vertoon die skriftelike magtiging van die Minister, ingevolge sub-artikel (2) verleen.

(4) 'n Lisensie vir die verkoop van drank wat by die inwerkingtreding van hierdie Wet op die platteland bestaan, mag van tyd tot tyd en ooreenkomstig die bepalings van hierdie Wet op die vernuwing van lisensies deur die lisensieraad vernuwe word, maar so 'n vernuwing mag nie verleen word nie oor 'n tydperk na die een-en-dertigste dag van Desember, 1937, tensy aan die raad vertoon word 'n sertifikaat deur die Minister verleen, dat die gebou, afgesien van die grond waarop dit staan, tien-duisend pond of meer werd is en dat dit geleë is op 'n plek wat 'n gesondheids- of ontspannings-oord is of waarskynlik sal word.

55. (1) Vanaf die inwerkingtreding van hierdie Wet mag geen nuwe kantien-lisensie verleen word nie. Beperking van kantien-lisensie.

(2) Geen kantien-lisensie mag vernuwe word oor 'n tydperk na die een-en-dertigste Desember, 1937.

(3) By die jaarlikse vergadering van 'n lisensieraad voor die een-en-dertigste dag van Desember 1937 mag die houer van 'n kantienlisensie in plaas van 'n vernuwing van sy kantien-lisensie aanvraag maak om 'n hotel-dranklisensie of 'n wyn- en bier-lisensie of 'n restaurant-dranklisensie, hetsy vir die gebou waarin die besigheid kragtens die kantien-lisensie gedryf is of vir enige ander gebou waarheen die lisensieraad 'n verplasing van die lisensie mog veroorloof, en as die lisensieraad dit wenslik ag, mag sy aanvraag bewillig word, maar so 'n lisensie mag nie verleen word nie—

(a) as die aanvrager nie bevoeg is nie om kragtens hierdie Wet 'n lisensie of die lisensie waarop die aanvraag betrekking het, te besit; of

(b) as die gebou waarvoor die lisensie aangevra word, sodanig is dat 'n lisensieraad kragtens een of ander bepaling van hierdie Wet nie bevoeg is om 'n lisensie van die aangevraagde soort daarvoor te verleen nie.

(4) 'n Aanvraag of verlening kragtens sub-artikel (2) gemaak, word in elke opsig as 'n aanvraag om of 'n verlening van 'n vernuwing beskou.

56. (1) Wanneer die Goewerneur-generaal dit in die belang van die bevolking of van 'n deel van die bevolking van 'n streek (behalwe 'n streek waarop artikel *drie-en-veertig* van toepassing is wenslik ag dat die verkoop of verstreking van sterke drank in daardie streek onderhewig gemaak word aan beperkings of voorwaardes, deur homself bepaal, dan mag hy by proklamasie in die *Staatskoerant* daardie streek tot 'n beperkte streek verklaar. Streke waarin verkoop beperk is.

(2) In 'n beperkte streek mag die Goewerneur-generaal ten opsigte van 'n lisensie wat die lisensieraad toegestaan het, die uitreiking van die lisensie verbied of sodanige voorwaardes of beperkings stel as wat hy wenslik ag, en 'n ontvanger van Staatsinkomste is nie bevoeg om 'n lisensie vir die verkoop van drank in so 'n streek uit te reik of te vernuwe nie, totdat hy van die magistraat kennis ontvang het dat die Goewerneur-generaal besluit het om ten opsigte daarvan nie sy veto-reg uit te oefen of om voorwaardes te stel nie, of dat die Goewerneur-generaal die uitreiking van die lisensie veroorloof het soos die lisensieraad dit toegestaan het of op ander voorwaardes, in die kennisgewing vermeld.

(3) Die voorwaardes of beperkings deur die Goewerneur-generaal gestel kragtens sub-artikel (2) mag betrekking hê op—

(a) die hoeveelheid en soort drank wat verkoop mag word;

- (b) the persons or classes of persons to whom liquor or any kind of liquor shall not be sold;
- (c) the place of sale and consumption;
- (d) the receptacles in which liquor sold must be contained;
- (e) the days, not being less than five in any week (save in any week in which a public holiday falls, when they may be four) on which liquor may be sold; and
- (f) the hours, not being less than five, on those days during which sales may take place.

Any licence in respect of which any such conditions or restrictions are imposed shall be held subject to such conditions or restrictions.

Closing of
licenced
premises in
labour
centres on
one after-
noon in
week.

57. The Governor-General may, at the request of a magistrate or of any local authority, by proclamation define areas in the neighbourhood of mines, factories or other centres of labour within which area all premises in which liquor is sold for consumption on the premises or under a bottle liquor licence, shall be closed at noon on Saturdays or on such other day of the week as the Governor-General may from time to time determine.

Closing of
licenced
premises
during
tumult.

58. (1) Whenever any strike or lock-out is in progress or any riot or tumult occurs or is expected to occur in any place, the magistrate or, in his absence, an additional or assistant magistrate, or in the absence of any such magistrate the commissioner or any deputy commissioner of police may order any premises licensed under this Act in or near such place to be closed during such time as such magistrate, assistant magistrate, commissioner or deputy commissioner may deem fit.

(2) The licensee or his manager or agent shall forthwith comply with the order, and on his failure for any reason to do so, the person giving the order may take such steps and use such force as he may deem necessary for the closing of the premises.

(3) If, before the expiration of the time for which the order was made, the magistrate is of opinion that the reason for the continuance of the order no longer exists, he may cancel the same.

Areas in
which
permit
necessary to
supply liquor
per bottle.

59. (1) The Governor-General may from time to time proclaim areas within which it shall not be competent for the holder of a wholesale liquor licence or a bottle liquor licence to sell, supply or deliver liquor to any person except upon production by such person of a permit in the form set out in the Fourth Schedule, signed by a commissioned officer of police or a member of the police not below the rank of sergeant and issued in the name of such person.

(2) Such permit may be issued for any period not exceeding twelve months, and shall state the kind and maximum quantity of liquor which in any calendar month may be sold, supplied or delivered under it.

(3) The issue of such a permit may be refused by such officer or member of the police if for any reason he considers it undesirable to issue it to the applicant.

(4) Such a permit may at any time be cancelled by the person who issued it or by a commissioned officer of police, if the holder thereof is convicted of drunkenness, or riotous conduct, or of a contravention of any provision of this Act or if such person or officer suspects on reasonable grounds that the holder is connected with any illicit dealing or traffic in liquor; and such permit shall, upon demand, be delivered up for that purpose.

(5) The decision of any such person or officer as to the refusal or cancellation of such permit shall be subject to an appeal to the commissioner of police, whose decision shall be final.

(6) Every licensee shall, before or at the time of supplying any liquor upon such a permit, legibly endorse in ink upon the permit the date of the purchase and the kind and quantity of liquor supplied.

(7) Every such permit shall, upon the expiration of the period for which it was issued, be delivered to any such person or officer as aforesaid to whom application is made for the issue

- (b) die mense of klasse van mense aan wie drank of enige soort van drank nie verkoop mag word nie;
- (c) die plek van verkoop en verbruik;
- (d) die houers waarin drank verkoop moet word;
- (e) die dae per week, dog nie minder as vyf nie (behalwe in 'n week waarin 'n openbare feesdag val, wanneer dit vier mag wees) waarop drank verkoop mag word; en
- (f) die ure, dog nie minder as vyf, op daardie dae waarin verkoop mag word.

Die besit van 'n lisensie ten opsigte waarvan sodanige voorwaardes of beperkings gestel word, is aan daardie voorwaardes of beperkings onderhewig.

57. Die Goewerneur-generaal mag op versoek van 'n magistraat of van 'n plaaslike bestuur, in die omtrek van myne, fabriek, of ander arbeids-sentra, streke by proklamasie bepaal, binne welke alle geboue waarin drank verkoop word om in die gebou gebruik te word kragtens 'n bottel-drank-lisensie gesluit moet word op die middag van Saterdag of van een ander dag van die week wat die Goewerneur-generaal van tyd tot tyd mag bepaal.

Sluiting v
gelisen-
siese
geboue in
arbeids-
sentra op
een agter-
middag per
week.

58. (1) Wanneer op enige plek 'n staking of nitsluiting aan die gang is of 'n oproer of volksooploop plaasvind of verwag word, mag die magistraat of by sy afwesigheid, 'n addisionele of assistent-magistraat of by afwesigheid van so 'n magistraat, die kommissaris of enige onder-kommissaris van polisie die sluiting beveel van enige ingevolge hierdie wet gelisensieerde gebou op of naby daardie plek vir so lang as wat daardie magistraat, assistent-magistraat, kommissaris of onder-kommissaris wenslik ag.

Sluiting v.
gelisen-
siese
geboue ge-
durende
oproer.

(2) Die lisensiehouer of sy bestuurder of verteenwoordiger moet onverwyld aan die bevel gevolg gee en as hy om enige rede versuim om dit te doen, mag die persoon wat die bevel gegee het sodanige stappe neem en sodanige geweld gebruik as wat hy nodig ag om die gebou te sluit.

(3) As die magistraat, voor die verstryking van die tydperk waarvoor die bevel uitgevaardig is, van oordeel is dat die rede vir die voortdurend van die bevel nie meer bestaan nie, dan mag hy dit intrek.

59. (1) Die Goewerneur-generaal mag van tyd tot tyd streke proklameer waarin die houer van 'n groothandelaars-dranklisensie of 'n bottel-dranklisensie aan niemand drank mag verkoop, verstrek of lewer, tensy laasgenoemde persoon 'n permit voorlê in die vorm, vervat in die Vierde Bylae, geteken deur 'n polisie-offisier of 'n lid van die polisie-mag met 'n rang nie laer dan sersjant en uitgereik op naam van daardie persoon.

Streke waa
permit nod
is, om drak
per bottel
lewer.

(2) So 'n permit mag vir enige tydperk van nie meer dan twaalf maande uitgereik word en moet vermeld die soort en grootste hoeveelheid drank wat in een of ander kalendermaand kragtens die permit verkoop, verstrek of gelewer mag word.

(3) So 'n offisier of polisie-beampte mag die uitreiking van so 'n permit weier as hy dit om enige rede onwenslik ag om dit aan die aanvrager uit te reik.

(4) So 'n permit kan te eniger tyd ingetrek word deur die persoon wat dit uitgereik het of deur 'n polisie-offisier as die houer daarvan veroordeel word weens dronkenskap of rus-verstoring of enige oortreding van hierdie Wet of as daardie persoon of offisier die houer om gegronde redes verdink van deelneming aan onwettige drankhandel; en indien opgevra, moet daardie permit vir daardie doel oorhandig word.

(5) Van die beslissing van so 'n offisier of offisier wat betref die weiering of intrekking van so 'n permit kan ge-appelleer word na die kommissaris van polisie, wie se beslissing finaal is.

(6) Elke lisensiehouer moet, voordat, of op die tydstop wanneer hy op so 'n permit drank lewer, op die permit met ink leesbaar aantekene die dag van die koop en die soort en hoeveelheid gelewerde drank.

(7) Elke sodanige permit moet, na verloop van die tydperk waarvoor dit uitgereik is, oorhandig word aan so 'n offisier of persoon as voormeld, by wie 'n verdere permit aangevra

of a further permit: Provided that such person or officer may upon its being shown to his satisfaction that such permit has been lost or destroyed, dispense with such delivery.

60. Wherever at the commencement of this Act there exists any village, town, ward or area in which, in consequence of the taking of any vote under a law repealed by this Act, the sale of liquor has been totally prohibited, such village, town, ward or area shall, notwithstanding the repeal by this Act of such law, remain an area in which the sale of liquor is totally prohibited.

61. A licensing board shall receive and consider any petition presented to it by inhabitants of the district in respect of the grant or refusal by the board of any application or applications, or the exercise by the board of any other of its functions.

62. (1) Subject to the provisions of section *sixty-five* and of sub-section (4) of this section, a licensing board shall not grant within the area of any urban local authority any application for a new bottle liquor licence, a new restaurant liquor licence, a new hotel liquor licence, a new liquor club licence or a new wine and malt liquor licence, if by such grant the total number of such licences together with bar licences within the area of the urban local authority would—

- (i) where the number of Parliamentary voters registered within the area does not exceed five thousand, be more than one for every two hundred such voters; or
- (ii) where the number of such voters exceeds five thousand, be more than one for every two hundred such voters up to five thousand, and one for every two hundred and fifty of such voters beyond five thousand, nor

in addition, subject as aforesaid, shall a licensing board grant within the area of any local authority any application for a new bottle liquor licence if by such grant the total number of bottle liquor licences within the area of the urban local authority would exceed one for every one thousand Parliamentary voters registered within the area: Provided that notwithstanding anything in this sub-section contained a licensing board may, if it deem fit, and subject to the provisions of this Act, grant within the area of any urban local authority three licences, not more than one of which may be a bottle liquor licence.

(2) As soon as may be after the commencement of this Act and thereafter as soon as any periodical general registration of Parliamentary voters is completed, the Minister of the Interior shall cause to be ascertained the number of Parliamentary voters resident respectively in the area of every urban local authority. The Minister shall notify such numbers in the *Gazette* and the number so notified shall be conclusive evidence as to the number of voters in such area.

(3) In the ascertainment of the number of voters for any purpose of this section there shall be excluded every voter who is a woman or a member of a class which by any provision of this Act or in terms of any authority thereunder is totally prohibited from purchasing or possessing liquor.

(4) Nothing in sub-section (1) contained shall apply to any application for the grant of a new hotel liquor licence, a new restaurant liquor licence or a new club liquor licence in respect of premises which, apart from the land on which it is built, is of the value of twenty thousand pounds or upwards.

63. (1) If at the first annual meeting of a licensing board under this Act the board renews any licence within an urban area which previously authorized the sale of liquor both for consumption off and on the premises, the board, notwithstanding anything contained in section *sixty-four*, may at such meeting, authorize the issue of additional bottle liquor licences within such area: Provided that the number of such additional licences authorized under this section shall, in no case, exceed

word. Daardie offisier of persoon mag egter van daardie oorhandiging afsien, as aan hom blyk dat die permit verloor of vernietig is.

60. Wanneer by die inwerkingtreding van hierdie Wet 'n dorp, stad, wyk of streek bestaan waarin, ten gevolge van 'n stemming kragtens 'n wet wat deur hierdie Wet herroep word, die drankverkoop heeltemal verbied is, dan bly daardie dorp, stad, wyk of streek, nieteenstaande die herroeping van daardie wet deur hierdie Wet, 'n streek waarin die drankverkoop heeltemal verbied is.

61. 'n Lisensieraad moet enige petisie aan hom deur die inwoners van die distrik aangebied met betrekking tot die verlening of weiering deur die lisensieraad, van 'n aanvraag of aanvrae, of die verrigting deur die raad van een van sy ander werksaamhede in ontvangs neem en oorweeg.

62. (1) Behoudens die bepalinge van artikel *vyf-en-sestig* en van sub-artikel (4) van hierdie artikel, mag 'n lisensieraad binne die gebied van 'n stedelike plaaslike bestuur geen aanvraag om 'n nuwe bottel-dranklisensie, 'n nuwe restaurant-dranklisensie, 'n nuwe hotel-dranklisensie, 'n nuwe klub-dranklisensie of 'n nuwe wyn-en-bier-lisensie bewillig nie as die gesamentlike aantal sodanige lisensies saam met die kantien-lisensies binne die gebied van die stedelike bestuur deur daardie bewilliging—

- (i) waar nie meer as vyfduisend parlementêre kiesers in daardie gebied geregistreer is nie, meer as een op elke tweehonderd sodanige kiesers sou bedra; of
- (ii) waar daar meer as vyfduisend sodanige kiesers is, meer sou bedra as een op elke tweehonderd sodanige kiesers tot vyfduisend en een op elke tweehonderden-vyftig sodanige kiesers bo die vyfduisend;

en voorts, behoudens soos voormeld, mag 'n lisensieraad ook nie binne die gebied van 'n stedelike plaaslike bestuur 'n aanvraag om 'n nuwe bottel-dranklisensie bewillig nie as die gesamentlike aantal bottel-dranklisensies binne die gebied van die stedelike plaaslike bestuur deur daardie bewilliging meer sou bedra as een op elke duisend in daardie gebied geregistreerde parlementêre kiesers; maar nieteenstaande die bepalinge van hierdie sub-artikel mag 'n lisensieraad, as hy dit wenslik ag, met inagneming van die bepalinge van hierdie Wet, binne die gebied van enige stedelike plaaslike bestuur drie lisensies verleen, waarvan egter nie meer as een 'n bottel-dranklisensie mag wees nie.

(2) So gou doenlik na die inwerkingtreding van hierdie Wet en daarna so gou as enige periodieke algemene registrasie van parlementêre kiesers voltooi is, moet die Minister van Binnelandse Sake laat vasstel hoeveel parlementêre kiesers woon in elke stedelike plaaslike bestuur se gebied. Die Minister moet die getalle in die *Staatskoerant* bekend maak en die aldus bekendgemaakte getalle van kiesers in elke sodanige gebied is onweerlegbaar.

(3) By die vasstelling van die aantal kiesers vir enige doel van hierdie artikel moet elke kieser uitgesluit word wat 'n vrou is of lid van 'n klas aan wie deur 'n bepaling van hierdie Wet of uit kragte daarvan die koop of besit van drank geheelal ontsag is.

(4) Die bepalinge van sub-artikel (1) is nie van toepassing nie op 'n aanvraag om verlening van 'n nuwe hotel drank lisensie, 'n nuwe restaurant drank lisensie of 'n nuwe klub drank lisensie vir 'n gebou wat, afgesien van die grond waarop dit staan, twintigduisend pond of meer werd is.

63. (1) As 'n lisensieraad op sy eerste jaarlikse vergadering ingevolge hierdie Wet in 'n stadsgebied 'n lisensie vernuwe wat voorheen die verkoop van drank vir verbruik sowel buite asook in die gebou veroorloof het, dan mag die raad, nieteenstaande die bepalinge van artikel *vier-en-sestig*, op daardie vergadering magtiging verleen tot uitreiking van verdere bottel-dranklisensies in daardie gebied: Met die verstande dat die aantal sodanige ingevolge hierdie artikel gemagtigde verdere lisensies in geen geval hoër mag wees nie as die aantal

Behoud van streke waar by inwerkingtreding van Wet drank-handel deur stemming verbied is.

Petisie van inwoners van distrik.

In stads-gebied word aantal lisensies beperk na verhouding van bevolking.

Verdere bottel-lisensies in stad gebiede waar verkoop vir buite-vebruik belet is.

the number of licences renewed for consumption of liquor on the premises which previously authorized the sale for consumption both on and off the premises.

(2) Such additional bottle liquor licences shall be granted only to applicants who are the holders of licences to sell liquor for consumption on the licensed premises which previously to their renewal authorize sale for consumption both on and off the licensed premises.

CHAPTER VII.

QUALIFICATIONS FOR LICENCES AND RESTRICTIONS AS TO PREMISES.

(A) Qualifications of Licensees.

64. (1) It shall not be competent for a licensing board, magistrate or other authority to grant a new licence or any certificate or authority therefor or for any renewal or transfer of a licence to or in favour of any person who—

- (a) within the Union or elsewhere has within the preceding ten years had a sentence of imprisonment without the option of a fine imposed on him for the commission of some offence unless, in the opinion of the board, such offence was of a political character;
- (b) has, either before or after the commencement of this Act, been convicted of an offence of selling or supplying liquor to any person not entitled to purchase or receive it, and has subsequently but after the commencement of this Act been convicted under any law of a similar offence;
- (c) does not reside within the Union;
- (d) is an unrehabilitated insolvent;
- (e) is under the age of twenty-one years;
- (f) holds an office of profit under the Crown.
- (g) is the spouse of any person disqualified under paragraphs (a), (b), (d) or (f).

or save in the case of a foreign liquor licence to grant a new licence or transfer a licence or grant any certificate or authority therefor to any person who has not, for a period of at least two of the five years preceding his application, resided in the Union.

For the purposes of this sub-section "sentence" and "conviction" shall not include a sentence or a conviction which has been set aside on appeal or review, or in respect of which a free pardon has been granted.

(2) It shall not be competent for a licensing board to grant to any person a new licence or a renewal or transfer of any licence or any certificate or authority therefor if by such grant the number of licences within the district for the grant, renewal or transfer of which the authority of the board is necessary, owned, part-owned or controlled by any one person, or in which any one person is interested financially, whether by means of tie, mortgage over the licensed premises, or otherwise exceeds one-fifth of the total number of such licences in the district if such total exceeds five in number.

(3) The issue or transfer of a licence to any person disqualified under this section shall be null and void, and the premises in respect of which it was issued or transferred may be closed for the sale of liquor by order of the magistrate of the district in which they are situated.

65. (1) A foreign liquor licence shall not be granted to any person other than—

- (a) one who carries on outside the Union the business of manufacturing or selling liquor, and does not permanently maintain within the Union any office or place for the transaction of such business; or
- (b) the *bona fide* agent of any such person

or to any person who or whose agent the magistrate to whom application is made, and whose decision in the matter shall be final, believes on reasonable grounds is not fully and *bona fide* conforming to the requirements of the provisions of sub-section (1) of section one hundred and ten.

vernude lisensies vir drankverbruik in die gebou, wat voorheen die verkoop vir verbruik sowel in as buite die gebou veroorloof het.

(2) Daardie verdere bottel-dranklisensies mag alleen verleen word aan aanvraders wat in besit is van lisensies om drank te verkoop vir verbruik in die gelisensiëerde gebou wat voor hulle vernuwing die verkoop vir verbruik sowel in as buite die gelisensiëerde gebou veroorloof.

HOOFTUK VII.

VEREISTES VIR LISENSIES EN BEPERKINGS OMTRENT GEBOUE.

(A) Vereistes vir Lisensiehouers.

64. (1) 'n Lisensieraad, magistraat of ander gesag is nie bevoeg om 'n nuwe lisensie of 'n sertifikaat of magtiging daarvoor of vir die vernuwing of oordrag van 'n lisensie te verleen nie aan of ten behoeve van iemand wat—

- (a) in die Unie of elders in die voorafgaande tien jaar veroordeel is tot gevangenisstraf sonder keus van boete weens een of ander misdryf, tensy daardie misdryf volgens oordeel van die raad van politieke aard was;
- (b) hetsy voor of na die inwerkingtreding van hierdie Wet, veroordeel is weens 'n misdryf van drankverkoop of drankverstreking aan iemand wat nie geregtig is om dit te koop of te ontvang nie en daarna, maar na die inwerkingtreding van hierdie Wet, kragtens enige wet weens 'n soortgelyke misdryf veroordeel is;
- (c) nie in die Unie woonagtig is nie;
- (d) 'n ongerehabiliteerde insolvent is;
- (e) onder een-en-twintig jaar oud is;
- (f) 'n winsbetrekking onder die Kroon beklee.
- (g) die eggenoot is van iemand wat kragtens paragraaf (a), (b), (d) of (f) onbevoeg is.

of, behalwe in die geval van 'n buitelandse dranklisensie, om 'n nuwe lisensie of die oordrag van 'n lisensie of 'n sertifikaat of magtiging daarvan te verleen aan iemand wat nie gedurende 'n tydperk van minstens twee uit die vyf jaar wat aan sy applikasie voorafgaan, in die Unie gewoon het. In hierdie sub-artikel omvat die begrip "veroordeeling" nie 'n vonnis wat in appél of reviesie vernietig is nie of ten opsigte waarvan gracie verleen is.

(2) 'n Lisensieraad is nie bevoeg om aan iemand 'n nuwe lisensie of 'n vernuwing of 'n oordrag van 'n lisensie of 'n sertifikaat of magtiging daarvoor te verleen nie, as deur daardie verlening die aantal lisensies in die distrik, vir die verlening, vernuwing of oordrag waarvan die raad se magtiging nodig is, wat die eiendom of gedeeltelike eiendom of onder die beheer van een persoon is of waarin een persoon geldelike belang het, hetsy deur 'n koopverplichting, verband op die gelisensiëerde gebou of andersins, meer bedra dan een vyfde van alle sodanige lisensies in die distrik as daar meer as vyf is.

(3) Die uitreiking of oordrag van 'n lisensie aan iemand wat kragtens hierdie artikel onbevoeg is, is nietig en die gebou ten opsigte waarvan dit uitgereik of oorgedra is mag op bevel van die magistraat van die distrik waarin die gebou geleë is, vir die verkoop van drank gesluit word.

65. (1) 'n Buitelandse dranklisensie mag aan niemand verleen word dan aan—

- (a) iemand wat buite die Unie as 'n besigheid drank vervaardig of verkoop en nie 'n vaste kantoor of plek vir die verrigting van sodanige besigheid in die Unie aanhou nie; of
- (b) die verteenwoordiger te goeder trou van so iemand of aan iemand wat of wie se verteenwoordiger volgens ge-gronde mening van die magistraat by wie aanvraag gemaak word en wie se beslissing in die saak finaal is, nie ten volle en te goeder trou voldoen aan die vereistes van die bepaling van sub-artikel (1) van artikel honderd-en-tien.

Persons to whom board shall not grant licences.

Qualifications of certain licensees.

Vereistes vir sekere lisensiehouers.

(2) In the case of any Province in which any law governs the brewing or manufacture of beer a brewer's licence shall not be granted to any other person than one who is licensed or authorised under such law to brew or manufacture beer.

(3) A club liquor licence shall be granted only to the secretary, manager or chief steward of a club.

(4) A temporary liquor licence shall not be granted to any person who is not the holder of a bar licence or a restaurant liquor licence or a hotel licence, or a wine and malt liquor licence, or a club licence, or who is not the secretary of an exhibition or agricultural show, or the secretary, manager or chief steward of a meeting proved to the satisfaction of the magistrate to whom the application for the licence is made to be a *bona fide* race meeting, sports meeting or like event.

(5) A late hours occasional licence shall not be granted to any person other than the holder of a hotel liquor licence a restaurant liquor licence, or a club liquor licence.

(6) A wine farmer's licence shall only be granted to a person who, or an association of persons which is engaged in viticulture.

Incapacity of female to hold on-consumption licence.

66. Save as provided in sections *forty-one* and *forty-seven* it shall not be competent for any female to hold any on-consumption licence under this Act.

What licence may be held by company or partnership.

67. No licence other than a wholesale licence, a foreign liquor licence, a brewer's licence, or a wine-farmer's licence may be issued to a company, society, partnership or other association of persons.

(B) Restrictions as to Premises.

General suitability of premises.

68. Before granting any application for the grant or removal of a licence or for the removal of a licence to other premises, a licensing board, and in the case of removal any authority acting under section *forty-three*, shall satisfy itself that the premises in respect of which the application is made or to which the licence is to be removed afford suitable and satisfactory accommodation for all purposes to which they may lawfully, in terms of the licence, be put and—

- (a) are sufficiently complete to enable them to be occupied for the purposes of the licence, and the proposed licenced business to be carried on in accordance with the law governing the same; and
- (b) if the premises are situated in the vicinity of a place of worship, or a school, or a native compound, that the business will be conducted in such a manner as not to prejudice the conduct of such place of worship or school, or prejudice the occupants, or affect the control of such native compound:

Provided that nothing in this section contained shall be deemed to deprive a licensing board of its discretion to renew any licence notwithstanding the existence in respect of the premises of the disqualifications mentioned in paragraph (b).

What other business may be carried on on licensed premises.

69. (1) Subject to any condition imposed by the licensing board—

- (a) a wholesale licence may be granted in respect of premises upon which the licensee lawfully carries on the business of a bottle liquor licence; and
- (b) a bottle liquor licence may be granted in respect of premises in which the licensee lawfully carries on the business of a wholesale liquor licence or of selling methylated spirits, mineral waters and other drinks, not being liquor, in closed bottles, tobacco, cigars, cigarettes and matches.

(2) Save as provided in sub-section (1), and subject to the provisions of section *seventy-three*, no licence shall be granted in respect of any premises in which any other trade, business or occupation is carried on, including the business of selling liquor under any other licence granted under this Act.

(2) In 'n provinsie waarin 'n Wet "die brou" of vervaardiging van bier reël, mag geen bierbrouers-lisensie verleen word aan iemand anders dan iemand wat kragtens daardie wet gelisensieer of gemagtig is om bier te brou of te vervaardig.

(3) 'n Klub-dranklisensie mag alleen aan die sekretaris, bestuurder of eerste hofmeester van 'n klub verleen word.

(4) 'n Tydelike dranklisensie mag aan niemand verleen word wat nie in besit is nie van 'n kantien-lisensie of 'n restaurant-dranklisensie of 'n hotel-lisensie of 'n wyn-en-bier lisensie of 'n klub-lisensie of wat nie is die sekretaris van 'n tentoonstelling of die sekretaris, bestuurder of eerste hofmeester van 'n byeenkoms wat aan die magistraat by wie die lisensie aangevra word, te goeder trou 'n resies- of sport-byeenkoms of 'n dergelijke geleentheid blyk te wees.

(5) 'n Nagtelike geleentheidslisensie mag aan niemand anders verleen word nie dan aan die besitter van 'n hotel-dranklisensie, 'n restaurant-dranklisensie of klub-dranklisensie.

(6) 'n Wynboer-lisensie mag slegs verleen word aan iemand of aan 'n assosiasie van persone wat die wynbou beoefen.

66. Behoudens die bepalings van artikels *een-en-veertig* en *sewen-en-veertig* is 'n vrouspersoon onbevoeg om 'n lisensie vir binneverbruik kragtens hierdie Wet te besit.

Vrouspersoon is onbevoeg om lisensie te besit.

67. Geen ander lisensie dan 'n groothandelaars-dranklisensie, 'n buitelandse dranklisensie, 'n bierbrouers-lisensie of 'n wynboer-lisensie mag aan 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone uitgereik word.

Watter lisensies 'n maatskappy of vennootskap mag hou.

B. Beperkings in verband met Geboue.

68. Alvorens 'n aanvraag om verlening of vernuwing van 'n lisensie of om verplasing van 'n lisensie na 'n ander gebou te bewillig, moet 'n lisensieraad, en in die geval van verplasing, moet die gesag wat kragtens artikel *drie-en-veertig* handel, oortuig wees dat die gebou in verband waarmee aanvraag gemaak word of waarheen die lisensie verplaas sal word, geskikte en voldoende ruimte bevat vir alle doeleindes waarvoor hy kragtens die lisensie gebruik mag word, en—

Algemene geskiktheid van geboue.

- (a) voldoende voltooï is om sy besetting vir die doel van die lisensie en om die uitoefening van die voorgestelde gelisensieerde besigheid volgens die daarop toepaslike wet doenlik te maak; en
- (b) as die gebou in die nabyheid van 'n plek van openbare erediens, 'n skool of natuurlekwartiere staan, dat die besigheid sodanig gedryf sal word dat die verrigtinge op daardie plek van erediens of in daardie skool nie gesteur sal word of die bewoners van daardie natuurlekwartiere nie benadeel, en aan die beheer daarvan geen afbreuk gedoen sal word nie.

Hierdie artikel ontnem egter aan 'n lisensieraad nie sy bevoegdheid om na goedvinde enige lisensie te vernuwe nie—staande die bestaan, met betrekking tot die gebou, van die beletsels vermeld in paragraaf (b).

69. (1) Behoudens enige voorwaarde wat die lisensieraad mag stel—

Watter ander besigheid in gelisensieerde gebou gedryf mag word.

- (a) mag 'n groothandelaars-dranklisensie verleen word in verband met 'n gebou waarin die lisensiehouer wettig die besigheid van 'n bottel-dranklisensie dryf; en
- (b) mag 'n bottel-dranklisensie verleen word in verband met 'n gebou waarin die lisensiehouer wettig handel dryf as drank-groothandelaar of brandspieritus, mineraalwaters en ander drankes dan sterke drank, in toe bottels, tabak, sigare, sigarette en vuurhoutjies verkoop.

(2) Behalwe volgens bepaling van sub-artikel (1), en met inagneming van die bepalings van artikel *drie-en-sewentig* mag geen lisensie verleen word in verband met 'n gebou waarin enige ander handel, besigheid of beroep uitgeoefen word, en dit omvat die besigheid om drank te verkoop kragtens 'n ander lisensie, ingevolge hierdie Wet verleen.

(3) For the purposes of this section premises shall not be deemed to be separate if—

- (a) being under the same roof as other premises, they are not completely separated therefrom by a wall or walls having no door, window, aperture or other means of communication with such premises; or
- (b) having a yard, that yard is not completely separated from the yard of any other premises by a fence or wall having no door, gate, aperture or other means of communication with such other yard.

70. No restaurant liquor licence shall be granted or renewed unless the licensing board to which application for the grant or renewal is made is satisfied that the applicant keeps or proposes to keep upon the premises in respect of which the application is made, a *bona fide* restaurant at which ordinary meals will regularly be provided for guests, and that the premises afford reasonable accommodation for persons taking meals in such restaurant.

71. No hotel liquor licence shall be granted and after a period of twelve months from the commencement of this Act no hotel liquor licence shall be renewed, unless the licensing board to which application for the grant or renewal is made is satisfied that the premises in respect of which the application is made afford reasonable residential accommodation for guests, including not less than ten bedrooms where the premises are situated within a municipality or borough or five bedrooms where the premises are situated elsewhere, and that a *bona fide* hotel providing such accommodation is or will be conducted by the licensee upon the premises. (For the purposes of this section no room shall be counted as a bedroom which is ordinarily occupied by the licensee or by any member of his family, or by any person employed upon the licensed premises.)

72. A temporary liquor licence may be granted only for the purpose of one or more bars as specified in the licence to be conducted within, or within the grounds of, any exhibition, show, race meeting, or other place of public recreation or amusement.

73. A late hours occasional licence may be granted only in respect of premises in respect of which there has been issued a restaurant liquor licence, a hotel liquor licence, or a club liquor licence, and upon which it is proved to the satisfaction of the magistrate to whom application for the licence is made that on the occasion for which the licence is sought a *bona fide* social function is to be held.

(C) Clubs.

74. (1) No authority for the issue of a, or renewal of a, club liquor licence shall be granted unless the licensing board concerned is satisfied that the club is a *bona fide* club and one in respect of which a licence may properly be granted.

(2) No such authority shall be granted by the licensing board unless a copy of the rules of the club, certified by the chairman thereof has been deposited with the chairman of the said board at least four days before the meeting thereof, and such certificate shall not be granted unless the licensing board is satisfied by reference to the rules or by the report of the police or otherwise—

- (a) that the club is managed by a committee of its members;
- (b) that such committee holds regular meetings of which proper minutes are kept;
- (c) that only members of the club are permitted to pay for accommodation or refreshment supplied therein;
- (d) that no ordinary member of the club is elected less than fourteen days after nomination or without his name having been screened on the club premises for at least seven days;
- (e) that the election of such members is either by the committee or by all members of the club: Provided that the rules of the club may disqualify from voting any member in arrear with any payment due to the club;
- (f) that no person residing within ten miles of the club-house is (unless by reason of his holding some public

(3) Vir die doel van hierdie artikel word 'n gebou nie as afsonderlik beskou nie as hy—

- (a) met 'n ander gebou onder dieselfde dak is en nie heeltemal van hom geskei is nie deur 'n muur of mure waarin geen deur, venster, opening of ander verkeersweg met daardie gebou is nie; of
- (b) as hy 'n werf of agterplaas het wat nie heeltemal afgeskei is nie van die werf of agterplaas van 'n ander gebou deur 'n heining of muur waarin geen deur, hek, opening of ander verkeersweg met daardie ander werf of agterplaas is nie.

70. Geen restaurant-dranklisensie mag verleen of vernuwe word, tensy die lisensieraad by wie die verlening of vernuwing aangevra word, oortuig is dat die aanvrager in die gebou in verband waarmee die aanvraag gemaak word, te goeder trou 'n restaurant hou of voornemens is te hou, waar gewone maaltye gereëld aan gaste verstrekk sal word, en dat die gebou redelike ruimte bevat vir mense wat hulle maaltye in daardie restaurant neem.

71. Geen hotel-dranklisensie mag verleen word en na verloop van twaalf maande vanaf die inwerkingtreding van hierdie Wet mag geen hotel-dranklisensie vernuwe word, tensy die lisensieraad by wie die verlening of vernuwing aangevra word, oortuig is dat die gebou in verband waarmee die aanvraag gemaak word, redelike woonruimte bevat met minstens tien slaapkamers vir gaste as die gebou in 'n munisipaliteit of stad geleë is, of vyf slaapkamers as die gebou elders geleë is, en dat die lisensiehouer in daardie gebou te goeder trou 'n hotel met sodanige woonruimte hou of sal hou. Vir die doel van hierdie artikel word geen vertrek as slaapkamer gereken nie as dit gewoonlik beset is deur die lisensiehouer of 'n lid van sy familie of deur iemand wat in die gelisensieerde gebou in diens is.

72. 'n Tydelike lisensie mag slegs verleen word om een of meer kantiene soos in die lisensie bepaal te hou by, of in die gronde van, 'n vertoning, tentoonstelling, renbaan, of ander plek van publieke ontspanning of vermaak.

73. (1) 'n Nagtelike geleentheids-lisensie mag slegs verleen word in verband met 'n gebou ten opsigte waarvan 'n restaurant-dranklisensie, 'n hotel-dranklisensie, of 'n klub-dranklisensie uitgereik is, en as aan die magistraat, by wie die lisensie aangevra word, blyk dat by die geleentheid waarvoor die lisensie aangevra word, te goeder trou 'n gesellige byeenkoms sal plaasvind.

C. Klubs.

74. (1) *Geen magtiging tot uitreiking of vernuwing van 'n Klub-drank-klub-dranklisensie mag verleen word nie tensy die betrokke lisensieraad oortuig is dat die klub te goeder trou 'n klub is, en dat 'n lisensie gevoeglik aan hom verleen kan word.

(2) Die lisensieraad mag nie so 'n magtiging verleen nie tensy minstens vier dae voor sy vergadering 'n eksemplaar van die reglement van die klub, gesertifiseer deur sy voorsitter, by die voorsitter van die raad ingedien is en die sertifikaat mag nie verleen word nie, tensy die lisensieraad op grond van die reglement of van 'n polisieberig of andersins oortuig is—

- (a) dat die klub beheer word deur 'n bestuur uit sy lede;
- (b) dat die bestuur gereëld vergaderings hou, waarvan behoorlik notule gehou word;
- (c) dat net lede van die klub vir daarin verstrekte huisvesting of verversings mag betaal;
- (d) dat geen gewone lid van die klub gekies word minder dan veertien dae na sy nominasie of sonder dat sy naam gedurende minstens sewe dae in die klub-gebou aangeheg was;
- (e) dat sodanige lede of deur die bestuur, of deur al die lede van die klub gekies word; die reglement van die klub mag egter enige lid wat met 'n verskuldigde betaling aan die klub agterstallig is, van die stemming uitsluit;
- (f) dat niemand wat binne tien myl van die klubgebou woon (behalwe omdat hy een of ander openbare amp

Vir watter gebou restaurant-lisensie verleen mag word.

Vir watter gebou hotel-verleen mag word.

Vir watter gebou tydelike lisensie verleen mag word.

Vir watter gebou nagtelike geleentheids-lisensie verleen mag word.

Vir watter gebou tydelike lisensie verleen mag word.

office) eligible as an honorary or temporary member of the club;

- (g) that a register of members and proper accounts are kept;
- (h) that, save in the cases of women, minors, and *bona fide* country members, the annual subscription is at least one pound;
- (i) that the club consists of at least thirty-five members; and
- (j) that save under any written agreement approved of by the board no profit from the sale of liquor by the club accrues to any individual.

CHAPTER VIII.

CONDITIONS ATTACHING TO LICENCES.

(A) Days and Hours of Sale and Delivery.

Days and hours of sale and delivery.

75. (1) Subject to the provisions of this Act, the days upon, and the hours during, which liquor may be sold and delivered by any person holding a licence under this Act shall be such as may in the case of each licence be fixed by the licensing board concerned: Provided that—

- (a) such hours shall not be earlier or later than those respectively prescribed in this section for the particular class of licence;
 - (b) save where otherwise provided in this section, no board shall authorize the sale or delivery of liquor on closed days; and
 - (c) the hours fixed for the time being under any law operative in any district or area, for the closing of shops, or of those parts of shops, in which is carried on the business of a general dealer, as that term is or may hereafter be defined, for the purposes of the Licences (Consolidation) Act, 1925 (Act No. 32 of 1925), or any amendment thereof, shall, in that district or area, be the hours for the closing of any shop or place in which is carried on the business of a wholesale liquor licence or a bottle liquor licence: Provided that nothing in this paragraph contained shall operate to extend any hour fixed by this Act or by any lawful order made thereunder for the closing of any such last-mentioned shop or place, or for the delivery of any liquor therefrom.
- (2) A wholesale liquor licence shall not authorize the sale or delivery of liquor earlier than 8 o'clock in the morning or later than 7 o'clock in the evening.
- (3) A foreign liquor licence shall not authorize the sale or delivery of liquor earlier than 8 o'clock in the morning or later than 7 o'clock in the evening.
- (4) A brewer's licence shall not authorize the sale or delivery of liquor earlier than 8 o'clock in the morning or later than 7 o'clock in the evening.
- (5) A bottle liquor licence shall not authorize the sale of liquor or the delivery of liquor on the licensed premises earlier than 8 o'clock in the morning or later than 6 o'clock in the evening or the delivery of liquor off the licensed premises earlier than 10 o'clock in the morning or later than 7 o'clock in the evening.
- (6) A restaurant liquor licence may authorize the sale of liquor on all days to any person *bona fide* taking an ordinary meal in the restaurant which has been purchased thereat, and for consumption with such meals, but not at any other time than between 12 o'clock mid-day and half-past 2 o'clock in the afternoon and between 6 and half-past 8 o'clock in the evening.
- (7) A bar licence, a hotel liquor licence, a wine and malt liquor licence or a club liquor licence shall not authorize the sale of liquor earlier than 10 o'clock in the morning or later than half-past 10 o'clock at night in the municipalities of Pretoria, Cape Town and Johannesburg, and the borough of Durban, and 10 o'clock at night in any other place: Provided that—

- (a) a hotel licence; and
- (b) a bar licence, a wine and malt liquor licence and a club licence, where the licensing board is satisfied that *bona fide* meals are served in a room or place specially

beklee) as erelid of tydelike lid van die klub verkiesbaar is;

- (g) dat 'n lederegister en behoorlike boeke gehou word;
- (h) dat die jaarlikse subskripsie minstens een pond bedra behalwe vir vrouens, minderjariges en *bona fide* plattelandslede;
- (i) dat die klub uit minstens vijf-en-dertig lede bestaan; en
- (j) dat buiten 'n skriftelike en deur die raad goedgekeurde ooreenkoms, geen wins uit die verkoop van drank deur die klub aan 'n individu toekom.

HOOFSTUK VIII.

VOORWAARDES VAN LISENSIES.

A. Dae en Ure van Verkoop en Aflewering.

75. (1) Met inagneming van die bepalinge van hierdie Wet word die dae waarop en die ure wanneer iemand, wat kragtens hierdie Wet 'n lisensie hou, drank mag verkoop en aflewer, vir elke lisensie deur die betrokke lisensieraad vasgestel: Met die verstande dat—

- (a) daardie ure nie vroeër of later mag wees nie dan die wat hierdie artikel vir elke soort van lisensie voorskryf;
- (b) behalwe vir sover hierdie artikel anders bepaal, 'n raad nie die verkoop of aflewering van drank op geslote dae mag veroorloof nie; en
- (c) die ure wat op 'n gegewe tydskied kragtens 'n wet wat in 'n distrik of gebied van krag is, vasgestel is vir die sluiting van winkels of van die gedeeltes van winkels waarin die besigheid gedryf word van 'n algemene handelaar, soos in daardie uitdrukking omskrywe is of later omskrywe mag word vir die doeleindes van die Licenties (Konsolidasie) Wet, 1925 (Wet No. 32 van 1925) of 'n wysiging daarvan, in daardie distrik of gebied as sluitingsure geld vir 'n winkel of plek waar kragtens 'n groothandelaars-dranksiensie of 'n bottel-dranksiensie handel gedryf word: Met die verstande dat deur die bepalinge van hierdie paragraaf die uur wat hierdie Wet of 'n wettig kragtens hierdie Wet uitgevaardigde bevel vasstel vir die sluiting van laasgenoemde winkel of plek of vir die aflewering van drank daaruit, nie verleng word nie.

(2) 'n Groothandelaars-dranksiensie mag nie die verkoop of aflewering van drank veroorloof voor agtuur in die môre of na sewenuur in die aand.

(3) 'n Buitelandse dranksiensie mag nie die verkoop of aflewering van drank veroorloof voor agtuur in die môre of na sewenuur in die aand.

(4) 'n Bierbrouers-lisensie mag nie die verkoop of aflewering van drank veroorloof voor agtuur in die môre of na sewenuur in die aand.

(5) 'n Bottel-dranksiensie mag nie veroorloof die verkoop van drank of die lewering van drank in die gelisensieerde gebou voor agtuur in die môre of na sesuur in die aand, of die aflewering buite die gelisensieerde gebou voor tienuur in die môre of na sewenuur in die aand.

(6) 'n Restourant-dranksiensie mag die verkoop van drank veroorloof op alle dae aan iemand wat in die restourant 'n gewone, daaringekoopte maaltyd *bona fide* neem, en wel om by die maaltyd gebruik te word, maar op geen ander tyd nie dan tussen twaalfuur in die middag en half-drieuur in die agtermiddag, en tussen sesuur en half-negenuur in die aand.

(7) 'n Kantien-lisensie 'n hotel-dranksiensie, 'n wyn en bierlisensie of 'n klub-dranksiensie mag nie die verkoop van drank veroorloof voor tienuur in die môre of na half elfuur saans in die munisipaliteite Pretoria, Kaapstad en Johannesburg en in die stad Durban en tienuur saans in elke ander plek.

Met die verstande dat 'n lisensieraad—

- (a) by 'n hotel-dranksiensie; en
- (b) by 'n kantien-lisensie, 'n wyn- en bier-lisensie en 'n klub-dranksiensie, as hy oortuig is dat *bona fide* maaltye opgedis word in 'n spesiaal daarvoor

set apart for the purpose other than the place commonly known as the bar,

the licensing board may authorize that between the hours of 12 mid-day and half-past 2 in the afternoon, and between 6 and half-past 8 in the evening, liquor may be served on closed days to persons *bona fide* taking ordinary meals on the licensed premises which have been purchased thereat and for consumption with such meals.

(8) A theatre or sports ground liquor licence shall not authorize the sale of liquor on any days other than open days upon which any public entertainment or public sporting function takes place upon the theatre premises or sports ground respectively or at any other times on such days then between the time at which any such entertainment or public sporting function commences, not being earlier than 10 o'clock in the morning, and thirty minutes after the time when any such entertainment closes, not being later than half-past 10 o'clock at night.

(9) A temporary liquor licence shall not authorize the sale or supply of liquor for any longer period than six days or upon any day other than an open day on which the place of recreation or public amusement in respect of which it is granted is open to the public, or at any other times than between the hours at which such place is opened and closed to the public, not being earlier than 10 o'clock in the morning or later than half-past 10 o'clock at night in the municipalities of Pretoria, Cape Town and Johannesburg, and the borough of Durban, and 10 o'clock at night in any other place.

(10) A late hours occasional licence shall not authorize the sale or supply of liquor save upon the one open day mentioned in such licence or at any other times than between the hour of the closing of the licensed premises in respect of which such late hours occasional licence is granted and such hour not being later than midnight as the magistrate issuing the licence may determine.

(11) A wine farmer's licence shall not authorize the sale, disposal or delivery of wine earlier than 8 o'clock in the morning or later than 6 o'clock in the evening.

(B) *Maximum and Minimum Quantities to be Sold.*

76. (1) The quantity of liquor to be sold or supplied by any person holding a licence under this Act shall not be greater or less than the quantity stated in this section in respect of the particular class of licence indicated.

(2) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence, a foreign liquor licence or a brewer's licence shall not be less than two gallons to be delivered at one time in receptacle or receptacles securely corked or stoppered.

(3) The quantity of liquor to be sold and delivered by a bottle liquor licensee to any one customer at any one time shall be not less than one pint bottle securely corked, and not more than twelve quart bottles or the equivalent amount of liquor in bottles, jars or similar vessels properly and securely corked: Provided that a less quantity, if it be contained in a bottle or receptacle securely corked or stoppered, may be sold by the licensee on medical certificate in terms of section ninety-nine or one hundred.

(4) The liquor to be sold or supplied by the holder of a wine farmer's licence shall be contained in cask securely corked or stoppered, and shall be in quantity of not less than four gallons.

(5) The quantity of liquor to be sold under an on-consumption licence shall not exceed such as may reasonably be consumed upon the licensed premises by the person to, or for, whom the same is supplied.

(C) *Place of Sale and Premises.*

77. (1) Save in the case of a wholesale liquor licence, a foreign liquor licence, a brewer's licence and a wine farmer's licence, no licensee shall sell liquor at any other place than upon the licensed premises or in any other portion of such premises than such as may be indicated in his licence.

(2) Save in the case of an off-consumption licence, no delivery of liquor shall be given at any other place than the licensed premises, nor shall any delivery of liquor be made at any other portion of such premises than such as may be indicated in the licence.

bestemde vertrek of plek buiten die plek wat gewoonlik die kantien genoem word,

mag toestaan dat tussen twaalfuur 'smiddags en half-drieuur in die agtermiddag en tussen sesuur en half-negenuur saans op geslote dae aan mense, wat te goeder trou in die gelisensieerde gebou gewone daarin gekoopte maaltye gebruik, drank verstrek mag word om by daardie maaltye gebruik te word.

(8) 'n Teater, of sportsgronde-dranklisensie mag nie die verkoop van drank veroorloof op ander dae dan ope dae waarop 'n publieke vermaaklikheid in die teatergebou of 'n publieke sport-byeenkoms op die sportgronde plaasvind of op enige ander tye op daardie dae dan tussen die begin van die vermaaklikheid of publieke sport-byeenkoms maar nie vroeër as tienuur smôrens en dertig minute na sy sluiting, maar nie later dan half-elfuur saans.

(9) 'n Tydelike dranklisensie mag nie die verkoop of verstrekking van drank veroorloof vir 'n langere tydperk dan ses dae of op 'n ander dag dan 'n ope dag waarop die plek van ontspanning of publieke vermaak in verband waarmee dit verleen is, aan die publiek toeganklik is, of op enige ander tye dan tussen die opening en sluiting van daardie plek vir die publiek, maar nie vroeër dan tienuur smôrens of later as half-elfuur saans in die munisipaliteite Pretoria, Kaapstad en Johannesburg en die stad Durban en tienuur saans in enige ander plek.

(10) 'n Nagtelike geleentheidslisensie mag die verkoop of verstrekking van drank veroorloof alleen op die een ope dag wat in die lisensie genoem word en op geen ander tyd dan tussen die sluitingsuur van die gelisensieerde gebou in verband waarmee die nagtelike geleentheidslisensie verleen word, en die uur (wat nie later dan middernag mag wees nie) vasgestel deur die magistraat wat die lisensie uitreik.

(11) 'n Wynboer-lisensie mag nie die verkoop, vervreemding of aflewering van wyn veroorloof voor agtuur in die môre of na sesuur in die aand.

B. *Grootste en kleinste hoeveelhede wat verkoop mag word.*

76. (1) Die hoeveelheid drank wat verkoop of verstrek mag word deur iemand wat kragtens hierdie Wet 'n lisensie hou, mag nie groter en nie kleiner wees dan die hoeveelheid wat hierdie artikel vir 'n bepaalde soort van lisensie vasstel.

(2) Die hoeveelheid drank wat die houer van 'n groothandelaars-dranklisensie, 'n buitelandse dranklisensie of 'n bierbrouers-lisensie mag verkoop of lewer, mag nie minder bedra dan twee gallon in 'n dig toegekurkte of gepropte houer of houters wat tegelyk afgelewer moet word.

(3) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie ineens aan een klant mag verkoop en lewer, mag nie minder bedra dan een dig gekurkte pint-bottel en nie meer dan twaalf kwart-bottels, of dieselfde hoeveelheid drank in bottels, kruike of soortgelyke houters, wat dig gekurk moet wees. 'n Kleinere hoeveelheid mag egter, as dit vervat is in 'n dig toegekurkte of -gepropte bottel of houer, deur die lisensiehouer verkoop word op 'n geneeskundige sertifikaat volgens artikel negen-en-negentig of honderd.

(4) Die drank wat die houer van 'n wynboer-lisensie mag verkoop of lewer, moet in 'n dig toegekurkte of gepropte vat wees en mag nie minder dan vier gallon bedra nie.

(5) Die hoeveelheid drank wat kragtens 'n binneverbruik-lisensie verkoop mag word mag nie meer wees dan wat redelikerwys in die gelisensieerde gebou gebruik kan word deur die persoon aan of vir wie dit verstrek word.

C. *Plek van Verkoop en Geboue.*

77. (1) Behalwe in die geval van 'n groothandelaars-dranklisensie, 'n buitelandse dranklisensie, 'n bierbrouers-lisensie en 'n wynboer-lisensie mag geen lisensiehouer drank verkoop op enige ander plek dan in die gelisensieerde gebou, of in enige ander gedeelte van daardie gebou dan dié wat die lisensie mog aanwys.

(2) Behalwe in die geval van 'n buiteverbruik-lisensie mag geen drank êrens anders gelever word dan in die gelisensieerde gebou en mag geen drank gelever word in 'n ander gedeelte van daardie gebou dan dié wat die lisensie mog aanwys.

Hoeveelhede wat kragtens verskillende lisensies verkoop mag word.

Plekke waar drank verkoop en gelever mag word.

Condition as to setting apart place for particular class of customer.

78. A licensing board, in authorizing the grant or renewal of any licence, may—

- (a) determine that any particular portion of the premises on which the business is to be conducted shall be included in the restricted portion; and
- (b) impose a condition that liquor shall be supplied to any particular class of persons only in a bar or other place upon the licensed premises specially set apart for such particular class of persons.

Condition as to alteration, etc., of premises, or accommodation of public.

79. A licensing board in authorizing the grant, renewal, or removal of any licence may impose such conditions as it may deem fit in respect of—

- (a) any structural alteration or arrangement of, or addition or repairs to, the premises in respect of which the application is made; or
- (b) accommodation to be afforded thereon to the public, including the provision of seats in the restricted portion; or
- (c) as to any other provision deemed by the board to be necessary in order to meet the reasonable requirements of the public or visitors upon such premises or to facilitate supervision by the police, or in any other respect, and may stipulate the period of time within which any such condition shall be complied with by the licensee, or may stipulate that a licence shall not be issued until the senior police officer of the district or the magistrate has certified in writing that the condition has been fulfilled.

(D) Consumption on or off Premises.

Condition of licences as to place of consumption.

80. (1) It shall be a condition of every off-consumption licence, that no part of the liquor sold shall be consumed upon the licensed premises, or in any premises or place adjoining or near the licensed premises which are in the occupation or under the control of the licensee.

(2) It shall be a condition of every on-consumption licence that no part of the liquor sold shall be consumed elsewhere than upon the licensed premises.

(E) Class and other Personal Restrictions.

Restriction upon supply to persons of any particular class, including women.

81. (1) A licensing board may resolve that it shall be a condition of all licences in the district, or of any particular licence, that the supply of liquor to persons of a particular class, including women or any particular class of women, shall be subject to the restrictions and conditions, exclusive of total prohibition, in such resolution set forth.

(2) A board determining that such restrictions and conditions shall apply to all licences in the district shall forthwith communicate its decision to the Minister, and the Minister shall thereupon give notice in the *Gazette* of such determination.

(3) A licensing board may rescind or vary any such resolution, and if the rescission or variation applies to all licences in the district its decision to that effect shall forthwith be communicated to the Minister, who shall likewise give notice in the *Gazette* of such rescission or variation.

Condition as to Asiatic or coloured restriction in Cape and Natal.

82. (1) In the Provinces of the Cape of Good Hope and Natal a licensing board may determine that it shall be a condition of all licences in the district or of any particular licence that the supply of liquor to Asiatics or to coloured persons or to both Asiatics and coloured persons, in as far as permitted by the provisions of section ninety-six shall be subject to the restrictions and conditions, exclusive of total prohibition, in such determination set forth.

(2) A board determining that such restrictions and conditions shall apply to all licences in the district shall forthwith communicate its decision to the Minister, and the Minister shall thereupon give notice in the *Gazette* of such determination.

(3) A licensing board may rescind or vary any such determination, and, if the rescission or variation applies to all licences in the district, its decision to that effect shall forthwith be communicated to the Minister, who shall likewise give notice in the *Gazette* of such rescission or variation.

78. By die magtigting tot verlening of vernuwning van 'n lisensie mag 'n lisensieraad—

- (a) bepaal dat 'n bepaalde gedeelte van die gebou waarin die besigheid gedryf sal word, by die beperkte gedeelte gereken moet word; en
- (b) 'n voorwaarde stel dat drank aan 'n bepaalde klas van mense alleen verstrekt mag word in 'n kantien of ander plek in die gelisensieerde gebou, wat spesiaal afgesonder is vir die bepaalde klas van mense.

79. By die magtigting tot verlening, vernuwning of verplasing van 'n lisensie mag 'n lisensieraad sodanige voorwaardes stel as wat hy wenslik ag ten opsigte van—

- (a) die verbouing, inrigting, aanbou of herstelling van die gebou, in verband waarmee die aanvraag gemaak word, of
- (b) die ruimte wat vir die publiek daarin beskikbaar moet wees, ingeslote die beskikbaarstelling van sitplekke in die beperkte gedeelte, of
- (c) omtrent enige ander saak wat die raad nodig ag om te voldoen aan die redelike behoeftes van die publiek of gaste in daardie gebou of om toesig deur die polisie te vergemaklik of in enige ander opsig, en mag 'n termyn stel binne welke die lisensiehouer aan die voorwaardes moet voldoen, of mag beding dat 'n lisensie nie uitgereik mag word nie voordat die eerste polisiebeampte van die distrik of die magistraat skriftelik gesertifiseer het dat die voorwaardes vervul is.

D. Drankgebruik in of buite 'n gebou.

80. (1) Elke buiteverbruik-lisensie is onderhewig aan die voorwaarde dat geen deel van die verkoopte drank gebruik mag word in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of naby hom geleë is en wat die lisensiehouer besit of beheer.

(2) Elke binneverbruik-lisensie is onderhewig aan die voorwaarde dat geen deel van die verkoopte drank êrens anders gebruik mag word dan in die gelisensieerde gebou.

E. Klas- en ander Persoonlike Beperkings.

81. (1) 'n Lisensieraad mag besluit dat alle lisensies of een of ander bepaalde lisensie in die distrik die voorwaarde moet bevat dat die verstreking van drank aan 'n bepaalde klas van mense (en dit sluit in vroue of 'n bepaalde klas van vroue) onderhewig moet wees aan die beperkings en voorwaardes (behalwe 'n algehele verbod) wat in die bepaling uitgedruk staan.

(2) 'n Raad wat bepaal dat sodanige beperkings en voorwaardes van toepassing is op alle lisensies in die distrik moet onverwyld sy besluit mededeel aan die Minister, wat daarop die bepaling in die *Staatskoerant* moet afkondig.

(3) 'n Lisensieraad mag so 'n bepaling intrek of wysig en as die intrekking of wysiging op alle lisensies in die distrik van toepassing is, moet sy besluit daartoe onverwyld meegedeel word aan die Minister, wat eweneens die intrekking of wysiging in die *Staatskoerant* moet afkondig.

82. (1) In die Provinsies die Kaap die Goeie Hoop en Natal mag 'n lisensieraad bepaal dat alle lisensies of een of ander bepaalde lisensie in die distrik die voorwaarde moet bevat dat die verstreking van drank aan Asiatic of aan kleurlinge of beide aan Asiatic en aan kleurlinge vir sover die bepaling van artikel ses-en-negentig dit toelaat onderhewig moet wees aan die beperkings en voorwaardes (behalwe 'n algehele verbod) wat in die bepaling uitgedruk staan.

(2) 'n Raad wat bepaal dat sodanige beperkings en voorwaardes van toepassing is op alle lisensies in die distrik moet onverwyld sy besluit mededeel aan die Minister, wat daarop die bepaling in die *Staatskoerant* moet afkondig.

(3) 'n Lisensieraad mag so 'n bepaling intrek of wysig, en as die intrekking of wysiging op alle lisensies in die distrik van toepassing is, moet sy besluit daartoe onverwyld meegedeel word aan die Minister, wat eweneens die intrekking of wysiging in die *Staatskoerant* moet afkondig.

Voorwaarde datplek afgesonder moet word vir bepaalde klas van klante.

Voorwaarde van veranderingens van gebou of ruimte vir publiek.

Voorwaarde in lisensie omtrent plek van drankgebruik.

Beperking van drankverstreking aan bepaalde klas mense en vroue.

Voorwaarde van drankbeperking vir Asiatic en kleurlinge in Kaap en Natal.

Special condition of wine farmer's licence.

83. It shall be a special condition of every wine farmer's licence that, save as to any person resident at a place distant twenty-five miles or more from the premises at which the sale takes place, no sale, delivery or disposal of wine thereunder shall be made to any person who is not either the registered owner or the lawful occupier of immovable property in the Union, which is valued for the purposes of any municipal or divisional council or other local rates at two hundred pounds or more, or which in the absence of such valuation is certified in writing by a magistrate or commissioned officer of the police to be of that value.

Special conditions of late hours occasional licence.

84. It shall be a special condition of a late hours occasional licence that no liquor shall be sold or supplied thereunder to any other person than one *bona fide* attending the function for the occasion of which the licence is granted.

(F) *Quality and Kinds of Liquor to be Sold.*

Quality of liquor sold.

85. (1) It shall be a condition of every licence that liquor sold thereunder by any name designated, or any description contained, in the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), or any amending Act or Act substituted therefor or in any other law, shall conform as to its constituents with any requirement contained in any such Act or law.

(2) Nothing in this Act contained shall be deemed to affect the operation, in respect of any liquor sold or kept for sale by any licensee, of any Act mentioned in sub-section (1) or of any law dealing with the adulteration of foods, drugs and liquors. Any relative provision of this Act shall be deemed to be in addition to, and not in substitution of, any provision of any such Act or law.

What liquor brewer may sell.

86. It shall be a condition of a brewer's licence that only malt liquor which has been brewed or manufactured by the licensee within the Union shall be sold thereunder.

Wine and malt liquor licensee to sell only South African produce.

87. It shall be a condition of a wine and malt liquor licence—

- (a) that no liquor other than wine, as that term is defined in section six of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), and malt liquor shall be sold thereunder; and
- (b) that no wine or beer shall be sold thereunder which has not been produced or brewed in the Union or the mandated territory of South-West Africa.

What liquor to be sold under wine farmer's licence.

88. It shall be a condition of a wine farmer's licence that no other liquor shall be sold thereunder than wine which—

- (a) is the product of grapes grown on land owned or lawfully occupied by the licensee, or where the licensee is an association of persons by such association or any member of such association; and
- (b) was made upon such property or in a central cellar owned or lawfully occupied by the licensee or where the licensee is an association of persons by such association or any member of such association; and
- (c) is the product solely of the alcoholic fermentation of the juice of fresh grapes without the addition before, during or after the fermentation, of any substance, other than a substance permitted by section two of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913).

CHAPTER IX.

PROHIBITION OR RESTRICTED SALE, SUPPLY OR ACQUISITION OF LIQUOR.

(A) *Sale by Producers.*

Sale of liquor by distiller, manufacturer or brewer.

89. Notwithstanding anything contained in any law, or in any licence granted under any law for the distillation, brewing or manufacturing of liquor and the sale thereof, from and after the commencement of this Act, and save as otherwise expressly provided thereby, no distiller, brewer, producer or manufacturer of liquor shall sell or dispose of, for use or consumption in the Union, either directly or through

83. Elke wynboer-lisensie is onderhewig aan die besonderse voorwaarde dat kragtens hom, behalwe aan iemand wat woonagtig is op 'n plek, vyf-en-twintig myl of verder geleë van die gebou waar die verkoop gesluit word, geen wyn verkoop, gelewer of vervoerd mag word aan iemand wat nie die geregistreerde eienaar of in die wettige besit is van onroerende goed in die Unie wat vir 'n stedelike of afdelings- of 'n ander plaaslike belasting op twee-honderd pond of meer gewaardeer is of wat, by gebreke van so 'n waardering, volgens 'n skriftelike sertifikaat van 'n magistraat of polisieoffisier so veel werd is.

Besondere voorwaarde van wynboer-lisensies.

84. 'n Nagtelike geleentheids-lisensie is onderhewig aan die besonderse voorwaarde dat geen drank uit kragte daarvan verkoop of verstrek mag word nie aan iemand anders dan aan iemand wat te goeder trou die byeenkoms bywoon na aanleiding waarvan die lisensie verleen is.

Besondere voorwaarde van nagtelike geleentheids-lisensie.

F. *Kwaliteit en soorte van drank wat verkoop mag word.*

85. (1) Elke lisensie is onderhewig aan die voorwaarde dat drank, kragtens hom verkoop onder 'n naam aangegee of onder 'n omskrywing vervat in die Wijn, Spiritualiën en Azijn Wet 1913 (Wet No. 15 van 1913) of 'n wet wat dit wysig of vervang of in enige ander wet, moet voldoen wat betref sy bestanddele aan die vereiste van so 'n wet.

Kwaliteit van verkoopte drank.

(2) Die bepaling van hierdie Wet maak geen inbreuk op die toepassing van 'n wet vermeld in sub-artikel (1) ten opsigte van enige drank wat 'n lisensiehouer verkoop of hou om te verkoop, of van enige wet op die vervalsing van eetware, medisyne en drank.

Enige soortgelyke bepaling in hierdie Wet staan newens, en vervang nie 'n bepaling van so 'n wet.

86. 'n Bierbrouers-lisensie is onderhewig aan die voorwaarde dat kragtens hom slegs bier wat deur die lisensiehouer in die Unie gebrou of vervaardig is, verkoop mag word.

Watter drank 'n bierbrouer mag verkoop.

87. 'n Wyn- en bier-lisensie is onderhewig aan die voorwaarde dat kragtens hom—

Wyn- en bierlisensie-houer mag net Suid-Afrikaanse produkte verkoop.

- (a) geen ander drank dan wyn, volgens die omskrywing van daardie woord in artikel ses van die Wijn, Spiritualiën en Azijn Wet, 1913, (Wet No. 15 van 1913) en bier verkoop mag word; en

- (b) geen wyn of bier verkoop mag word wat nie in die Unie of die Mandaatgebied van Suidwes-Afrika vervaardig of gebrou is nie.

88. 'n Wynboer-lisensie is onderhewig aan die voorwaarde dat kragtens hom geen ander drank verkoop mag word dan wyn wat—

Watter drank kragtens wynboer-lisensie verkoop mag word.

- (a) die produk is van druiwe verbou op grond wat die eiendom of in wettige besit is van die lisensiehouer, of as die lisensiehouer 'n vereniging van persone is, van die vereniging of enige lid van die vereniging; en
- (b) vervaardig is op daardie grond of in 'n sentrale kelder wat die eiendom of in die wettige besit is van die lisensiehouer, of, as die lisensiehouer 'n vereniging van persone is, van die vereniging of enige lid van die vereniging; en

- (c) uitsluitend die produk is van die alkoholiese gisting van die sap van vars druiwe, sonder bymenging, hetsy voor, gedurende of na die gisting, van enige ander stof dan wat artikel twee van die Wijn, Spiritualiën en Azijn Wet 1913 (Wet No. 15 van 1913) toelaat.

HOOFSTUK IX.

VERBOD OF BEPERKING VAN VERKOOP, VERSTREKKING OF VERKRYGING VAN DRANK.

A. *Verkoop deur vervaardigers.*

89. Nieteenstaande die bepaling van enige wet of van 'n lisensie kragtens enige wet verleen om drank te stook, te brou of te fabriseer en te verkoop, mag 'n stoker, brouer, vervaardiger of fabrikant van drank, vanaf die inwerking-treding van hierdie Wet en behalwe vir sover daarin uitdruklik anders bepaal is, geen deur hom gestookte, gebroude, vervaardigde of gefabriseerde drank, hetsy direk of indirek deur

Verkoop van drank deur stoker, fabrikant of brouer.

any co-operative society or company registered under the Co-operative Societies Act, 1922 (Act No. 28 of 1922) or any amendment thereof or other agency, any liquor distilled, brewed, produced or manufactured by him to any person other than the holder of a licence under this Act or the Government: Provided that—

- (a) the holder of a wine farmer's licence may sell to the persons mentioned in section *eighty-three*, wine of the kind permitted to be sold under such licence;
- (b) the holder of a brewer's licence may, under the authority of the licensing board granted at the time of the grant or renewal of his licence, sell to persons other than holders of licences under this Act, beer brewed by him within the Union, but no such sale shall at any one time to any one person be in quantity less than two gallons contained in one or more receptacles securely corked or stoppered; and
- (c) nothing in this section contained shall be deemed to affect any provisions of the Wine and Spirit Control Act, 1924 (Act No. 5 of 1924).

90. Whenever under any Excise Law or other law or an regulations thereunder any licence or permit is required for the distillation, brewing or manufacture of liquor, no liquor shall be distilled, brewed or manufactured save under such licence or permit.

91. (1) The owner or lawful occupier of any land, being in either case an European, may, under and in accordance with a permit granted by the magistrate of the district, and subject to the provisions of any excise or other law or regulation relating to the matter, distil, brew or make for his own use, and may sell to a licensee, liquor from fruit or other produce grown on such land.

(2) A magistrate to whom an application for any such permit is made may, in his absolute discretion and without assigning any reason therefor, refuse to grant the same. Such permit, if granted, shall be for a period not exceeding twelve months, and shall state—

- (a) the name of the person to whom it is granted;
- (b) the name and situation of the place at which the liquor is to be made;
- (c) the maximum quantities and the kinds of liquor which is to be made.

(3) Any such permit may, at any time, be cancelled by the magistrate of the district without assigning any reason.

(B) Supply to Particular Classes of Persons.

92. Whenever any restriction or condition as to the supply of liquor in any district has been imposed under section *eighty-one*, then in that district, save as is otherwise provided by this Act, no person shall supply any liquor to any person contrary to such restriction or condition and no person shall obtain any liquor contrary to any such restriction or condition.

93. Save in the case of liquor given by a licensee or the wife of a licensee to a member of the licensee's family ordinarily resident with such licensee upon licensed premises for immediate consumption, no person shall upon licensed premises supply or deliver intoxicating liquor to any child under the age of eighteen years.

94. (1) Whenever it is alleged to any magistrate, or appears to any magistrate, that any person ordinarily resident in the district of such magistrate—

- (a) has within the preceding twelve months been thrice convicted of any contravention of this Act or of drunkenness; or
- (b) has within that period been twice convicted of a contravention of this Act or of drunkenness and once convicted of assault or an offence in which assault is necessarily comprised; or
- (c) by excessive drinking of liquor misspends or wastes his means, or impairs his health, or endangers the peace or in any other way prejudices the welfare of his family;

'n koöperatiewe vereniging of maatskappy, geregistreer ingevolge Wet No. 28 van 1922 of 'n wysiging daarvan of enige ander verteenwoordiger, aan iemand anders verkoop of van die hand sit, vir gebruik of verbruik in die Unie, dan aan die houer van 'n lisensie kragtens hierdie Wet of aan die Regering: Met die verstande dat—

- (a) die houer van 'n wynboer-lisensie aan die mense vermeld in artikel *drie-en-tagtig* die soort van wyn mag verkoop wat kragtens sy lisensie verkoop mag word;
- (b) die houer van 'n bierbrouerslisensie, met die lisensieraad se vergunning, gelyktydig verleen met die verlening of vernuwing van sy lisensie, aan ander persone dan die houters van lisensies kragtens hierdie Wet, bier mag verkoop wat hy in die Unie gebrou het, maar nie minder dan twee gallon in een of meer dig toegekurkte of gepropte houters mag tegelyk aan een persoon aldus verkoop word; en
- (c) hierdie artikel geen inbreuk maak op die bepalinge van die Wet op die Kontrôle over Wijn en Spirituallen, 1924 (Wet No. 5 van 1924).

90. Wanneer 'n aksynswet of 'n ander wet of daarop steunende regulasies 'n lisensie of permit vereis vir die stook, brou of vervaardiging van drank, dan mag drank alleen kragtens daardie lisensie of permit gestook, gebrou of vervaardig word.

91. (1) Die eienaar of wettige besitter van grond, mits hy in elke geval 'n blanke is, mag kragtens en ooreenkomstig 'n permit verleen deur die magistraat van die distrik en met inagneming van 'n toepaslike aksynswet of ander wet of regulasie, uit vrugte of ander produkte, op daardie grond verbou, vir sy eie gebruik drank stook, brou of maak en dit aan 'n lisensiehouer verkoop.

(2) 'n Magistraat by wie so 'n permit aangevra word, mag dit geheel en al volgens willekeur en sonder redes daarvoor aan te gee, weier. Indien verleen, moet so 'n permit 'n tydperk van hoogstens twaalf maande dek en melding maak van—

- (a) die naam van die persoon aan wie dit verleen is;
- (b) die naam en ligging van die plek waar die drank gemaak sal word;
- (c) die grootste hoeveelheid en soorte drank wat gemaak mag word.

(3) Die magistraat van die distrik mag so 'n permit te eniger tyd intrek sonder om 'n rede aan te gee.

B. Drankverstreking aan bepaalde klasse van mense.

92. Wanneer enige beperking van, of voorwaarde in verband met, die verstreking van drank in een of ander distrik kragtens artikel *een-en-tagtig* vasgestel is, dan mag niemand in daardie distrik, behalwe vir sover hierdie Wet anders bepaal, in stryd met daardie beperking of voorwaarde enige drank aan iemand verstreke, en niemand mag in stryd met daardie beperking of voorwaarde enige drank verkry.

93. Behalwe wanneer 'n lisensiehouer of die eggenote van 'n lisensiehouer vir onmiddellike gebruik drank gee aan 'n lid van die lisensiehouer se familie wat gewoonlik by daardie lisensiehouer in 'n gelisensieerde gebou inwoon, mag niemand in 'n gelisensieerde gebou sterke drank aan 'n kind onder die leeftyd van agtien jaar verstreke of oorhandig nie.

94. (1) Wanneer aan 'n magistraat beweer word of aan hom blyk dat iemand gewoonlik woonagtig in sy distrik—

- (a) in die voorafgaande twaalf maande driemaal veroordeel is weens 'n oortreding van hierdie Wet of weens dronkenskap; of
- (b) binne daardie tydperk tweemaal veroordeel is weens 'n oortreding van hierdie Wet of weens dronkenskap, en eenmaal veroordeel is weens aanranding of weens 'n misdryf wat noodsaaklik 'n aanranding insluit; of
- (c) deur drankmisbruik sy vermoë verkwis of verspil of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander manier die welsyn van sy familie benadeel,

Beperking van drankvervaardiging.

Drankvervaardiging deur eienaar of besitter van grond.

Verstreking aan bepaalde klas van mense.

Drankverstreking aan kinders.

Magistraat mag drankverstreking aan sekere persone belet.

Restriction upon the making of liquor.

Making of liquor by owner or occupier of land.

Supply to particular class of persons.

Supply to children.

Prohibition by magistrate of supply to individual.

he may cause a notice in writing under his hand to be served upon such person calling upon him to appear at the magistrate's office at a time and place to be stated in the notice, not being sooner than three days after the date thereof, and show cause why an order should not be made in respect of him under this section.

(2) On the date and at the time fixed in the notice for the appearance, the magistrate, sitting *in camera* and in the presence of the person on whom the notice was served if he appears, shall proceed to enquire whether the person named therein is such a person as is described in sub-section (1) and shall for that purpose take on oath any evidence which he may deem necessary and afford the person upon whom the notice was served an opportunity of replying thereto, on oath or otherwise as such person elects, and of showing cause why an order should not be made under sub-section (3). A written record of the proceedings shall be kept and filed.

(3) If it appears to the magistrate holding such enquiry that the person on whom the notice was served is such a person as is described in sub-section (1), and if he deems it proper that an order should be made under this section in respect of such person, he may by writing under his hand prohibit, for such period not exceeding twelve months as he may thereupon determine, the supply of liquor to such person.

(4) A magistrate making an order under sub-section (3) shall forthwith forward a copy thereof to the senior police officer of the district, and such officer shall forthwith upon receipt thereof notify the prohibition to the person in respect of whom the order was made and to every holder within the district of a wholesale liquor licence, a brewer's licence, a bottle liquor licence or a licence for the sale of liquor for consumption on licensed premises; and in the event of such person removing to, or obtaining or being suspected of obtaining in, any other district during the period for which the order is of effect, he shall forward a copy of the order certified by the magistrate as correct to the senior police officer of that district.

(5) A senior police officer receiving any copy so certified of an order made under sub-section (3), may present the same to the magistrate of the district in which he is stationed, and such magistrate shall endorse the same, whereupon it shall have effect in that district and the holders in that district of bottle liquor licences and of licences for the sale of liquor for consumption on the licensed premises shall forthwith be notified by the said senior police officer of the endorsement of the order and the effect thereof.

(C) *Supply to Natives, Asiatics and Coloured Persons.*

95. Save as is otherwise specially provided by this Act, no person shall supply any liquor to any native, and no native shall obtain in any manner whatsoever, or be in possession of, any liquor.

96. (1) Save as is otherwise specially provided by this Act—

- (a) no person shall supply any liquor to any Asiatic or coloured person; and
- (b) no Asiatic or coloured person shall obtain, or be in possession of, any liquor.

(2) Subject to any restriction or condition imposed by a licensing board under the authority of section *eighty-two*, the holder of an on-consumption licence in the Province of the Cape of Good Hope or Natal may, in terms of his licence supply liquor to any Asiatic or coloured person not by that section or by or under any other provision of this Act prohibited from obtaining liquor.

(3) In the Provinces of the Transvaal and the Orange Free State, an Asiatic or a coloured person may be supplied with liquor only in a shop established under the provisions of section *one hundred and forty-three*.

dan mag hy 'n skriftelike, deur hom getekende kennisgewing op die betrokke persoon laat dien, waarin hy hom oproep om op 'n tyd en plek wat die kennisgewing moet vermeld (egter nie eerder dan drie dae na die datum van die kennisgewing) by die magistraatskantoor te verskyn en redes aan te voer waarom ten opsigte van hom geen order kragtens hierdie artikel verleen behoort te word nie.

(2) Op die dag en tyd in die kennisgewing vir die verskyning vasgestel, moet die magistraat, op 'n sitting *in camera* en in teenwoordigheid van die persoon op wie die kennisgewing gedien is, as hy verskyn, 'n ondersoek instel of die daarin genoemde persoon onder die omskrywing van sub-artikel (1) val, en moet met daardie doel enige getuïenis wat hy nodig ag onder eed afneem en aan die persoon op wie die kennisgewing gedien is, geleentheid gee om al dan nie onder eed, soos daardie persoon verkies, daarop te antwoord en om redes aan te voer waarom geen order kragtens sub-artikel (3) behoort verleen te word nie. Van die verrigtings moet notule gehou en bewaar word.

(3) As aan die magistraat wat die ondersoek instel, blyk dat die persoon op wie die kennisgewing gedien is onder die omskrywing van sub-artikel (1) val, en as hy dit voegsaam ag om ten opsigte van daardie persoon 'n order kragtens hierdie artikel te verleen, dan mag hy by geskryf onder sy handtekening die verstrekking van drank aan daardie persoon gedurende 'n sodanige tydperk van hoogstens twaalf maande as wat hy mag vasstel, verbied.

(4) 'n Magistraat wat kragtens sub-artikel (3) 'n order verleen, moet onverwyld 'n kopie daarvan stuur aan die eerste polisiebeampte van die distrik, en daardie beampte moet onverwyld na ontvangs daarvan die verbod meedeel aan die persoon ten opsigte van wie die order verleen is en aan elke houër in die distrik van 'n groothandelaars-dranklisensie, 'n bierbrouers lisensie, of 'n bottel-dranklisensie of van 'n lisensie vir die verkoop van drank om in 'n gelisensieerde gebou gebruik te word, en in geval daardie persoon na 'n ander distrik verhuis of in 'n ander distrik drank verkry of die vermoede bestaan dat hy dit daar kry gedurende die geldigheid van die order, moet hy 'n kopie van die order, deur die magistraat as juis gesertifiseer, stuur aan die eerste polisiebeampte van daardie distrik.

(5) 'n Senior polisiebeampte wat 'n aldus gesertifiseerde kopie van 'n order, verleen kragtens sub-artikel (3), ontvang, mag dit voorlê aan die magistraat van die distrik waarin hy gestasioneer is, en die magistraat moet dit deur aantekening bekragtig, waarop dit in daardie distrik regsgeldig is, en voormelde senior polisiebeampte moet die aantekening op die order en die uitwerking daarvan meedeel aan die houters in daardie distrik van bottel-dranklisensies en van lisensies vir die verkoop van drank om in die gelisensieerde gebou gebruik te word.

(C) *Drankverstrekking aan Asiate, kleurlinge en naturelle.*

95. Niemand mag, behalwe vir sover hierdie Wet uitdruklik anders bepaal, enige drank aan 'n naturel verstrek, en geen naturel mag op watter manier ook drank verkry, of in besit daarvan wees.

96. (1) Behalwe vir sover hierdie Wet uitdruklik anders bepaal—

- (a) mag niemand aan 'n Asiaat of kleurling drank verstrek nie; en
- (b) mag geen Asiaat of kleurling drank verkry of in besit daarvan wees nie.

(2) Met inagneming van 'n beperking of voorwaarde wat 'n lisensieraad kragtens artikel *twee-en-tagtig* mag vasgestel het, mag die houër van 'n binneverbruik-lisensie in die provinsie Kaap die Goeie Hoop of Natal volgens bepaling van sy lisensie drank verstrek aan 'n Asiaat of kleurling aan wie die verkryging van drank nie deur daardie artikel of deur of kragtens enige ander bepaling van hierdie Wet ontseig is.

(3) In die provinsie Transvaal of Oranje-Vrystaat mag aan 'n Asiaat of kleurling drank verstrek word alleen in 'n winkel opgerig kragtens die bepalings van artikel *honderd-drie-en-veertig*.

Asiatic or
coloured
restrictions

97. Whenever a notice of the imposition of any restriction or condition as to the supply of liquor in any district has been published under section *eighty-two*, then within that district, save as is otherwise provided by this Act, no person shall supply any liquor to any Asiatic or coloured person contrary to such restriction or condition, and no Asiatic or coloured person shall in any manner whatsoever obtain, or be in possession of, any liquor contrary to any such restriction or condition.

Supply of
liquor to
native,
Asiatic, or
coloured
employees by
employers.

98. (1) Save as provided in sub-section (2) and in section *one hundred and forty-one* no person shall supply any liquor to any native, Asiatic or coloured person in his employment, whether such supply be given gratis or purports to be, or is in fact, given as, or as supplementing, the employee's wages or remuneration, or as a reward, and whether or not there exists under this Act or under its authority any prohibition or restriction in respect of the supply of liquor to such employee.

(2) In the Provinces of the Cape of Good Hope, the Transvaal and the Orange Free State any adult European *bona fide* employing in farming operations under a binding contract for not less than one month any native, Asiatic or coloured person, being a male of or over the age of eighteen years may not earlier than 4 o'clock in the afternoon supply gratis to such person, during the period of employment, one single drink of intoxicating liquor per day, in quantity not exceeding one quarter of a pint in the case of spirituous liquor or one pint in the case of liquor of any other kind, to be consumed by such person at the time of supply in the presence of such employer or his duly authorized adult European agent: Provided that in the Transvaal and in the Orange Free State such liquor may be supplied only where such person is employed at a place situated outside an urban area.

(3) The right granted by sub-section (2) may, in respect of any employer, at any time and without reason assigned, be withdrawn by the service on such employer or his agent of a written notice to that effect, signed by any member of the police of or above the rank of sergeant. Such withdrawal shall remain in force until cancelled by the magistrate of the district, to whom such employer or agent may appeal and whose decision in the matter shall be final.

(4) The Governor-General may, at any time, by proclamation in the *Gazette*—

- (a) prohibit the supply, under sub-section (1) of any particular kind of liquor, if he is satisfied that by reason of its constituents or any part of them the consumption of that kind of liquor would be harmful to the consumers; and
- (b) define areas in which the provisions of sub-section (2) shall cease to have any operation.

Liquor
required
for
immediate
consumption
by
prohibited
person
dangerously
ill.

99. (1) Whenever any registered medical practitioner certifies by writing under his hand that any person who under any provision of Part (C) of this Chapter, is prohibited from obtaining or possessing liquor, is in a condition of dangerous illness, and that it is necessary in consequence thereof that there should be administered to him either immediately or over a period not exceeding forty-eight hours, liquor of the kind and in the quantity stated in the certificate, any holder of a bottle licence may, upon presentation to him of such certificate, supply to or for such person, and such person may receive, possess and consume, liquor of the kind and in the quantity stated in such certificate, but in no case shall the quantity so supplied exceed half a pint.

(2) Any such certificate shall be, as near as may be, in the form set out in Part (A) of the Sixth Schedule.

Liquor
required
for
restoration
of health of
prohibited
person

100. (1) Whenever any registered medical practitioner certifies by writing under his hand in respect of any person who, in terms of Part (C) of this Chapter, is prohibited from obtaining or possessing liquor, that such person is suffering from the illness stated in the certificate, and that it is necessary for the restoration of his health that liquor should be administered to him of the kind, in the quantities, and at the intervals stated in the certificate, any officer of police of or above the rank of sergeant or the senior member of the police

97. Wanneer 'n beperking van, of 'n voorwaarde in verband met, die verstrekking van drank in enige distrik kragtens artikel *twee-en-tagtig* afgekondig is, dan mag in daardie distrik, behalwe vir sover hierdie Wet anders bepaal, niemand in stryd met daardie beperking of voorwaarde aan 'n Asiaat of kleurling drank verstrek, en mag geen Asiaat of kleurling in stryd met so 'n beperking of voorwaarde op watter manier ook enige drank verkry of in besit daarvan wees.

Beperkings
vir Asiatic
en
kleurlinge

98. (1) Behalwe volgens bepaling van sub-artikel (2) en artikel *honderd-een-en-veertig* mag niemand drank verstrek aan 'n naturel, Asiaat of kleurling wat in sy diens is, hetsy die drank verniet gegee word of beskou word of werklik gegee word as die bediende se loon, besoldiging of beloning of as 'n aanvulling daarvan, en hetsy al dan nie kragtens hierdie Wet of kragtens 'n bevoegdheid wat hy verleen, die verstrekking van drank aan daardie bediende belet of beperk is.

Verstrekking
van drank
deur werk-
gewers aan
naturelle-
Asiaticse of
kleuring
bediendes.

(2) In die Prowinsies die Kaap, die Goeie Hoop, Transvaal en Oranje-Vrystaat mag enige volwasse blanke wat kragtens 'n verbindende kontrak oor 'n tydperk van nie minder as een maand 'n naturel, Asiaat of kleurling van die manlike geslag en agtien of bo die agtien jaar oud te goeder trou by die boerebedryf in diens het, mag nie voor vieruur in die agtermiddag aan daardie persoon verniet en gedurende die dienstermyn een enkele sopie sterke drank per dag verstrek, en wel nie meer as een kwart pint as dit spiritueel is of een pint as dit enige ander soort drank is, wat deur daardie persoon op die tydstip van verstrekking in teenwoordigheid van daardie werkgewer of sy behoorlik gemagtigde blanke volwasse verteenwoordiger gedrink moet word: Met die verstande dat in Transvaal en die Oranje Vrystaat sodanige drank alleen verstrek mag word waarbedoelde persoon in diens is op 'n plek geleë buite 'n stadsgebied.

(3) Die reg deur sub-artikel (2) verleen mag ten opsigte van enige werkgewer te eniger tyd en sonder opgawe van redes ingetrek word deur op daardie werkgewer of sy verteenwoordiger 'n skriftelike kennisgewing van intrekking te dien, geteken deur 'n lid van die poliesiemag wat die rang van sersjant of 'n hoër rang beklee. Daardie intrekking bly van krag totdat dit teniet gemaak word deur die magistraat van die distrik na wie daardie werkgewer of verteenwoordiger mag appelleer en wie se beslissing van die saak finaal is.

(4) Die Goewerneur-generaal mag te eniger tyd by proklamasie in die *Staatskoerant*—

- (a) die verstrekking, kragtens sub-artikel (1), verbied van enige soort drank as hy oortuig is dat die gebruik van daardie drank weens sy bestanddele of enige deel daarvan vir die gebruikers skadelik sou wees; en
- (b) streke bepaal wat aan die regsdrag van die bepaling van sub-artikel (2) onttrek is.

99. (1) Wanneer 'n geregistreerde geneesheer skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens enige bepaling van Deel C van hierdie Hoofstuk, geen drank mag verkry of besit, gevaarlik siek is en dat dit derhalwe nodig is, dat drank van die soort en in die hoeveelheid in die sertifikaat vermeld, aan hom toegedien moet word, hetsy onmiddellik of gedurende 'n tydperk van nie meer as ag-en-veertig uur, dan mag enige houder van 'n bottel-dranklisensie, as die sertifikaat aan hom voorgelê word, aan of ten behoeve van die sieke die soort en hoeveelheid drank verstrek wat die sertifikaat aangee en die sieke mag dit ontvang, besit en gebruik maar in geen geval mag meer dan 'n half pint aldus verstrek word.

Drank wat
gevaarlik-
siek ver-
bode persoon
nodig het.

(2) So 'n sertifikaat moet soveel moontlik ooreenkom met die vorm opgeneem in Deel A van die Sesde Bylae.

100. (1) Wanneer 'n geregistreerde geneesheer skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens enige bepaling van Deel C van hierdie Hoofstuk geen drank mag verkry of besit nie, ly aan die siekte wat die sertifikaat vermeld, en dat dit vir die herstel van sy gesondheid nodig is dat drank van die soort, in die hoeveelheid en met die tussenpose wat die sertifikaat aangee, aan hom toegedien moet word, dan moet enige polisiebeampte wat die rang van sersjant of 'n

Drank wat
verbode
persoon vir
herstel van
gesondheid
nodig het.

- (c) the quantity, description and price of the liquor sold ; and
 (d) the fact if such be the case that the sale was made by virtue of a certificate or letter of exemption, permit or certificate, as the case may be. Entry shall be made in the sales register immediately upon the completion of any setting apart or appropriation of liquor in respect of any sale.

(2) A licensing board may in granting any application for a licence or renewal of any licence impose such reasonable conditions in respect of the keeping by the licensee of records of his transactions as it may deem fit. In respect of any off-consumption licence it may impose any reasonable conditions as to the keeping of records additional to those prescribed in sub-section (1).

(3) Whenever in terms of any law or the condition of any licence a permit or certificate (not being a letter of exemption granted under section *one hundred and three*) is required to be held by any person to enable the sale and delivery to that person of any liquor, any licensee to whom any such permit or certificate is delivered upon any sale to any such person shall, save in the case provided for in section *one hundred and nine*, keep such permit or certificate for a period of twelve months.

(4) Any book, record or permit kept by any such licensee shall at all reasonable times be open to the inspection of any member of the police.

109. In any area proclaimed under section *fifty-nine* it shall be the duty of the holder of a bottle liquor licence—

- (a) to comply with the requirement of sub-section (6) of that section in respect of the endorsement of any permit upon which he supplies any liquor, and
 (b) on the presentation to him of any permit which has expired or of any permit upon which he makes the last entry competent to be made thereon to take possession of such permit and forthwith transmit it to the officer who issued it.

(D) Unlawful Restraints.

110. (1) No distiller, brewer, or holder of a wholesale liquor licence, or foreign liquor licence shall, in respect of any liquor which he may have in stock or bond for disposal—

- (a) refuse to sell any such liquor to any licensee who offers to purchase it for cash in such quantity as is customary in the trade ; or
 (b) in selling any such liquor to any licensee seek to impose either directly or indirectly any discrimination against the buyer or any person holding a licence of the same class as such buyer, or any condition or understanding affecting the prices which may be charged upon the sale of the liquor by the buyer or any such licensee or refuse to import for any licensee who offers to purchase it for cash in such quantity as is customary in the trade any liquor of a kind which in the ordinary course of his business he is accustomed to import.

(2) Any contract or agreement, whether made before or after the commencement of this Act, shall, in so far as it is not in accord with the provisions of sub-section (1), be null and void.

(3) Nothing in this section contained shall be deemed in any manner to affect any provision of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924) or to limit the powers held under the Board of Trade and Industries Act, 1924 (Act No. 33 of 1924) or under any other law by the Board of Trade and Industries.

111. (1) No person shall enter into, or be a party to, any agreement, understanding or condition, whereby any person is to be bound to purchase intoxicating liquor of any kind from any other person to the exclusion whether wholly or partly of any other seller of such liquor.

- (c) die hoeveelheid, soort en prys van die verkoopte drank ; en
 (d) die feit (as dit die geval is) dat die koop gesluit is op grond van 'n sertifikaat of vrystellingsbrief, permit of sertifikaat (na gelang van omstandighede). Sodra drank in verband met 'n verkoop klaar opsy gesit of toegewys is, moet dit dadelik in die verkoop-register opgeteken word.

(2) By die bewilliging van 'n aanvraag om 'n lisensie of om die vernuwing van 'n lisensie, mag 'n lisensieraad sodanige redelike voorwaardes stel as wat hy wenslik ag, omtrent aantekeninge wat die lisensiehouer van sy transaksies moet hou. In verband met 'n buiteverbruik-lisensie mag die raad enige redelike voorwaardes stel omtrent die hou van aantekeninge, afgesien van die wat sub-artikel (1) voorskryf.

(3) Wanneer enige wet of die voorwaarde van 'n lisensie voorskryf dat iemand 'n permit of sertifikaat moet hou (buiten 'n vrystellingsbrief verleen ingevolge artikel *honderd-en-drie* voordat drank aan hom verkoop en gelewer kan word, dan moet 'n lisensiehouer aan wie so 'n permit of sertifikaat by 'n verkoop aan so iemand oorhandig word, behalwe in die geval bedoel in artikel *honderd-en-nege*, die permit of sertifikaat twaalf maande lang behou.

(4) Enige boek, aantekening, permit of sertifikaat, deur so 'n lisensiehouer gehou, moet op alle redelike tye aan 'n lid van die poliesiemag ter insage toeganklik wees.

109. In 'n streek, ingevolge artikel *negen-en-vyftig* ge-proklameer, is die houer van 'n bottel-dranklisensie verplig—

- (a) om te voldoen aan die vereiste van sub-artikel (6) van daardie artikel wat betref die aantekening op 'n permit waaronder hy enige drank lewer ; en
 (b) om, by die oorlegging aan hom van 'n permit wat verstryk is of van 'n permit waarop hy die laaste aantekening maak wat regsgeldig daarop gemaak kan word, die permit in besit te neem en onverwyld aan die uitreikende beampte te stuur.

(D) Onwettige Handelsbelemmerings.

111. (1) Geen stoker, brouer of houer van 'n groothandelaars-dranklisensie, of 'n buitelandse-dranklisensie mag, ten opsigte van enige drank wat hy in voorraad of in entrepôt het om van die hand te sit—

- (a) weier om sodanige drank te verkoop aan enige lisensiehouer wat aanbied om soveel daarvan teen kontant te koop as wat in die handel gebruiklik is ; of
 (b) by die verkoop van sodanige drank aan 'n lisensiehouer trag om direk of indirek ten laste van die koper of van iemand wat dieselfde soort lisensie besit as daardie koper, van die algemene reël afwykende voorwaardes te stel, of om te beding of af te spreek watter pryse die koper of so 'n lisensiehouer by die verkoop van die drank mag vra of weier om vir 'n lisensiehouer wat aanbied om soveel daarvan teen kontant te koop as wat in die handel gebruiklik is, 'n soort drank in te voer wat hy in die gewone loop van sy besigheid gewoonlik invoer.

(2) Enige kontrak of ooreenkoms, hetsy voor of na die inwerkingtreding van hierdie Wet aangegaan, is nietig vir sover dit nie strook nie met die bepalinge van sub-artikel (1).

(3) Die bepalinge van hierdie artikel maak geen inbreuk op enige bepaling van die Wet op de Kontrôle over Wijn en Spirituallen, 1924 (Wet No. 5 van 1924) en beperk nie die bevoegdheide van die Handel- en Nijverheidsraad kragtens die Handel- en Nijverheidsraad Wet, 1924 (Wet No. 33 van 1924) of enige ander wet.

115. (1) Niemand mag 'n ooreenkoms, afspraak of voorwaarde aangaan of daarby betrokke wees, waaronder iemand verplig word om enige soort van drank van iemand anders te koop met uitsluiting, hetsy geheel of gedeeltelik, van enige ander verkoper van sodanige drank.

Verpligting omtrent permitte in streek kragtens artikel *negen-en-vyftig* ge-proklameer.

Onwettige belemmering van lisensiehouers deur persone wat drank verstrekk.

Koopverpligtings.

Duty in respect of permits of holders of bottle licence in area proclaimed under section *fifty-nine*.

Unlawful restraint upon licensees by persons supplying liquor.

Tied house agreements.

- (c) any person of or over the age of sixteen years who has undergone, or is undergoing a course of instruction in catering in any institution maintained or aided by the Government, and who is employed upon the premises of any licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the business under such licence.

(4) Any female who, within twelve months of the commencement of this Act, proves to the satisfaction of a magistrate that, for a period of at least two years immediately preceding such commencement she was—

- (a) regularly employed for wages within the Union in the sale of liquor for consumption on any premises licensed for such sale under any law repealed by this Act; or
(b) the owner or part owner of a licence for any such sale of liquor,

shall be entitled to receive from such magistrate a certificate in prescribed form setting forth the facts of such employment or ownership, and authorizing her exemption from the operation of the provision of sub-section (1) in that province in which she was employed or an owner, or, if she was such in more than one province during the said period of two years, in whichever of such provinces she may elect.

(B) Prohibited Access to Licensed Premises.

Presence of prohibited persons on licensed premises.

106. (1) Subject to the provisions of section one hundred and eleven, whenever by virtue of any provision of this Act the supply of liquor to any person is totally prohibited, no holder of a bottle liquor licence or of an on-consumption licence, shall allow such person to be at any time in the restricted portion of his licensed premises.

(2) Whenever under any provision of this Act or any condition or restriction imposed thereunder it is unlawful to sell or supply liquor to a person as being a member of any class of persons at a particular time in a particular place, it shall not be lawful for any licensee to allow such person to be in such a place at such a time.

(3) Nothing in this section contained shall be deemed to prohibit the employment for *bona fide* domestic purposes of any person therein referred to in any restricted portion of licensed premises at any time during which the licensed premises are closed for the sale of liquor.

Presence of women and children on licensed premises.

107. (1) A licence holder shall not permit any female or any person under the age of eighteen years to be at any time in any restricted portion of his licensed premises.

(2) Nothing in sub-section (1) contained shall apply in respect of—

- (a) any female who is the holder of or lawfully carrying on business under a licence issued under this Act, while she is upon the premises licensed, or who is the wife or partner of the holder of such a licence or who is lawfully employed by the holder of such a licence in the bar of his licensed premises; or
(b) any person of or over the age of sixteen years who has undergone or is undergoing a course of instruction in catering in any institution maintained or aided by the Government and who is upon the premises of any licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the business under such licence.

(C) Records.

Records to be kept by licensees.

108. (1) Every holder of an off-consumption licence shall keep in the English or Dutch language a stock book clearly showing at all times the additions to, takings from, and present condition of his stock, and a sales register showing in respect of every sale of liquor by him—

- (a) the date of sale; and
(b) the name and address of the purchaser;

- (c) op iemand wat sestien jaar of meer oud is, wat 'n opleidingskursus in proviandering ondergaan of ondergaan het in 'n inrigting, deur die Regering onderhou of ondersteun, en wat in diens is in 'n gebou van 'n lisensiehouer by wie hy behoortlik in die leer gaan in enige hoedanigheid in verband met die beoefening van die gelisensieerde besigheid.

(4) 'n Vrouspersoon wat binne twaalf maande na die inwerkingtreding van hierdie Wet ten genoeë van 'n magistraat bewys dat sy gedurende 'n tydperk van minstens twee jaar onmiddellik voor daardie inwerkingtreding—

- (a) gereëld vir loon in die Unie in 'n diensbetrekking was by die verkoop van drank vir gebruik in 'n gebou wat vir daardie verkoop gelisensieer was kragtens 'n deur hierdie Wet herroepe wet; of
(b) die eienares of mede-eienares was van 'n lisensie vir sodanige drankverkoop,

is geregtig om van daardie magistraat 'n sertifikaat in voorgeskrewe vorm te ontvang, wat bedoelde diensbetrekking of eiendomsreg konstateer en haar vrystelling verleen van die bepaling van sub-artikel (1) in die provinsie waarin sy in diens of 'n eienares was, of, as sy dit was in meer dan een provinsie gedurende bedoelde tydperk van twee jaar, in sodanige van daardie provinsies as sy verkies.

B. Verbode Toegang tot Gelisensieerde Gebou.

106. (1) Wanneer kragtens 'n bepaling van hierdie Wet die verstrekking van drank aan iemand geheel en al verbied is, dan mag, behoudens die bepalings van artikel honderd-en-elf, geen houer van 'n bottel-dranklisensie of van 'n binne-verbruik-lisensie so iemand te eniger tyd toelaat in die beperkte gedeelte van sy gelisensieerde gebou.

(2) Wanneer dit, kragtens 'n bepaling van hierdie Wet, of van 'n voorwaarde of beperking ingevolge daarvan gestel, onwettig is om aan iemand op 'n bepaalde tyd en plek drank te verkoop of te verstrek omdat hy tot een of ander klas van persone behoort, dan mag 'n lisensiehouer so iemand nie op daardie tyd op so 'n plek toelaat nie.

(3) Die bepalings van hierdie artikel belet nie dat 'n daarin vermelde persoon te goeder trou vir huishoudelike doeleindes in 'n beperkte gedeelte van 'n gelisensieerde gebou aan die werk gesit word te eniger tyd wanneer die gelisensieerde gebou vir die verkoop van drank gesluit is.

107. (1) 'n Lisensiehouer mag geen vrouspersoon en niemand wat onder agtien jaar oud is te eniger tyd in 'n beperkte gedeelte van sy gelisensieerde gebou toelaat.

(2) Die bepalings van sub-artikel (2) is nie van toepassing—

- (a) op 'n vrouspersoon wat die houer is van, of wettig besigheid dryf kragtens 'n ingevolge hierdie Wet uitgereikte lisensie, terwyl sy in die gelisensieerde gebou is, of wat die eggenote of vennoot is van die houer van so 'n lisensie of wat deur die houer van so 'n lisensie in die kantien van sy gelisensieerde gebou wettig in diens gestel word; of
(b) op iemand wat sestien jaar of meer oud is wat 'n opleidingskursus in proviandering ondergaan het of ondergaan in 'n inrigting, deur die Regering onderhou of ondersteun, en wat in die gebou is van 'n lisensiehouer by wie hy behoortlik in die leer gaan in enige hoedanigheid in verband met die beoefening van die gelisensieerde besigheid.

(C) Boeke.

108. (1) Elke houer van 'n buiteverbruik-lisensie moet in die Engelse of Hollandse taal aanhou 'n voorraad-boek wat op elke tydstip duidelik aangee wat by sy voorraad gevoeg of daaruit geneem is en die algemene stand daarvan, en 'n verkoopsregister wat ten opsigte van elke verkoop wat hy sluit, aangee—

- (a) die datum van die verkoop; en
(b) die naam en adres van die koper;

Teenwoordigheid van verbode persone in gelisensieerde gebou.

Teenwoordigheid van vrouens en kinders in gelisensieerde gebou.

Boeke wat lisensiehouers moet hou.

CHAPTER X.

CONDUCT OF LICENSED BUSINESSES.

(A) *Prohibited Employment.*

104. (1) No distiller, brewer or holder of a licence shall employ any native or Asiatic in connection with the manufacture, bottling, sale or delivery of liquor, and subject to the provisions of sub-sections (2), (3) and (4), no holder of a licence shall employ any native or Asiatic in any capacity whatever on any licensed premises.

(2) Where on the premises of any distiller or brewer, or on any licensed premises there were regularly employed during the year 1926 natives or Asiatics to the average monthly number of four or more, then there may be employed on such premises or on any portion of such licensed premises other than a restricted portion—

- (a) for a period of four months after the commencement of this Act natives or Asiatics not exceeding seventy-five per cent., as near as may be, of such number;
- (b) for the period from four to eight months after the commencement of this Act natives or Asiatics not exceeding fifty per cent., as near as may be, of such number; and
- (c) for the period from eight to twelve months after the commencement of this Act natives or Asiatics not exceeding twenty-five per cent., as near as may be, of such number.

(3) A licensing board in the Province of Natal, in authorizing the renewal of any licence, may authorize the continual employment by the licensee, on any part of his licensed premises other than a restricted portion of any Asiatics who were continuously employed on such premises throughout the year 1927.

In the event of the grant of any such authority, the amount ordinarily payable for the renewal of the licence in terms of sub-section (3) of section twelve and the Third Schedule of this Act shall be doubled.

(4) Nothing in this section contained shall be deemed to prohibit the employment of any native in the cleansing of any premises or any part thereof or of anything contained therein.

105. (1) No holder of an on-consumption licence shall employ in or in connection with the sale of liquor, or during the hours when liquor may be sold or supplied by him, in any restricted portion of his premises, any female or any person under the age of eighteen years.

(2) No holder of a bottle liquor licence or of an on-consumption licence shall employ in or in connection with the sale of liquor, or during the hours when liquor may be sold or supplied by him, in any bar or other portion of his premises in or from which liquor is supplied—

- (a) any person to whom individually, or as a member of a class, the sale or supply of liquor is totally prohibited, whether such prohibition is general or imposed only in respect of the licence pertaining to the premises at which the employment takes place;
- (b) any person who, to his knowledge, has within the preceding five years been convicted of any contravention of any law relating to the supply of liquor, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding five pounds.

(3) Nothing in sub-section (1) or sub-section (2) contained shall be deemed to apply to—

- (a) any female who is the holder of a certificate lawfully issued under sub-section (4) in her favour;
- (b) to any person, other than a person under the age of eighteen years, whose employment in the cleansing of the licensed premises or any part thereof, or anything contained therein, is permitted under section one hundred and four, or whose continued employment is permitted under sub-section (2) or (3) of that section;

HOOFSTUK X.

BEHEER VAN GELISENIEERDE BESIGHEDE.

A. *Verbode Indiensstelling.*

105. (1) Geen drankstoker, bierbrouer of lisensiehouer mag 'n naturel of Asiaat in diens stel in verband met die vervaardiging, in bottels aftap, verkoop of aflewering van drank en met inagneming van die bepalings van sub-artiekels (2), (3) en (4) mag geen lisensiehouer 'n naturel of Asiaat in watter hoedanigheid ook in 'n gelisensieerde gebou in diens stel.

(2) Wanneer gedurende die jaar 1926 maandeliks gemiddeld 'n getal van vier of meer naturelle of Asiatische in die gebou van 'n drankstoker of bierbrouer of in 'n gelisensieerde gebou gereeld in diens was, dan mag in daardie gebou of in enige gedeelte van daardie gelisensieerde gebou, behalwe in 'n beperkte gedeelte, in diens gestel word—

- (a) gedurende 'n tydperk van vier maande na die inwerking-treding van hierdie Wet, nie meer naturelle of Asiatische dan so na as moontlik aan vyf-en-sewentig persent van bedoelde getal;
- (b) gedurende die tydperk van vier tot agt maande na die inwerking-treding van hierdie Wet, nie meer naturelle of Asiatische dan so na as moontlik aan vyftig persent van bedoelde getal; en
- (c) gedurende die tydperk van agt tot twaalf maande na die inwerking-treding van hierdie Wet nie meer naturelle of Asiatische dan so na as moontlik aan vyf-en-twintig persent van bedoelde getal.

(3) In die provinsie Natal mag 'n lisensieraad by die magtiging tot vernuwing van 'n lisensie 'n lisensiehouer magtig om in enige gedeelte van sy gelisensieerde gebou behalwe in 'n beperkte gedeelte, voortdurend Asiatische in diens te hou wat gedurende die hele jaar 1927 pal in daardie gebou in diens was.

In geval so 'n magtiging verleen word, dan word die bedrag wat gewoonlik kragtens sub-artikel (3) van artikel twaalf en die Derde Bylae tot hierdie Wet in die vernuwing verskuldig is, verdubbel.

(4) Hierdie artikel belet nie die gebruik van 'n naturel om 'n gebou of 'n gedeelte daarvan of iets daarin skoon te maak.

105. (1) Geen houer van 'n binneverbruik-lisensie mag by 'n naturel of Asiaat in diens stel in verband met die verkoop van drank of, gedurende die ure wanneer hy drank mag verkoop of verstrek, in 'n beperkte gedeelte van sy gebou 'n vrouspersoon of iemand onder agtien jaar oud in diens stel.

(2) Geen houer van 'n bottel-dranklisensie of van 'n binneverbruik-lisensie mag by of in verband met die verkoop van drank of, gedurende die ure wanneer hy drank mag verkoop of verstrek, in 'n kantien of ander gedeelte van sy gebou waarin of waaruit drank verstrek word, in diens stel—

- (a) iemand aan wie persoonlik of as lid van 'n klas hoegenaamd geen drank verkoop of verstrek mag word nie, hetsy die verbod algemeen is of net bestaan ten opsigte van die lisensie wat behoort by die gebou waar die betrokke persoon in diens is;
- (b) iemand van wie hy weet dat hy binne die vooraangaande vyf jaar weens 'n oortreding van 'n wet op drank-verstreking veroordeel geword is tot gevangenisstraf sonder keus van boete of tot 'n boete van meer dan vyf pond.

(3) Die bepalings van sub-artikel (1) of sub-artikel (2) is nie van toepassing—

- (a) op 'n vrouspersoon aan wie 'n sertifikaat wettig kragtens sub-artikel (4) uitgereik is;
- (b) op iemand nie minder dan agtien jaar oud, wat kragtens artikel honderd-en-vier in diens gestel mag word om 'n gelisensieerde gebou of 'n deel daarvan of iets daarin skoon te maak of wie se diens kragtens sub-artikel (2) of (3) van daardie artikel mag voortduur;

in charge for the time being of any police post or station, upon being satisfied that liquor is *bona fide* required to be administered for medicinal purposes to the person mentioned therein shall endorse upon it an authority to any holder of a bottle liquor licence to supply to or for the person mentioned in the certificate and such person may receive, possess and consume, liquor in the quantities of the kind and at the intervals mentioned in the certificate, but in no case shall the quantity so authorized to be supplied and received at any one time exceed one quart in the case of spirituous liquor or wine or one gallon in the case of any other liquor.

(2) Upon presentation to him of any certificate made and endorsed in manner provided in sub-section (1) any holder of a bottle liquor licence may supply to or for the person named in such certificate liquor in terms of the authority endorsed thereon.

(3) Any such certificate shall be, as near as may be, in the form set out in Part (B) of the Sixth Schedule.

Supply for sacramental purposes to or for prohibited persons.

101. (1) Whenever any magistrate by writing under his hand certifies that any person who, in terms of Part (C) of this Chapter, is prohibited from obtaining or possessing liquor, is a minister of religion recognised by the Government and *bona fide* requires, for administration to persons in the course of any sacrament, wine of the kind and in the quantity stated in the certificate, which shall not exceed one quart, any holder of a bottle liquor licence to whom such certificate is presented may supply to that person wine of the kind and in the quantity stated in the certificate.

(2) Notwithstanding anything contained in this Act, any minister of religion may *bona fide* and in accordance with the tenets of his faith administer wine in the course of any sacrament to any person prohibited in terms of Part (C) of this Chapter from obtaining or possessing liquor.

Abolition of exemption in cases of certain persons.

102. (1) Notwithstanding anything contained in section one of Act No. 39 of 1887, or any other law of the Province of the Cape of Good Hope, no person shall, by reason only that he is a Parliamentary voter, be exempt from the operation of any law in force in that Province, including this Act, which, but for the Act or other law first mentioned, would prohibit the supply of intoxicating liquor to him.

(2) From and after the first day of October, 1928, no letter or certificate of exemption issued under section sixty-six of Act No. 38 of 1896 of Natal, or any other law of Natal or any other province, shall exempt the holder of such letter or certificate from the operation of any provision of this Act.

Grant of letter of exemption to native, Asiatic, or coloured person.

103. (1) In any case in which he may deem fit, the Minister may issue to any native, Asiatic or coloured person a special letter of exemption exempting the recipient from so much of any prohibition, restriction or condition operative in respect of him under this Act as prevents him from obtaining by purchase from any holder of a bottle liquor licence wine as defined by section six of the Wine, Spirits and Vinegar Act, 1913, (Act No. 15 of 1913), or beer, in either case for consumption off licensed premises and in quantity not exceeding at any one time one quart, subject to any other conditions of supply of liquor which may be applicable in respect of the licensed premises at which any such wine or beer is purchased, and in particular in any area proclaimed under section fifty-nine subject to the conditions as to the permit required by that section, and subject further to any other conditions whatsoever which the Minister may deem fit to impose.

(2) Whenever any native, Asiatic or coloured person proves to the satisfaction of a commissioned officer of the police that he is domiciled or ordinarily resident in a country outside the Union in which the sale of liquor to such person is not prohibited, and that he is resident in the Union for purely temporary purposes, such officer may issue to such person a letter of exemption exempting the recipient for a period not exceeding three months stated in such letter from any or every prohibition, restriction or condition operative in respect of the sale or supply of liquor to him.

hoëre rang beklee of die eerste polisiebeampte wat op die betrokke tydstop aan die hoof van 'n polisiepos of -kantoor staan, as hy oortuig is dat dit te goeder trou nodig is om aan die in die sertifikaat genoemde persoon drankas medisyne toe te dien, by aantekening daarop enige houder van 'n bottel-drank-lisensie magtig om aan of ten behoeve van die in die sertifikaat genoemde persoon drank van die soort en hoeveelheid en met die tussenpose wat die sertifikaat aangee, te verstrek, en daardie persoon mag dit ontvang, besit en gebruik, maar in geen geval mag die verstrekking en ontvangs van meer te gelyk, dan een kwart as dit spiritualieë of wyn is of een gallon as dit enige ander drank is, aldus gemagtig word.

(2) Op vertoon van 'n sertifikaat, volgens sub-artikel (1) opgestel en van 'n aantekening voorsien, mag enige houder van 'n bottel-dranklisensie aan of ten behoeve van die persoon wat die sertifikaat noem, drank verstrek volgens die daarop aangetekende magtiging.

(3) So 'n sertifikaat moet soveel moontlik ooreenstem met die vorm opgeneem in Deel B van die Sesde Bylae.

101. (1) Wanneer 'n magistraat skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens Deel C van hierdie Hoofstuk geen drank mag verkry of besit, 'n deur die Regering erkende godsdienstleraar is en te goeder trou by die bediening van 'n sakrament die soort van, en hoeveelheid wyn nodig het wat die sertifikaat vermeld (wat egter nie meer dan een kwart mag wees nie), dan mag enige houder van 'n bottel-drank-lisensie aan wie die sertifikaat voorgelê word, aan die betrokke persoon die soort van en hoeveelheid wyn wat die sertifikaat aangee, verstrek.

(2) Nieteenstaande die bepalings van hierdie Wet mag enige godsdienstleraar te goeder trou by die bediening van 'n sakrament volgens die leerstellings van sy geloof wyn toedien aan iemand wat kragtens Deel C van hierdie Hoofstuk geen drank mag verkry of besit nie.

102. (1) Nieteenstaande die bepalings van artikel een van Wet No. 39 van 1887 of enige ander wet van die provinsie die Kaap die Goeie Hoop, is niemand net omdat hy 'n Parlementêre kieser is, vrygestel van die toepassing van enige in daardie provinsie geldende wet (en dit sluit ook hierdie Wet in) afgesien van daardie wet of 'n ander wet wat die verstrekking van sterke drank aan hom belet.

(2) Vanaf die eerste dag van Oktober, 1928, stel geen vrystellings-brief of -sertifikaat, uitgereik kragtens artikel ses-en-sestig van Wet No. 38 van 1896 van Natal of enige ander wet van Natal of van 'n ander provinsie, die houder van so 'n brief of sertifikaat vry van die toepassing van enige bepaling van hierdie Wet.

103. (1) In enige geval waar die Minister dit wenslik ag, mag hy aan enige Asiaat, kleurling of naturel 'n spesiale vrystellingsbrief uitreik wat die ontvanger vrystel van die gedeelte van enige verbod, beperking of voorwaarde, kragtens hierdie Wet op hom van toepassing, wat hom belet om van die houder van 'n bottel-dranklisensie deur koop, wyn, soas omskrywe in artikel ses van die Wijn, Spiritualieën en Azijn Wet, 1913 (Wet No. 15 van 1913), of bier, te verkry, in beide gevalle om buite die gelisensieerde gebou gebruik te word en in hoeveelhede van nie meer dan een kwart tegelyk, met inagneming van enige ander voorwaardes wat van toepassing is op die verstrekking van drank in die gelisensieerde gebou waar daardie wyn of bier gekoop word, en veral in 'n streek kragtens artikel negen-en-veertig geproklameer, met inagneming van die voorwaardes omtrent die permit wat daardie artikel voorskryf en met inagneming ook van watter ander voorwaardes ook wat die Minister mag wenslik ag om vas te stel.

(2) Wanneer 'n naturel, Asiaat of kleurling 'n polisieoffisier met bewyse oortuig dat hy in 'n land buite die Unie gedomicilieer of woonagtig is waar die verkoop van drank aan hom nie belet is nie en dat hy vir bloot tydelike doeleindes in die Unie woon, dan mag daardie offisier aan daardie persoon 'n vrystellingsbrief verleen wat die ontvanger gedurende 'n in die brief vasgestelde termyn van hoogstens drie maande vrystel van enige of elke verbod, beperking of voorwaarde met betrekking tot die verkoop of verstrekking van drank aan hom,

Drankverstrekkings aan of vir verbode persone vir sakramentele doel.

Afskaffing van vrystelling van sekere persone.

Verlening van vrystellingsbrief aan Asiaat, kleurling of naturel.

(2) From and after the first day of January, 1930, any such agreement, understanding or condition entered into prior to the commencement of this Act shall be null and void.

(3) Any agreement, understanding or condition, entered into in contravention of sub-section (1) shall be null and void.

(E) *Licensee and Customer.*

Restriction on credit sales of liquor.

112. (1) No person shall, save in any premises in respect of which a club liquor licence is held—

(a) supply in any licensed premises any liquor to be consumed on the premises; or

(b) consume any liquor in any such premises, unless it is paid for at the time when it is supplied: Provided that this provision shall not be deemed to be contravened—

(i) if the liquor is supplied for consumption with an ordinary meal supplied at the same time and is consumed with such meal, and the price of the liquor is paid together with the price of such meal; or

(ii) if the liquor is supplied in moderate quantity for consumption with ordinary meals consumed on the premises by any person actually boarding or lodging therein.

(2) Except in the cases mentioned in the proviso to sub-section (1) no licensee shall recover any sum of money or other thing on account of any liquor sold by him on credit to any person for consumption on the licensed premises.

(3) Nothing in this section shall apply to the supply of liquor in any such canteen as is referred to in paragraph (a), (b) or (c) of sub-section (1) of section *six*.

How payments for liquor or entertainment to be made.

113. (1) No holder of a bottle licence or of an on-consumption licence shall receive in payment or security for any liquor or entertainment supplied in or from his licensed premises anything except current money or cheques on bankers.

(2) No such licensee shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money in respect of a future supply of liquor. Any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment, or that other goods have been supplied with the liquor.

(3) No such licensee shall receive any pledge for or in respect of any liquor or entertainment supplied in or from his licensed premises. The person to whom anything pledged in contravention of this sub-section belongs shall have the same remedy for recovering any such thing or the value thereof as if it had not been pledged.

Limitation of time for recovery of money owed to bottle liquor licensee for liquor.

114. From and after the first day of the third calendar month succeeding that in which any liquor was supplied by the holder of any bottle liquor licence to any person no action, or other judicial proceeding shall be capable of being brought by any person for the recovery of any money alleged to be owed in respect of such supply nor shall any such alleged debt be capable of being set off or of being the subject of any claim in reconvention by any person.

Limitation of hotel licensee's liability in respect of property of customers.

115. (1) No holder of an hotel liquor licence shall be liable to compensate any person, in respect of any loss of or injury to the property of such person sustained while such person was a lodger in the licensed premises of such licence holder, in any greater amount than the sum of twenty pounds, unless—

(a) the property lost or injured was a live animal or any gear appertaining thereto; or

(b) the loss or injury is proved to have been caused by the wilful act or as a result of the default or negligence of the licensee or of a person in his employ; or

(c) the loss or injury was sustained while the property was deposited with the licensee or a person expressly or impliedly authorized by the licensee to receive such deposit; or

(d) the licensee refused save in the circumstances set forth in sub-section (2) to receive the property

(2) Vanaf die eerste dag van Januarie, 1930, is enige sodanige ooreenkoms, afspraak of voorwaarde, wat voor die inwerking-treding van hierdie Wet aangegaan is, nietig.

(3) Enige ooreenkoms, afspraak of voorwaarde in stryd met sub-artikel (1) aangegaan, is nietig.

E. *Die Lisensiehouer en sy Klante.*

112 (1) Niemand mag behalwe in 'n gebou wat onder 'n klub-lisensie val—

(a) in enige gelisensieerde gebou drank verstrekk vir gebruik in die gebou; of

(b) in so 'n gebou drank gebruik,

tensy by die verstrekking daarvoor betaal word: Met die verstande dat dit nie as 'n oortreding van hierdie bepaling beskou word—

(i) as die drank verstrekk word vir gebruik met 'n gewone maaltyd wat gelyktydig verstrekk en met die maaltyd gebruik word, en die prys van die drank tegelyk met die prys van daardie maaltyd betaal word; of

(ii) as die drank in matige hoeveelhede verstrekk word om met gewone maaltye in die gebou gebruik te word deur 'n werklike kosganger of loseergas daarin.

(2) Behalwe in die geval vermeld in die voorbehoudsbepaling van sub-artikel (1), mag geen lisensiehouer 'n geldsom of iets anders invorder weens enige drank wat hy aan iemand op krediet verkoop het vir gebruik in die gelisensieerde gebou.

(3) Die bepalinge van hierdie artikel is nie van toepassing nie op die verstrekking van drank in 'n kantien vermeld in paragraaf (a), (b) of (c) van sub-artikel (1) van artikel *ses*.

113. (1) Geen houer van 'n bottel-dranklisensie of van 'n binneverbruik lisensie mag as betaling of sekuriteit vir enige drank of onthaal, wat in of uit sy gelisensieerde gebou verstrekk is, iets anders ontvang dan gangbare geld of banktjeks.

(2) Geen sodanige lisensiehouer mag, voordat 'n verkoop van drank afgesluit is, vir daardie drank betaling ontvang of van iemand 'n gelddeposito ontvang vir 'n toekomstige drankverstrekk. 'n Sodanige vooruitbetaling mag teruggevorder word, alhoewel na die betaling drank verstrekk mag geword het of ander goedere met die drank verstrekk is.

(3) Geen sodanige lisensiehouer mag 'n pand ontvang vir of in verband met enige drank of onthaal wat in of uit sy gelisensieerde gebou verstrekk is. Die eienaar van 'n voorwerp, wat in stryd met hierdie sub-artikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder, asof dit nie verpand was nie.

114. Vanaf die eerste dag van die derde kalendermaand wat volg op die ene waarin die houer van 'n bottel-dranklisensie aan iemand drank gelewer het, kan geen aksie of ander regs-geding deur iemand ingestel word nie tot invordering van geld wat beweer word verskuldig te wees in verband met daardie lewering, en so 'n beweerde skuld kan ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonvensie deur iemand vorm nie.

115. (1) Geen houer van 'n hotel-dranklisensie is verplig om iemand skadeloos te stel tot 'n bedrag van meer as twintig pond weens enige verlies of beskadiging van laasgenoemde se eiendom terwyl hy 'n loseergas in die gelisensieerde gebou van bedoelde lisensiehouer was, tensy—

(a) die verlore of beskadigde eiendom 'n lewende dier of daarby behorende tuig was; of

(b) bewys word dat die verlies of skade veroorsaak is deur die opsetlike daad of ten gevolge van die versuim of nalatigheid van die lisensiehouer of van iemand in sy diens; of

(c) die verlies of skade gely is terwyl die eiendom in die bewaring was van die lisensiehouer of van iemand wat deur die lisensiehouer uitdruklik of stilswygend gemagtig was om die bewaring te aanvaar; of

(d) die lisensiehouer geweier het (behalwe in die omstandighede vermeld in sub-artikel (2) om die ter bewaring aangebode eiendom te ontvang of in

Beperking van drank verkoop op krediet.

Hoe vir drank of onthaal betaal moe word.

Tydsbeperking vir invordering van geld aan bottel-drank-lisensie-houers vir drank verskuldig.

Beperking van hotel-lisensiehouer se aanspreeklikheid vir eiendom van gaste.

offered for deposit or failed to make adequate provision whereby the property could be deposited with him; or

(e) the licensee failed to comply with the requirement of sub-section (3).

(2) The holder of an hotel liquor licence to whom any property is offered for deposit by any person lodging or about to lodge in his licensed premises may require that the property shall be contained in a suitable receptacle closed and sealed by the depositor, and any refusal by such licence holder to accept property for deposit based upon a failure of such person to comply with such requirement shall not deprive such licence holder of the benefits of the limitation of liability in respect of loss of or injury to such property conferred by sub-section (1).

(3) The holder of an hotel liquor licence shall exhibit a copy of sub-sections (1) and (2) in the English and Dutch languages, in such manner and in such part of the hall or entrance of his licensed premises that it may readily be seen and easily read by any person proposing to lodge in such premises.

116. Save for some reason deemed to be satisfactory by the magistrate trying the charge—

- (a) no holder of an hotel liquor licence shall refuse to provide meals and lodgings; and
- (b) no holder of a restaurant liquor licence shall refuse to supply meals to any person demanding the same.

117. (1) Any licensee may refuse to admit any person to the restricted portion of his licensed premises, may refuse to supply liquor to any person, and may request any person to leave the restricted portion of his licensed premises.

(2) Any licensee may eject from his licensed premises any person who is drunk, violent, or disorderly or whose presence on the licensed premises might subject the licensee to a penalty under this Act or any other law.

(3) Any member of the police force shall, on the demand of such licensee, his servant or agent, expel or assist in expelling from such premises any person referred to in sub-section (2) and shall expel therefrom any person who has refused or failed to comply with any request made under sub-section (1), and may use such force as may be required for those purposes.

(F) General.

118. (1) Save as provided in section *sixty-nine*, no holder of a licence shall carry on his business in any premises in which any other business whatever is conducted or carried on.

(2) For the purposes of this section premises shall be deemed to be separate if, although being under the same roof as other premises, they are completely separated therefrom by a wall or walls having no door, window, aperture or other means of communication with such premises.

119. No licensee, not being a company shall—

- (a) without the written consent of the magistrate permit any other person to manage, superintend or conduct the licensed business for a longer period than one month;
- (b) without the authority of the board allow any other person in effect to control, or become, a partner in, or a sharer in the profits of, the licensed business.

120. (1) No person shall, either by himself or through any traveller, agent, servant or other person—

- (a) solicit or take orders for the sale of liquor;
- (b) accept offers to purchase liquor;
- (c) receive offers for the purchase of liquor in order that they may be conveyed by him to the person to whom such offer is made or his agent, or servant; or

gebreke gebly het om voldoende voorsiening te maak dat die eiendom by hom in bewaring gegee kan word; of

(e) die lisensiehouer in gebreke gebly het om te voldoen aan die vereistes van sub-artikel (3).

(2) Die houer van 'n hotel-dranklisensie aan wie iemand, wat in sy gelisensieerde gebou loseer of op die punt staan om daarin te gaan loseer, eiendom ter bewaring aanbied, mag eis dat die eiendom vervat moet wees in 'n geskikte houer, deur die bewaargewer toegemaak en verseël, en 'n weiering van daardie lisensiehouer om eiendom in bewaring te neem, op grond dat die betrokke persoon in gebreke gebly het om aan daardie eis te voldoen, ontnem aan die lisensiehouer nie die deur sub-artikel (1) verleende voordeel van beperking van aanspreeklikheid weens verlies of beskadiging van bedoelde eiendom.

(3) Die houer van 'n hotel-dranklisensie moet 'n kopie van sub-artikels (1) en (2) in die Engelse en Hollandse tale op so 'n manier en in so 'n deel van die portaal of ingang van sy gelisensieerde gebou vertoon dat dit daadlik gesien en maklik gelees kan word deur enigen wat van plan is om in daardie gebou te loseer.

116. Behalwe om een of ander rede wat die magistraat voor wie die klagte dien, bevredigend ag—

- (a) mag geen houer van 'n hotel-dranklisensie weier om maaltye en huisvesting te verstrek, en
- (b) mag geen houer van 'n restaurant-dranklisensie weier om maaltye te verstrek, aan iemand wat dit vorder.

117. (1) 'n Lisensiehouer mag aan enigen toegang weier tot die beperkte gedeelte van sy gelisensieerde gebou, mag weier om aan iemand drank te verstrek en mag enigen versoek om die beperkte gedeelte van sy gelisensieerde gebou te verlaat.

(2) 'n Lisensiehouer mag iemand wat dronk, gewelddadig of wanordelik is of wie se teenwoordigheid in die gelisensieerde gebou die lisensiehouer ingevolge hierdie of enige ander wet aan 'n boete sou kan blootstel, uit sy gelisensieerde gebou sit.

(3) Enige lid van die poliesiemag moet op verlanget van die lisensiehouer, sy bediende of lashebber, iemand bedoel in sub-artikel (2) uit die gebou verwyder of by sy verwydering help en moet iemand wat geweier of versuim het om te voldoen aan 'n versoek ingevolge sub-artikel (1), daaruit verwyder, en mag sodanige geweld gebruik as wat vir daardie doeleindes nodig is.

F. Algemene Bepalings.

118. (1) Behalwe volgens bepaling van artikel *negen-en-sestig* mag geen lisensiehouer sy besigheid dryf in 'n gebou waarin enige ander besigheid van watter aard ook gedryf of uitgeoefen word.

(2) Vir die doeleindes van hierdie artikel word 'n gebou beskou afsonderlik te wees, as hy, hoewel onder dieselfde dak as 'n ander gebou, daarvan heeltemal geskeie is deur 'n muur of mure sonder deur, venster, opening of ander verkeersweg daartussen.

119. Geen lisensiehouer wat nie 'n maatskappy is nie, mag—

- (a) sonder skriftelike toestemming van die magistraat toelaat dat iemand anders langer dan 'n maand die gelisensieerde besigheid bestuur, onder toesig hou of dryf;
- (b) sonder magtiging van die raad toelaat dat iemand anders in werklikheid die gelisensieerde besigheid beheer, 'n vennoot daarin word of in die winste daarvan deel.

120. (1) Niemand mag, hetsy self of deur 'n reisiger, verteenwoordiger, bediende of iemand anders—

- (a) koopbestellings van drank versoek of aanneem;
- (b) aanbiedings om drank te koop, aanneem;
- (c) aanbiedings om drank te koop ontvang sodat hy hulle kan oorbring aan die persoon aan wie die aanbod gemaak word of aan sy verteenwoordiger of bediende;

Hotel- en restaurant-lisensie-houers is verplig om huisvesting en maaltye te verstrek.

Lisensiehouer mag aan sekere persone toegang weier of hulle uitsit.

Gelisensieerde besigheid mag nie gedryf word in gebou van ander besigheid.

Oordrag van bestuur en beheer of deelneming in wins van besigheid.

Versoek van verkopings en aanneeming van aanbiedings buite gelisensieerde gebou.

Duty of hotel and restaurant licensees to provide lodging and meals.

Power of licensee to refuse admission to or to eject certain persons.

Licensed business not to be carried on in premises of other business.

Delegation of management or control or sharing of profits of business.

Soliciting of sales and acceptance of offers off licensed premises.

at any other place than the premises or portion of premises within which the person by or on whose behalf the proposed sale is to be made is licensed by this Act to make such sale.

(2) Nothing in this section contained shall be deemed to prohibit the advertising of liquor for sale at any licensed premises, or the soliciting, taking, accepting or receiving of orders or offers for the sale or purchase of liquor where the transaction is between licensees, distillers, brewers or persons authorized under this Act to sell liquor without a licence.

Appoint-
ment and
duties of
liquor traffic
inspectors.

121. The Minister may from time to time appoint and remove one or more liquor traffic inspectors whose duty it shall be generally to report to the Minister upon the conduct of business licensed under this Act, and to perform such other functions as may be prescribed by regulation or in particular cases by the Minister.

CHAPTER XI.

PROVISIONS RELATING TO LEASES OF LICENSED PREMISES

(A) *Excessive Rentals.*

Complaint
as to ex-
cessive
rental of
licensed
premises.

122. (1) The holder of any bottle licence or of any licence which permits the sale of liquor for consumption on the premises may, on or before the last day of October in any year, make complaint in writing to the magistrate of the district that he has been or is required, or that he has received notice that he will be required to pay to the lessor of the premises in which his licensed business is carried on an unreasonable rent.

(2) Such complaint shall fully set forth—

- the situation of the licensed premises;
- a description of the accommodation afforded by the premises;
- the duration, terms and conditions of the lease, including in the case of any written lease a copy of the document; and
- a statement by the licensee of the grounds upon which he deems the rent to be unreasonable.

and shall have affixed to it stamps of the value of ten pounds which shall be cancelled by the magistrate.

123. A magistrate receiving any complaint made to him in writing in terms of sub-section (1) of section *one hundred and twenty-two* shall—

- forthwith serve a copy of such complaint by pre-paid registered post upon the lessor;
- summon the lessor of the premises in respect of which complaint is made and the licensee to appear on a date stated in the summons before the licensing board at its ensuing annual meeting to be examined in respect of matters relevant to the complaint and to produce all such books or documents as may be required by the board to enable it to determine whether the complaint is well founded and what is a reasonable rental for the premises, regard being had to all the circumstances; and
- cause the complaint to be laid before the licensing board at its ensuing annual meeting.

124. (1) A licensing board before which at its annual meeting a complaint is submitted in terms of paragraph (c) of section *one hundred and twenty-three* shall proceed to investigate such complaint, and for that purpose shall *mutatis mutandis* have and may exercise all or any of the powers conferred upon it in respect of an application for the grant or renewal of a licence, and all and several the provisions of sections *twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one* shall *mutatis mutandis* apply to and in respect of the proceedings of the board in the investigation of the complaint.

(2) If the board is satisfied that the complaint is well founded, it shall order the lessor to reduce the rent which the licensee has been required, or has been notified that he will be required, to pay for the premises to a rent which the board fixes as a reasonable rent therefor, and may further order the lessor to

op 'n ander plek dan in die gebou of gedeelte van 'n gebou waarin die persoon deur of namens wie die voorgestelde verkoop gesluit moet word kragtens hierdie Wet gelisensieer is om daardie verkoop te sluit.

(2) Die bepalings van hierdie artikel belet nie dat drank vir verkoop in 'n gelisensieerde gebou geadverteer word, of dat bestellings of aanbiedings van verkoop of koop van drank versoek, geneem, aangeneem of ontvang word as dit 'n transaksie is tussen lisensiehouers, drankstokers, bierbrouers of mense wat kragtens hierdie Wet sonder 'n lisensie drank mag verkoop.

121. Die Minister mag van tyd tot tyd een of meer drank-handel-inspekteurs aanstel en afsit, wat verplig is om oor die algemeen aan die Minister verslag uit te bring omtrent die bestuur van besighede wat ingevolge hierdie Wet gelisensieer is, en om sodanige ander werksaamhede te verrig as wat die regulasies of in besondere gevalle die Minister mog voorskrywe.

Aanstelling
en werk-
kring van
drank-
handel-
inspekteur.

HOOFSTUK XI.

BEPALINGS OMTRENT HUUR VAN GELISENSEEERDE GEBOUE.

A. *Woekerhuur.*

122. (1) Die houer van 'n bottel-dranklisensie of van enige lisensie wat die verkoop van drank vir gebruik in die gelisensieerde gebou veroorloof, mag op of voor die laaste dag van Oktober in enige jaar by die Magistraat van die distrik skriftelik kla dat van hom die betaling van 'n onredelike huurprys aan die verhuurder van die gebou waarin sy gelisensieerde besigheid gedryf word, gevorder is of word, of dat hy kennis gekry het dat hy dit sal moet betaal.

(2) Die klagte moet volledig omskrywe—

- die ligging van die gelisensieerde gebou;
- die ruimte wat die gebou bevat;
- die termyn en voorwaardes van die huur, en in geval van 'n skriftelike huurkontrak, met byvoeging van 'n afskrif van die dokument; en
- die redes waarom die lisensiehouer die huur onredelik beskou,

en daaraan moet seëls van 'n waarde van tien pond geheg wees, wat die magistraat moet rojeer.

123. 'n Magistraat wat 'n skriftelike klagte ontvang wat kragtens sub-artikel (1) van artikel *honderd-twee-en-twintig* by hom ingedien is, moet—

- onverwyld 'n afskrif van die klagte in 'n gefrankeerde, geregistreerde brief aan die verhuurder stuur;
- die verhuurder van die gebou ten opsigte waarvan gekla word en die lisensiehouer dagvaar om op 'n dag in die dagvaarding vermeld, voor die lisensieraad op sy volgende jaarlikse vergadering te verskyn om ondervra te word omtrent sake wat op die klagte betrekking het en om alle boeke en dokumente oor te lê wat die raad mag nodig hê om te kan beslis of die klagte gegrond is en wat, met die oog op al die omstandighede, 'n redelike huurprys vir die gebou is; en
- die klagte voor die lisensieraad laat lê op sy volgende jaarlikse vergadering.

124. (1) 'n Lisensieraad, aan wie op sy jaarlikse vergadering 'n klagte voorgelê word kragtens paragraaf (c) van artikel *honderd-drie-en-twintig*, moet die klagte ondersoek en het *mutatis mutandis* al of enige van die bevoegdhede aan hom verleen in verband met 'n aanvraag om 'n verlening of vernuwning van 'n lisensie, en al die verskillende bepalings van artikels *sewen-en-twintig*, tot en met *een-en-dertig* is *mutatis mutandis* van toepassing op die verrigtings van die raad by die ondersoek van die klagte.

(2) As die raad oortuig is van die gegrondheid van die klagte, moet hy die verhuurder beveel om die huur waarvan die betaling van die lisensiehouer vir die gebou gevorder is, of waarvan hy kennisgekry het dat hy dit sal moet betaal, te verminder tot 'n huur wat die raad as 'n redelike huur daarvoor vasstel, en hy mag verder die verhuurder beveel

Klagte oor
woekerhuur
vir gelisen-
siede
gebou.

Prosedure
nadat
Magistraat
klagte
ontvang het.

Oorweging
van klagte
deur raad.

Considera-
tion of com-
plaint by
board.

pay to the licensee a sum fixed by the board not exceeding twenty pounds to indemnify the licensee for his expenses in connection with the lodging and hearing of the complaint.

(3) If the board is of opinion that the licensee's complaint was vexatious or made without any reasonable ground for expecting an order for reduction of rent, it shall dismiss the complaint and may order the licensee to pay to the lessor a sum fixed by the board not exceeding ten pounds to indemnify the lessor for his expenses in connection with the complaint.

(4) Any order made under this section shall be signed by the secretary of the board.

(5) No rent shall be deemed by a board to be unreasonable which after deduction of the actual amount of all rates and taxes and of stand licences, if any, paid by the lessor in respect of the premises and of the land on which they are situated, gives to the lessor an annual return of less than fifteen per centum on—

(a) the actual cost of erection of the premises and the purchase price paid by the lessor for the land or, if the land was acquired otherwise than by purchase the valuation for any local government purpose of such land, or

(b) the sum at which such premises and land are valued for any local government purpose, whichever may be the greater.

Effect of order for reduction of rental or payment of expenses.

125. (1) The amount named in any order granted under section one hundred and twenty-four for the payment of expenses in connection with any complaint investigated by a board under that section shall be a debt due and payable by the person against whom the order was made to the person to whom such order was granted, and such debt may be recovered by legal proceedings in any competent court.

(2) Whenever a board has in terms of sub-section (2) of section one hundred and twenty-four made an order for the reduction of the rent of any licensed premises, no rent in excess of the amount stated in such order shall be payable to the lessor thereof by the licensee carrying on business therein, and the production by such licensee of the order shall be a good defence to any legal proceedings against him by or on behalf of the lessor or his legal successor to recover in respect of the premises any amount in excess of the amount to which the rent has been reduced by the order, or to any legal proceedings to recover from the licensee possession of or to eject the licensee from the premises on the ground of non-payment of so much of the rent as represents such excess.

Variation or rescission of order reducing rent.

126. (1) The lessor of any premises in respect of which an order for the reduction of rental has been made under sub-section (2) of section one hundred and twenty-four, and the licensee carrying on business at such premises may on or before the last day of October in any year subsequent to that in which the complaint was made on which the order was granted make written application for the variation or rescission of such order.

(2) Such application shall *mutatis mutandis* contain the particulars required in respect of a complaint lodged under section one hundred and twenty-two, shall in addition state the grounds upon which application is made for the variation or rescission of the order, and shall have affixed to it stamps of the value of ten pounds which shall be cancelled by the magistrate.

(3) All and several the provisions of sections one hundred and twenty-three, one hundred and twenty-four and one hundred and twenty-five in respect of the procedure upon a complaint lodged under section one hundred and twenty-two and of the powers of the licensing board in respect of such complaint and the effect of an order granted by it in respect thereof shall *mutatis mutandis* apply in respect of any application made under this section for the variation or rescission of an order made under sub-section (2) of section one hundred and twenty-four for the reduction of rental.

om aan die lisensiehouer 'n som wat die raad vasstel, maar nie meer as twintig pond, te betaal tot vergoeding van sy koste in verband met die indiening en verhoor van die klagte.

(3) As die raad van oordeel is dat die lisensiehouer se klagte veksatoir was of ingedien is sonder gegronde verwagting dat 'n vermindering van die huur beveel sal word, moet hy die klagte afwys en mag hy die lisensiehouer beveel om aan die verhuurder 'n som, wat die raad vasstel, maar nie meer as tien pond te betaal tot vergoeding van sy koste in verband met die klagte

(4) Enige bevel ingevolge hierdie artikel uitgevaardig, moet deur die sekretaris van die raad geteken wees.

(5) Die raad mag geen huur as onredelik beskou wat na aftrek van die werklike bedrag van alle belastinge en stand-plaaslisensies (indien verskuldig) wat die verhuurder ten opsigte van die gebou en die grond waarop hy staan, betaal, aan die verhuurder jaarliks minder oplewer dan vyftien persent op die grootste van die volgende somme—

(a) die werklike oprigtingskoste van die gebou en die koopprys wat die verhuurder vir die grond betaal het of as die grond anders dan deur koop verkry is, die waardering van die grond vir die doel van 'n plaaslike bestuur; of

(b) die som waarop die gebou en grond gewaardeer is vir die doel van 'n plaaslike bestuur.

125. (1) Die bedrag vermeld in 'n bevel, uitgevaardig ingevolge artikel honderd-vier-en-twintig, tot betaling van koste in verband met 'n klagte wat 'n raad ingevolge daardie artikel ondersoek het, word beskou as 'n skuld van die persoon aan wie die bevel uitgevaardig is, aan die persoon ten gunste van wie die bevel uitgevaardig is, en die skuld kan in enige bevoegde hof in regte ingevorder word.

Gevolg van bevel tot vermindering van huur of betaling van koste.

(2) Wanneer 'n raad kragtens sub-artikel (2) van artikel honderd-vier-en-twintig 'n bevel tot vermindering van die huur van 'n gelisensieerde gebou uitgevaardig het, is die lisensiehouer, wat daarin besigheid dryf, geen groter huur verskuldig aan die verhuurder daarvan dan die bedrag vermeld in die bevel, en die vertoon van die bevel deur die lisensiehouer is 'n geldige verweermiddel in enige regsgeging, deur of namens die verhuurder of sy regsopvolger teen hom ingestel om ten opsigte van die gebou 'n groter bedrag te verhaal dan die waarop die huur deur die bevel verminder is, of in enige regsgeging om van die lisensiehouer die besit van die gebou terug te kry of om hom daaruit te verwyder weens wanbetaling van die bedrag waarmee die huur verminder is.

126. (1) Die verhuurder van 'n gebou ten opsigte waarvan 'n huurverminderingbevel ingevolge sub-artikel (2) van artikel honderd-vier-en-twintig uitgevaardig is, en die lisensiehouer wat in daardie gebou besigheid dryf, mag op of voor die laaste dag van Oktober in enige jaar na die waarin die klagte ingedien is waarop die bevel uitgevaardig is, skriftelik 'n wysiging of intrekking van die bevel aanvra.

Wysiging of intrekking van huurverminderingbevel.

(2) Die aanvraag moet *mutatis mutandis* die besonderhede bevat wat voorgeskryf is ten opsigte van 'n klagte, ingedien ingevolge artikel honderd-twee-en-twintig. Dit moet buiten dien die redes vermeld waarop die aanvraag om wysiging of intrekking van die bevel steun, en seëls van 'n waarde van tien pond, moet daaraan geheg wees en deur die magistraat gerojear word.

(3) Al die verskillende bepalings van artikels honderd-drie-en-twintig tot en met honderd-vyf-en-twintig omtrent die prosedure na aanleiding van 'n klagte ingedien ingevolge artikel honderd-twee-en-twintig, en omtrent die bevoegdhede van 'n lisensieraad ten opsigte van die klagte en die gevolg van sy bevel in verband daarmee, is *mutatis mutandis* van toepassing op enige aanvraag ingevolge hierdie artikel om die wysiging of intrekking van 'n huurverminderingbevel uitgevaardig ingevolge sub-artikel (2) van artikel honderd-vier-en-twintig.

(B) *Liability in respect of alterations, additions or repairs.*

Duty of
lessor to
effect
necessary
repairs.

127. It shall be the duty of the lessor of any premises upon which is carried on a business under a bottle liquor licence or of a licence permitting the sale of liquor for consumption on the premises, so long as such business is carried on in such premises, to maintain the premises in all respects in a fit and proper condition for the carrying on of such business.

Right of
licensee
where lessor
refuses to
make
necessary
repairs.

128. (1) A licensee carrying on on any premises of which he is the lessee, a business under a bottle liquor licence or a licence permitting the sale of liquor for consumption on the premises may call upon the lessor to effect to such premises all such repairs as are necessary to place or maintain such premises in a condition proper for the carrying on of the business.

(2) If after reasonable notice the lessor refuses to effect such repairs, such licensee may, by proceedings in any competent court, claim as against the lessor—

(a) an order that the repairs deemed by the licensee to be necessary for the proper carrying on of the business are so necessary, and that they be effected by the lessor, or, failing compliance with such order by the lessor, that they be effected by the licensee at the expense of the lessor; or

(b) if the lessee has himself effected the repairs, an order that the repairs so effected were necessary to enable the business properly to be carried on upon the licensed premises and that the lessor is liable for the sum expended by the licensee in effecting the repairs.

(3) Any sum expended by a licensee under the authority of this section shall be set off against any sum due or becoming due by him to the lessor as rent of the premises.

Liability of
lessor in
respect of
alteration or
repairs
ordered by
licensing
board.

129. (1) Whenever in terms of section *seventy-nine* a licensing board has in respect of any premises on which is carried on a business under an on-consumption licence imposed a condition involving a structural alteration or repairs of or addition to such premises, the licensee upon whom such condition has been imposed may if he be a lessee of the premises, require the lessor thereof to comply with the requirements of the board within any period stated in the condition.

(2) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repair of or addition to the premises would not exceed one hundred pounds, the licensee, if the lessor within the time stated in the condition or, if no time is stated, within three months of the receipt by him of any notice under sub-section (1) has not effected the alteration or repairs of or addition to the premises, may himself effect the same and he may set off against any rent due or to become due by him to the lessor the sum which he has expended in complying with the condition.

(3) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repairs of or addition to the premises will exceed one hundred pounds and the lessor does not within the time stated in the condition, or if no time is stated, within six months of the receipt by him of any notice under sub-section (1), comply with the requirements of the condition, the licensee, notwithstanding any agreement to the contrary, may forthwith and without notice terminate the lease.

Addition to
rent where
premises
altered or
added to by
lessor.

130. (1) Whenever in consequence of any condition imposed by a licensing board in terms of section *seventy-nine* a lessor has altered or added to premises upon which is carried on a business under an on-consumption licence and the expenditure incurred has exceeded one hundred pounds, such lessor, notwithstanding any term of the lease, may, as from the date of the completion of the alteration or addition, increase the rent of such premises by a sum not exceeding ten per cent per annum of the amount of the expenditure incurred, and the rental so increased shall be deemed to be the rent due under the lease.

(2) Nothing in this section contained shall be deemed to prevent the licensee or lessee of any premises the rent of which has been increased thereunder from making a complaint in respect of such increased rental in terms of section *one hundred and twenty-three*.

(B) *Verpligting tot Verbouing, Aanbou en Herstelling.*

127. Die verhuurder van 'n gebou waarin kragtens 'n bottel-dranklisensie of 'n lisensie wat die verkoop van drank vir gebruik in die gebou veroorloof, besigheid gedryf word, is verplig, so lang daardie besigheid in daardie gebou gedryf word, om die gebou in elke opsig in 'n geskikte staat te hou vir die uitoefening van daardie besigheid.

Verhuurder
is verplig tot
nodige her-
stellings.

128. (1) 'n Lisensiehouer wat in 'n gebou waarvan hy die huurder is, kragtens 'n bottel-dranklisensie of 'n lisensie wat die verkoop van drank vir gebruik in die gebou veroorloof, besigheid dryf, mag die verhuurder aansê om die gebou sodanig te herstel as wat nodig is om dit in 'n geskikte toestand te bring of te onderhou vir die uitoefening van die besigheid.

Huurder se
regte as
verhuurder
weier om
gebou te
herstel.

(2) As die verhuurder na 'n redelike kennisgewing weier om die herstelling uit te voer, mag die lisensiehouer teen die verhuurder in 'n geding in 'n bevoegde hof 'n eis instel—

(a) om 'n order dat die herstelling wat die lisensiehouer nodig beskou vir 'n behoorlike uitoefening van die besigheid, inderdaad nodig is en dat die verhuurder dit moet uitvoer, of as die verhuurder versuim om aan die order te voldoen, dat die lisensiehouer dit op koste van die verhuurder mag uitvoer; of

(b) as die huurder self die herstelling uitgevoer het, om 'n order dat die aldus uitgevoerde herstelling nodig was vir die behoorlike uitoefening van die besigheid in die gelisensieerde gebou en dat die verhuurder aanspreeklik is vir die som wat die lisensiehouer aan die herstelling bestee het.

(3) 'n Som deur 'n lisensiehouer op gesag van hierdie artikel uitgegee, word afgetrek van die som wat hy aan die verhuurder as huurgeld vir die gebou skuld of skuldig word.

129. (1) Wanneer 'n lisensieraad ingevolge artikel *negen-en-sewentig* ten opsigte van 'n gebou waarin kragtens 'n binne-verbruik-lisensie besigheid gedryf word, 'n voorwaarde gestel het wat die verbouing, herstelling of aanbou van die gebou vereis, dan mag die lisensiehouer aan wie die voorwaarde opgelê is, as hy 'n huurder van die gebou is, van die verhuurder verlang dat hy binne die termyn in die voorwaarde gestel, aan die vereistes van die raad moet voldoen.

Huurder is
aanspreeklik
vir ombou
herstelling
wat lisen-
sieraad
gelas.

(2) As die koste van die verbouing, herstelling of aanbou van die gebou volgens 'n redelike skatting te goeder trou, nie meer as honderd pond sou bedra nie, en die verhuurder nie binne die termyn, in die voorwaarde gestel, of as geen termyn gestel is nie, binne drie maande nadat hy ingevolge sub-artikel (1) kennis ontvang het, die verbouing, herstelling of aanbou uitgevoer het nie, dan mag die lisensiehouer dit self uitvoer en die som wat hy uitgegee het om aan die voorwaarde te voldoen, aftrek van die huurgeld wat hy aan die verhuurder skuld of skuldig word.

(3) As die koste van die verbouing, herstelling of aanbou volgens 'n redelike skatting te goeder trou meer sal bedra as honderd pond en die verhuurder nie binne die in die voorwaarde gesteld termyn, of as geen termyn gestel is nie, binne ses maande nadat hy 'n kennisgewing ingevolge sub-artikel (1) ontvang het, aan die vereistes van die voorwaarde voldoen, dan mag die lisensiehouer, nieëntstaande 'n teenoorgestelde ooreenkoms, onmiddellik en sonder opsegging die huur beëindig.

130. (1) Wanneer 'n verhuurder ten gevolge van 'n voorwaarde, deur 'n lisensieraad ingevolge artikel *negen-en-sewentig* gestel, 'n gebou, waarin kragtens 'n binneverbruik-lisensie besigheid gedryf word, verbou of aangebou het en die gemaakte onkoste meer as honderd pond bedra het, dan mag die verhuurder, nieëntstaande enige huurvoorwaarde, vanaf die voltooiing van die verbouing of aanbou, die huurprys van die gebou verhoog met 'n som van hoogstens tien persent per jaar van die gemaakte onkoste en die aldus verhoogde huurprys word beshou as die huurprys wat kragtens die huur verskuldig is.

Verhoging
van huur
waar
huurder
gebou ver-
ander of
vergroot.

(2) Die bepalinge van hierdie artikel belet nie 'n lisensiehouer of huurder van 'n gebou waarvan die huurprys ingevolge hiervan verhoog is, om kragtens artikel *honderd-drie-en-twintig* 'n klagte in te dien weens die verhoging van huur.

(C) *Prohibition of Premiums in addition to rent.*

Payment of certain sums in addition to rent prohibited.

131. (1) No lessor of premises used or proposed to be used for the carrying on of a business under a bottle liquor licence or of any licence permitting the sale of liquor for consumption on the premises, and no lessee of such premises or licensee carrying on business thereon shall—

- (a) stipulate for or promise, whether or not the promise is stated to be in consideration of the grant, renewal or continuance of the tenancy of the premises, the payment by the lessee, licensee or any other person of a bonus, premium or other like sum in addition to the rent;
- (b) stipulate for or promise the payment by the lessee, licensee or other person of any sum or benefit in respect of the goodwill of the premises; or
- (c) enter into or carry out any agreement calculated to defeat any object of Chapter XV. of this Act.

(2) Any such stipulation made, promise given or agreement entered into after the commencement of this Act shall be null and void.

(D) *Duration of Leases.*

Limitation on judicial orders of ejectment.

132. (1) No order for the recovery of possession of premises upon which is carried on a business under a bottle liquor licence or a licence permitting the sale of liquor for consumption on the premises, or for the ejectment of a licensee therefrom, based on the fact of the lease having expired either by effluxion of time or in consequence of notice duly given, shall be made by any court so long as the lessee continues to duly pay in respect of the premises a reasonable rent therefor and performs the other conditions of the tenancy, except on the additional ground—

- (a) that the premises are reasonably required by the lessor for the personal occupation of himself or his major or married child or children, and that he, or such child or children as the case may be, entertain *bona fide* and on reasonable grounds the intention of maintaining such occupation for a period of at least three years; or
- (b) that the continued occupation of the premises by the licensee is on any ground undesirable or likely to prejudice the interest of the lessor: Provided that such ground shall be deemed to exist only if it is proved that the licensee—
 - (i) has during the tenancy been convicted of any offence and sentenced to imprisonment without the option of a fine; or
 - (ii) has during the tenancy been convicted under this Act or under a law repealed thereby and sentenced to pay a fine of fifty pounds or more; or
 - (iii) has during the tenancy been convicted two or more times of an offence under this Act or under a law repealed thereby; or
 - (iv) has done or is doing material damage to the premises; or
 - (v) is conducting his business in a manner which is a nuisance to persons occupying adjoining or neighbouring property;
- (c) that the premises are reasonably required for the purposes of a reconstruction or rebuilding scheme, and that the lessor *bona fide* has the intention of commencing such reconstruction or rebuilding immediately after the vacation of the premises by the licensee and of completing the same within twelve months of such vacation.

(2) If a lessor of premises referred to in sub-section (1) who, whether on the termination of the lease or otherwise and whether or not under order of a competent court, has caused any licensee occupying such premises to vacate the same or to be removed therefrom on any ground referred to in paragraph (a) or (c) of sub-section (1) does not fully carry into effect the intention that himself or his child or children shall occupy the premises for a period of at least three years from the date of the vacation thereof by the licensee, save where the carrying into effect of such intention is rendered impossible by death or the intention to commence immediately after such vacation or removal and complete within a period of twelve months thereafter a reconstruction or rebuilding scheme, he shall be deemed to be liable to pay to the licensee

(C) *Verbod van Premies benewens Huurprys.*

131. (1) Geen verhuurder van 'n gebou wat gebruik word of bestem is om gebruik te word vir 'n besigheid wat kragtens 'n bottel-dranklisensie of 'n lisensie wat die verkoop van drank vir gebruik in die gebou veroorloof, en geen huurder van so 'n gebou of lisensiehouer wat daarin besigheid dryf mag—

Betaling van sekere somme benewens huur is belet.

- (a) beding of belowe dat die huurder, lisensiehouer of iemand anders, benewens die huurgeld 'n bonus, premie of ander dergelike som sal betaal, hetsy al dan nie verklaar word dat die belofte gegee is weens verlening, vernuwing of voortsetting van die huurbesit;
- (b) beding of belowe dat die huurder, lisensiehouer of iemand anders vir die klandiesie van die gebou, enige som of voordeel sal betaal; of
- (c) enige ooreenkoms aangaan of uitvoer wat bereken is om enige oogmerk van Hoofstuk XV te verydel.

(2) 'n Sodanige beding, belofte of ooreenkoms, wat na die inwerkingtreding van hierdie Wet totstandkom, is nietig.

(D) *Huurtermynne.*

132. (1) 'n Hof mag geen order verleen tot herkryging van die besit van 'n gebou waarin kragtens 'n bottel-dranklisensie of 'n lisensie wat die verkoop van drank vir gebruik in die gebou veroorloof, besigheid gedryf word, of tot uitsitting van 'n lisensiehouer daaruit, op grond van beëindiging van die huur deur verloop van tyd of opsegging, solang die lisensiehouer vir die gebou 'n redelike huur behoortlik betaal en aan die ander huurvoorwaardes voldoen, behalwe op grond van die verdere rede—

Beperking van geregtelike uitsittingsorders

- (a) dat die verhuurder die gebou redelikerwys nodig het om deur homself of sy meerderjarige of getroude kind of kinders persoonlik in besit geneem te word en dat hy of die kind of kinders te goeder trou en redelikerwys voornemens is om daardie besit minstens drie jaar lang vol te hou; of
- (b) dat die voortdurende van die besit van die gebou deur die lisensiehouer om enige rede onwenslik is of die belange van die verhuurder waarskynlik sal benadeel, maar so 'n rede word alleen dan geag te bestaan as bewys word dat die lisensiehouer—
 - (i) tydens die huur weens 'n misdryf veroordeel is tot gevangenisstraf sonder keus van boete; of
 - (ii) tydens die huur kragtens hierdie Wet of 'n hiermee herroepe wet veroordeel is tot 'n boete van vyftig pond of meer; of
 - (iii) tydens die huur twee of meer keer weens 'n misdryf ingevolge hierdie Wet of 'n hiermee herroepe wet veroordeel is; of
 - (iv) die gebou aanmerklik beskadig het of beskadig; of
 - (v) sy besigheid so dryf dat hy oorlas veroorsaak aan mense wat aangrensende of naburige eiendom besit; of
- (c) dat die gebou redelikerwys nodig is in verband met 'n herbouingsplan en dat die verhuurder te goeder trou voornemens is om onmiddellik nadat die lisensiehouer die gebou ontruim het, met die herbou te beginne en binne twaalf maande na die ontruiming te voltooi.

(2) As 'n verhuurder van 'n gebou vermeld in sub-artikel (1), wat hetsy na beëindiging van die huur of andersins en hetsy al dan nie op las van 'n bevoegde hof, 'n lisensiehouer 'n gebou wat hy besit het, laat ontruim het, of hom daaruit laat verwyder het om enige rede vermeld in paragraaf (a) of (c) van sub-artikel (1), nie ten volle uitvoering gee aan sy voorneme dat hyself of sy kind of kinders die gebou minstens drie jaar lang vanaf sy ontruiming deur die lisensiehouer sal besit, (tensy die dood uitvoering van die voorneme onmoontlik maak), of aan die voorneme om die herbouingsplan onmiddellik na die ontruiming of verwydering te beginne en binne 'n tydperk van twaalf maande daarna te voltooi, dan is hy teenoor die lisensiehouer wat die gebou ontruim het of daaruit verwyder is aan-

who vacated or was removed from the premises an amount sufficient in the opinion of the court before which the matter may be brought to compensate him for any loss sustained by him by reason of his vacation of or removal from the premises.

Tenancy of premises on transfer of licence.

133. (1) Whenever under this Act authority is granted for the transfer of a bottle liquor licence or of a licence permitting the sale of liquor for consumption on the premises, the transferee, if the business is carried on upon hired premises, shall, notwithstanding anything to the contrary in any agreement between the lessor and the transferor or the absence of any agreement between the transferee and the lessor, as from the date when the licence is transferred to him be deemed to be the lessee of the premises and be entitled to the tenancy thereof and all rights previously held by the transferor under the lease and be subject to all the obligations to which the transferor was subject under the lease and to all the obligations of the lessee under this Act.

(2) Nothing in this section contained shall be deemed to deprive the transferor of any right which under the lease had accrued to him before the time of the transfer or to relieve him of any obligation which at that date he had incurred under the lease.

(E) *Goodwill.*

Compensation for goodwill on termination of lease.

134. Upon the termination of a lease the Licensing board of the area within which the premises are situated shall upon the application of the lessee assess the increased goodwill value created by the efforts of the lessee and shall order that such amount shall be paid by the lessor to the lessee who shall thereupon become entitled to enforce such payments in the magistrate's court of such areas.

CHAPTER XII.

KAFFIR BEER AND OTHER NATIVE LIQUORS, AND SUPPLY OF WINE AND BEER TO ASIATICS AND COLOURED PERSONS.

(A) *Prohibited Liquors and Substances.*

Concoctions totally prohibited.

135. No person shall make, be in possession or custody of, use, drink, give, or supply to any person—

- (a) any of the concoctions made from the fermentation of treacle, sugar, or other substances and known as Isityimiyana, Hopana, Qediviki, Skokiaan, or Uhali;
- (b) any concoction which, though called by another name, is substantially similar to any of the concoctions named in paragraph (a); or
- (c) any concoction (other than kaffir beer) produced by the fermentation of any substance, the consumption of which would, in the opinion of the Governor-General, be prejudicial to the health and well-being of the people, and which he may specify by proclamation in the *Gazette*.

Sale to and possession of yeast or malt by natives.

136. (1) No person shall supply to any native—

- (a) yeast in the forms commonly known as baker's yeast, brewery yeast, or whisky yeast, or any other yeast in liquid form; or
- (b) yeast in any other form, or any other substance or thing, adapted or in the opinion of the Governor-General adaptable for the production of any alcoholic concoction which the Governor-General may specify by proclamation in the *Gazette*; or
- (c) malt in any form.

(2) In respect of any yeast or any other substance or thing adapted, or in the opinion of the Minister adaptable for the production of any alcoholic concoction, the supply of which to natives is not prohibited in terms of sub-section (1), the Minister may, by notice in the *Gazette*, limit the quantity which at any one time or during any specified period may be supplied to or possessed by any native, and may make such regulations as he may deem necessary for the giving effect to any such limitation.

(3) In respect of any yeast the supply of which to natives is prohibited in terms of sub-section (1) the Governor-General

spreeklik tot betaling van 'n bedrag wat volgens oordeel van die hof waarin die saak dien, voldoende is tot vergoeding van enige verlies wat hy gelyk het deur sy ontruiming van of verwydering uit die gebou.

133. (1) Wanneer kragtens hierdie Wet magtiging verleen word tot oordrag van 'n bottel-dranklisensie of van 'n lisensie wat die verkoop van drank vir gebruik in die gebou veroorloof, dan word die oordrag-ontvanger, as die besigheid in 'n huur-gebou gedryf word, nieteenstaande teenoorgestelde bepalings in enige ooreenkoms tussen die verhuurder en die oordraer, of die ontstentenis van 'n ooreenkoms tussen die oordrag-ontvanger en die verhuurder, vanaf die dag waarop die lisensie op hom oorgaan, beskou as die huurder van die gebou en is hy geregtig op die huurbesit daarvan en het al die regte wat die oordrag voorheen kragtens die huur had, en hy is onderhewig aan al die verpligtings van die huurder kragtens die huurkontrak en aan al die verpligtings van die huurder ingevolge hierdie Wet.

(2) Die bepalings van hierdie artikel ontnem nie aan die oordrag enige reg wat kragtens die huur voor die tydstop van oordraer aan hom toegekome het en bevry hom nie van enige verpligting wat op daardie tydstop kragtens die huur op hom gerus het.

(E) *Klandiesie.*

134. Wanneer 'n huurkontrak eindig moet die lisensieraad van die gebied waarin die gebou geleë is op versoek van die huurder die vermeerderde klandiesie-waarde geskat deur die werk van die huurder, bepaal en gelas dat die verhuurder daardie bedrag moet uitbetaal aan die huurder, wat daarop geregtig word om daardie betaling in te vorder in die magistraatshof van bedoelde gebied.

Huurbesit van gebou by oordrag van lisensie.

Vergoeding vir klandiesie-waarde by beëindiging van huur.

HOOFSTUK XII.

KAFERBIER EN ANDER NATURELLEDRANKKE, EN VERSTREKKING VAN WYN EN BIER AAN ASIATE EN KLEURLINGE.

A. *Verbode Dranke en Stowwe.*

135. Niemand mag die volgende stowwe vervaardig, besit, bewaar, gebruik, of drink, of aan iemand gee of verstrek—

- (a) enige brousel vervaardig deur gisting van stroop, suiker of ander stowwe, wat isityimiyana, hopana, qediviki, skokiaan of uhali genoem word;
- (b) enige brousel wat, alhoewel anders genoem, in hoofsaak ooreenkom met een van die brousele vermeld in paragraaf (a); of
- (c) enige brousel (behalwe kafferbier) vervaardig deur gisting van enige stof, waarvan die gebruik, volgens oordeel van die Goewerneur-generaal, tot nadeel van die gesondheid en welsyn van die volk strek, en wat hy by proklamasie in die *Staatskoerant* vermeld.

136. (1) Niemand mag aan 'n natuurel verstrek—

- (a) die soorte van gis wat gewoonlik genoem word bakkers-suurdeeg, brouery-gis of whisky-gis, of enige ander vloeibare gis; of
- (b) enige ander soort van gis, of enige ander stof of ding, wat geskik is of volgens oordeel van die Goewerneur-generaal geskik gemaak kan word vir die vervaardiging van 'n alkoholhoudende brousel wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vermeld; of
- (c) enige soort van mout.

(2) Ten opsigte van enige gis of enige ander stof of ding wat geskik is of volgens oordeel van die Minister geskik gemaak kan word vir die vervaardiging van 'n alkoholhoudende brousel, waarvan die verstreking aan natuurele nie kragtens sub-artikel (1) belet is nie, mag die Minister by kennisgewing in die *Staatskoerant*, die hoeveelheid beperk wat tegelykertyd of gedurende 'n bepaalde tydperk aan 'n natuurel verstrek of deur hom besit mag word, en hy mag sodanige regulasies uitvaardig as wat hy nodig ag om aan so 'n beperking gevolg te gee.

(3) Met betrekking tot enige gis waarvan die verstreking aan natuurele kragtens sub-artikel (1) belet is, mag die Goe-

Heeltemal verbode brousele.

Verkoop aan, en besit deur natuurele, van gis of mout.

may make regulations not inconsistent with any provision of this section for or in respect of all or any of the following matters—

- (a) the regulation and restriction of the importation, exportation, transshipment, conveyance, transmission, keeping, sale, supply or use;
- (b) the licensing of sales, and the classes of persons to whom such licences may be issued;
- (c) the keeping of registers and other records of sales, the form and manner of keeping of such registers or records, and the particulars to be entered therein;
- (d) the restriction of the quantities which may be sold;
- (e) the prohibition or restriction of purchase or possession including the granting of permits for purchase or possession; and
- (f) the penalties which may be imposed for contraventions of such regulations.

Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect of a particular class of person.

(4) No native shall purchase or have in his possession any yeast or other substance or thing, the supply of which to any native is made unlawful by sub-section (1), or purchase malt in any form, or purchase or possess any yeast or other substance or thing in contravention of any limitation made or regulation issued under sub-section (2).

(B) Kaffir Beer.

Making, possession and supply of kaffir beer in urban areas.

137. The brewing, manufacture, introduction, sale, supply, or possession of kaffir beer in any urban area shall be unlawful save by the persons and in the circumstances permitted by sections *twenty* and *twenty-one* of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), and by this Act.

Brewing or drinking of kaffir beer on land outside urban area.

138. (1) Save as provided in this section no brewing or drinking of kaffir beer shall take place at any private location or upon any land outside any area which under any law has been or may hereafter be scheduled or declared as a native area.

(2) With the consent of the European owner or occupier of land situated outside an urban area, or in the case of Crown land or land occupied by the Government outside any such area, and not being land which under any law has been or may hereafter be scheduled or declared as a native area with the consent of the magistrate of the district or of any native commissioner or sub-commissioner, kaffir beer may be brewed by the native occupier of any hut in such quantities as may be reasonably required and consumed by himself and his family, if any, and which shall be fixed by the owner, occupier, magistrate or native commissioner or sub-commissioner giving the consent.

Sale or supply of kaffir beer in native area outside urban area.

139. (1) Save as provided in this section the brewing or consumption of kaffir beer on any land situated outside the area of any urban local authority which under any law has been, or may hereafter be, scheduled as or declared a native area, shall be unlawful.

(2) Whenever the Governor-General is of opinion that upon any such land it is in the public interests that the supply of kaffir beer should not be prohibited, he may authorize the establishment and carrying on there by the Minister of Native Affairs or by any other person of a kaffir beer house at which kaffir beer may be sold, under such conditions as the Minister of Native Affairs may from time to time prescribe, in reasonable quantities for consumption on the premises or for consumption off the premises in such quantities as may be required for immediate consumption by the purchaser and his family.

(3) No authority under sub-section (2) for the sale of kaffir beer by a person other than the Minister of Native Affairs shall be granted until after the consideration by the Governor-General of tenders submitted in response to a notice inserted

werneur-generaal regulasies uitvaardig, wat nie met 'n bepaling van hierdie artikel in stryd mag wees nie, vir of met betrekking tot al of enigeen van die volgende aangeleenthede—

- (a) reëling en beperking van invoer, uitvoer, oorlaaiing, vervoer, versending, aanhou, verkoop, verstrekking of gebruik;
- (b) lisensieer van verkoop en die klasse van persone aan wie sulke lisensies uitgereik mag word;
- (c) hou van registers en ander aantekenings van verkoop, die vorm waarin en manier waarop daardie registers of aantekenings gebou moet word en die besonderhede wat daarin geskrywe moet word;
- (d) beperking van die hoeveelhede wat verkoop mag word;
- (e) verbod of beperking van koop of besit asmede verlening van permitte vir koop en besit; en
- (f) die strawwe wat opgelê mag word weens oortreding van daardie regulasies.

'n Verbod of beperking in so 'n regulasie gestel, mag of algemeen, of met betrekking tot 'n bepaalde klas van persone toepaslik gemaak word.

(4) Geen natuurel mag enige gis of ander stof of ding, waarvan die verstrekking aan 'n natuurel deur sub-artikel (1) onwettig gemaak word, koop of in sy besit hê, of enige soort van mout koop, of in stryd met enige beperking vasgestel of enige regulasie uitgevaardig ingevolge sub-artikel (2), gis of enige ander stof of ding koop of besit.

B. Kafferbier.

136. Die brou, vervaardiging, invoer, verkoop, verstrekking of besit van kafferbier in 'n stadsgebied is onwettig behalwe deur die persone en onder die omstandighede wat artikels *twintig* en *een-en-twintig* van die Naturellen (Stadsgebieden) Wet 1923 (Wet No. 21 van 1923) en hierdie Wet toelaat.

Vervaardiging, besit en verstrekking van kafferbier in stadsgebied.

137. (1) Behalwe vir sover hierdie artikel dit toelaat mag geen kafferbier gebrou of gedrink word in of by 'n private lokasie of op grond buite 'n gebied wat kragtens een of ander wet reeds as 'n natuurelgebied gerangskik of tot natuurelgebied verklaar is of dit hierna mag word.

Brou of drink van kafferbier op private grond buite stadsgebied.

(2) Met toestemming van die blanke eienaar of besitter van grond buite 'n stadsgebied geleë, of in die geval van kroongrond of grond in besit van die Regering, buite so 'n gebied en wat nie grond is nie wat kragtens een of ander wet reeds as 'n natuurelgebied gerangskik of tot natuurelgebied verklaar is of dit hierna mag word, met toestemming van die magistraat van die distrik of van enige natuurellekommissaris van die distrik of van enige natuurellekommissaris of -onderkommissaris, mag die natuurelbesitter van 'n hut kafferbier brou in sulke hoeveelhede as wat hy en sy famielie (as hy een het) redelikerwys mag nodig hê en gebruik, en wat vasgestel moet word deur die eienaar, besitter, magistraat of natuurellekommissaris of -onderkommissaris wat die toestemming gee.

138. (1) Behalwe vir sover hierdie artikel dit toelaat, is dit onwettig om kafferbier te brou of te gebruik op grond buite die gebied van 'n stedelike plaaslike bestuur geleë wat kragtens een of ander wet reeds as 'n natuurelgebied gerangskik of tot 'n natuurelgebied verklaar is of dit hierna mog word.

Verkoop of verstrekking van kafferbier in natuurelgebied buite stadsgebied.

(2) Wanneer die Goewerneur-generaal van oordeel is dat die verstrekking van kafferbier op sodanige grond in die publieke belang nie behoort te wees nie, dan mag hy die Minister van Naturellesake of iemand anders magtig om daar 'n kafferbier-lokaal te stig en te dryf, waarin kafferbier onder die voorwaardes wat die Minister van Naturellesake van tyd tot tyd mag bepaal, verkoop mag word in redelike hoeveelhede vir gebruik in die lokaal, of vir gebruik buite die lokaal in sodanige hoeveelhede as wat benodig is vir die onmiddellike gebruik van die koper en sy famielie.

(3) Geen magtiging kragtens sub-artikel (2) tot verkoop van kafferbier deur iemand anders dan die Minister van Naturellesake mag verleen word voordat die Goewerneur-generaal tenders oorweeg het wat ingedien is na aanleiding van 'n kennisgewing in drie achtereenvolgende gewone uitgawes van

in three consecutive ordinary issues of the *Gazette* announcing the proposal to grant such an authority and as far as practicable the conditions thereof and inviting tenders therefor.

(4) Whenever a mine or other works are situated on lands outside the area of any urban local authority and not less than two hundred natives are employed thereat the Minister of Native Affairs may, subject to such conditions as he may by regulation prescribe, grant a kaffir beer licence or a renewal thereof to any person to brew and sell kaffir beer at premises in the vicinity of such mine or works.

(5) The Minister of Native Affairs may from time to time in respect of the supply of kaffir beer at a kaffir beer house upon such land make such appointments, issue such rules, and take such other steps as he may deem necessary for the purpose of controlling and regulating—

- (a) the brewing or manufacture of kaffir beer for disposal;
- (b) the quantities of kaffir beer to be supplied, and the conditions of supply;
- (c) the preservation of order; and
- (d) such other matters as may be necessary for the better carrying out of the purposes of this section.

(6) Whenever the Governor-General deems it desirable, he may by proclamation in the *Gazette* declare in respect generally of all such native areas or any number of such native areas that the brewing therein by each household of so much kaffir beer as may reasonably be necessary for consumption by the members of that household shall be permitted, and the Governor-General may make all such regulations as he may deem necessary for the purpose of controlling the quantities and quality of kaffir beer brewed under such permission.

140. Save in any kaffir beer house, established under sub-section (2) of section one hundred and thirty-nine or sub-section (1) of section one hundred and forty-two or at any gathering of a family for which kaffir beer may be manufactured in terms of sub-section (6) of section one hundred and thirty-nine, kaffir beer shall not outside the area of any urban local authority be consumed at any assembly of three or more persons, not being inmates of the kraal or native homestead at which the assembly takes place, unless a permit for such consumption has been issued by the magistrate or a native commissioner or native sub-commissioner.

141. (1) The Minister may by notice in the *Gazette*, either generally in respect of any province or any district, or particularly in respect of any mine or works as those terms are defined in section two of the Mines and Works Act, 1911 (Act No. 12 of 1911) authorize the brewing and consumption upon the premises, mine or works, of any employer regularly employing and housing more than fifty native or coloured persons, of reasonable quantities of kaffir beer to be supplied gratis by the employer to such employees.

(2) The Minister may from time to time subject to such conditions as to quality, quantity sold, place of consumption, time of sale, price, revocation of the authority or any other matter whatsoever as he may determine and upon payment of such fees as he may fix, grant authority to any person, which shall be for a period not exceeding twelve months, to sell at any such mines or works kaffir beer to persons *bona fide* employed thereat.

142. (1) In any district or area which is not a scheduled or declared native area under any law the Governor-General may by proclamation in the *Gazette* declare that from and after the date specified and subject to the conditions prescribed therein, the Minister of Justice or any other Minister to whom the Governor-General may assign the Administration of this section may authorize the establishment and carrying on of one or more kaffir beer houses at which kaffir beer may be sold directly by the State or by any person named in such proclamation to natives in reasonable quantities for con-

die *Staatskoerant* waarin die voornemer om so 'n magtiging te verleen en vir sover doenlik die voorwaardes daarvan bekend-gemaak en tenders daarvoor gevra word.

(4) Wanneer 'n myn of ander bedryf gelei is op grond buite die gebied van 'n stedelike plaaslike bestuur en nie minder as twee-honderd naturelle daar in diens is mag die Minister van Naturellesake, met inagneming van sulke voorwaardes as wat hy by regulasie mag voorskrywe, 'n kafferbier-lisensie of 'n vernuwing daarvan aan enigeen uitreik om kafferbier te brou en te verkoop in 'n gebou in die nabyheid van daardie myn of bedryf.

(5) Die Minister van Naturellesake mag van tyd tot tyd in verband met die verstrekking van kafferbier in 'n kafferbier-lokaal op sodanige grond die persone aanstel, die reglemente uitvaardig en ander stappe neem wat hy nodig ag vir die toesig op en die reëling van—

- (a) die brou en vervaardiging van kafferbier vir ver-vreemding;
- (b) die hoeveelhede kafferbier wat verstrekk mag word en die verstrekkingsvoorwaardes;
- (c) die handhawing van orde, en
- (d) sodanige ander sake as wat nodig is tot betere bereiking van die doeleindes van hierdie artikel.

(6) Wanneer die Goewerneur-generaal dit wenslik ag, mag hy by proklamasie in die *Staatskoerant* ten opsigte van alle sodanige naturregegebiede in die algemeen, of van enige aantal van sodanige naturregegebiede aan ieder huisgesin daarin vergun om soveel kafferbier te brou as wat redelikerwys nodig is vir gebruik van die lede van daardie gesin, en die Goewerneur-generaal mag alle regulasies vasstel wat hy nodig ag tot reëling van die hoeveelhede en hoedanigheid van kafferbier wat kragtens daardie vergunning gebrou word.

140. Behalwe in 'n kafferbier-lokaal, gestig kragtens sub-artikel (2) van artikel honderd-negen-en-dertig of sub-artikel (1) van artikel honderd-twee-en-veertig of by 'n byeenkoms van 'n famielie waarvoor kafferbier vervaardig mag word kragtens sub-artikel (6) van artikel honderd-negen-en-dertig, mag buite die gebied van 'n stedelike plaaslike bestuur geen kafferbier gedrink word nie op 'n byeenkoms van drie of meer persone wat geen ingesetenes is van die kraal of naturrelewoning waarby die byeenkoms plaasvind, tensy die magistraat of 'n naturrelekommisaris of naturreleonder-kommisaris vir die drinkery 'n permit uitgereik het.

141. (1) Die Minister mag by kennisgewing in die *Staatskoerant* hetsy in die algemeen ten opsigte van enige provinsie of van enige distrik, hetsy besonderlik ten opsigte van enige myn of bedryf volgens die omskrywing van daardie uitdrukking in artikel twee van die Mijnen en Bedrijven Wet, 1911 (Wet No. 12 van 1911), magtiging verleen tot die brou en gebruik, op die perseel, myn of bedryfsplek van 'n werkgewer wat gereëld meer dan vyftig naturelle of kleurlinge in diens het, en huisves van redelike hoeveelhede kafferbier wat die werkgewer verniet aan daardie werkvolk moet verstrekk.

(2) Die Minister mag van tyd tot tyd onder sodanige voorwaardes omtrent hoedanigheid te verkope hoeveelheid, plek van gebruik, tyd van verkoop, prys, intrekking van die magtiging of enige ander saak hoegenaamd as wat hy mag bepaal en teen betaling van sodanige fooie as wat hy mag vasstel, aan enigeen magtiging verleen, wat vir 'n tydperk van nie langer as twaalf maande verleen mag word nie, om by so 'n myn of bedryf aan persone wat te goeder trou daarin werksaam is, kafferbier te verkoop.

142. (1) In 'n distrik of gebied wat nie kragtens een of ander wet as 'n naturregegebied gerangskik of tot 'n naturregegebied verklaar is nie, mag die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar dat die Minister van Justisie of enige ander Minister aan wie die Goewerneur-generaal die uitvoering van hierdie artikel mog opdra, vanaf die dag en met inagneming van die voorwaardes in die proklamasie vas-gestel, die stigting en bedryf van een of meer kafferbier-lokale mag veroorloof, waarin kafferbier direk deur die Staat of deur iemand wat in daardie proklamasie genoem word, aan naturelle

Bierdrin-kerye.

Brou en gebruik van kafferbier op persele van sekere werkgewers.

Stigting van kafferbier-lokale in sekere streke

Beer drinking assemblies.

Brewing and consumption of kaffir beer upon premises of certain employers.

Establishment of kaffir beer houses in certain areas.

sumption on the premises provided that no person shall be named in any such proclamation unless and until tenders have been invited and considered in manner provided in sub-section (3) of section one hundred and thirty-nine

(2) Such Minister may, in respect of the supply of kaffir beer at any such kaffir beer house exercise all such powers as the Minister of Native Affairs is authorized to exercise by sub-section (5) of section one hundred and thirty-nine.

(C) *Wine and Beer Shops for Asiatics and Coloured Persons.*

143. (1) The Governor-General may by proclamation in the *Gazette* declare that, from and after the date specified and subject to the conditions prescribed in such proclamation the Minister may authorize the establishment and carrying on of one or more shops at which there may be sold directly by the State to Asiatics and coloured persons or to either of those classes as he may in the proclamation specify in reasonable quantities for consumption on the premises—

- (a) wine as that term is defined in section six of the Wine, Spirits and Vinegar Act, 1913, which is solely the product of the Union; or
- (b) beer containing not more than five per cent. by volume of alcohol which is solely the product of the Union; or
- (c) both such wine and such beer.

(2) The Minister may, in respect of the supply of any such liquor at any such shop, make such appointments, issue such rules, and take all such other steps as he may deem necessary for the purpose of controlling and regulating, consistently with the provisions of this section—

- (a) the quantity and quality of liquor kept;
- (b) the quantity and kind of liquor supplied, and the conditions of supply;
- (c) the preservation of order;
- (d) the keeping of records and accounts; and
- (e) such other matters as he may deem necessary for the better carrying out of the purposes of this section.

CHAPTER XIII.

METHYLATED SPIRIT.

144. (1) No person shall supply methylated spirit to any native, and no native shall obtain in any manner whatever, or be in possession of, any methylated spirit.

(2) No person shall sell, or have in his possession for the purposes of sale, any methylated spirit unless he is the holder of a licence to deal in such spirit issued, or renewed annually, by the Commissioner of Customs and Excise or any person authorized by him. On the issue of any such licence and on every renewal thereof there shall be paid the sum of twenty shillings to be denoted by revenue stamps affixed to the licence and duly cancelled.

(3) The Governor-General may make regulations not inconsistent with any provision of sub-section (1) or (2) for or in respect of all or any of the following matters:

- (a) The regulation and restriction of the importation, exportation, transshipment, conveyance, transmission, keeping, sale, supply or use of methylated spirit;
- (b) the classes of persons to whom licences for the sale of methylated spirit may be issued;
- (c) the keeping of registers and other records in respect of all dealings in methylated spirit, the form and manner of keeping of such registers or records and the particulars to be entered therein;
- (d) the denaturation, colouring, odorization and rendering impotable of methylated spirit sold or kept for sale, and the manner and method in which this shall be done;
- (e) the restriction of the quantities of methylated spirit which may be sold and the receptacles in which it shall be sold;

in redelike hoeveelhede verkoop mag word vir gebruik in die gebou met die verstande dat niemand en so in proklamasie genoem mag word nie tensy en totdat tenders gevra en oorweeg is soos bepaal in sub-artikel (3) van artikel honderd-negen-en-dertig.

(2) Bedoelde Minister mag met betrekking tot die verstrekking van kafferbier in so 'n kafferbier-lokaal alle bevoegdhede uitoefen wat die Minister van Naturellesake kragtens sub-artikel (5) van artikel honderd-negen-en-dertig mag uitoefen.

(C) *Wyn- en Bierwinkels vir Asiatische en Kleurlinge.*

143. (1) Die Goewerneur-generaal mag by proklamasie in die *Staatskoerant* verklaar dat die Minister vanaf die dag en met inagneming van die voorwaardes in daardie proklamasie vasgestel, die stigting en bedryf van een of meer winkels mag veroorloof waarin direk deur die Staat aan Asiatische en kleurlinge of aan een van beide klasse, so s hy in die proklamasie mog bepaal, in redelike hoeveelhede vir gebruik in die gebou verkoop mag word—

- (a) wyn, soos daardie uitdrukking omskrywe is in artikel ses van die Wijn, Spiritualien en Azijn Wet, 1913, wat uitsluitend in die Unie voortgebring is; of
- (b) bier wat nie meer alkohol bevat as vyf-persent van sy volume en wat uitsluitend in die Unie voortgebring is; of
- (c) beide sulke wyn en sulke bier.

(2) Die Minister mag met betrekking tot die verstrekking van sulke drank in so 'n winkel sodanige aanstellings maak, sodanige reëls vasstel en alle sodanige ander maatreëls neem as wat hy nodig ag, vir die beheer en reëling, in ooreenstemming met die bepalinge van hierdie artikel, van—

- (a) die hoeveelheid en hoedanigheid van die drank in voorraad;
- (b) die hoeveelheid en soort drank wat verstrekk word en die voorwaardes van verstrekking;
- (c) die handhawing van orde;
- (d) die boekhouding; en
- (e) sodanige ander aangeleenthede as wat hy nodig ag om die doeleindes van hierdie artikel beter te verwesenlik.

HOOFSTUK XIII.

BRANDSPIERITUS.

144. (1) Niemand mag brandspieritus aan 'n naturel verstrekk en geen naturel mag op watter manier ook brandspieritus verkry of in besit daarvan wees.

(2) Niemand mag enige brandspieritus verkoop of besit om te verkoop, tensy hy in besit is van 'n lisensie om in brandspieritus handel te dryf, uitgereik of jaarliks vernuwe deur die Kommissaris van Doeane en Aksyns of sy gemagtigde. By die uitreiking van so 'n lisensie en by elke vernuwing daarvan moet die som van twintig sjelings betaal word in belastingseëls, wat aan die lisensie geheg en gerojear moet word.

(3) Die Goewerneur-generaal mag regulasies vasstel (wat nie in stryd met 'n bepaling van sub-artikel (1) of (2) mag wees nie) vir of in verband met al of enige van die volgende sake—

- (a) die reëling en beperking van die invoer, uitvoer, oorslaai, vervoer, versending, aanhou, verkoop, verstrekking of gebruik van brandspieritus;
- (b) die klasse van persone aan wie lisensies vir die verkoop van brandspieritus uitgereik mag word;
- (c) die hou van registers en ander aantekenings van alle handel in brandspieritus, die vorm waarin en manier waarop die registers of aantekenings gehou moet word en die besonderhede wat daarin aangeteken moet word;
- (d) die denaturering, reukverlening aan en kleuring en ondrinkbaarmaking van brandspieritus wat verkoop of vir verkoop aangehou word, en die manier waarop dit gedoen moet word;
- (e) die beperking van die hoeveelhede brandspieritus wat verkoop mag word en die houer waarin dit verkoop moet word;

Stigting van wyn- en bierwinkels vir Asiatische en kleurlinge.

Beperkingen reëling van invoer, aanhou en verkoop van brandspieritus.

Establishment of wine and beer shop for Asiatics and coloured persons.

Restriction and regulation of importation, keeping and sale of methylated spirit.

- (f) the prohibition or restriction of the purchase or possession of methylated spirit, including the granting of permits for any such purchase or possession; and
(g) the penalties which may be imposed for contravention of such regulations.

Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect only of a particular case of persons or a particular area.

(4) Nothing in this section contained shall be construed as repealing or modifying any other provision of this Act, but notwithstanding anything in any law contained no person licensed under this section to deal in methylated spirit or required under this section to keep any register or record shall be liable under this Act or any other law to take out any licence for the sale of methylated spirit other than that referred to in sub-section (1) or to keep any register or record of sales of or dealings in, methylated spirit other than that referred to in paragraph (d) of sub-section (2).

(5) The Governor-General may, by proclamation in the *Gazette*, declare to be methylated spirit for the purposes of this Act any denatured, medicated, perfumed or otherwise treated spirit not described in paragraph (a) of the definition of methylated spirit contained in section one hundred and eighty-eight.

CHAPTER XIV.

INTOXICATING MEDICINES.

145. (1) The Governor-General may from time to time by proclamation in the *Gazette* declare that any patent, proprietary or Dutch medicine named or described in such proclamation shall, from and after a date to be therein specified, be deemed to be an intoxicating medicine.

(2) Every person selling intoxicating medicine shall keep in the English or Dutch language a stock book clearly showing at all times the addition to, takings from, and present condition of his stock of such medicines, and a sales register showing in respect of every sale by him of such medicine—

- (a) the date of sale;
(b) the name and address of the purchaser; and
(c) the quantity, description and price of the intoxicating medicine sold.

Entry shall be made in the sales register immediately upon the completion of the setting apart or appropriation of liquor in respect of any sale. Such stock books and sales register shall at all reasonable times be open to the inspection of any member of the police.

(3) The Governor-General may make regulations for or in respect of all or any of the following matters—

- (a) the prohibition or restriction of the keeping, sale, supply or use of any intoxicating medicine; and
(b) prohibition or restriction of the purchase or possession of any intoxicating medicine including the granting of permits for any such purchase or possession.

Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect only of a particular class of persons or a particular area.

CHAPTER XV.

REMOVAL AND DELIVERY OF LIQUOR.

146. (1) No person shall convey or cause to be conveyed from any premises in any urban area to any other premises or to any place whatsoever liquor in quantities exceeding two gallons if in cask or twelve quarts or twenty-four pints if in bottle, jar or similar vessel unless he is in possession of a permit issued by a member of the police holding such rank as may be designated by the Commissioner of Police as conferring authority to issue permits in that town, village or municipality. The member of police so authorized may, in his discretion, withhold from any person the issue of such a permit, subject to appeal to the Commissioner of Police whose decision shall be final.

- (f) die verbod of beperking van koop of besit van brandspieritus, en dit omvat die verlening van permitte vir daardie koop of besit; en
(g) die strawwe wat weens oortreding van sodanige regulasies opgelê mag word.

Enige verbod of beperking wat so 'n regulasie bevat, mag algemeen of net op 'n bepaalde klas van persone of op 'n bepaalde gebied toepaslik gemaak word.

(4) Die bepaling van hierdie artikel herroep of wysig nie enige ander bepaling van hierdie Wet, maar nieteenstaande die bepaling van enige wet, is niemand, wat kragtens hierdie artikel gelisensieer is om in brandspieritus handel te dryf, of wat kragtens hierdie artikel verplig is om 'n register of aantekening te hou, ingevolge hierdie of enige ander wet verplig om 'n lisensie vir die verkoop van brandspieritus behalwe die bedoel in sub-artikel (1) uit te neem of om 'n register of aantekening van die verkoop of handel in brandspieritus te hou behalwe die bedoel in paragraaf (d) van sub-artikel (2).

(5) Die Goewerneur-generaal mag by proklamasie in die *Staatskoerant* enige gedenatureerde, met medisyne gemengde, geparfumeerde of andersins bewerkte spieritus wat nie vermeld is nie in paragraaf (a) van die omskrywing van brandspieritus in artikel honderd-ag-en-tagtig, vir die doeleindes van hierdie wet tot brandspieritus verklaar.

HOOFSTUK XIV.

BEDWELMENDE MEDISYNE.

145. (1) Die Goewerneur-generaal mag van tyd to tyd by proklamasie in die *Staatskoerant* verklaar dat enige in die proklamasie genoemde of omskrewe patente, private of Hollandse medisyne vanaf 'n in die proklamasie vasgestelde dag as bedwelvende medisyne beskou sal word.

(2) Elkeen wat bedwelvende medisyne verkoop moet in die Engelse of Hollandse taal aanhou 'n voorraadboek wat te eniger tyd duidelik aantoon die teenswoordige stand van sy voorraad van sodanige medisyne en wat daaraan toegevoeg of daaruit ontnem is en 'n verkoopsregister wat met betrekking tot elke verkoop van sodanige medisyne deur hom aantoon—

- (a) die verkoopsdag;
(b) die naam en adres van die koper; en
(c) die hoeveelheid, soort en prys van die bedwelvende medisyne wat verkoop is.

In die verkoopsregister moet aantekening gemaak word sodra bedwelvende medisyne in verband met 'n verkoop opsygesit of toegewys is. Bedoelde voorraadboek en verkoopsregister moet op alle redelike tye aan 'n lid van die poliesiemag ter insage beskikbaar wees.

(3) Die Goewerneur-generaal mag regulasies uitvaardig met betrekking tot al of enigeen van die volgende aangeleenthede—

- (a) verbod of beperking van aanhou, verkoop, verstrekking of gebruik van bedwelvende medisyne; en
(b) verbod of beperking van koop of besit van bedwelvende medisyne en ook die verlening van permitte vir sodanige koop of besit.

So 'n verbod of beperking in so 'n regulasie vasgestel mag algemeen of slegs op 'n bepaalde klas van persone of 'n bepaalde gebied toepaslik gemaak word.

HOOFSTUK XV.

VERVOER EN AFLEWERING VAN DRANK.

146. (1) Niemand mag drank in hoeveelhede van meer dan twee gallon, indien per vat, of twaalf kwarte of vier-en-twintig pinte, indien per bottel, kruik of soortgelyke houer, van enige perseel in 'n stadsgebied na 'n ander perseel of na welke plek ook vervoer of laat vervoer, tensy hy in besit is van 'n permit, uitgereik deur 'n lid van die poliesiemag met so 'n rang as wat die Kommissaris van Polisie vir die uitreiking van permitte in daardie stad, dorp of munisipaliteit mag bevoeg verklaar. Die aldus bevoegverklarde lid van die polisie mag die mag volgens diskresie weier om aan iemand so 'n permit uit te reik, behoudens 'n reg van appèl na die Kommissaris van Polisie, wie se beslissing finaal is.

Beperking van aanhou, verkoop of besit van bedwelvende medisyne.

Drankvervoer-permitte.

Restriction of keeping, selling or possession of intoxicating medicines.

Permit for conveyance of liquor.

(2) Every such permit shall state the description, quantity and quality of the liquor which the holder is authorized to convey or cause to be conveyed under it, the premises from which it is to be conveyed, and the name and address of the person in custody of the liquor and of the person to whom it is to be delivered, and shall further state whether such liquor was manufactured or distilled in the Union or imported from outside the Union.

(3) It shall be a condition of every such permit—

- (a) that it shall accompany the person conveying the liquor or in charge of any vehicle in which it is being conveyed; and
- (b) that it shall be produced on demand for the inspection of any member of the police;
- (c) that the holder of the permit and any person placed by him in charge of vehicles shall, on demand, give every facility to any member of a police to inspect any vehicle belonging to such holder whether or not liquor is being conveyed therein; and
- (d) that the receptacles in which the liquor conveyed is contained shall be securely corked or stoppered.

(4) No permit shall be issued under this section for the conveyance of any liquor which is subject to excise duty under any law in force in any part of the Union unless the applicant satisfies the issuer that the excise duty payable under such law has been paid or secured.

(5) Nothing in this section contained shall apply to any liquor conveyed from the licensed premises of the holder of a wholesale liquor licence or of a brewer's licence to the licensed premises of any other licensee.

Declaration of and conveyance of liquor to or within removal restriction area.

147. (1) The Minister may, by notice in the *Gazette*, declare that—

- (a) any area proclaimed as a digging under any law relating to precious stones or minerals together with any defined area in the immediate vicinity of such digging;
- (b) any area defined in such notice in which railway, harbour, irrigation or other public works are being constructed; or
- (c) any area defined in such notice where schemes of agricultural, irrigation or reserved settlement or of afforestation are being carried out,

shall, as from a date to be specified in the notice, be an area within and in respect of which the provisions of this section relating to the conveyance and delivery of intoxicating liquor shall apply, and from a date specified in such notice the provisions of this section shall so apply to any such area:

Provided that no such area shall be so declared if it is within the limits of jurisdiction of a municipal, borough, town or village council, town board, local board or village management board or village management committee:

Provided further that the town lands under the jurisdiction of any such local authority shall, for the purposes of this section not be regarded as within such limits.

(2) An area so declared is in this Act referred to as a removal restriction area.

(3) The Minister may, by like notice, declare that any removal restriction area shall as from a date to be specified in the notice cease to be subject to the provisions of this section, and as from the date so specified, the provisions of this section shall no longer apply within or in respect of such area.

(4) No person shall convey or cause to be conveyed from any premises, whether within or outside a removal restriction area, for delivery to any person or at any place or premises within any such area any intoxicating liquor in quantity exceeding one quart (whether in bottles or in any other kind of receptacle whatever), unless he is in possession of a permit issued under sub-section (5) of this section.

(2) Elke sodanige permit moet vermeld die soort, hoeveelheid en hoedanigheid van drank wat die permithouer kragtens die permit mag vervoer of laat vervoer, die perseel van waar dit vervoer sal word, die naam en adres van die persoon wat die drank vervoer en van die persoon aan wie dit afgelewer moet word, en dit moet verder vermeld of die drank in die Unie vervaardig of gestook of van buite die Unie ingevoer is.

(3) Elke sodanige permit is onderhewig aan die voorwaarde—

- (a) dat dit die persoon wat die drank vervoer, of wat die beheer het oor die voertuig waarin dit vervoer word, moet vergesel; en
- (b) dat dit op verlanse ter insage vertoon moet word aan enige lid van die polisie mag;
- (c) dat die permithouer en iemand aan wie hy die beheer oor voertuie toevertrou het, op verlanse enige lid van die poliesiemag in geleentheid moet stel om enige voertuig te besigtig wat aan die permithouer behoort, hetsy al dan nie drank daarin vervoer word; en
- (d) dat die houters wat die drank bevat dig toegekork of geprop moet wees.

(4) Geen permit word kragtens hierdie artikel uitgereik vir die vervoer van drank, waarop ingevolge 'n wetsbepaling, in enige deel van die Unie van krag, aksynsbelasting verskuldig is, tensy die aanvrager die uitreiker oortuig dat die aksynsbelasting, ingevolge daardie wetsbepaling verskuldig, betaal of verseker is.

(5) Die bepalings van hierdie artikel is nie van toepassing op enige drank wat vervoer word van die gelisensieerde gebou van die houer van 'n groothandelaars-dranklisensie of van 'n bierbrouers-lisensie, na die gelisensieerde gebou van enige ander lisensiehouer.

147. (1) Die Minister mag by kennisgewing in die *Staatskoerant* verklaar dat—

- (a) enige streek wat kragtens 'n wet op edelgesteentes of minerale as 'n delwery geproklameer is, met 'n omskrewe streek in die onmiddellike nabyheid van daardie delwery;
- (b) enige in daardie kennisgewing omskrewe streek waarin spoorweg-, hawe-, besproeiings- of ander publieke werke uitgevoer word; of
- (c) enige in daardie kennisgewing omskrewe streek waar ondernemings van landbou of gereserveerde nedersettings of bosbou uitgevoer word,

vanaf 'n dag wat die kennisgewing vasstel, 'n streek is waarin en ten opsigte waarvan die bepalings van hierdie artikel aangaande die vervoer en aflewering van sterke drank van toepassing sal wees, en vanaf 'n dag wat die kennisgewing vasstel is die bepalings van hierdie artikel op so 'n streek van toepassing:

Met die verstande dat so 'n streek nie aldus verklaar mag word nie, as dit binne die gebied lê van 'n munisipale, stads- of dorps-raad, lokale raad, dorpsbestuursraad of dorpsbestuurskomitee:

Met die verstande verder, dat die dorpsveld onder beheer van so 'n plaaslike bestuur vir die doeleindes van hierdie artikel nie geag word binne daardie gebied te val nie.

(2) 'n Aldus verklaarde streek word in hierdie Wet 'n streek van beperkte vervoer genoem.

(3) Die Minister mag deur 'n dergelike kennisgewing verklaar dat 'n streek van beperkte vervoer vanaf 'n dag wat die kennisgewing vasstel, sal ophou om onder die bepalings van hierdie artikel te val, en vanaf die aldus vasgestelde dag is die bepalings van hierdie artikel nie meer binne of ten opsigte van daardie streek van toepassing nie.

(4) Niemand mag van enige perseel, hetsy binne of buite 'n streek van beperkte vervoer, 'n groter hoeveelheid van enige sterke drank dan een kwart (hetsy in bottels of in enige ander soort van houer van watter aard ook) vervoer of laat vervoer om afgelewer te word aan iemand of op enige plek of perseel binne so 'n streek, tensy hy in besit is van 'n permit uitgereik ingevolge sub-artikel (5) van hierdie artikel.

Verklaring van, en voornaam of streek van beperkte vervoer.

(5) A commissioned officer of police or a member of the police not below the rank of sergeant, upon application to him by any person who he is satisfied resides within or is visiting or about to visit such area, or who is the holder of a licence to sell liquor by retail within or outside such area, may issue a permit authorizing intoxicating liquor of a kind and in a quantity to be specified in the permit to be conveyed for delivery to any person or at any place or premises within such area.

Such permit may authorize such conveyance and delivery of liquor on one occasion, or on more than one occasion at intervals to be specified in the permit, or during such period not exceeding three months as may be likewise specified, and in one or more vehicles.

(6) The application for such a permit may, without reason assigned, be refused.

(7) It shall be a condition of every such permit—

- (a) that it shall accompany the person conveying the liquor or in charge of any vehicle in which it is being conveyed; and
- (b) that it shall be produced on demand for the inspection of any member of the police force;
- (c) that the holder of the permit and any person placed by him in charge of vehicles shall, on demand, give every facility to any member of a police force to inspect any vehicle belonging to such holder whether or not liquor is being conveyed therein; and
- (d) that the receptacles in which the liquor conveyed is contained shall be securely corked or stoppered.

(8) Any permit issued under this section may, without reason assigned, be cancelled at any time by any commissioned officer of police or a member of the police not below the rank of sergeant, whether or not he was the issuer thereof. Written notice of the cancellation shall be served upon the holder of the permit, and as from the time of service of such notice the authority thereby given shall cease.

(9) Any applicant aggrieved by the refusal to issue, and any holder aggrieved by the cancellation of, a permit under this section may appeal to the deputy commissioner of police under whom the police officer or member of the police who refused or cancelled the permit is serving, and thereupon such deputy commissioner shall inquire into the matter and may confirm or reverse such officer's action. Until it is reversed the refusal or cancellation shall not be affected by the appeal. The deputy commissioner's decision in the matter shall be final.

(10) No permit shall be issued under this section for the conveyance of any liquor which is subject to excise duty under any law in force in any part of the Union unless the applicant satisfies the issuer that the excise duty payable under such law has been paid or secured.

148. Save in circumstances in which the possession and use of liquor for medicinal or sacramental purposes is rendered lawful by sections *ninety-nine*, *one hundred* and *one hundred and one* and the possession and use of kaffir beer is rendered lawful by any provision of part (B) of Chapter XII no person shall introduce any intoxicating liquor into a location, native village, or native hostel established or existing under the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923) or into any area which in terms of any law is now or hereafter a scheduled or declared native area, or into any private location, farm or other area communally occupied by natives, and no person, save as aforesaid, shall be in possession of any intoxicating liquor or kaffir beer within any such location, native village, native hostel, native area, private location, farm or other area.

(5) 'n Poliesieoffisier of lid van die poliesiemag wat 'n rang nie laer as die van sersjant beklee mag, op 'n versoek aan hom gerig deur iemand wat hom oortuig dat die versoeker in so 'n streek woon of vertoef of op die punt staan om daarheen te gaan, of wat 'n lisensie hou om binne of buite daardie streek, drank by die kleinmaat te verkoop, 'n permit uitreik waarin magtiging verleen word om sterke drank van die soort en hoeveelheid wat in die permit genoem word, te vervoer om afgelewer te word aan iemand of op enige plek of perseel binne so 'n streek.

So 'n permit mag magtiging verleen om eenkeer of meer dan eenkeer, met tussenpose wat die permit vasstel, of gedurende 'n tydperk van hoogstens drie maande wat eweneens vasgestel is, en in een of meer voertuie drank te vervoer en af te lewer.

(6) Die versoek om so 'n permit mag sonder om 'n rede aan te gee geweier word.

(7) Elke sodanige permit is onderhewig aan die voorwaarde—

- (a) dat dit die persoon wat die drank vervoer of wat die beheer het oor die voertuig waarin dit vervoer word, moet vergesel; en
- (b) dat dit op verlangeter insage vertoon moet word aan enige lid van die poliesiemag; en
- (c) dat die permithouer en iemand aan wie hy die beheer oor voertuie toevertrou het, op verlangeter enige lid van die poliesiemag in die geleentheid moet stel om enige voertuig te besigtig wat aan die permithouer behoort, hetsy al dan nie drank daarin vervoer word; en
- (d) dat die houers waarin die drank vervoer word, dig toegekurk of geprop moet wees.

(8) Enige ingevolge hierdie artikel uitgereikte permit mag sonder om 'n rede aan te gee, te eniger tyd ingetrek word deur 'n poliesieoffisier of 'n lid van die poliesiemag wat 'n rang nie laer as die van sersjant beklee, hetsy hy dit al dan nie uitgereik het. Van die intrekking moet aan die permithouer skriftelik kennis gegee word, en vanaf die kennisgewing verval die magtiging wat die permit verleen het.

(9) 'n Versoeker wat beswaar het teen die weiering om 'n permit ingevolge hierdie artikel uit te reik en 'n permithouer wat beswaar het teen die intrekking van so 'n permit, mag appelleer na die onderkommissaris van polisie onder wie die poliesieoffisier of lid van die poliesiemag staan wat die permit geweier of ingetrek het, en die onderkommissaris moet daarop die saak ondersoek en mag die polisiebeampte se handeling bekragtig of in teenoorgestelde sin beskik. Die appèl het geen invloed op die weiering of intrekking totdat in teenoorgestelde sin beskik word. Die onderkommissaris se beslissing aan die saak is finaal.

(10) Geen permit word kragtens hierdie artikel uitgereik vir die vervoer van drank waarop ingevolge 'n wetsbepaling in enige deel van die Unie van krag, aksynsbelasting verskuldig is, tensy die versoeker die uitreiker oortuig dat die aksynsbelasting, ingevolge daardie wetsbepaling verskuldig, betaal of verseker is.

148. Behalwe onder die omstandighede waarin artikels *negen-en-negentig*, *honderd* en *honderd-en-een* die besit en gebruik van drank as medisyne of as 'n sakrament wettig, en 'n bepaling van Deel B van Hoofstuk XII die besit en gebruik van kafferbiere wettig, mag niemand sterke drank invoer in 'n lokasie, natuureldorp of natuurelletehuis wat ingevolge die Naturellen (Stadsgebieden) Wet, 1923, gestig is of bestaan, of in 'n gebied wat kragtens enige wet nou of hierna as natuurellegebied gerangskik of tot natuurellegebied verklaar is, of in 'n private lokasie, plaas of ander stuk grond in gemeenskaplike besit van natuurelle, en met voormelde uitsonderings mag niemand in so 'n lokasie, natuureldorp, natuurelletehuis, natuurellegebied, private lokasie plaas of ander stuk grond enige sterke drank of kafferbiere besit.

Introduction and possession of liquor in native areas.

Invoering en besit van drank in natuurellegebied.

Conditions
as to distri-
bution of
liquor.

149. (1) No person shall, either by himself or by any servant or agent—

- (a) supply, distribute or deliver, or induce any person to supply, distribute, or deliver any intoxicating liquor from any van, barrow, basket or other vehicle or receptacle, unless before the liquor has been despatched it has been ordered and the quantity, description and price thereof, together with the name and address of the person to whom it is to be supplied, has been entered in a delivery book or invoice which shall be carried by the person delivering the liquor, and in a day book which shall be kept on the premises from which the liquor is despatched; or
- (b) carry or convey in any van, barrow, basket, or other vehicle or receptacle, while in use for the distribution or delivery of intoxicating liquor, any such liquor not entered in such delivery book or invoice and day book; or
- (c) distribute or deliver any intoxicating liquor at any address not specified in such delivery book or invoice and day book; or
- (d) refuse to allow any member of the police to examine such van, barrow, basket or other vehicle or receptacle, or such delivery book or invoice.

(2) Nothing in this section shall be deemed to prohibit or restrict the supply, distribution, or delivery of intoxicating liquor in the ordinary course of business to a licensee.

CHAPTER XVI.

POWERS AND DUTIES OF POLICE.

Report to
licensing
board upon
application.

150. (1) In respect of every application made to a licensing board for the grant or renewal of a licence or for the grant of an authority under section *thirty-two* it shall be the duty of the senior officer in police charge of the district at least fourteen days before the date of the meeting at which the application is to be considered to report to the magistrate for the information of the board whether—

- (a) the premises in respect of which an application for the grant or renewal of a licence is made are in good repair and have reasonable and proper accommodation and are in all respects adequately equipped for the proper carrying on of the business proposed;
- (b) the premises in respect of which an application is made for an authority under section *thirty-two* would upon completion in accordance with the plans be suitable in all respects for a hotel;
- (c) the applicant is of good character, and is not disqualified under any provision of section *sixty-five*;
- (d) in the case of a business previously licensed has been carried on in a proper and orderly manner and any records required to be kept have been duly and properly kept and the provisions of this Act in respect of employment on licensed premises have been complied with;
- (e) the licence for which application is made is, in the opinion of the officer, reasonably required to meet the convenience of the public,

and generally to call the attention of the licensing board to any matter which, in the opinion of such officer, is one proper to be taken into account in the consideration of the application.

(2) In respect of every application made under this Act for the temporary transfer or for the removal of a licence it shall be the duty of the senior officer in police charge of the district, to furnish him with a report in which attention shall be called to all matters which, in the opinion of such officer, are proper to be taken into account in the consideration of the application.

149. (1) Niemand mag hetsy self of deur 'n bediende of Voor- waardes van drank- aflewering. gemagtigde—

- (a) enige sterke drank uit 'n wa, kruitwa, of ander voertuig of uit 'n mandjie of ander houer verstrek, uitgee of aflewer, of iemand anders beweeg om dit te doen, tensy, voor die versending van die drank, dit bestel geword is, en die hoeveelheid, soort en prys daarvan, met die naam en adres van die persoon aan wie dit gelewer moet word, ingeskrywe is in 'n afleweringsboek of faktuur wat die persoon, wat die drank aflewer, moet saamdra, en in 'n dagboek wat gehou moet word in die gebou waaruit die drank verstuur word; of
- (b) terwyl 'n wa, kruitwa of ander voertuig of 'n mandjie of ander houer gebruik word om sterke drank uit te gee of af te lewer, enige sodanige drank daarin vervoer wat nie ingeskrywe is in daardie afleweringsboek of faktuur en dagboek; of
- (c) enige sterke drank uitgee of aflewer aan 'n adres wat nie vermeld staan in daardie afleweringsboek of faktuur en dagboek; of
- (d) aan 'n lid van die poliesiemag die besigtiging van so 'n wa, kruitwa of ander voertuig of mandjie of ander houer of so 'n afleweringsboek of faktuur ontse.

(2) Hierdie artikel belet of beperk nie die verstrekking, uitgifte of aflewering van sterke drank as 'n gewone besigheids-transaksie aan 'n lisensiehouer.

HOOFSTUK XVI.

BEVOEGDHEDE EN PLIGTE VAN POLIESIE.

150. Met betrekking tot elke aanvraag by 'n lisensieraad om die verlening of vernuwing van 'n lisensie of die verlening van 'n bevoegdheid kragtens artikel *twee-en-dertig*, is die senior beampde onder wie se poliesietoetsing die distrik staan verplig om minstens veertien dae voor die dag van die vergadering waarop die aanvraag in oorweging geneem sal word, aan die magistraat, tot inligting van die raad, te berig of—

- (a) die gebou in verband waarmee die verlening of vernuwing van 'n lisensie aangevra word, goed onderhou is, redelike en geskikte ruimte bevat, en in elke opsig voldoende ingerig is vir 'n behoorlike uitoefening van die voorgestelde besigheid;
- (b) die gebou in verband waarmee 'n magtiging kragtens artikel *twee-en-dertig* aangevra word, na sy voltooiing volgens die planne in elke opsig geskik sou wees vir 'n hotel;
- (c) die aanvrager van goeie gedrag en wandel is en nie kragtens 'n bepaling van artikel *vyf-en-sestig* onbevoeg is nie;
- (d) by 'n besigheid wat voorheen gelisensieer was, dit op 'n behoorlike en ordelike manier gedryf is en aantekeninge wat gehou moet word, behoorlik gehou is en voldoen is aan die bepalings van hierdie Wet met betrekking tot diensverrigting in 'n gelisensieerde gebou; en of
- (e) die lisensie wat aangevra word, volgens oordeel van die beampde, redelikerwys nodig is vir die gerief van die publiek;

en oor die algemeen om die lisensieraad se aandag te vestig op enige saak wat volgens oordeel van die beampde by die oorweging van die aanvraag behoort in aanmerking geneem te word.

(2) Met betrekking tot elke aanvraag ingevolge hierdie Wet, om die tydelike oordrag of verplasing van 'n lisensie, is die senior beampde onder wie se poliesietoetsing die distrik staan verplig om 'n verslag voor te lê, waarin die aandag gevestig word op alle sake wat volgens oordeel van die beampde by die oorweging van die aanvraag behoort in aanmerking geneem te word.

Berig aan
lisensieraad
omtrent 'n
aanvraag.

Report by police of failure of licensee to carry out condition.

151. (1) It shall be the duty of the senior officer in police charge of a district to ascertain and report to the magistrate whether any condition imposed by the licensing board upon any licensee in respect of any structural alteration or arrangement of, or addition to, the premises in respect of which any licence has been granted or renewed or of the accommodation to be afforded in such premises to the public, or as to any other matter whatsoever has, within any period which may have been stipulated by the board, been complied with.

(2) If it appears to the magistrate receiving any such report that any condition referred to in sub-section (1) has not fully been complied with, he may, if he think fit, convene an interim meeting of the licensing board in terms of section *twenty-one* for the consideration of the matter, and if he does so he shall give the notices therein prescribed.

Application by police for cancellation of licence.

152. (1) Whenever a licensee has been convicted of any offence, whether under this Act or any other law, and the senior officer in police charge of the district considers—

(a) that by reason of such offence such licensee should no longer in the public interests continue to hold his licence; and

(b) that undue delay would be occasioned by postponing until the next annual meeting of the licensing board the question of the retention by such licensee of his licence,

he shall report the circumstances of the offence and conviction to the magistrate of the district and request that an interim meeting of the licensing board may be convened for the purpose of considering the cancellation of the licence.

(2) If a magistrate receiving any such request deems it proper that it should be complied with, he shall convene an interim meeting of the licensing board in terms of section *twenty-one* of this Act for the consideration of the matter, and shall give the notices therein prescribed.

Right of police to enter premises and seize liquor.

153. (1) Any member of the police of or above the rank of sergeant and any member of the police below that rank having a special written authority from a magistrate, a justice of the peace or a member of the police of or above the rank of sergeant may—

(a) during the hours when any premises licensed under this Act are open for the sale of liquor enter and inspect every room or any other part of such premises;

(b) enter at all times any premises or room or other portion thereof, whether licensed under this Act or not, or any wagon, cart or other vehicle in which there is reasonable ground to suppose that any contravention of a provision of this Act is taking place or in which it is reasonable to suspect that any liquor or thing is kept in contravention of any provision of this Act; and

(c) enter any premises upon which liquor is being sold or supplied and demand the production of the licence authorizing such sale or supply.

(2) Any such member of the police shall seize and remove anything, the keeping and possession of which upon the premises entered is supposed by him to be unlawful or in respect of which he supposes an offence to have been committed.

Search of premises of dealer in methylated spirit.

154. Any customs or excise officer specially authorized by the Commissioner of Customs and Excise or any officer of the police of or above the rank of sergeant, may at any time enter and search the premises of any person licensed to deal in methylated spirit and inspect his stock of methylated spirit, and his registers or records kept under section *one hundred and forty-four*, and may enter and search the premises of any person who is suspected of dealing in methylated spirit without a licence or of unlawfully importing methylated spirit. Any

151. (1) Die senior beampte onder wie se poliesietoedig 'n distrik staan is verplig om uit te vind en aan die magistraat te berig of aan 'n voorwaarde, deur die lisensieraad aan 'n lisensiehouer gestel met betrekking tot die ombou of inrigting of aanbou van 'n gebou in verband waarmee 'n lisensie verleen of vernuwe is, of tot die ruimte wat in die gebou vir die publiek beskikbaar moet wees, of met betrekking tot watter ander saak ook, voldoen is binne enige termyn wat die raad mag bepaal het.

(2) As aan die magistraat wat so 'n berig ontvang, blyk dat aan 'n voorwaarde vermeld in sub-artikel (1) nie ten volle voldoen is nie, mag hy, as hy dit wenslik ag kragtens artikel *een-en-twintig* 'n tussentydse vergadering van die lisensieraad belê om die saak te oorweeg, en as hy dit doen, moet hy die daarin voorgeskrewe kennisgewings uitstuur.

152. (1) Wanneer 'n lisensiehouer veroordeel is weens enige misdryf, hetsy ingevolge hierdie of enige ander wet, en die senior beampte onder wie se polisie-toedig die distrik staan is van mening—

(a) dat die lisensiehouer weens daardie misdryf, in die publieke belang sy lisensie nie langer behoort te behou nie; en

(b) dat 'n uitstel van die kwessie of die lisensiehouer sy lisensie behoort te behou, tot die volgende jaarlikse vergadering van die lisensieraad, 'n te grote verdragting sou veroorsaak,

dan moet hy die omstandighede van die misdryf en veroordeling aan die magistraat van die distrik meedeel en versoek om die belegging van 'n tussentydse vergadering van die raad om die intrekking van die lisensie te oorweeg.

(2) As die magistraat wat so 'n versoek ontvang, dit voegsaam ag om daaraan te voldoen, moet hy kragtens artikel *een-en-twintig* van hierdie Wet 'n tussentydse vergadering van die lisensieraad belê om die saak te oorweeg, en moet hy die daarin voorgeskrewe kennisgewings uitstuur.

153. (1) Enige lid van die poliesiemag wat die rang van sersjant of 'n hoëre rang bekleed, en enige lid van die poliesiemag benede daardie rang wat spesiaal deur 'n magistraat, vrede-regter of 'n lid van die poliesiemag wat die rang van sersjant of 'n hoëre rang bekleed, skriftelik gemagtig is, mag—

(a) gedurende die ure wanneer 'n gebou, ingevolge hierdie Wet gelisensieer, vir die verkoop van drank ope is, elke kamer of ander deel van daardie gebou betree en besigtig;

(b) te eniger tyd ingaan in enige gebou of kamer of ander deel daarvan, hetsy al dan nie ingevolge hierdie Wet gelisensieer, of in enige wa, kar of ander voertuig, ten opsigte waarvan om gegronde redes vermoed word, dat 'n oortreding van 'n bepaling van hierdie Wet daarin plaasvind, of ten opsigte waarvan 'n redelike verdenking bestaan dat enige drank of iets anders in stryd met 'n bepaling van hierdie Wet daarin gehou word; en

(c) enige gebou waar drank verkoop of verstrekk word, betree en vertoning verlang van die lisensie wat die verkoop of verstrekking magtig.

(2) So 'n lid van die poliesiemag moet enigiets wat volgens sy vermoede nie wettig in die betrede gebou aangehou en bewaar mag word nie, of in verband waarmee hy vermoed dat 'n misdryf gepleeg is, in beslag neem en verwyder.

154. Enige doeane- of aksynsbeampte, wat spesiaal deur die Kommissaris van Doeane en Aksyns gemagtig is of enige polisiebeampte wat die rang van sersjant of 'n hoëre rang bekleed, mag te eniger tyd die perseel van iemand wat gelisensieer is om in brandspieritus handel te dryf, betree en deursoek en sy voorraad brandspieritus en sy registers of aantekeninge, gehou ingevolge artikel *honderd-vier-en-veertig*, besigtig, of die perseel van iemand wat verdink word sonder lisensie in brandspieritus handel te dryf of onwettig brandspieritus in te voer, betree en deursoek. So 'n beampte mag in 'n aldus

Poliesiebeampte omtrent lisensiehouer se versuim om aan voorwaarde te voldoen.

Poliesieversoek om intrekking van lisensie

Reg om gebou te betree en drank weg te vat.

Deursoeking van gebou van handelaar in brandspieritus.

such officer may upon premises so entered seize any methylated spirit kept in contravention of any provision of the said section or any regulation thereunder.

155. Any member of the police may demand the name and address of any person whom he finds on premises in which he seizes or from which he removes any liquor, methylated spirit or other thing under the provisions of section one hundred and fifty-three or one hundred and fifty-four. If such person fails on such demand to furnish his full name and address such member may forthwith arrest him; and if any such person on such demand furnishes to such member a name or address which such officer upon reasonable grounds suspects to be false, such person may be arrested and detained for a period not exceeding twelve hours until the name and address so furnished have been verified.

156. Any member of the police may at all times demand from any person who he has reason to believe is conveying intoxicating liquor or any other thing for the removal of which a permit is required the production of such permit and may stop and inspect any vehicle which he suspects is being used for such conveyance of any liquor or thing, or may stop and search any person whom he suspects to be conveying any liquor or thing unlawfully, and may enter any premises at any hour of the day or night for the purpose of searching for any liquor or other thing which he has reason to believe is unlawfully kept thereon.

157. Every member of the police authorized by any provision of this Act to issue or grant any permit or authority shall keep a register in which shall be entered particulars of all permits issued and all authorities granted, of the name and residence of every holder of such a permit or authority and of every cancellation thereof.

158. In the Borough of Durban the powers and authorities conferred and duties imposed upon the police by sections one hundred and fifty, one hundred and fifty-one and one hundred and fifty-two may be exercised and shall be performed by the Durban Borough police and all other powers and authorities conferred or duties imposed upon police by this Act may be exercised and shall be performed by such borough police.

CHAPTER XVII.

LEGAL PROCEEDINGS, OFFENCES AND PENALTIES.

(A) Evidence and Criminal Liability.

159. Evidence that any unlicensed person—
(a) had on or near his premises any signboard or notice importing that he was licensed; or
(b) was in occupation or apparent occupation of premises fitted with a bar or similar place containing bottles, casks or vessels so displayed as to induce a reasonable belief that liquor was sold or served therein; or
(c) had on his premises more liquor than was reasonably required for the persons residing thereon,
shall afford *prima facie* proof of the sale of liquor by such person.

160. Evidence that any person being a licensee, general dealer, importer, agent for a foreign firm, butcher, baker or dealer in aerated waters has supplied any liquor in connection with any sale or exchange or in connection with any dealing or transaction in the nature of a sale or exchange shall afford *prima facie* proof that such person has sold, supplied or dealt in such liquor.

161. At the trial of any charge under this Act alleging an unlawful sale of liquor a sale of liquor shall be presumed to have taken place if the Court hearing the case is satisfied that, notwithstanding the absence of proof that money passed, a transaction in the nature of a sale actually took place, or that consumption of liquor was about to take place.

betrede perseel enige brandspieritus in beslag neem, wat in stryd met die bepaling van daardie artikel of 'n regulasie ingevolge daarvan, aangehou word.

155. Enige lid van die polisie mag die naam en adres afvra van enige persoon wat hy teëkom op die perseel waarop of waarvan hy kragtens die bepalings van artikel honderd-drie-en-veertig of honderd-vier-en-veertig enige drank, brandspieritus of ander voorwerp in beslag neem of verwyder. As daardie persoon weier om daarop sy volledige naam en adres op te gee dan mag daardie lid hom onmiddellik arresteer, en as daardie persoon op daardie vraag 'n naam of adres opgee wat daardie lid om gegronde redes vermoed vals te wees, dan mag hy gearresteer en aangehou word gedurende 'n tydperk van hoogstens twaalf uur, totdat uitgevind is of die aldus opgegewe naam en adres juist is.

156. Enige lid van die poliesiemag mag te eniger tyd van iemand, wat, hy om gegronde redes verdink van vervoer van sterke drank, of iets anders vir die vervoer waarvan 'n permit nodig is, die vertoning van daardie permit verlang, en mag enige voertuig waarvan hy vermoed dat dit vir sodanige vervoer van drank of van iets anders gebruik word, aanhou en besigtig, of mag iemand wat hy van die onwettige vervoer van drank of iets anders verdink aanhou en ondersoek, en mag enige gebou te eniger tyd by dag of by nag betree om na drank of iets anders te soek wat volgens sy gegronde vermoede onwettig daarin aangehou word.

157. Elke lid van die poliesiemag, wat kragtens enige bepaling van hierdie Wet bevoeg is om 'n permit of magtiging uit te reik of te verleen, moet 'n register aanhou waarin aange-teken moet word besonderhede van alle permitte wat uitgereik en van elke magtiging wat verleen word, van die naam en woonplek van elke houer van so 'n permit of magtiging, en van elke intrekking daarvan.

158. In die stad Durban mag die bevoegdhede en gesag en moet die pligte deur artikels honderd-en-veertig, honderd-een-en-veertig, en honderd-twee-en-veertig aan die polisie verleen of opgedra, uitgeoefen of nagekom word deur die Durbanse stadspoliese, en alle ander deur hierdie Wet aan die polisie verleende bevoegdhede en gesag of opgedrage pligte mag uitgeoefen of moet nagekom word deur bedoelde stadspoliese.

HOOFSTUK XVII.

PROSEDURE, MISDRYWE EN STRAWWE.

A. Bewyslewering en Kriminele Aanspreeklikheid.

159. Die bewyslewering dat 'n ongelisensieerde persoon—
(a) op of by sy gebou 'n uithangbord of kennisgewing had, voorgewende dat hy gelisensieer was; of
(b) in besit of blykbare besit was van 'n gebou, voorsien van 'n kantien of dergelike plek waarin bottels, vate of vaatwerk sodanig uitgestal was, dat dit 'n redelike vermoede verwek het dat drank daar verkoop of verstrekt is; of
(c) in sy gebou meer drank had dan redelikerwys nodig was vir die daarin woonagtige persone,
bewys *prima facie* dat daardie persoon drank verkoop het.

160. Die bewyslewering dat 'n lisensiehouer, algemene handelaar, invoerder, agent van 'n buitelandse firma, slagter, bakker of handelaar in mineraalwaters, enige drank verstrekt het in verband met enige verkoop of ruil of in verband met enige handeling of transaksie van die aard van 'n verkoop of ruil bewys *prima facie* dat hy daardie drank verkoop, verstrekt of verhandel het.

161. By die verhoor van enige aanklagte ingevolge hierdie Wet, waarin 'n onwettige verkoop van drank beweer word, daar word die verkoop van drank veronderstel as die Hof wat die saak verhoor, oortuig is dat, nieteenstaande die ontstentenis van bewys dat geld betaal is, 'n handeling wat met 'n verkoop ooreenkom, werklik plaasgevind het of dat iemand op die punt was om drank te gebruik.

Polisie mag name en adresse van persone in geboue afvra.

Bevoegdheid van polisie wanneer onwettige drankvervoer vermoed word.

Aantekening van verleende permitte of magtigings.

Bevoegdhede en pligte van Durbanse Stadspoliese.

Presumpsie van verkoop deur ongelisensieerde persoon.

Wanneer drankverstreking as verkoop beskou word.

Veronderstelling van verkoop uit aard van handeling.

- Presumption of sale arising from presence in bar.**
162. Evidence that any person (other than the licensee, a member of his family, his servant or agent, or a person lodging in the licensed premises) was in the restricted portion of licensed premises at a time when the sale of liquor to the public in such bar or room was not authorized, shall afford *prima facie* proof of a sale of liquor to such person by or on behalf of the licensee during prohibited hours.
- Presumption arising from supply of liquor by family or by any agent or person in the employ of licensee.**
163. Evidence that any liquor was supplied to any person upon the licensed premises by any member of the licensee's family or by any agent or person in the employ of the licensee, shall afford *prima facie* proof that such liquor was supplied by or on behalf of the licensee.
- Presumption arising from consumption of liquor.**
164. Evidence of consumption or intended consumption of liquor on licensed premises by some person other than the licensee, a member of his family or his servant or agent, shall afford *prima facie* proof that the liquor being consumed or about to be consumed was supplied by or on behalf of the licensee.
- Prohibition of access to premises.**
165. If any person who under any provision of this Act is prohibited from access to, or from being at any particular time upon, any licensed premises or any particular portion thereof is proved to have been upon such premises or portion thereof or to have been there at such time, the licensee of such premises shall be deemed to have permitted such person to be at the place where he is proved to have been unless he proves to the satisfaction of the court that he and, in addition, his agents and servants, exercised all due diligence to prevent the presence there of such person.
- Prohibition of sale of liquor without licence.**
166. (1) In any proceedings against any person under this Act for selling, supplying or dealing in liquor without a licence such person shall be deemed to be unlicensed unless he proves that he is licensed.
- (2) In any proceedings against any person for a contravention of any provision of this Act, the onus of proving that such person in consequence of any exemption provided by this Act is not criminally liable shall be upon such person.
- Production of licence.**
167. In any proceedings under this Act a document produced or handed into the court by any member of the staff of the issuing authority or by any member of the police which purports to be one of the quadruplicate parts of a licence issued under this Act shall be *prima facie* evidence of such licence, and any terms and conditions stated in such document shall *prima facie* be deemed to be terms and conditions imposed under this Act in respect of such licence.
- Production of licence in case of supply.**
168. In any proceedings against any person for a contravention of section ninety-eight the person to whom any liquor was supplied shall be deemed not to have been *bona fide* at the time of the supply employed by the accused in farming operations in terms of sub-section (2) of that section unless the accused proves to the contrary.
- Production of licence in case of supply.**
169. Entries in any register kept under the provisions of section one hundred and fifty-seven, shall, on production of the register, be *prima facie* evidence of the facts recorded therein, and the absence from such register of any entry that a permit or authority is or was at the time held by any particular person shall be *prima facie* evidence that such person is not or was not the holder of a permit or authority.
- Production of licence in case of supply.**
170. (1) In any proceedings upon any charge against any person under this Act the production of a statement or certificate purporting to be signed by an analyst or chemist in the Public Service or in the employment of the government who made an analysis of the article or liquor or portion thereof which is the subject of the charge, shall be sufficient evidence of the facts stated in the certificate unless the accused requires that such analyst or chemist be called as a witness and, if the court so determine, deposit, or give security to the satisfaction of the court for the payment of such sum as may be necessary, in the opinion of the court, to cover the costs and expenses of such analyst or chemist being summoned and appearing as a witness.
- Verkoopspresumpsie uit teenwoordigheid in kantien.**
162. Die bewyslewing dat iemand (behalwe die lisensiehouer, 'n lid van sy familie, sy bediende of lashebber of iemand wat in die gelisensieerde gebou loseer) in 'n beperkte gedeelte van 'n gelisensieerde gebou was op 'n tydstip wanneer die verkoop van drank daarin aan die publiek nie geoorloof was nie, bewys *prima facie* die verkoop van drank aan daardie persoon deur of namens die lisensiehouer gedurende verbode ure.
- Presumpsie uit verstrekking van drank deur bediende of familielid.**
163. Die bewyslewing dat enige drank aan iemand in die gelisensieerde gebou verstrekt is deur 'n lid van die lisensiehouer se familie of deur 'n lashebber of iemand wat in diens is van die lisensiehouer, bewys *prima facie* dat die drank deur of namens die lisensiehouer verstrekt is.
- Presumpsie uit drank gebruik.**
164. Die bewyslewing van gebruik of voorgenome gebruik van drank in 'n gelisensieerde gebou, deur iemand anders dan die lisensiehouer, 'n lid van sy familie of sy bediende of lashebber, bewys *prima facie* dat die drank wat gebruik is of waarvan die gebruik voorgenome was, deur of namens die lisensiehouer verstrekt geword is.
- Bewyslas wanneer verbode persoon in gebou is.**
165. Wanneer bewys word dat iemand, wat kragtens 'n bepaling van hierdie Wet nie in 'n gelisensieerde gebou of enige bepaalde gedeelte daarvan mag kom nie of nie op 'n bepaalde tydstip daar mag wees nie, in daardie gebou of gedeelte daarvan was of dat hy op daardie tydstip daar was, dan word veronderstel dat die lisensiehouer van die gebou daardie persoon toegelaat het op die plek waar hy aangetref is, tensy die lisensiehouer die hof deur bewyse oortuig dat hy en buitendien ook sy lashebbers en bediendes ywerig bemoei was om daardie persoon daar uit te hou.
- Bewyslas dat beskuldigde lisensie het.**
166. (1) By 'n geding teen iemand ingevolge hierdie Wet weens verkoop of verstrekking van of handel in drank sonder 'n lisensie, word veronderstel dat hy ongelisensieer is tensy hy bewys dat hy wel gelisensieer is.
- (2) In 'n geding teen iemand weens 'n oortreding van enige bepaling van hierdie Wet rus die verpligting om te bewys dat daardie persoon ten gevolge van 'n deur hierdie Wet verleende vrystelling nie strafregtelik aanspreeklik is nie, op daardie persoon.
- Bewys van lisensie en aantekening daarop.**
167. In 'n geding ingevolge hierdie Wet, is 'n dokument, wat voorgee een van die vier ingevolge hierdie Wet uitgereikte eksemplare van 'n lisensie te wees, en wat vertoon of aan die hof oorhandig word deur iemand van die personeel van die uitreikende outoriteit of deur 'n lid van die polisiemag *prima facie* 'n bewys van daardie lisensie, en enige voorwaardes wat daarop voorkom word *prima facie* beskou as voorwaardes kragtens hierdie Wet in verband met die lisensie gestel.
- Bewyslas in geval van verstrekking.**
168. In 'n geding teen iemand weens 'n oortreding van artikel ag-en-negentig, word die persoon, aan wie drank verstrekt is, beskou nie te goeder trou tydens die verstrekking by die boerebedryf in diens van die beskuldigde te gewees het nie, volgens, sub-artikel (2) van daardie artikel, tensy die beskuldigde die teendeel bewys.
- Polisie-register is bewys van permitte.**
169. Aantekeninge in 'n register, gehou kragtens artikel honderd-seven-en-vyftig, is op vertoon van die register *prima facie* 'n bewys van die daarin aangetekende feite, en die ontbreke in die register van 'n aantekening dat 'n bepaalde persoon 'n permit of magtiging het of destyds had, is *prima facie* 'n bewys dat daardie persoon nie in besit van 'n permit of magtiging is of was nie.
- Skeikundige sertifikate.**
170. (1) In enige strafgeding teen iemand op 'n aanklagte ingevolge hierdie Wet, is die vertoon van 'n verklaring of sertifikaat wat voorgee geteken te wees deur 'n ontleed- of skeikundige in die staatsdiens of in diens van die Regering wat die voorwerp of drank of 'n deel daarvan, waarop die aanklagte steun, ontleed het, voldoende bewys van die feite vermeld in die sertifikaat, tensy die beskuldigde verlang dat daardie skeikundige as getuie opgeroep moet word, en tensy hy, as die hof dit vereis, so 'n som inbetaal of sekuriteit stel wat die hof voldoende ag vir die betaling van so 'n som as wat, volgens oordeel van die hof, nodig mag wees tot dekking van die koste en uitgawe veroorsaak deur die dagvaarding en verskyning van die skeikundige as 'n getuie.

(2) The accused in any such case, in lieu of requiring the attendance of such analyst or chemist, shall be entitled to put to him interrogatories in writing approved by the court. The court shall take all such steps as may be necessary for the transmission of the interrogatories and the return of the same together with the answers thereto, and such answers shall be admissible in evidence in the proceedings.

Proof that person is under particular age or belongs to a particular class. 171. (1) If in any proceedings under this Act it is alleged that any person is under any particular age or belongs to any particular class or race, evidence that the person in question is apparently under that age, or, as the case may be, that he belongs by repute or by appearance to that class, shall be *prima facie* proof of that fact.

(2) If in addition the magistrate hearing the case is satisfied by personal observation that such person appears to be under that age or to be of that class, he shall announce the fact and enter upon the record a note that he is so satisfied, but such announcement and entry shall not prevent the accused from proving that such person, although having the appearance of, is not in fact, a person under that age or of that class as the case may be.

Bona-fide mistake of fact no defence. 172. It shall be no defence to any charge under this Act that the accused or his principal, agent or servant, was *bona-fide* under a belief in the existence of any fact which, had it in truth existed, would have made lawful the Act or omission which is the subject of the charge.

Liability of manager. 173. Any person who at any time is lawfully managing, superintending or conducting the business of a licensee holder shall be subject and liable to the same duties, obligations and penalties as such holder: Provided that nothing herein contained shall be deemed to relieve such licensee holder from any duty, obligation or penalty to which he may by law be subject or liable.

Criminal responsibility of licensee for unlawful act of manager, agent, servant or member of family. 174. (1) Whenever upon any licensed premises or in the pursuance or course of any transaction upon, or arrangement made or commenced upon, licensed premises the manager, agent or servant of a licensee or any member of a licensee's family does or omits to do anything which it would be an offence under this Act for such licensee to do or omit to do, such licensee shall be deemed himself to have done or omitted to do such thing and be liable on conviction to the penalties therefor unless he proves to the satisfaction of the court that—

- in doing or omitting to do such thing such manager, agent, servant or member of his family was acting without his connivance or permission; and
- all reasonable steps were taken by him to prevent any act or omission of the kind in question; and
- it was not under any condition or in any circumstance within the scope of the authority or the course of the employment of the manager, agent, servant or member of the family to do or omit to do acts of the character of that of the act or omission charged:

Provided that the fact that the licensee issued instructions forbidding any act or omission of the kind in question, shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) The liability imposed upon any licensee in terms of subsection (1) shall not be deemed to relieve any manager, agent, servant or member of a licensee's family from any liability which he may have incurred in respect of any offence committed by him, and in respect of such offence both he and the licensee may be convicted and sentenced.

(B) Offences.

Offences by licensees in general. 175. Any licensee who by himself, his servant or agent—

- permits drunkenness or any riotous conduct to take place upon his licensed premises;
- supplies liquor to any person already in a state of intoxication;
- supplies liquor to any member of the police force in uniform;

(2) In plaas van die verskyning van die ontleed- of skeikundige te verlang, is die beskuldigde in so 'n saak geregtig om aan hom skriftelike, deur die hof goedgekeurde vraagpunte te stel. Die hof moet die nodige stappe neem om die vraagpunte te laat opstuur en met die antwoorde daarop te laat terugstuur, en die antwoorde is in die geding as bewysstuk ontvanklik.

171. (1) Wanneer in 'n geding ingevolge hierdie Wet beweer word dat iemand onder 'n sekere ouderdom is of tot 'n sekere klas of ras behoort, dan is die bewyslewing dat die betrokke persoon blykbaar onder daardie ouderdom is of, na gelang van omstandighede, dat hy tot daardie klas gereken word of volgens sy voorkome daaraan behoort, *prima facie* 'n bewys van daardie feit.

(2) As die magistraat wat die saak bereg, buitendien deur eie waarneming oortuig is dat daardie persoon blykbaar onder daardie ouderdom is of tot daardie klas behoort, dan moet hy dit bekend maak en op die notule aantekene dat hy aldus oortuig is, maar die bekendmaking en aantekening verhinder die beskuldigde nie om te bewys dat daardie persoon alhoewel hy lyk soos iemand van onder daardie ouderdom of van daardie klas, na gelang van die geval, dit in werklikheid nie is nie.

172. By 'n aanklagte ingevolge hierdie Wet is dit geen verontskuldiging dat die beskuldigde of sy lasgewer, lashebber of bediende te goeder trou geglo het dat 'n feit bestaan het, wat, as dit werklik bestaan had, die handeling of versuim waarop die klagte steun, sou gewettig het.

173. Iemand wat te eniger tyd wettig die besigheid van 'n lisensiehouer bestuur, dryf of onder toesig hou, is onderhewig aan dieselfde verpligtings en strawwe as die lisensiehouer; maar hierdie bepaling onthef die lisensiehouer nie aan enige verpligting of straf waaraan hy regtens onderhewig mag wees.

174. (1) Wanneer die bestuurder, lashebber, of bediende of enige familielid van 'n lisensiehouer in 'n gelisensieerde gebou of in die uitvoering of loop van enige handeling of reëling wat in 'n gelisensieerde gebou aangegaan of beginne is, 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die lisensiehouer dit begaan het, dan word veronderstel dat die lisensiehouer self die daad of versuim begaan het, en is hy by veroordeling strafbaar met die daarop gestelde strawwe, tensy hy die hof met bewyse oortuig dat—

- hy daardie daad of versuim van die bestuurder, lashebber, bediende of familielid nie deur die vingers gesien, of toegestaan het nie, en
- hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en
- dat 'n daad of versuim van die ten laste gelegde soort onder geen voorwaardes of omstandighede binne die bevoegdheid of in die diensloop van die bestuurder, lashebber, bediende of familielid geval het nie.

Die feit dat die lisensiehouer 'n daad of versuim van die betrokke soort verbied het, strek egter op homself nog nie tot voldoende bewys dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom.

(2) Die aanspreeklikheid aan 'n lisensiehouer deur subartikel (1) opgelê, onthef nie 'n bestuurder, lashebber, bediende of familielid van die lisensiehouer van aanspreeklikheid vir enige misdryf wat hy mag begaan het; en weens so 'n misdryf kan sowel hy as die lisensiehouer veroordeel en gestraf word.

(B) Misdrywe.

175. Enige lisensiehouer wat self of deur sy bediende of lashebber—

- dronkenskap of enige losbandige gedrag in sy gelisensieerde gebou toelaat;
- drank verstrek aan iemand wat reeds in 'n beskonke toestand is;
- drank verstrek aan 'n lid van die poliesiemag in uniform;

Bewys da iemand onder sek ouderdom of tot sek klas behoort

Vergissin- te goeder trou is ge verontskuldiging.

Aansprek- likheid v bestuur

Krimine aansprek- likheid ' lisensie- houer vi onwettig daad va bestuur lashebber bediende famielie

Misdry deur lisensie houers die algeme

- (d) supplies liquor to any person who, in terms of any prohibition or restriction imposed by or under the authority of this Act, is not permitted to purchase the same;
 - (e) permits to be in any restricted portion of his licensed premises any person under the age of eighteen or any person who, by virtue of any provision of this Act or any condition imposed thereunder, is not permitted to be in such restricted portion;
 - (f) permits to remain on his licensed premises (unless in execution of his duty) any member of the police force during the time appointed for him to be on duty;
 - (g) permits any unlawful game or gambling to be carried on on his premises;
 - (h) permits his licensed premises to be a brothel or habitual resort of reputed prostitutes;
 - (i) keeps his licensed premises open for the sale or consumption of liquor, or sells any liquor, during any time when he is not authorized by his licence to sell the same;
 - (j) sells, supplies or deals in liquor contrary to the conditions of his licence or in any manner not authorized by such licence where any such sale, supply or dealing in is not created an offence under some other provision of this section;
 - (k) sells or offers to sell or exposes for sale any liquor at any place where he is not authorized by his licence to sell it;
 - (l) engages any person for employment in connection with, or employs him at work in which the employment of such person is prohibited by section *one hundred and four or one hundred and five*;
 - (m) permits any person to manage, superintend, conduct or control his licensed business or become a partner therein or a sharer of the profits thereof in contravention of any provision of section *one hundred and nineteen*;
 - (n) fails to keep, or keeps inadequately or improperly any record, book or document which by any provision of this Act or any provision or condition made thereunder he is required to keep, or refuses, or fails to allow any police inspection of any such record, book or document;
 - (o) fails to render assistance to the best of his ability to any member of the police force engaged on any duty in or about his licensed premises, or in any way obstructs or hinders any member of the police in the performance of his duty under this Act;
 - (p) in contravention of sub-section (1) of section *one hundred and thirteen* receives in payment or security for any liquor or entertainment supplied in or from his licensed premises anything except current money or cheques on bankers;
 - (q) in contravention of sub-section (2) of section *one hundred and thirteen* receives payment for liquor prior to the conclusion of a sale of such liquor, or receives from any person a deposit of money or goods in respect of a future supply of liquor;
 - (r) in contravention of sub-section (3) of section *one hundred and thirteen* receives any pledge for or in respect of any liquor or entertainment supplied in or from his licensed premises;
 - (s) conducts or permits to be conducted upon his licensed premises any trade or business forbidden by any provision of this Act or any lawful order made thereunder to be there carried on;
- shall be guilty of an offence.

Offences by holder of wholesale, foreign or brewer's licence.

176. The holder of a wholesale liquor licence, a foreign liquor licence or a brewer's licence shall be guilty of an offence if he—

- (a) refuses in contravention of the provisions of section *one hundred and ten* to sell liquor to or import liquor for any licensee; or
- (b) in selling liquor to any licensee imposes or seeks to impose any condition or understanding in contravention of the provisions of section *one hundred and ten*.

- (d) drank verstrekk aan iemand wat ingevolge 'n verbod of beperking, deur of kragtens hierdie Wet bepaal, dit nie mag koop nie;
 - (e) in die beperkte gedeelte van sy gelisensieerde gebou iemand toelaat wat onder agtien jaar oud is of wat volgens 'n bepaling van hierdie Wet of van 'n voorwaarde ingevolge daarvan gestel, nie in daardie beperkte gedeelte mag wees nie;
 - (f) toelaat dat 'n lid van die poliesiemag (behalwe in sy diensverrigting) gedurende sy dien tyd in sy gelisensieerde gebou vertoef;
 - (g) 'n onwettige spel of dobbelary in sy gebou toelaat;
 - (h) toelaat dat sy gelisensieerde gebou as bordeel gebruik of gereeld besoek word deur vroue wat as hoere beskou word;
 - (i) sy gelisensieerde gebou ope hou vir die verkoop of gebruik van drank, of drank verkoop, op 'n tydstip wanneer sy lisensie die verkoop nie veroorloof nie;
 - (j) drank verkoop verstrekk of verhandel in stryd met die voorwaardes van sy lisensie of op 'n manier wat die lisensie nie veroorloof nie, wanneer die verkoop, verstrekk of verhandeling nie deur 'n ander bepaling van hierdie artikel tot 'n misdryf gemaak word nie;
 - (k) enige drank verkoop of te koop aanbied of te koop uitstal op 'n plek waar sy lisensie geen drankverkoop veroorloof nie;
 - (l) iemand in diens neem in verband met, of hom gebruik vir werk waarvoor hy kragtens artikel *honderd-en-vier* of *honderd-en-vyf* nie gebruik mag word nie;
 - (m) toelaat dat iemand in stryd met 'n bepaling van artikel *honderd-en-negentein*, sy gelisensieerde besigheid bestuur, onder toesig hou, dryf of beheer of 'n vennoot daarin word of in die wins daarvan deel;
 - (n) versuim om 'n aantekening, boek of dokument te hou, wat hy kragtens voorskrif van 'n bepaling van hierdie Wet of 'n bepaling van 'n ingevolge daarvan gestelde voorwaarde moet hou, of dit op 'n onvoldoende of onbehoorlike manier hou, of weier of versuim om aan die polisie insage van so 'n aantekening, boek of dokument te verleen;
 - (o) versuim om na vermoë hulp te verleen aan 'n lid van die poliesiemag wat in of by sy gelisensieerde gebou enige diens verrig, of op enige manier 'n lid van die poliesiemag belemmer of hinder by sy diensverrigting ingevolge hierdie Wet;
 - (p) in stryd met sub-artikel (1) van artikel *honderd-endertien* iets anders dan gangbare geld, of banktjeks ontvang as betaling, of sekuriteit vir enige drank of onthaal in of uit sy gelisensieerde gebou verstrekk;
 - (q) in stryd met sub-artikel (2) van artikel *honderd-endertien* voor die afsluiting van 'n verkoop van drank, enige betaling vir daardie drank ontvang of van iemand 'n deposito van geld of goedere ontvang vir 'n toekomstige verstrekk van drank;
 - (r) in stryd met sub-artikel (3) van artikel *honderd-endertien* 'n pand ontvang vir of in verband met drank of 'n onthaal in of uit sy gelisensieerde gebou verstrekk;
 - (s) in sy gelisensieerde gebou enige handel of besigheid uitoefen, of die uitoefening daarvan toelaat, wat volgens 'n bepaling van hierdie Wet of van 'n wettig ingevolge daarvan uitgevaardigde bevel nie daar uitoefen mag word nie;
- is skuldig aan 'n misdryf.

176. Die houer van 'n groothandelaars-dranklisensie, 'n buitelandse dranklisensie of 'n bierbrouers-lisensie is skuldig aan 'n misdryf as hy—

- (a) in stryd met die bepalings van artikel *honderd-endertien* weier om drank aan 'n lisensiehouer te verkoop of vir hom in te voer; of
- (b) by die verkoop van drank aan 'n lisensiehouer 'n voorwaarde stel of afspraak maak in stryd met die bepalings van artikel *honderd-en-tien*.

'n Misdrywe deur houer van groot-handelaars-binnelandse of bierbrouers-lisensie.

ffences by
pensees for
i-con-
mption.

177. (1) The holder of any off-consumption licence shall be guilty of an offence if he—

- (a) permits any purchaser of liquor from him to consume such liquor or any part of it upon the licensed premises or in any premises or place adjoining or near the licensed premises which are in the occupation or under the control of such licensee; or
- (b) uncorks or suffers or permits to be uncorked or opened upon the licensed premises or in any such other premises adjoining or near the same as are mentioned in paragraph (a) any bottle, jar or like vessel of liquor sold by him.

(2) The holder of any bottle liquor licence in any area proclaimed under section *fifty-nine* shall be guilty of an offence if he fails to comply with any requirement of that section in respect of the endorsement of any permit upon which he supplies any liquor or of section *one hundred and nine* in respect of the taking possession of and transmission of permits.

ffences by
pensee for
i-con-
mption.

178. The holder of any on-consumption licence shall be guilty of an offence if he—

- (a) permits any purchaser of liquor from him to take such liquor away from the licensed premises;
- (b) sells or supplies a greater quantity of liquor to, or for any person than may reasonably be consumed by such person upon the licensed premises at the time when it is sold or supplied;
- (c) sells or supplies liquor in a corked or stoppered bottle, jar or other receptacle or in any other form in which it may conveniently be transported away from the licensed premises.

ffences by
rsons
her than
pensees.

179. Any person shall be guilty of an offence who, whether as principal, agent or servant—

- (a) sells, deals in or disposes of any liquor without the licence necessary in respect of such sale save as in this Act excepted;
- (b) gives, sells, or supplies liquor to any person who under any provision of this Act or under any prohibition, restriction or condition imposed under any authority therein contained is prohibited from acquiring the same, or places liquor in the possession or under the control of any such person;
- (c) sells or supplies any methylated spirit, yeast, malt or other substance or thing to any native forbidden in terms of section *one hundred and forty-four* or *one hundred and thirty-six* to purchase, obtain or possess it;
- (d) gives or supplies liquor to any employee in contravention of section *ninety-eight*;
- (e) pays or causes to be paid any salary or wages in any restricted portion of licensed premises to any person employed by him;
- (f) refuses to comply with the demand of any member of the police made under this Act for information as to his name or address;
- (g) by words, writing or conduct falsely represents himself or any other person to be within any particular class of persons in order to induce any licensee or his agent or servant to supply him or such person with liquor contrary to any prohibition, restriction or condition imposed by or under the authority of this Act;
- (h) fails to keep or keeps inadequately or improperly any register, record, book or document which, by any provision of this Act, he is required to keep, or refuses, neglects or fails to allow any police or other inspection of any such register, record book or document under this Act or any regulation made under any provision thereof; or
- (i) obstructs or hinders any member of the police or any other officer in the performance of any duty under this Act;

177. (1) Die houer van 'n buiteverbruiklisensie is skuldig aan 'n misdryf as hy—

- (a) toelaat dat iemand wat drank van hom gekoop het, die drank of 'n gedeelte daarvan gebruik in die gelisensieerde gebou of in 'n gebou of op 'n plek in die besit of onder die beheer van die lisensiehouer, wat aan die gelisensieerde gebou grens of naby hom geleë is; of
- (b) enige bottel, kruik of dergelike houer met drank wat hy verkoop het, in die gelisensieerde gebou of in so 'n ander aangrensende of naby geleë gebou, as vermeld in paragraaf (a), oopmaak of toelaat dat dit oopgemaak word.

(2) Die houer van 'n bottel-dranklisensie in 'n streek wat kragtens artikel *negen-en-vyftig* geproklameer is, is skuldig aan 'n misdryf as hy versuim om te voldoen aan 'n vereiste van daardie artikel wat betref die aantekening op 'n permit waar- onder hy drank verstrekk, of van artikel *honderd-en-nege* wat betref inbesitneming en insending van perमितte.

178. Die houer van 'n binneverbruiklisensie is skuldig aan 'n misdryf as hy—

- (a) toelaat dat iemand wat van hom drank gekoop het, die drank uit die gelisensieerde gebou wegneem;
- (b) 'n groter hoeveelheid drank aan of ten behoewe van iemand verkoop of verstrekk dan redelikerwys deur laasgenoemde in die gelisensieerde gebou gebruik mag word op die tydstip wanneer dit verkoop of verstrekk word;
- (c) drank verkoop of verstrekk in 'n toegekurkte of toegepropte bottel, kruik of ander houer, of in enige ander vorm waarin dit gerieflik van die gelisensieerde gebou weggevoer kan word.

179. Enigeen is skuldig aan 'n misdryf wat, hetsy vir homself of as lashebber of bediende—

- (a) drank verkoop, daarin handel dryf of van die hand sit sonder die lisensie wat vir so 'n verkoop nodig is, tensy hierdie Wet 'n uitsondering maak;
- (b) drank gee, verkoop of verstrekk aan iemand wat ingevolge 'n bepaling van hierdie Wet of ingevolge 'n verbod, beperking of voorwaarde vasgestel kragtens 'n bepaling daarvan, dit nie mag verkry nie, of drank aan so iemand in besit gee of aan sy beheer oorlaat;
- (c) brandspieritus, gis, mout of 'n ander stof of ding verkoop of verstrekk aan 'n naturel aan wie artikel *honderd-vier-en-veertig* of *honderd-ses-en-dertig* die koop, verkryging of besit daarvan verbied;
- (d) drank gee of verstrekk aan 'n bediende, in stryd met artikel *ag-en-negentig*;
- (e) enige salaris of loon in 'n beperkte gedeelte van 'n gelisensieerde gebou aan iemand in sy diens uitbetaal of laat uitbetaal;
- (f) weier om te voldoen aan die eis van 'n lid van die poliesiemag kragtens hierdie Wet, om sy naam of adres op te gee;
- (g) woordelik, skriftelik of deur gedrag valslik voorgee dat hy of iemand anders behoort tot 'n bepaalde klas van persone, om daarmee 'n lisensiehouer of sy lashebber of bediende te beweeg om aan hom of aan daardie ander drank te verstrekk in stryd met 'n verbod, beperking of voorwaarde deur of kragtens hierdie Wet vasgestel;
- (h) versuim om enige register, aantekening, boek of dokument te hou wat 'n bepaling van hierdie Wet aan hom voorskryf, of dit op 'n onvoldoende of onbehoorlike manier hou, of weier, versuim of in gebreke bly om aan die polisie of iemand anders insage van so 'n register, aantekening, boek of dokument te verleen volgens vereiste van hierdie Wet of van 'n regulasie ingevolge daarvan vasgestel;
- (i) 'n lid van die poliesiemag of 'n ander amptenaar by sy diensverrigting ingevolge hierdie Wet, belemmer of hinder;

Misdrywe
deur houer
van lisensie
vir gebruik
buite gebou.

Misdrywe
deur houer
van lisensie
vir gebruik
in gebou.

Misdrywe
deur ander
dan lisensie-
houers.

- (j) save in circumstances permitted by section one hundred and twelve consumes on licensed premises liquor which is not paid for at the time of sale or supply;

Offences by
medical
practitioner.

180. A registered medical practitioner shall be guilty of an offence if he makes or gives any certificate under section ninety-nine or one hundred—

- (a) without, for the purpose of the certificate, having seen the person in respect of whom the certificate is given; or
- (b) without good and sufficient cause (the burden of proof of which shall be upon him) for believing every statement made in such certificate to be true and correct.

Offences by
persons
generally.

181. Every person shall be guilty of an offence who—

- (a) with intent to deceive makes use for any purpose whatsoever of any letter of exemption or any permit, certificate, licence or other document issued under or for any purpose of this Act or the regulations, which is not his own;
- (b) wilfully, and with intent to deceive, alters, defaces, destroys or mutilates any letter of exemption, permit, certificate, licence or other document issued under or for any purpose of this Act or the regulations, or unlawfully withholds any such letter of exemption, permit, certificate, licence or other document from any person entitled to the possession thereof;
- (c) counterfeits or forges any letter of exemption, permit, certificate, licence or other document issued under this Act or utters such counterfeit or forged letter of exemption, permit, certificate, licence, or other document knowing it to be counterfeit or forged;
- (d) submits to a licensing board any written information, whether on affidavit or otherwise, which he knows to be false or does not know to be true, or any false document or document which purports to be but which is not, in fact, a true copy of the original, or is in any way a party to any such submission;
- (e) refuses or fails without sufficient excuse to attend and give evidence before a licensing board at the time and place specified in a notice given under sub-section (2) of section twenty-five, or to produce any book, paper or document which he has been required by such notice to produce;
- (f) after being duly sworn, gives false evidence before any licensing board on any matter relevant to the question under enquiry by such board, knowing such evidence to be false or not knowing it to be true;
- (g) knowingly sits or votes as a member of a licensing board when disqualified from doing so, or wilfully makes a false declaration as to his qualification to be a member of a licensing board;
- (h) refuses or fails to leave any licensed premises when requested by the licensee or any member of the police to do so, or is upon any restricted portion of licensed premises knowing that his presence there is unlawful;
- (i) is drunk, violent, or disorderly upon any licensed premises;
- (j) enters into or is a party to any tie, stipulation or promise rendered unlawful by section one hundred and eleven or section one hundred and thirty-one of this Act;
- (k) sells, purchases, keeps, possesses or uses any intoxicating medicine in contravention of any provision of a regulation made under sub-section (3) of section one hundred and forty-five; or

- (j) behalwe onder omstandighede wanneer artikel honderd-en-twaalf dit toelaat, in 'n gelisensieerde gebou drank gebruik, waarvoor nie tydens die verkoop of verstrekking betaal is nie.

180. 'n Geregistreerde geneesheer is skuldig aan 'n misdryf as hy ingevolge artikel negen-en-negentig of honderd 'n sertifikaat opstel of gee—

Misdrywe
deur
geneesheer.

- (a) sonder dat hy met die oog op daardie sertifikaat die persoon gesien het ten opsigte van wie hy die sertifikaat gee; of
- (b) sonder goeie en voldoende rede (waarvan die bewyslas op hom rus) om te glo dat elke bewering in die sertifikaat waar en juis is.

181. Elkeen is skuldig aan 'n misdryf, wat—

Misdrywe in
die alge-
meen.

- (a) met bedrieglike oogmerk gebruik maak, vir watter doel ook, van 'n vrystellingsbrief of 'n permit, sertifikaat, lisensie of ander dokument, uitgereik ingevolge of vir enige doel van hierdie Wet of die regulasies, wat nie sy eie is nie;
- (b) opsetlik en met die doel om te mislei 'n vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument, uitgereik ingevolge of vir enige doel van hierdie Wet of die regulasies, verander, onleesbaar maak, vernietig of beskadig, of wederregtelik so 'n vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument onthou aan iemand wat geregtig is om dit te besit;
- (c) 'n kragtens hierdie Wet uitgereikte vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument, namaak of vervals, of so 'n nagemaakte of vervalste vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument uitgee met wete dat dit vervals is;
- (d) aan 'n lisensieraad voorlê skriftelike inligtings, hetsy onder eed of andersins, waarvan hy weet dat dit vals is of waarvan hy nie weet dat dit waar is, of 'n valse dokument of 'n dokument wat voorgee 'n juiste kopie van die oorspronklike te wees maar dit in werklikheid nie is nie, of op enige manier by daardie voorlegging betrokke is;
- (e) sonder voldoende rede weier of in gebreke bly om voor 'n lisensieraad te verskyn en getuienis af te lê op die tyd en plek vermeld in 'n kennisgewing uitgevaardig ingevolge sub-artikel (2) van artikel vyf-en-twintig, of om 'n boek, papier of dokument oor te lê, waarvan die oorlegging in daardie kennisgewing van hom geëis word;
- (f) na beëdiging, valse getuienis aflê voor 'n lisensieraad omtrent iets wat betrekking het op 'n kwessie wat die raad ondersoek, terwyl hy weet dat die getuienis vals is of sonder om te weet dat dit waar is;
- (g) as 'n lid van 'n lisensieraad sitting neem of stem terwyl hy daartoe onbevoeg is en van sy onbevoegdheid weet of opsetlik 'n valse verklaring aflê omtrent sy bevoegdheid om lid van 'n lisensieraad te wees;
- (h) weier of in gebreke bly om 'n gelisensieerde gebou te verlaat, indien daartoe versoek deur die lisensiehouer of 'n lid van die poliesiemag of in 'n beperkte gedeelte van 'n gelisensieerde gebou is met wete dat sy teenwoordigheid daar onwettig is;
- (i) dronk, gewelddadig, of wanordelik is in 'n gelisensieerde gebou;
- (j) 'n koopverplichting, beding of belofte wat artikel honderd-en-elf of artikel honderd-een-en-dertig van hierdie Wet onwettig maak, aangaan of daaraan deelneem;
- (k) in stryd met die bepaling van 'n regulasie uitgevaardig ingevolge sub-artikel (3) van artikel honderd-vyf-en-veertig bedwelmende medisyne verkoop, koop, aanhou, besit of gebruik;

- (l) without a licence issued under sub-section (1) of section *one hundred and forty-four* sells methylated spirit or contravenes any provision of a regulation issued under that section or section *one hundred and thirty-six*;
- (m) being a person to whom in terms of any provision of this Act or of any prohibition, or restriction imposed under any authority thereof, liquor or liquor of any kind or in excess of any specified quantity may not lawfully be supplied, purchases, procures or possesses liquor contrary to such prohibition;
- (n) purchases or obtains the supply of any liquor at a time when, or at a place or in circumstances in which it is unlawful for such liquor to be supplied to him.
- (o) solicits or takes orders for the sale of, or accepts or receives offers for the purchase of, liquor in contravention of any provision of section *one hundred and twenty*.
- (p) being a distiller or brewer, employs any person in contravention of the provision of sub-section (1) of section *one hundred and four*.

(C) Penalties.

182. (1) A licensee contravening any provision of this Act hereunder mentioned shall, on first conviction, be liable—

- (a) if the contravention is of a provision of paragraphs (a), (b), (c), (e), (f), (g), (l), (m), (n), (o), (p), (q), (r) or (s) of section *one hundred and twenty-five*, to a fine not exceeding fifty pounds;
- (b) if the contravention is of a provision of paragraphs (d), (h), (i), (j), or (k) of section *one hundred and seventy-five* or of a provision of section *one hundred and seventy-six*, *one hundred and seventy-seven* or *one hundred and seventy-eight*, to a fine not exceeding one hundred pounds;

(2) Upon the second or subsequent conviction of a licensee the penalties prescribed in sub-section (1) may be doubled or the court may, instead of imposing a penalty of fine, sentence the offender to a term of imprisonment which shall bear to the amount of the fine which could have been imposed, the proportion set forth in sub-section (1) of section *three hundred and forty-five* of the Criminal Procedure and Evidence Act, 1917. If the second or subsequent conviction is for a contravention mentioned in paragraph (b) of sub-section (1) the court may, in addition to or in lieu of such penalty, declare such licensee's licence to be forfeited.

(3) For the purposes of this section a conviction shall be deemed to be a first conviction unless within five years of such conviction the licensee so convicted was convicted of any contravention whatsoever of this Act or of any law repealed by this Act.

183. (1) Any person contravening any provision of this Act hereunder mentioned shall on first conviction be liable—

- (a) if the contravention is of a provision of paragraph (d), (e), (f), (g), (h), (i), or (j) of section *one hundred and seventy-nine* or (a), (b), (c), (e), (g), (h), (i), (m) or (n) of section *one hundred and eighty-one*, to a fine not exceeding twenty-five pounds; and
- (b) if the contravention is of a provision of paragraph (a), (b) or (c) of section *one hundred and seventy-nine*, or (d), (f), (j), (k), (l), (o) or (p) of section *one hundred and eighty-one* or of a provision of section *one hundred and eighty* to a fine not exceeding one hundred pounds.

(2) Upon a second or subsequent conviction of such person the penalties prescribed in sub-section (1) may be doubled, or the court may, instead of imposing a penalty of fine, sentence the offender to a term of imprisonment which shall bear to the amount of the fine which could have been imposed, the proportion set out in sub-section (1) of section *three hundred and forty-five* of the Criminal Procedure and Evidence Act, 1917. If the offender is the holder of a licence issued under this Act and the second or subsequent conviction is for a contravention

- (l) brandyspiritus verkoop sonder 'n lisensie, uitgereik ingevolge sub-artikel (1) van artikel *honderd-vier-en-veertig*, of 'n bepaling van 'n regulasie, ingevolge daardie artikel of artikel *honderd-ses-en-dertig* uitgevaardig, oortree;
- (m) terwyl hy iemand is aan wie kragtens 'n bepaling van hierdie Wet of van 'n verbod of beperking, op gesag daarvan vasgestel, drank of 'n bepaalde soort of meer dan 'n vasgestelde hoeveelheid drank nie wettig verstrekt mag word nie, in stryd met daardie verbod drank koop, verkry of besit;
- (n) drankkoop of verkry op 'n tydstip of onder omstandighede wanneer of op 'n plek waar die verstreking van daardie drank aan hom onwettig is;
- (o) in stryd met die bepalings van artikel *honderden-twintig*, die verkoop van drank versoek of bestellings daarvoor aanneem of aanbiedings om drank te koop aanneem of ontvang; of
- (p) as hy 'n drankstoker of bierbrouer is, iemand in stryd met die bepalings van sub-artikel (1) van artikel *honderden-vier* in diens stel.

(C) Strawwe.

182. (1) 'n Lisensiehouer wat enige hieronder genoemde bepaling van hierdie Wet oortree, is by sy eerste veroordeling strafbaar—

- (a) as dit 'n oortreding is van 'n bepaling in paragraaf (a), (b), (c), (e), (f), (g), (l), (m), (n), (o), (p), (q), (r) of (s) van artikel *honderd-vyf-en-sewentig*, met 'n boete van hoogstens vyftig pond;
- (b) as dit 'n oortreding is van 'n bepaling in paragraaf (d), (h), (i), (j), of (k) van artikel *honderd-vyf-en-sewentig* of van 'n bepaling in artikel *honderd-ses-en-sewentig*, *honderd-seven-en-sewentig* of *honderd-ag-en-sewentig*, met 'n boete van hoogstens honderd pond

(2) By 'n tweede of verdere veroordeling van 'n lisensiehouer, mag die strawwe, in sub-artikel (1) bepaal, verdubbel word, of die hof mag, in plaas van 'n boete op te lê, die skuldige tot gevangenisstraf veroordeel wat tot die boete wat opgelê kon geword het, in die verhouding staan wat vasgestel is in sub-artikel (1) van artikel *drie-honderd-vyf-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917. As dit 'n tweede of verdere veroordeling is weens 'n oortreding vermeld in paragraaf (b) van sub-artikel (1) mag die hof benewens of in plaas van daardie straf verklaar dat die lisensiehouer sy lisensie verbeur het.

(3) In hierdie artikel word 'n veroordeling as 'n eerste veroordeling beskou, tensy die aldus veroordeelde lisensiehouer binne vyf jaar voor daardie veroordeling, veroordeel is weens watter oortreding ook van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word.

183. (1) Iemand wat 'n hierondergenoemde bepaling van hierdie Wet oortree, is by 'n eerste veroordeling strafbaar—

- (a) as dit 'n oortreding is van 'n bepaling in paragraaf (d), (e), (f), (g), (h), (i) of (j) van artikel *honderd-negen-en-sewentig*, of (a), (b), (c), (e), (g), (h), (i), (m) of (n) van artikel *honderdeen-en-tagtig* met 'n boete van hoogstens vyf-en-twintig pond; en
- (b) as dit 'n oortreding is van 'n bepaling in paragraaf (a), (b) of (c) van artikel *honderd-negen-en-sewentig*, of (d), (f), (j), (k), (l), (o) of (p) van artikel *honderdeen-en-tagtig* of van 'n bepaling in artikel *honderden-tagtig*, met 'n boete van hoogstens honderd pond;

(2) By 'n tweede of verdere veroordeling van daardie persoon mag die strawwe wat sub-artikel (1) stel, verdubbel word, of die hof mag, in plaas van 'n boete op te lê, die skuldige tot gevangenisstraf veroordeel wat tot die boete wat opgelê kon geword het, in die verhouding staan wat vasgestel is in sub-artikel (1) van artikel *drie-honderd-vyf-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917. As die skuldige die houer is van 'n ingevolge hierdie Wet uitgereikte

Strawwe op oortredings deur lisensiehouer.

Strawwe op oortredinge deur wie ook.

mentioned in paragraph (b) of sub-section (1), the court may, in addition to or in lieu of such penalty, declare such licence to be forfeited.

(3) For the purposes of this section a conviction shall be deemed to be a first conviction unless within five years of such conviction the person so convicted was convicted of any contravention whatsoever of this Act or of any law repealed by this Act.

184. (1) Any person who contravenes any provision of this Act or of any regulation made thereunder or who makes default in complying with any provision of this Act with which it is his duty to comply, where such contravention or default is not elsewhere in this Act declared an offence, shall be guilty of an offence, and shall, if no penalty is specially prescribed in this Act or the regulations, as the case may be, for the contravention or default, be liable on first conviction to a fine not exceeding twenty-five pounds and on a second or subsequent conviction to a fine not exceeding fifty pounds.

(2) For the purposes of this section a conviction shall be deemed to be a first conviction unless within five years of such conviction the person so convicted was convicted of any contravention whatsoever of this Act or of any law repealed by this Act.

185. (1) Any liquor or thing seized under the authority of this Act or of the Criminal Procedure and Evidence Act, 1917, or any amendment thereof, shall, together with any vessels in which the same is contained, be forfeited unless—

- (a) in the case where such liquor or thing forms the subject of the prosecution of the person in whose possession it was seized, the court finds that the liquor or thing was not possessed by him in contravention of any provision of this Act or any other law; or
- (b) in any other case if the person from whom such liquor or thing was taken proves within thirty days of the seizure to the satisfaction of the Minister that the possession of it by himself or any other person was not unlawful.

(2) Any liquor, thing or vessels so forfeited may be sold or destroyed, or may be dealt with in such other manner as the Minister may direct.

(3) If it is proved to the satisfaction of the court convicting any person of having conveyed or removed any liquor in contravention of any provision of this Act that any vehicle was employed with the knowledge or consent of the owner thereof or in circumstances in which such owner can be reasonably supposed to have had such knowledge for the purpose of conveying or removing such liquor, such vehicle may by order of such court be confiscated for the benefit of the Consolidated Revenue Fund.

CHAPTER XVIII.

SUPPLEMENTARY.

186. The cost incurred by members of any licensing board in connection with proceedings instituted against them in their official capacity shall, unless the court before which the proceedings are taken orders the costs to be borne by the opposite party or by the said members *de bonis propriis*, be paid to them out of the Treasury.

187. The Governor-General may from time to time make, alter and revoke regulations not inconsistent with this Act upon any of the following matters—

- (a) the order of proceedings at meetings of licensing boards;
- (b) the remuneration, if any, of the members of licensing boards;
- (c) the forms of licences, notices, permits, and other documents to be issued under this Act, and of registers and other records to be kept thereunder;

lisensie, en dit is 'n tweede of verdere veroordeling weens 'n oortreding vermeld in paragraaf (b) van sub-artikel (1) mag die hof benewens of in plaas van daardie straf die lisensie verbeurdverklaar.

(3) In hierdie artikel word 'n veroordeling as 'n eerste veroordeling beskou, tensy die aldus veroordeelde persoon binne vyf jaar voor daardie veroordeling, veroordeel geword is weens watter oortreding ook van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word.

184. (1) Iemand wat 'n bepaling van hierdie Wet of van 'n ingevolge daarvan vasgestelde regulasie oortree of wat versuim om te voldoen aan 'n bepaling van hierdie Wet waaraan hy verplig is om te voldoen, is, as daardie oortreding of versuim nie elders in hierdie Wet tot 'n misdryf verklaar word nie, skuldig aan 'n misdryf en is, as hierdie Wet of die regulasies, na gelang van die geval, nie spesiaal 'n straf op die oortreding of versuim stel nie, strafbaar, by sy eerste veroordeling met 'n boete van hoogstens vyf-en-twintig pond en by sy tweede of verdere veroordeling met 'n boete van hoogstens vyftig pond.

(2) In hierdie artikel word 'n veroordeling as 'n eerste veroordeling beskou, tensy die aldus veroordeelde persoon binne vyf jaar voor daardie veroordeling, veroordeel geword is weens watter oortreding ook van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word.

185. (1) Enige drank of voorwerp wat kragtens hierdie Wet of die Wet op de Kriminele Procedure en Bewijslevering, 1917, of 'n wysiging daarvan in beslag geneem geword is word, met die houers waarin dit bevat is, verbeur, tensy—

- (a) in geval die drank of voorwerp die onderwerp uitmaak van die vervolging van die persoon in wie se besit dit in beslag geneem geword is, die hof bevind dat hy nie die drank of voorwerp in besit gehou het nie in stryd met 'n bepaling van hierdie of enige ander wet; of
- (b) in enige ander geval die persoon van wie die drank of voorwerp weggeneem is binne dertig dae na die inbeslagneming die Minister deur bewyse oortuig dat die besit en aanhou van die drank deur homself of iemand anders nie onwettig was nie.

(2) Die Minister mag gelas dat enige aldus verbeurde drank voorwerp of houers verkoop of vernietig moet word, of wat anders daarmee gemaak moet word.

(3) As die hof wat iemand veroordeel weens vervoer of verwydering van drank in stryd met 'n bepaling van hierdie Wet, deur bewyse oortuig word, dat enige voertuig gebruik geword is met wete en toestemming van die eienaar daarvan of onder omstandighede waaruit redelikerwys afgelei kan word dat hy daarvan geweet en sy toestemming gegee het, om daardie drank te vervoer of te verwyder, dan mag daardie hof daardie voertuig verbeurd verklaar tot voordeel van die Gekonsolideerde Inkomstefonds.

HOOFSTUK XVIII.

AANVULLINGSBEPALINGS.

186. Die koste deur lede van 'n lisensieraad gemaak in verband met 'n geding wat teen hulle in hulle offisiële hoedanigheid ingestel geword is, moet aan hulle deur die Tesourie betaal word, tensy die hof, waarin die geding dien, gelas dat die teëparty of voormelde lede *de bonis propriis* die koste moet dra.

187. Die Goewerneur-generaal mag van tyd tot tyd regulasies, wat nie met hierdie Wet in stryd is nie, uitvaardig, wysig of intrek, aangaande enige van die volgende sake—

- (a) die volgorde van werksaamhede op lisensieraadvergaderings;
- (b) die besoldiging (as die betaal word) van lisensieraadslede;
- (c) die vorme vir lisensies, kennisgewings, permitte en ander dokumente wat kragtens hierdie Wet uitgereik moet word en van die registers en ander aantekeninge wat kragtens hierdie Wet gehou moet word;

Algemene
strawwe.

Verbeurte
van drank
ens., wat in
beslag
geneem is.

Koste van
geding teen
lisensieraad.

Regulasies.

- (d) the manner in which any vote required to be taken under this Act shall be taken;
- (e) the performance of the duties of receivers of revenue and other officers under this Act; and
- (f) the duties of liquor traffic inspectors and the submission of their reports or portions thereof to the licensing boards concerned;
- (g) generally prescribing and regulating any matter for the more efficient administration and carrying into effect the provisions of this Act.

188. In this Act, unless inconsistent with the context—

“Asiatic” means any Turk and any member of a race or tribe, other than the Jewish or the Syrian race, whose national home is in Asia, but does not include any member of the class or race commonly known as the Cape Malays;

“malt liquor” means and includes beer (that is to say the alcoholic liquid obtained by the fermentation of a mash of malt, with or without cereals, flavoured with hops), ale, stout, and any other liquor made or sold as or under the name of beer, ale or stout, if it contains more than two per cent. by volume of alcohol, but does not include kaffir beer;

“class” means when used in respect of persons, any number of persons having any characteristic in common whether of race, sex, social distinction or otherwise, and includes any number of persons grouped together by any licensing board by reason of their residence in any particular area;

“coloured person” means any person who is not a European and is not included in the definition of Asiatic or native, and includes members of the class or race commonly known as the Cape Malays;

“closed days” means—

- (a) Sundays,
- (b) Christmas Day,
- (c) Good Friday,
- (d) any day on which a general Parliamentary election takes place,
- (e) in respect of any province any day on which a general election for members of the Provincial Council takes place,
- (f) in respect of the area of an urban local authority any day on which an election, not being a by-election, for members of the local authority takes place, and
- (g) in respect of any particular premises where liquor is sold, any other day on which such premises must be closed in terms of any provision of this Act or of section one hundred and thirty-nine of the Electoral Act, 1918 (Act No. 12 of 1918), or of any other law;

“Government” means any department of State, including the Railways and Harbours Administration;

“grant” means when used in connection with a licence the grant of a certificate authorizing the issue of a new licence by the officer charged with the duty of issuing licences;

“intoxicating liquor” or “liquor” means—

- (a) any spirit other than methylated spirit, wine, liqueur, malt liquor, cider, perry, hop beer, kaffir beer, eau de cologne;
- (b) any drink containing more than two per cent. by volume of alcohol;
- (c) any drink, substance or concoction which the Governor-General may from time to time declare by proclamation in the *Gazette* to be included in this definition; and
- (d) any drink with which anything defined as liquor in paragraphs (a), (b) or (c) has been mixed;

- (d) die manier waarop 'n stemming, wat hierdie Wet voorskryf, gehou moet word;
- (e) die verrigting van werksaamhede van ontvangers van staatsinkomste en ander amptenare ingevolge hierdie Wet;
- (f) die werksaamhede van drankhandelinspekteurs en die voorlegging van hulle verslae of gedeeltes daarvan aan die betrokke lisensierade;
- (g) oor die algemeen enige saak voorskryf en reël tot meer doelmatige uitvoering van die bepalings van hierdie Wet.

**188. Tensy uit die samehang anders blyk, het onderstaande Woordbe-
woorde in hierdie Wet die volgende betekenis—**

“Asiaat,” beteken 'n Turk en enige lid van 'n ras of stam, buiten die Joodse of Siriese ras. wie se nasionale tuiste in Asië is, maar dit omvat nie 'n lid van die klas of ras wat gewoonlik Slamaaiers genoem word;

“bier,” beteken en omvat die alkoholiese vloeistof verkry deur gisting van 'n moutpap, met of sonder graan, waaraan deur hop smaak verleen is, en ook ale, stout en enige ander drank wat as of onder die naam van bier, ale of stout vervaardig of verkoop word, as dit meer alkohol bevat dan twee persent van sy volume maar dit sluit nie kafferbier in nie;

“klas,” indien in verband met persone gebruik, beteken 'n aantal persone met 'n gemeenskaplike kenmerk, hetsy van ras, geslag, maatskaplike onderskeiding of van 'n ander soort, en dit omvat 'n aantal persone wat 'n lisensieraad saam groepeer omdat hulle in 'n bepaalde streek of gebied woon;

“kleurling,” beteken iemand wat nie 'n blanke is nie en wat nie onder die omskrywing van “Asiaat” of “naturel” val nie, en dit omvat 'n lid van die klas of ras wat gewoonlik Slamaaiers genoem word;

“geslote dae,” beteken—

- (a) Sondae;
- (b) Kersdag;
- (c) Goeie Vrydag;
- (d) enige dag waarop 'n algemene Parlementsverkiezing plaasvind;

(e) ten opsigte van 'n provinsie, 'n dag waarop 'n algemene verkiezing van lede van die Prowinsiale Raad plaasvind;

(f) ten opsigte van die gebied van 'n stedelike plaaslike bestuur, 'n dag waarop 'n verkiezing (buiten 'n tussentydse verkiezing) van lede van die plaaslike bestuur plaasvind; en

(g) met betrekking tot 'n bepaalde gebou waarin drank verkoop word, enige ander dag waarop daardie gebou gesluit moet word kragtens 'n bepaling van hierdie Wet of van artikel honderd-negen-en-dertig van die Kieswet, 1918 (Wet No. 12 van 1918) of van enige ander wet;

“Regering” beteken enige Staatsdepartement en omvat die Spoorweë- en Hawens Administrasie;

“verleen,” beteken in verband met 'n lisensie, die verlening van 'n sertifikaat wat die amptenaar, belas met die uitreiking van lisensies, magtig om 'n nuwe lisensie uit te reik;

“sterke drank” of “drank” beteken—

- (a) enige spiritualië, (behalwe brandspieritus), wyn, likeur, bier, appelwyn, perewyn, hobbier, kafferbier, en eau de Cologne;
- (b) enige drank wat meer alkohol bevat dan twee persent van sy volume;
- (c) enige drank, stof of brousel waarvan die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* mag verklaar dat dit onder hierdie bepaling val; en
- (d) enige drank waarmee iets, wat in paragraaf (a), (b) of (c) as drank omskrywe word, gemeng geword is;

"intoxicating-medicine" means any medicine proclaimed to be such under section *one hundred and forty-five*;

"issue" when used in relation to a licence, means the handing over of the licence to the licensee by the officer authorized under this Act to do so;

"kaffir beer" means—

- (a) the drink commonly brewed by natives from kaffir corn or millet or other grain and containing not more than two per cent. by volume of alcohol; and
- (b) any other fermented liquor containing not more than two per cent. by volume of alcohol which the Governor-General may from time to time by proclamation in the *Gazette* declare to be kaffir beer;

"licence" means save when used in respect of the licensing of a dealer in methylated spirits or of a licence not issued under this Act, a licence granted under this Act for the sale of liquor;

"licensee" or "licence holder" means the holder of any licence for the sale of liquor granted under this Act;

"Minister" means the Minister of Justice or any Minister acting on his behalf;

"methylated spirit" means—

- (a) spirit denatured in accordance with any regulation in force for the time being for the denaturation or methylation of spirit;
- (b) any other denatured medicated, perfumed or otherwise treated spirit which the Governor-General may, in terms of sub-section (4) of section *one hundred and forty-four*, declare to be methylated spirit for the purposes of this Act;

"native" means any person belonging to one or other of the following classes—

- (a) aboriginal tribes of Africa, including Bushmen and Hottentots,
- (b) Korannas and Griquas,
- (c) persons upon whom are levied general or local tax in terms of section *two* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925) or any tax substituted for any such tax, and
- (d) American negroes;

"off-consumption licence" or "licence for the consumption of liquor off the licensed premises" or any term of the same import means any of the following licences, namely—

- (a) a wholesale liquor licence;
- (b) a foreign liquor licence;
- (c) a brewer's licence;
- (d) a bottle liquor licence; and
- (e) a wine farmer's licence;

"on-consumption licence" or "licence for the sale of liquor for consumption on the premises" or any term of the same import means any of the following licences, namely—

- (a) a restaurant liquor licence;
- (b) a hotel liquor licence;
- (c) a bar licence;
- (d) a wine and malt liquor licence;
- (e) a club liquor licence;
- (f) a theatre liquor licence;
- (g) a temporary liquor licence; and
- (h) a late hours occasional licence.

"open days" means all days of the year except closed days;

"bedwelvende medisyne" beteken enige medisyne wat as sodanig geproklameer is kragtens artikel *honderdvyf-en-veertig*;

"uitreik," in verband met 'n lisensie, beteken die oorhandiging van die lisensie aan die lisensiehouer deur die amptenaar wat deur hierdie Wet daartoe gemagtig word;

"kafferbier," beteken—

- (a) die drank wat gewoonlik deur natuurlike gebrou word uit kafferkooring of ander graan en wat nie meer alkohol bevat dan twee persent van sy volume; en
- (b) enige ander gegiste drank met geen groter alkohol gehalte dan twee persent van sy volume, wat die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* tot kafferbier mag verklaar.

"lisensie," beteken 'n lisensie ingevolge hierdie Wet verleen vir die verkoop van drank, behalwe wanneer die woord gebruik word in verband met die lisensieer van 'n handelaar in brandspieritus of met 'n lisensie wat nie ingevolge hierdie Wet uitgereik word nie;

"lisensiehouer," beteken die houer van enige lisensie vir die verkoop van drank, ingevolge hierdie Wet verleen;

"Minister," beteken die Minister van Justisie, of enige Minister wat namens hom optree;

"brandspieritus" beteken—

- (a) spieritus, gedenatureer volgens 'n geldende regulasie op die denaturering of methylering van spieritus;
- (b) enige ander gedenatureerde, met medisyne gemengde, geparfumeerde of anders bewerkte spieritus wat die Goewerneur-generaal volgens sub-artikel (4) van artikel *honderd-vier-en-veertig* vir die doeleindes van hierdie Wet tot brandspieritus mag verklaar;

"natuurel," beteken iemand wat tot een van die volgende klasse behoort:

- (a) inboorlingstamme van Afrika, waaronder Boesmans en Hottentotte;
- (b) Korannas en Griekwas;
- (c) persone van wie gehef word 'n algemene of plaaslike belasting, kragtens artikel *twee* van die *Natuurlike Belasting en Ontwikkeling Wet*, 1925 (Wet No. 41 van 1925), of enige belasting wat daardie belasting vervang; en
- (d) Amerikaanse negers;

"buiteverbruik-lisensie" of "lisensie vir die gebruik van drank buite die gelisensieerde gebou" of 'n uitdrukking van dieselfde strekking beteken een van die volgende lisensies, naamlik—

- (a) 'n groothandelaars-dranklisensie;
- (b) 'n buitelandse-dranklisensie;
- (c) 'n bierbrouers-lisensie;
- (d) 'n bottel-dranklisensie; en
- (e) 'n wynboer-lisensie;

"binneverbruik-lisensie" of "lisensie vir die verkoop van drank om in die gelisensieerde gebou gebruik te word" of 'n uitdrukking van dieselfde strekking beteken een van die volgende lisensies naamlik—

- (a) 'n restaurant-dranklisensie;
- (b) 'n hotel-dranklisensie;
- (c) 'n kantien-lisensie;
- (d) 'n wyn- en bier-lisensie;
- (e) 'n klub-dranklisensie;
- (f) 'n teater-dranklisensie;
- (g) 'n tydelike dranklisensie; en
- (h) 'n nagtelike geleentheids-lisensie;

"ope dae," beteken alle dae van die jaar behalwe geslote dae;

"ordinary meal" means a lunch or dinner actually supplied for which a price of not less than one shilling and six pence is actually paid or *bona fide* to be paid;

"pint" includes a reputed pint;

"prescribed" means prescribed under this Act or the regulations;

"quart" includes a reputed quart;

"renewal" means when used in connection with a licence, a grant of a certificate authorizing the issue of a licence other than a new licence by the officer charged with the duty of issuing licences;

"registered," when used in connection with any person, means registered under any law in force for the registration and admission to practice of that class of person;

"restricted portion" used in relation to licensed premises means that part commonly known as the bar and such other rooms or portions of the premises as may in any particular case be determined by the board;

"rural area" means any area outside the limits of an urban area;

"sell" in addition to its ordinary meaning includes keeping, exposing, or delivering for sale, or authorizing, directing or allowing sale or possession for purposes of sale;

"supply" means, in relation to the supply of any liquor or thing to any person, the placing of that person in control of such liquor or thing for his own use;

"tie" means any agreement, understanding or condition, whereby any person is bound at any time to purchase intoxicating liquor of any kind whether or not in conjunction with any other articles or thing from any person to the exclusion, whether wholly or in part of any other seller of such or similar liquor;

"Transkeian territories" means—

- (a) the Transkei, including Gealekaland,
- (b) Tembuland, including Emigrant Tembuland and Bomvanaland,
- (c) Port St. Johns,
- (d) Pondoland including East and West Pondoland, and
- (e) East Griqualand;

"urban local authority" means any municipal council, borough council, town council or village council or any town board, village management board, local board, health board or health committee;

"urban area" means an area under the jurisdiction of an urban local authority.

Short title and commencement. 189. This Act may be cited as the liquor Act, 1928, and save where otherwise specially provided shall commence and come into operation on the first day of October, 1928.

"gewone maaltyd" beteken 'n werklik verstrekte noenmaal of dinee waarvoor 'n prys van nie minder as een sjieling en sixpens werklik betaal is of te goeder trou betaal moet word;

"pint," omvat 'n beweerde pint;

"voorgeskrewe," beteken deur hierdie Wet of die regulasies voorgeskrewe;

"kwart," omvat 'n beweerde kwart;

"vernuwing," beteken in verband met 'n lisensie, die verlening van 'n sertifikaat wat die amptenaar, belas met die uitreiking van lisensies, magtig om 'n ander lisensie dan 'n nuwe lisensie uit te reik;

"geregistreer," indien in verband met 'n persoon gebruik, beteken geregistreer kragtens 'n geldende wet op die registrasie en toelating tot die praktyk, van daardie klas van persoon;

"beperkte gedeelte" in verband met 'n gelisensieerde gebou gebruik, beteken die gedeelte wat gewoonlik kantien genoem word en sodanige ander kamers of gedeeltes van die gebou as wat in 'n bepaalde geval deur die raad bepaal mag word;

"platteland," beteken enige gebied buite die grense van 'n stadsgebied;

"verkoop," omvat, behalwe sy gewone betekenis, ook aanhou, uitstal of aflewer om te verkoop of magtiging, opdrag of toelating van 'n verkoop of die besit om te verkoop;

"verstrekk," beteken, in verband met die verstrekking van enige drank of voorwerp aan 'n persoon, daardie persoon in besit van daardie drank of voorwerp stel vir sy eie gebruik;

"koopverpligting" beteken 'n ooreenkoms, verstandhouding of voorwaarde waardeur iemand te eniger tyd verbind is om sterke drank, van watter soort ook, hetsy al dan nie saam met enige ander voorwerp of ding, van iemand te koop, met uitsluiting, hetsy geheel of gedeeltelik, van enige ander verkoper van sodanige of gelyksoortige drank;

"Transkeise gebied," beteken:

- (a) die Transkei, met Galekaland;
- (b) Temboeland met Emigrant Temboeland en Bomvanaland;
- (c) Port St. John's;
- (d) Pondoland, met Oos- en Wes-Pondoland; en
- (e) Oos-Griekwaland;

"stedelike plaaslike bestuur," beteken 'n munisipale raad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike raad, gesondheidsraad of gesondheidskomitee;

"stadsgebied," beteken 'n gebied onder die beheer van 'n stedelike plaaslike bestuur;

189. Hierdie Wet mag aangehaal word as die Drankwet Korte tite 1928, en behalwe vir sover uitdruklik anders bepaal word, en inwerking-treding. tree hy in werking op die eerste dag van Oktober, 1928.

First Schedule.

LAWS REPEALED.

No. and Year of Law.	Short Title or Subject of Law.	Extent of Repeal.
Act No. 28 of 1883.	<i>Cape of Good Hope.</i> Liquor Licensing Act, 1883	The whole.
Act No. 44 of 1885.	Liquor Licensing Act Amendment Act, 1885.	The whole.
Act No. 25 of 1891.	The Liquor Act, 1891 ..	The whole.
Act No. 25 of 1884.	Glen Grey Act, 1894 ..	Sections <i>sixty, sixty one, sixty-two, sixty-three and sixty-four.</i>
Act No. 28 of 1898.	The Liquor Law Amendment Act, 1898.	The whole.
Act No. 34 of 1904.	Liquor Law, 1904	The whole.
Act No. 8 of 1907.	The Sale of Pure Natural Wines Facilities Act, 1907.	The whole.
Act No. 35 of 1908.	Intoxicating Medicines Sales Act, 1908.	The whole.
Act No. 40 of 1908.	The Light Wines Licences Act, 1908.	The whole.
Act No. 17 of 1909.	The Light Wines Licences Amendment Act, 1909.	The whole.
Act No. 24 of 1909.	The Sale of Pure Natural Wines Amendment Act, 1909.	The whole.
Act No. 32 of 1909.	The Private Locations Act, 1909.	Sub-sections (1), (2), (3) and (4) of section <i>eleven.</i>
British Bechu-analand Proclamation 58 of 1889.	—	The whole.
British Bechu-analand Proclamation 64 of 1889.	—	The whole.
British Bechu-analand Proclamation No. 118 of 1891.	—	The whole.
British Bechu-analand Proclamation No. 164 of 1892.	—	The whole.
<i>Natal.</i>		
Act No. 38 of 1896.	Liquor Act, 1896	The whole.
Act No. 5 of 1898	For the Regulation of Native Assemblies	In so far as it relates to any gathering for the purpose of beer drinking.
Act No. 36 of 1899.	To amend the Liquor Act, 1896.	The whole.
Act No. 32 of 1901.	To amend the Law relating to Liquor.	The whole.
Act No. 37 of 1901.	To impose an excise duty upon beer, etc.	All the words in section <i>two</i> after "one pound sterling".
Act No. 27 of 1905.	To amend the Liquor Laws in reference to the drink called isityimiyana.	The whole.
Act No. 31 of 1905.	To amend the Laws relative to Liquor Licences and other Licences in their application to the Province of Zululand.	In so far as it relates to Liquor Licences.
Act No. 44 of 1906.	To amend the Liquor Act of 1896 in regard to the punishments for supplying liquor to Natives and Indians.	The whole.
Act No. 23 of 1908.	The Native Beer Act, 1908..	So much as is un-repealed.
Act No. 41 of 1909.	To amend the Liquor Acts in regard to wholesale licences.	The whole.
<i>Transvaal.</i>		
Ordinance No. 32 of 1902.	The Liquor Licensing Ordinance, 1902.	The whole.
Ordinance No. 2 of 1903.	To amend the Liquor Licensing Ordinance, 1902.	The whole.
Ordinance No. 17 of 1903.	The Liquor Licensing Further Amendment Ordinance, 1903.	The whole.

Eerste Bylae

HERROEPE WETTE.

No. en Jaar van Wet.	Korte Tietel of Onderwerp van Wet.	Wat Herroep word.
Wet No. 28 van 1883.	<i>Kaap die Goeie Hoop.</i> Dranklisensiewet, 1883 ..	Die geheel.
Wet No. 44 van 1885.	Dranklisensiewet-Wysigingswet 1885.	Die geheel.
Wet No. 25 van 1891.	Die Drankwet, 1891	Die geheel.
Wet No. 25 van 1894.	Glen-Grey-Wet, 1894 ..	Artiekels <i>sestig</i> tot en met <i>vier-en-sestig.</i>
Wet No. 28 van 1898.	Die Drankwet-Wysigingswet, 1898.	Die geheel.
Wet No. 34 van 1904.	Drankwet, 1904	Die geheel.
Wet No. 8 van 1907.	Wet tot vergemakliking van verkoop van Suiwer Natuurlike Wyne, 1907.	Die geheel.
Wet No. 35 van 1908.	Wet op Verkoop van Bedwel-mende Medisyne, 1908.	Die geheel.
Wet No. 40 van 1908.	Wet op Lisensies vir Ligte Wyne, 1908.	Die geheel.
Wet No. 17 van 1909.	Wet tot Wysiging van die Wet op Lisensies vir Ligte Wyne 1909.	Die geheel.
Wet No. 24 van 1909.	Wet tot Wysiging van die Wet op Verkoop van Suiwer Natuurlike Wyne, 1909.	Die geheel.
Wet No. 32 van 1909.	Die Wet op Private Lokaties 1909.	Sub-artiekels (2)(3) en (4) van artikel <i>elf.</i>
Brits Betsjoeana-landse Prokla-masie No. 58 van 1889.	—	Die geheel.
Brits Betsjoeana-landse Prokla-masie No. 64 van 1889.	—	Die geheel.
Brits Betsjoeana-landse Prokla-masie No. 118 van 1891.	—	Die geheel.
Brits Betsjoeana-landse Prokla-masie No. 164 van 1892.	—	Die geheel.
<i>Natal.</i>		
Wet No. 38 van 1896.	Drankwet, 1896	Die geheel.
Wet No. 5 van 1898.	Tot Reëling van Naturelle byeenkomste.	Vir so ver dit han-del oor byeen-komste om bier te drink.
Wet No. 36 van 1899.	Tot wysiging van die Drank-wet, 1896.	Die geheel.
Wet No. 32 van 1901.	Tot wysiging van die Wet omtrent drank.	Die geheel.
Wet No. 37 van 1901.	Totoplegging van 'n aksynsbe-lasting op bier, ens.	Alle woorde in ar-tikel <i>twee</i> na "one pound sterling".
Wet No. 27 van 1905.	Tot wysiging van die Drank-wette met betrekking tot die drank genoem isityimiyana.	Die geheel.
Wet No. 31 van 1905.	Tot wysiging van die wette op drank- en ander lisensies vir sover toepaslik op die Pro-vinsie Soeloeland.	Vir sover dit op dranklisensies van toepassing is.
Wet No. 44 van 1906.	Tot wysiging van die Drankwet van 1896 met betrekking tot die strawwe op drankverstrek-king aan Naturelle en Indiërs.	Die geheel.
Wet No. 23 van 1908.	Die Kafferbier-Wet, 1908	Wat nog onher-roep is.
Wet No. 41 van 1909.	Tot wysiging van die Drank-wette met betrekking tot groothandelaarslisensies.	Die geheel.
<i>Transvaal.</i>		
Ordonnansie No. 32 van 1902.	Die Dranklisensie-Ordonnansie,, 1902.	Die geheel.
Ordonnansie No. 2 van 1903.	Tot wysiging van die Drank-lisensie - Ordonnansie, 1902.	Die geheel.
Ordonnansie No. 17 van 1903.	Ordonnansie tot verdere Wysig-ing van die Dranklisensie-Ordonnansie.	Die geheel.

No. and Year of Law.	Short Title or Subject of Law.	Extent of Repeal.	No. en Jaar van Wet.	Korte Tittel of Onderwerp van Wet.	Wat Herroep word.
Ordinance No. 68 of 1903.	<i>Transvaal.</i> —(contd). The Liquor Licensing (Railway Employees) Amending Ordinance, 1903.	The whole.	Ordonnansie No. 68 van 1903.	<i>Transvaal</i> (vervolg). Die Dranklisensies- (Spoorwegarbeiders) Wysigingsordonnansie, 1903.	Die geheel.
Ordinance No. 8 of 1906.	Liquor Licensing Amendment Ordinance, 1906.	The whole.	Ordonnansie No. 8 van 1906.	Dranklisensie - Wysigingsordonnansie, 1906.	Die geheel.
Act No. 9 of 1907.	The Excise Act, 1907	Section <i>two</i> , save for the words "Every brewer shall take out an annual licence to be obtained from the director."	Wet No. 9 van 1907.	Die Aksynswet, 1907 ..	Artikkel <i>two</i> , behalwe die woorde "Every brewer shall take out an annual licence to be obtained from the director."
Act No. 33 of 1909.	The Liquor Licensing Laws Further Amendment Act, 1909.	The whole.	Wet No. 33 van 1909.	Wet tot verdere Wysiging van die Drankwette, 1909.	Die geheel.
<i>Orange Free State.</i>					
Chapter CIX of Law Book	The Brewery and Abuse of Kaffir Beer.	The whole.	Hoofstuk CIX van Wetboek	Het Brouwen en Misbruik van Kafferbier.	Die geheel.
Ordinance No. 8 of 1903.	The Liquor Licensing Ordinance, 1903.	The whole.	Ordonnansie No. 8 van 1903.	Die Dranklisensie - Ordonnansie, 1903.	Die geheel.
Ordinance No. 10 of 1905.	Liquor Licensing Amending Ordinance, 1905.	The whole.	Ordonnansie No. 10 van 1905.	Dranklisensie - Wysigingsordonnansie, 1905.	Die geheel.
Ordinance No. 28 of 1906.	Brewers Bottle Licence Ordinance, 1906.	The whole.	Ordonnansie No. 28 van 1906.	Bierbrouers-Bottellisensie-Ordonnansie, 1906.	Die geheel.
Ordinance No. 10 of 1907.	Liquor Licensing (Railway Station and Theatre) Amending Ordinance, 1907.	So much as is unrepealed.	Ordonnansie No. 10 van 1907.	Dranklisensie- (Spoorwegstasie en Teater) Wysigingsordonnansie, 1907.	Wat nog onherroep is.
Act No. 3 of 1909.	Liquor Law Amending Act, 1909.	The whole.	Wet No. 3 van 1909.	Drankwet-Wysigingswet, 1907	Die geheel.
Act No. 4 of 1909.	Analysis of Liquor Evidence Act, 1909.	The whole	Wet No. 4 van 1909.	Wet op Bewys van Drankontleding, 1909.	Die geheel.
<i>Union.</i>					
Act No. 10 of 1914.	The Cape Liquor Licensing Courts (Constitution) Amendment Act, 1914.	The whole.	Wet No. 10 van 1914.	Die Kaapse Drank Licentiehoven (Samestelling) Wijzigingswet, 1914.	Die geheel.
Act No. 1 of 1916.	The Native Definition Amendment Act, 1916.	The whole.	Wet No. 1 van 1916.	Die Naturellen Woordbepaling Wijzigingswet, 1916.	Die geheel.
Act No. 11 of 1916.	The Transvaal Liquor Licensing Ordinance Amendment (Sale of Liquor) Act, 1916.	The whole.	Wet No. 11 van 1916.	Die Transvaalse Dranklicentie Ordonantie, Wijzigings (Drankverkoop) Wet, 1916.	Die geheel.
Act No. 33 of 1916.	The Transvaal Liquor Licensing Laws Amendment Act, 1916.	The whole.	Wet No. 33 van 1916.	Die Transvaalse Dranklicentie Wetten Wijzigings Wet, 1916.	Die geheel.
Act No. 33 of 1919.	The Transvaal Liquor Licensing Ordinance, 1902, Amendment Act, 1919.	The whole.	Wet No. 33 van 1919.	Die Transvaalse Dranklicentie Ordonantie, 1902, Wijzigings Wet, 1919.	Die geheel.
Act No. 20 of 1921.	The Transvaal Liquor Licensing Ordinance, 1902, Amendment Act, 1921.	The whole.	Wet No. 20 van 1921.	Die Transvaalse Dranklicentie Ordonantie, 1902, Wijzigingswet, 1921.	Die geheel.
Act No. 5 of 1922.	The Financial Relations Fourth Extension Act, 1922.	Section <i>thirteen</i> .	Wet No. 5 van 1922.	Die Finansiële Verhoudingen Vierde Verlengings Wet, 1922.	Artikkel <i>dertien</i> .

Second Schedule.

LICENCES DEEMED IN TERMS OF SECTION *three* TO BE HELD UNDER THIS ACT BY PERSONS WHO AT THE COMMENCEMENT THEREOF HELD LICENCES UNDER ANY LAW REPEALED THEREBY.

Licence held under a Repealed Law.	Licence deemed to be held under this Act and as for which renewal may be applied for.
Wholesale in all Provinces ..	Wholesale.
Brewer's in Transvaal or Orange Free State.	Brewers.
Bottle in all Provinces ..	Bottle.
Restaurant or Café in Transvaal and Orange Free State.	Restaurant.
Light wine licence granted in Cape Province under Act No. 40 of 1908 as amended by Act No. 17 of 1909.	Restaurant or wine and malt.
Malt liquor licence in Transvaal ..	Wine and malt.
Club in all Provinces ..	Club.
Theatre in all Provinces ..	Theatre.
Colonial beer in Natal ..	Wine and malt.
Hotel liquor in Transvaal ..	Restaurant.
Retail licence in Cape Province, hotel licence in Natal, general retail licence in Transvaal and retail licence in Orange Free State.	Hotel or bar or wine and malt or restaurant.

Twede Bylae.

LISENSIES WAT KRAGTENS ARTIEKEL *drie* GEAG WORD INGEVOLGE HIERDIE WET UITGEREIK TE GEWORD HET AAN PERSONE WAT BY DIE INWERKINGTREDING DAARVAN LISENSIES GEHOU HET INGEVOLGE 'N HIERMEER HERROEPE WET.

Lisensie ingevolge 'n herroep Wet.	Lisensie wat geag word ingevolge hierdie Wet uitgereik te geword het en waarvoor vernuwing aangevra mag word.
Groothandelaars, in alle Provinsies ..	Groothandelaars.
Bierbrouers, in Transvaal en Oranje-Vrystaat ..	Bierbrouers.
Bottel, in alle Provinsies ..	Bottel.
Restaurant of Kafee in Transvaal en Oranje-Vrystaat.	Restaurant.
Lisensie vir ligte wyn, verleen in Kaap-provinsie ingevolge Wet No. 40 van 1908 soas gewysig deur Wet No. 17 van 1909.	Restaurant of wyn en bier.
Bierlisensie in Transvaal ..	Wyn en bier.
Klub, in alle Provinsies ..	Klub.
Teater, in alle Provinsies ..	Teater.
Koloniale bier, in Natal ..	Wyn en bier.
Hotel dranklisensie in Transvaal ..	Restaurant.
Kleinhandelaarslisensie in Kaap-provinsie, Hotel-lisensie in Natal, Algemene kleinhandelaarslisensie in Transvaal, en Kleinhandelaarslisensie in Oranje-Vrystaat.	Hotel of kantien of wyn- en bier of restaurant.

Derde Bylae.

FOOIE WAT BY UITREIKING VAN LISENSIES VERSKULDIG IS, MET DIE KORTINGS VASGESTEL IN SUB-ARTIEKEL (3)-VAN ARTIEKEL *twaaif*.

Soort van lisensie.	Ver- skuldigde fooi by uitreiking van nuwe lisensie.	Ver- skuldigde fooi by vernuwing van lisensie.	Ver- skuldigde fooi by magtigting tot oordrag van lisensie aan iemand anders.	Ver- skuldigde fooi by magtigting tot verplasing van lisensie na ander gebou.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Groothandelaars ..	100 0 0	50 0 0	25 0 0	25 0 0
Buitelandse ..	200 0 0	100 0 0	50 0 0	50 0 0
Bierbrouers ..	100 0 0	50 0 0	25 0 0	25 0 0
Bottel ..	200 0 0	100 0 0	50 0 0	50 0 0
Restaurant ..	50 0 0	25 0 0	12 10 0	12 10 0
Hotel ..	150 0 0	75 0 0	37 10 0	37 10 0
Kantien ..	—	200 0 0	100 0 0	100 0 0
Klub ..	100 0 0	50 0 0	25 0 0	25 0 0
Theater ..	50 0 0	25 0 0	25 0 0	5 0 0
Tydelyke ..	5 0 0	per dag vir	elke kantien	wat krag-
Nagtelike geleent-	1 0 0	tens die	lisensie beho-	u word.
heids.		vir elke uur	of gedeelte	van 'n uur
Wyn- en bier ..	50 0 0	waarvoor	die lisensie	verleen is.
Wynboer ..	2 0 0	25 0 0	12 10 0	12 10 0
Kafferbier ..	5 0 0	1 0 0	0 10 0	0 10 0
		5 0 0	1 0 0	1 0 0

By 'n groothandelaars-dranklisensie, 'n bottel-dranklisensie, 'n restaurant-dranklisensie, 'n hotel-dranklisensie, 'n kantien-lisensie, 'n klub-dranklisensie, 'n teater- of sportgrond-dranklisensie en 'n tydelike dranklisensie word die fooie verskuldig vir die uitreiking van 'n nuwe lisensie of vir die vernuwung van 'n lisensie met die helfte verminder as die lisensiehouer verkies dat sy lisensie uitgereik word onder die voorwaarde dat hy geen ander drank mag verkoop nie dan drank wat in die Unie voortgebring is.

Vierde Bylae.

(Voorkant.)

No.

Plek.

Datum

Hiermee word verlof verleen aan

Naam
Adres

om gedurende die tydperk van.....tot..... drank van
die volgende soort of soorte te koop vir gebruik buite 'n gelisensieerde
gebou, naamlik.....in hoeveelhede van nie meer as.....
in een kalendermaand.

Handtekening
Rang

HIERDIE PERMIT MOET NA AFLOOP, OP VERSOEK VAN DIE UITREIKENDE
BEAMPTTE, OF NA VEROORDELING VAN DIE HOUER WEENS 'N OOBTRE-
DING VAN ENIGE BEPALING VAN DIE DRANKWETTE, AFGEHEEL WORD.

(Agterkant.)

(Back.)

Datum.	Hoeveelheid.	Soort.	Handtekening van Lisensiehouer.
.....			
.....			
.....			
.....			

Fifth Schedule.

PART A.

MEDICAL CERTIFICATE FOR SUPPLY OF LIQUOR NOT EXCEEDING HALF A PINT TO PROHIBITED PERSON DANGEROUSLY ILL.

Address
Date

I,, a registered medical practitioner residing at hereby certify that at o'clock on the day of 192.. I saw a person prohibited from procuring intoxicating liquor; that he is at present in a condition of dangerous illness; and that it is necessary in consequence thereof that there should be administered to him of such administration to be (distributed over a period of hours) immediate.

PART B.

MEDICAL CERTIFICATE FOR SUPPLY OF LIQUOR NOT EXCEEDING ONE QUART IN THE CASE OF SPIRITUOUS LIQUOR OR WINE OR ONE GALLON IN THE CASE OF ANY OTHER LIQUOR TO PROHIBITED PERSON FOR RESTORATION OF HEALTH.

Address
Date

I,, a registered medical practitioner residing at hereby certify that at o'clock on the day of 192.. I saw a person prohibited from procuring intoxicating liquor; that he is suffering from and that it is necessary for the restoration of his health that of should be administered to him during the next at intervals of

I, of a of police stationed at hereby authorize the holder of any bottle licence to supply to or for the said one of

Vyfde Bylae.

DEEL A.

GENEESKUNDIGE SERTIFIKAAT VIR VERSTREKKING VAN NIE MEER DAN 'N HALWE PINT DRANK AAN 'N VERBODE PERSOON WAT GEVAARLIK SIEK IS.

Adres
Datum

Ek,, 'n geregistreerde geneesheer, woonagtig in sertificeer hiermee dat ek iemand aan wie die verkryging van sterke drank ontseg is, om uur op die dag van 192.... gesien het; dat hy op die oomblik gevaarlik siek is, en dat dit daarom nodig is dat aan hom toegedien word, en wel (verdeel oor uur) ineens.

DEEL B.

GENEESKUNDIGE SERTIFIKAAT VIR VERSTREKKING VAN DRANK (EN WEL NIE MEER DAN EEN KWART AS DIT SPIRITUALIEË OF WYN IS OF EEN GALLON AS DIT ENIGE ANDER DRANK IS) AAN 'N VERBODE PERSOON VIR HERSTEL VAN GESONDHEID.

Adres
Datum

Ek,, 'n geregistreerde geneesheer woonagtig in sertificeer hiermee dat ek iemand aan wie die verkryging van sterke drank ontseg is, om uur op die dag van 192.... gesien het; dat hy ly aan en dat dit vir die herstel van sy gesondheid nodig is dat aan hom toegedien word gedurende die volgende met tussenpose van

Ek, van Polisie, gestasioneer in (op) magtig hiermee enige houër van 'n bottel-dranklisensie om aan of ten behoeve van die genoemde een te verstrek.

Revocation of Proclamation as Alluvial Digging portion of farm in District Wolmaransstad. Page 722.

Revocation of Proclamation as Alluvial Digging portion of farm in District Potchefstroom. Page 723.

Revocation of Proclamation as Alluvial Digging portion of farm in District Lichtenburg. Page 723.

Revocation of Proclamation as Alluvial Digging portion of farm in District Ventersdorp. Page 724.

Revocation of Proclamation as Alluvial Digging portion of farm in District Ventersdorp. Page 724.

Revocation of Proclamation as Alluvial Digging portion of farm in District Potchefstroom. Page 724.

Amendment of Govt. notice No. 1631 of 1927 (re Explosives) Page 740.

License to carry on business of Diamond Cutting Page 740.

Report of Inspector of Mining Leases - Sub-higel, htd. 740

Method of apparatus for condensing air - J. H. C. W. & D. W. Page III.

Notice of Application for Right-of-Way - Victoria Falls & Del. Power Co., Ltd / Graham Smith, Ltd. XVII

All Proc for upi

Procla: *No.

* " * "

* 269. Proclamation of Urban Area of Kroonstad, Orange Free State	722
* 270. Proclamation of certain Industrial Areas in the Orange Free State	722
* 271. Revocation of Proclamation as an Alluvial Digging of portion of farm in District Wolmaransstad, Mining District of Klerksdorp, Transvaal Province	722
* 272. Proclamation of certain area in the Magisterial District of Pietersburg as a Native Location	723
* 273. Revocation of proclamation as an Alluvial Digging of portions of farm in District Potchefstroom, Mining District of Klerksdorp, Transvaal Province	723
* 274. Revocation of proclamation as an Alluvial Digging of portion of farm in District Lichtenburg, Mining District of Klerksdorp, Transvaal Province	723
* 275. Revocation of proclamation as an Alluvial Digging of portion of farm in District Ventersdorp, Mining District of Klerksdorp, Transvaal Province	724
* 276. Revocation of proclamation as an Alluvial Digging of portion of farm in District Ventersdorp, Mining District of Klerksdorp, Transvaal Province	724
* 277. Revocation of proclamation as an Alluvial Digging of portions of farm in District Potchefstroom, Mining District of Klerksdorp, Transvaal Province	724

Government Notices—

DEPARTMENT OF NATIVE AFFAIRS:	
*No. 1690. De Aar Municipal Location	725
* 1693. Venterstad Municipality: Curfew Regulation	725
* 1694. Vredefort Municipal Location	725
* 1695. Grant of Letters of Exemption	725
DEPARTMENT OF JUSTICE:	
*No. 1682. Appointment of Magistrates	726
* 1683. Liquor Licensing Court, Piet Retief—Appointment of Member	726
* 1684. Liquor Licensing Court, Piet Retief—Appointment of Acting Secretary	726
* 1685. South African Police—Acting Appointment	726

* 270. Proklamasie van sekere industriële streke in die Oranje Vrystaat, ooreenkomstig artikel twaalf van die Naturelle (Stadsgebiede) Wet, 1923	722
* 271. Gedeelte van Gedeelte "K" van plaas Klipkuil No. 104, Distrik Wolmaransstad, as 'n alluwiale delwery vir edelgesteentes gedeproklameer	722
* 272. Naturelle Belasting- en Ontwikkeling Wet, No. 41 van 1925—Plaas Rosenkrantz No. 974 'n naturellelokasie verklaar	723
* 273. Seker gedeeltes van Gedeelte 1 van Gedeelte "F" van plaas Muiskraal No. 41, Distrik Potchefstroom, as 'n alluwiale delwery vir edelgesteentes gedeproklameer	723
* 274. Watervoorsiening Oithouding op plaas Ruigte-laagte No. 205, Distrik Lichtenburg, as 'n alluwiale delwery vir edelgesteentes gedeproklameer	723
* 275. Gedeelte "B" van die suidwestelike deel van plaas Rietvlei No. 100, Distrik Ventersdorp, as 'n alluwiale delwery vir edelgesteentes gedeproklameer	724
* 276. Seker gedeelte van Gedeelte "B" van plaas Roo-depan No. 120, Distrik Ventersdorp, as 'n alluwiale delwery vir edelgesteentes gedeproklameer	724
* 277. Seker gedeeltes van Gedeelte "C" van plaas Du Toitspruit No. 120, Distrik Potchefstroom, as 'n alluwiale delwery vir edelgesteentes gedeproklameer	724

Goewermmentskennisgewings—

NATURELLESAKE:	
*No. 1690. De Aar Munisipale Lokasie	725
* 1693. Venterstad Munisipaliteit—Aandklok Regulasie	725
* 1694. Vredefort Munisipale Lokasie	725
* 1695. Naturelle Wet, Natal—Briewe van Vrystelling aan seker persone	725
DEPARTEMENT VAN JUSTISIE:	
*No. 1682. Aanstelling van Magistrate	726
* 1683. Dranklisensiehof, Pietretief—Aanstelling van Lid	726
* 1684. Dranklisensiehof, Pietretief—Aanstelling van Waarnemende Sekretaris	726
* 1685. Suid-Afrikaanse Polisie—Aanstelling van Waarnemende Kommissaris	726

Government Notices—(continued)	PAGE
DEPARTMENT OF JUSTICE—(continued):	
*No. 1686. Appointment of Liquor Traffic Sub-Inspector, District of Johannesburg	726
* „ 1691. Commissioners of Oaths: Appointments and Cancellation of Appointment of	727
* „ 1701. South African Police—Acting Appointment	727
DEPARTMENT OF THE INTERIOR:	
*No. 1678. Appointment of Marriage Officers	727
* „ 1719. Regulations in respect of the Collection of Statistics relating to Stocks of Wool	728
DEPARTMENT OF PUBLIC HEALTH:	
*No. 1705. Regulations regarding the Prevention of Malaria or other Mosquito-borne Disease	728
UNION DEPARTMENT OF EDUCATION:	
*No. 1674. National Technical and Commercial Examinations, 1928—Applications to act as Examiners	728
DEPARTMENT OF DEFENCE:	
*No. 1689. Change of date of effect of Government Notice	729
DEPARTMENT OF LABOUR:	
*No. 1679. Appointment of Inspector of Apprenticeship... ..	729
* „ 1692. Proposed determination of Wages, etc., in the Hairdressing Industry in certain areas in the Transvaal	729
* „ 1708. Industrial Council of the Bespoke Tailoring Industry of Port Elizabeth and Uitenhage—Agreement	732
DEPARTMENT OF FINANCE:	
*No. 1676. Customs Notice—Amendment of appointment of a Bonded Warehouse	736
* „ 1680. Appointment to act as Secretary, Office of the High Commissioner, London	736
* „ 1704. Movement of Gold Bullion and Gold Specie between the Union and other Countries	736
* „ 1706. Appointment as Director of the South African Reserve Bank	736
* „ 1707. Bank Statement	737
* „ 1720. Revenue and Loan Recoveries	737
* „ 1722. Provincial Revenue Collections	738
* „ 1723. South African Reserve Bank—Weekly Statement	739
DEPARTMENT OF MINES AND INDUSTRIES:	
No. 1653. Mine Surveyors' Examination	739
„ 1660. Notice of intention to deproclaim portion of farm Waterval No. 74, District Krugersdorp, Mining District of Johannesburg	739
* „ 1696. Addition to list of Medical Practitioners—Miners' Phthisis Medical Bureau	740
* „ 1697. Amendment of Government Notice No. 1631 of 1927	740
* „ 1717. Licence to carry on business of Diamond Cutting	740
* „ 1718. Certain claims withdrawn from pegging, Mining District of Johannesburg, Transvaal	740
* „ 1721. Report of the Inspector of Mining Leases	740
DEPARTMENT OF RAILWAYS AND HARBOURS:	
*No. 1703. Appointment as member of the Table Bay Harbour Advisory Board	744
DEPARTMENT OF LANDS:	
No. 1422. Sale of certain Crown lands in Mqanduli and Herschel Districts and Kimberley Division	744
„ 1594. Sub-division of commonage on bank of the Chalumna River, Division of East London	745
* „ 1675. Reappointments as member of Provincial Land Boards	746
* „ 1698. Appointment as Acting Assistant Registrar of Deeds, Kingwilliamstown	746
* „ 1699. Application for Crown land, Division of Tarka, Cape	746
* „ 1700. Crown land for sale, Division of Riversdale, Cape	746
DEPARTMENT OF AGRICULTURE:	
*No. 1466. Registration of Brands, Orange Free State	747
* „ 1479. Registration of Brands, Cape of Good Hope	749
* „ 1681. Demarcation of Reserve No. IV, Bultfontein Forest Reserve, District Barberton	749
* „ 1687. Proposed Demarcation of Reserve No. VI, Claytons Forest Reserve, District Barberton	749
* „ 1709. Compulsory Clipping and Hand-Dressing	750
* „ 1710. Compulsory Dipping	750
* „ 1711. Infected areas—Anthrax	750
* „ 1712. Infected areas	750
* „ 1713. Outbreaks of Contagious Diseases	751
* „ 1714. Compulsory Dipping	751
* „ 1715. Compulsory Dipping	751
* „ 1716. Compulsory Dipping	752

(Continued on inside back cover.)

Goewermentskennisgewings—(vervolg)	BLADSY
DEPARTEMENT VAN JUSTISIE—(vervolg):	
*No. 1686. Aanstelling van Drankhandel Onderinspekteur, Distrik Johannesburg	726
* „ 1691. Aanstelling en Intrekking van Aanstelling van Kommissaris van Ede	727
* „ 1701. Suid-Afrikaanse Polisie—Aanstelling van Waarnemende Adjunkkommissaris, Transvaalse Afdeling	727
BINNELANDSE SAKE:	
*No. 1678. Aanstelling van Huweliksbevestigers	727
* „ 1719. Regulasies betreffende die insameling van gewens aangaande Wolvoorrade	728
DEPARTEMENT VAN VOLKSGESONDHEID:	
*No. 1705. Regulasies betreffende Verhoeding van Malaria en ander siektes oorgedra deur muskiete vir Stadsgebied van Durban	728
UNIE DEPARTEMENT VAN ONDERWYS:	
*No. 1674. Nasionale Tegniese en Handelseksamens—Applikasies vir Eksaminatore	728
UNIE DEPARTEMENT VAN VERDEDIGING:	
*No. 1689. Verandering van datum van ingang van wysiging gepubliseer onder Goewerments kennisgewing No. 1775 van 1926	729
DEPARTEMENT VAN ARBEID:	
*No. 1679. Aanstelling van Inspekteur van Vakleerlinge	729
* „ 1692. Haarsynwyerheid, Witwatersrand—Voorgestelde vasstelling van lone, skale, ens.	729
* „ 1708. Nywerheidsraad van die Kleermakery by bespreking, Port Elizabeth en Uitenhage—Ooreenkoms	732
DEPARTEMENT VAN FINANSIEË:	
*No. 1676. Gewysigde aanwysing van 'n pakhuis, Durban	736
* „ 1680. Aanstelling as Waarnemende Sekretaris in die Kantoor van die Hoë Kommissaris, Londen	736
* „ 1704. Weekrapport van invoer en uitvoer van goud en goudmunt	736
* „ 1706. Aanstelling van 'n Direkteur van die Suid-Afrikaanse Reserwebank (Goewerments Verteenwoordiger)	736
* „ 1707. Bankopgawes, 31 Augustus 1927	737
* „ 1720. Staat van Inkomste en Lenigsterugbetalings, 1 April tot 31 Augustus 1927	737
* „ 1722. Staat van Prowinsiale Inkomste-invorderinge, 1 April tot 31 Augustus 1927	738
* „ 1723. Suid-Afrikaanse Reserwebank—Weekopgaaf	739
DEPARTEMENT VAN MYNWESE EN NYWERHEID:	
No. 1653. Eksamen vir mynopmeters	739
„ 1660. Voorgenome deproklamasie van gedeelte van plaas Waterval No. 74, Distrik Krugersdorp, myndistrik Johannesburg, as 'n publieke delwery	739
* „ 1696. Myntering Geneeskundige Buro Wysiging in lys van geneeskundige praktisyns	740
* „ 1697. Wysiging van Goewermentskennisgewing No. 1631 van 23 September 1927	740
* „ 1717. Lisensie toegestaan vir die drywe van 'n diamantslypery, Johannesburg	740
* „ 1718. Seker kleins, Myndistrik Johannesburg, van afpenning teruggetrek	740
* „ 1721. Rapport van Inspekteur van Mynverpactinge oor die Sub-Nigel, Limited, vir kwartaal geëindig 30 Junie 1927	740
DEPARTEMENT VAN SPOORWEEË EN HAWENS:	
*No. 1703. Tafelbaaise Adviserende Haweraad—Benoeming van lid	744
DEPARTEMENT VAN LANDE:	
No. 1422. Verkoop van Kroongrond, Kaap	744
„ 1594. Toedeling van seker seksies Dorpsgrond op die oostelike oewer van die Chalumnarivier, Afdeling Ooslonden	745
* „ 1675. Heraanstelling as lede van die Transvaalse, Oranje Vrystaatse en Natalse Landrade	746
* „ 1698. Aanstelling as Waarnemende Assistent Registrateur van Aktes, Kingwilliamstown	746
* „ 1699. Applikasie vir aankoop van seker stuk Kroongrond, Afdeling Tarka	746
* „ 1700. Verkoop van Kroongronde, Afdeling Riversdale	746
LANDBOUDEPARTEMENT:	
No. 1466. Registrasie van Brandmerke, Oranje Vrystaat	747
„ 1479. Applikasie vir registrasie van brandmerke, Kaap	749
* „ 1681. Demarkasie van Reserwe No. IV, Bultfontein Bosreserwe, Distrik Barberton	749
* „ 1687. Voorgestelde demarkasie van Reserwe No. VI, Claytons Bosreserwe, Distrik Barberton	749
* „ 1709. Verpligte knip en handdresseer van beeste	750
* „ 1710. Verpligte dip van beeste	750
* „ 1711. Besmette streke, miltsekte	750
* „ 1712. Besmette streke, Ooskoors	750
* „ 1713. Weekrapporte van benettlike veesiektes	751
* „ 1714. Verpligte dip van skaape en bokke	751
* „ 1715. Verpligte dip van skaape en bokke	751
* „ 1716. Verpligte dip van skaape en bokke	752

(Vir vervolg sien twee laaste bladsy.)