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UITGEGEE OP GESAG.

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	PAGE.
Proclamation No. 165	i
No. 29 of 1928. Vocational Education and Special Schools Act	ii
Proclamation No. 166	viii
No. 30 of 1928. Liquor Act	viii

PROCLAMATION

BY HIS EXCELLENCY, THE RIGHT HONOURABLE, SIR WILLIAM HENRY SOLOMON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT COMMANDER OF THE MOST EXALTED ORDER OF THE STAR OF INDIA, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF ST. MICHAEL AND ST. GEORGE, OFFICER ADMINISTERING THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

No. 165.

WHEREAS the *Vocational Education and Special Schools Bill, 1928*, is a Bill which under section sixty-four of the South Africa Act, 1909, has been reserved by the Governor-General for the signification of His Majesty's pleasure;

AND WHEREAS under section sixty-six of that Act such a Bill has no force or effect unless and until, within one year from the day on which it was presented to the Governor-General for His Majesty's assent, I have made known in manner, prescribed by that section that it has received His Majesty's assent;

AND WHEREAS the said Bill was presented as aforesaid on the eighth day of May, 1928;

NOW THEREFORE, under and by virtue of the powers in me vested by section sixty-six of the South Africa Act, 1909, I do hereby declare, proclaim and make known that, by Order-in-Council, dated the fifteenth day of June, 1928, His Majesty the King declared his assent to the *Vocational Education and Special Schools Bill, 1928*.

The said Bill to which His Majesty's assent has thus been given is hereby promulgated hereunder as Act No. 29 of 1928.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa, at Pretoria, on this the Fifth day of July, One Thousand Nine Hundred and Twenty-eight.

W. H. SOLOMON,
Officer Administering the Government.

By command of His Excellency the Officer Administering the Government in Council.

J. B. M. HERTZOG.

	BLADS.
Proklamasie No. 165	i
No. 29 van 1928. Beroepsonderwys en Spesiale Skole Wet	ii
Proklamasie No. 166	viii
No. 30 van 1928. Drankwet	viii

PROKLAMASIE

VAN SY EKSELLENSIE, DIE HOOGDELAGBARE SIR WILLIAM HENRY SOLOMON, LID VAN SY MAJESTEITS MEES EDELAGBARE GEHEIME RAAD, RIDDER KOMMANDEUR VAN DIE MEES VERHEWE ORDE VAN DIE STEER VAN INDIË, RIDDER KOMMANDEUR VAN DIE MEES ONDER-SKELE ORDE VAN ST. MICHAEL EN ST. GEORGE, AMPTENAAR BELAS MET DIE UITOEFENING VAN DIE UITVOERENDE GESAG VAN DIE UNIE VAN SUID-AFRIKA.

No. 165.

NADemaal die *Wetsontwerp op Beroepsonderwys en Spesiale Skole, 1928*, 'n Wetsontwerp is wat, ingevolge Artikel vier-en-sestig van die Zuid Afrika Wet, 1909, deur die Goewerneur-Generaal gereserveer is ter inwinning van Sy Majesteits behae;

EN NADemaal onder Artikel ses-en-sestig van daardie Wet so 'n Wetsontwerp nie in werking tree nie, tensy en tot ek binne één jaar vanaf die dag waarop dit aan die Goewerneur-Generaal vir Sy Majesteits toestemming aangebied is, op die wyse in daardie Artikel voorgeskrewe, bekend gemaak het dat Sy Majesteit se toestemming verleen is;

EN NADemaal genoemde Wetsontwerp, soos voormeld, op die agste dag van Mei, 1928, aangebied is;

So is dit dat ek, ingevolge en kragtens die bevoegdheid aan my verleen deur Artikel ses-en-sestig van die Zuid Afrika Wet, 1909, hiermee verklaar, proklameer en bekendmaak, dat deur Raadsbesluit, gedateer die vyftiende dag van Junie, 1928, Sy Majesteit die Koning sy toestemming aan die *Wetsontwerp op Beroepsonderwys en Spesiale Skole, 1928*, verleen het.

Gesegde Wetsontwerp, waaraan Sy Majesteit se toestemming aldus verleen is, word hiermee hieronder uitgevaardig as Wet No. 29 van 1928.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika, te Pretoria op hierdie Vyfde dag van Julie Een Duisend Nege Honderd en Ag-en-twintig.

W. H. SOLOMON,
Amptenaar belas met die Uitoefening van die Uitvoerende Gesag.

Op las van Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag-in-Rade.

J. B. M. HERTZOG.

No. 29, 1928.]

ACT

To provide for the establishment of schools for vocational education and special schools; for the control and administration of such schools; for grants-in-aid to be given to State-aided schools, and for certain other incidental matters.

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:—

1. The Minister may establish, maintain and make grants-in-aid to schools for vocational education and special schools.

2. Whenever any institution, whether in existence at the commencement of this Act or established thereafter, not being a school established under this Act, provides vocational education or undertakes the care of and gives instruction to defective children and is desirous of receiving financial assistance from the State, application may be made to the Minister for the recognition of such institution as a State-aided school under this Act, and such institution may upon such recognition being accorded receive grants-in-aid out of moneys voted by Parliament for the purpose on such basis and subject to such conditions as may be determined by the Minister for that particular institution.

3. The Minister may at any time by notice in the *Gazette* declare the provisions of this Act to be applicable to any school then existing to which the provisions of this Act do not apply, and such school shall thereupon be deemed for all purposes to be a school established under this Act.

4. The Minister may appoint an advisory committee for any school established under this Act for vocational education or as a special school or to which the provisions of this Act have been applied, and may arrange for the representation of any society or body of persons, as he may deem fit, on such committee.

5. (1) Notwithstanding anything in section *twelve* of the Financial Adjustments Act, 1925 (Act No. 43 of 1925), or in any other law, the conditions of service including scales of salary and leave privileges of all persons employed at schools established under this Act, or to which the provisions of this Act have been applied, shall be such as may be determined by the Minister on the recommendation of the Public Service Commission and be prescribed by regulation.

(2) Such conditions of service may differ in respect of different schools.

6. (1) Notwithstanding anything in section *twelve* of the said Act No. 43 of 1925 or in any other law, such provisions of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923), or any amendment thereof as apply to "officers" as defined in section *twenty-two* of the last mentioned Act shall apply *mutatis mutandis* to all persons employed on the staffs of schools under this Act and to any person employed at a State-aided school under this Act whose salary is paid in full by the department and whose appointment and discharge are subject to the approval of the Minister.

(2) Such persons shall for all purposes in respect of pension and retirement benefits be dealt with as if they were employed in posts classified in the public service: Provided that, should the provisions of this Act be made applicable to any of the institutions mentioned in the Schedule to this Act, any person

No. 29, 1928.]

WET

Om voorsiening te maak vir die oprigting van skole vir beroepsonderwys en spesiale skole; vir die beheer en administrasie van sulke skole; vir hulptoelae aan staatsondersteunde skole en vir sekere ander aangeleenthede in verband daarmee.

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

1. Die Minister mag skole vir beroepsonderwys en spesiale skole oprig en onderhou en hulptoelae aan hulle verleen.

2. Wanneer 'n inrigting, hetsy dit by die inwerkingtreding van hierdie Wet bestaan of daarna opgerig word, wat nie 'n kragtens hierdie Wet opgerigte skool is nie, voorsiening maak vir beroepsonderwys of die sorg en onderwys van gebrekkige kinders onderneem en geldelike steun van die Staat wens te ontvang, mag by die Minister aansoek gedaan word vir die erkenning van so 'n inrigting as 'n staatsondersteunde skool kragtens hierdie Wet en so 'n inrigting mag na daardie erkenning hulptoelae ontvang uit geld deur die Parlement vir die doel gestem op so 'n basis en op sulke voorwaardes as wat die Minister vir daardie besondere inrigting mog bepaal.

3. Die Minister mag te eniger tyd by kennisgewing in die *Staatskoerant* verklaar dat die bepalings van hierdie Wet van toepassing sal wees op enige dan bestaande skool waarop die bepalings van hierdie Wet nie van toepassing is nie, en daardie skool word dan vir alle doeleindes beskou as 'n skool kragtens hierdie Wet opgerig.

4. Die Minister mag 'n adviserende komitee aanstel vir enige skool kragtens hierdie Wet vir beroepsonderwys of as 'n spesiale skool opgerig of waarop die bepalings van hierdie Wet van toepassing gemaak is en mag reël dat enige genootskap of groep van persone, soos hy dit wenslik ag, op so 'n komitee verteenwoordig is.

5. (1) Nieteenstaande die bepalings van artikel *twaalf* van die Finansiële Regelingswet, 1925 (Wet No. 43 van 1925) of van enige ander wet, is die diensvoorwaardes, insluitende salarisskale en verlofvoorregte van alle persone in diens by skole wat kragtens hierdie Wet opgerig is of waarop die bepalings van hierdie Wet van toepassing gemaak is, sodanig as wat deur die Minister op aanbeveling van die Staatsdienskommissie bepaal en by regulasies voorgeskryf mog word.

(2) Sodanige diensvoorwaardes mag ten opsigte van verskillende skole verskillend wees.

6. (1) Nieteenstaande die bepalings van artikel *twaalf* van voormelde Wet No. 43 van 1925 of van enige ander wet, is die bepalings van die Staatsdiens en Pensioenwet, 1923 (Wet No. 27 van 1923) of enige wysiging daarvan wat van toepassing is op "beampes" soos omskrywe in artikel *twee-entwintig* van laasgenoemde Wet, *mutatis mutandis* van toepassing op alle persone in diens as die personeel van skole kragtens hierdie Wet, en op enige persoon in diens by 'n staatsondersteunde skool kragtens hierdie Wet wie se salaris ten volle deur die Departement betaal word en wie se aanstelling en ontslag aan die goedkeuring van die Minister onderworpe is.

(2) Sulke persone moet vir alle doeleindes ten opsigte van pensioen- en uitdiensredingsvoorrede behandel word asof hulle in diens was in geklassifiseerde poste in die Staatsdiens: Met die verstande dat as die bepalings van hierdie Wet van toepassing gemaak word op enige inrigting in die Bylae tot

Oprigting van skole.

Erkenning van sekere inrigtings as staatsondersteunde skole.

Toepassing van Wet op reeds bestaande skole.

Aanstelling van adviserende komitee.

Diensvoorwaardes van personeel.

Pensioenregte en gratifikasies by uitdiens-treding.

on the staff of such institution who was actually employed on the first day of April, 1925, at such institution or at any other institution mentioned in the Schedule, may elect within three months from the date on which the provisions of this Act are applied to such institution, to retain his retirement benefits or pension rights as existing on the first day of April, 1925.

Appointment and control of staff.

7. The establishment, permanent or temporary, at any school shall be determined by the Minister subject to the approval of the Treasury, given on the recommendation of the Public Service Commission, and all powers of appointment, promotion, transfer and discharge of persons employed at schools shall be vested in the Minister and may be exercised by him or, if delegated thereto by him, by the head of the department: Provided that, in respect of any post designated by the Minister, any such appointment or discharge may be effected by any officer of the department deputed thereto, either generally or specially, by the Minister.

Transfers of staff.

8. Every person employed on the staff of a school shall, whenever the public interests so require, be liable to be transferred from any post in which he is employed to any other post at the same school or at some other school under the control of the department, whether established under this Act or not and whether or not he is so transferred to a post of a lower grade: Provided that no transfer involving a reduction in such person's pensionable emoluments shall be made without his consent unless the transfer is in consequence of a degradat on imposed under section *twelve* or except as provided in section *nine*: Provided further that a person who has been transferred to a post of lower grade without reduction of pensionable emoluments shall be re-employed in the grade to which his salary is appropriate as soon as a suitable vacancy occurs therein.

Inefficient staff.

9. If at any time the Minister after due enquiry finds that any person employed on the staff of a school is or has become unfitted for or incapable of performing efficiently the duties of his post from causes not within his own control, and not attributable to the performance of his official duties, he may appoint such person to a post of a lower grade and reduce his annual emoluments to the maximum of such lower grade, or may discharge such person from the service of the department.

Discharge of staff.

10. (1) Every person employed on the staff of any school is liable to be discharged—

- on account of superannuation or, in the case of a female, on her marriage;
- on account of continued ill-health occasioned without such person's own default;
- owing to abolition of his post or any reduction in or reorganization or readjustment of the staff of the school at which he is employed; or if, in the opinion of the Minister, his removal will facilitate improvements in the organization of the school at which he is employed by which greater efficiency or economy can be effected;
- on account of any unfitness or incapacity described in section *nine*;
- on account of any misconduct described in section *eleven*.

(2) The power to discharge any person on account of misconduct shall be exercised subject to such provisions of sections *eleven* and *twelve* of this Act or of the regulations, as are applicable to such person, and the power to discharge for any reason other than misconduct shall be exercised subject to such provisions as regards pension as are applicable to him in terms of section *six*.

Definition and charge of misconduct.

11. (1) Any person employed at a school who contravenes any provision of this Act or a regulation or who—

- disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give the same, or by word or conduct displays insubordination; or

hierdie Wet genoem, enige persoon van die personeel van daardie inrigting, wat op die eerste dag van April 1925, werklik by daardie inrigting of by enige ander in die Bylae genoemde inrigting in diens was, binne drie maande vanaf die dag waarop die bepalings van hierdie Wet op daardie inrigting van toepassing gemaak word, mag verkies om sy uitdienstredingsvoordele of pensioenregte, soos hulle op die eerste dag van April 1925, bestaan het, te behou.

7. Die vaste of tydelike dienspersoneel van enige skool word deur die Minister bepaal met goedkeuring van die Tesourie, verleen op aanbeveling van die Staatsdienskommissie en alle magte van aanstelling, bevordering, oorpasing, en ontslag van persone in diens by skole berus by die Minister en mag deur hom uitgeoefen word of, indien deur hom daartoe gemagtig, deur die hoof van die Departement: Met die verstande dat ten opsigte van enige betrekking wat die Minister aangewys het, enige amptenaar van die Departement aan wie die Minister hetsy in die algemeen of besonderlik daartoe opdrag gegee het, sulks 'n aanstelling of ontslag kan maak.

8. Elkeen wat as een van die personeel van 'n skool in diens is, kan as die publieke belang dit vereis, oorgeplaas word van enige pos waarin hy dien na enige ander pos in dieselfde skool of in 'n ander skool onder die beheer van die Departement, hetsy kragtens hierdie Wet opgerig of nie en hetsy hy al dan nie na 'n pos van 'n laer graad oorgeplaas word: Met die verstande dat geen oorpasing wat 'n vermindering van so 'n persoon se pensioendraende emolumente meebring mag plaasvind sonder sy toestemming, tensy die oorpasing die gevolg is van 'n verlaging in rang kragtens artikel *twalf* of tensy dit geskied volgens bepaling van artikel *nege*: Met die verstande verder dat iemand wat na 'n pos van laere graad oorgeplaas is sonder vermindering van pensioendraende emolumente, weer in diens geneem moet word in die graad wat in ooreenstemming met sy salaris is, sodra 'n geskikte vakature daarin ontstaan.

9. As die Minister te eniger tyd na behoorlike ondersoek vind dat iemand wat as een van die personeel van 'n skool in diens is, as gevolg van oorsake buite sy eie beheer en nie toeskryfbaar aan die verrigting van sy dienswerkzaamhede nie, ongeskik of onbekwaam is of geword het om op 'n doeltreffende wyse die werkzaamhede van sy pos te verrig, mag hy so iemand in 'n pos van 'n laere graad aanstel en sy jaarlikse emolumente tot die maksimum van daardie laere graad verminder of mag hy so iemand uit die diens van die Departement ontslaan.

10. (1) Elkeen wat as een van die personeel van 'n skool in diens is, kan ontslaan word—

- weens bereiking van die leeftydsgrens of in die geval van 'n vroulike beampste by haar huwelik;
- weens voortdurende slegte gesondheid veroorsaak buite die toedoen van daardie persoon;
- weens opheffing van sy pos of enige vermindering of reorganisasie of herreëling van die personeel van die skool waar hy in diens is; of as sy verwydering volgens die oordeel van die Minister verbeterings in die organisasie van die skool waar hy in diens is sal vergemaklik en daardeur groter doeltreffendheid of besuiniging kan verkry word;
- weens ongeskiktheid of onbekwaamheid in artikel *nege* beskryf;
- weens wangedrag in artikel *elf* beskryf.

(2) Die mag om iemand weens wangedrag te ontslaan moet uitgeoefen word met inagneming van die bepalings van artikels *elf* en *twalf* van hierdie Wet of van die regulasies wat op so iemand toepaslik is, en die mag van ontslag om enige ander rede as wangedrag moet uitgeoefen word met inagneming van die bepalings ten opsigte van pensioen wat volgens artikel *ses* op hom toepaslik is.

11. (1) Iemand in diens by 'n skool wat enige bepaling van hierdie Wet of 'n regulasie oortree of wat—

- 'n wettige bevel aan hom gegee deur iemand wat daartoe bevoeg is, nie gehoorsaam nie, veronagsaam of opsetlik nie uitvoer nie, of deur woord of gedrag insubordinasie pleeg; of

Aanstelli en beheer van personeel

Oorpasing van personeel

Onbekwa personeel

Ontslag van personeel

Omskrywing en beskuldiging van wangedrag

(b) is negligent or indolent in the discharge of his duties; or
 (c) is or becomes inefficient or incompetent for the discharge of his duties from causes within his own control; or
 (d) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty shows gross discourtesy to another staff member or to any member of the public; or
 (e) is addicted to excessive use of intoxicants or stupefying drugs; or
 (f) becomes insolvent or assigns his estate for the benefit of, or compromises with, his creditors or has a decree of civil imprisonment made against him by any court of law, unless he can show that his insolvency, assignment, composition or civil imprisonment has been occasioned by unavoidable misfortune; or
 (g) becomes pecuniarily embarrassed, if such pecuniary embarrassment is occasioned by imprudence or other reprehensible cause and is prejudicial to the faithful performance of his duties; or
 (h) accepts without the approval of the Minister or demands in respect of the performance of his duties any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) or fails to report to the principal of his school or if he is the principal of a school to the head of the department, the offer of any such commission, fee or reward; or
 (i) misappropriates or improperly uses any property of the Government under circumstances which do not constitute a criminal offence; or
 (j) commits a criminal offence; or
 (k) absents himself from his school or duty without leave or valid cause; or
 (l) with a view to obtaining any privilege or advantages in relation to his official position or his duties or to causing prejudice or injury to the department or the Government makes an incorrect or false statement, knowing the same to be incorrect or false;

shall be deemed to be guilty of misconduct and may be dealt with as in section twelve provided.

(2) A person alleged to be guilty of such misconduct shall be charged therewith in writing by the head of the department.

12. (1) Any person employed at a school who is charged with misconduct not of a serious character, shall be required to submit in writing within a time specified in the charge an admission or denial of the charge, and, if he so desires, an explanation in writing of the misconduct charged. If such person denies the charge he shall be afforded an opportunity of being heard. Any such admission or denial (and the explanation, if any) shall be considered by the Minister or, if delegated thereto by the Minister, by the head of the department or by another officer thereof. The Minister, or the head of the department, or other officer, if delegated as aforesaid, shall, after the admission or denial (with the explanation, if any) has been so considered or as soon as default is made in submitting the same within the time specified—

(a) find such person not guilty and dismiss the charge; or
 (b) find him guilty and either caution or reprimand him or impose a fine upon him not exceeding five pounds.

The person charged in either case shall be informed of the finding.

(2) Any such person who is charged with misconduct of a serious character may be suspended temporarily from duty by the Minister or, if delegated thereto by the Minister, by the head of the department or by any other officer thereof. A copy of the charge shall forthwith be transmitted or delivered personally to or left at the last known place of address of the person charged.

The person charged shall be required to submit within a reasonable and specified period a written admission or denial of the charge, and, if he so desires, an explanation in writing of the misconduct charged.

(b) nalatig of traag is in die vervulling van sy pligte; of
 (c) deur oorsake wat van sy eie wil afhanklik is, onbekwaam of ongeskik is of word vir die vervulling van sy pligte; of
 (d) hom op skandelijke, onbehoorlike of onbetaamlike wyse gedra of terwyl hy in diens is hom uiters onbehoef betoon teenoor 'n ander beampte of iemand uit die publiek; of
 (e) verslaaf is aan buitensporige gebruik van bedwelmende drank of verdowende middels; of
 (f) insolvent word of sy boedel afstaan ten behoeve van sy skuldeisers of met hulle 'n akkoord aangaan, of teen wie 'n vonnis van siviele gyseling deur 'n gereghof gegee is, tensy hy kan aantoon dat sy insolvensie, boedelafstand, akkoord of siviele gyseling veroorsaak was deur onvermydelike teenspoed; of
 (g) in geldelike moeilikhede raak, as daardie geldelike moeilikhede die gevolg is van onversigtigheid of 'n ander afkeurenswaardige oorsaak en vir die getroue vervulling van sy pligte nadelig is; of
 (h) sonder die goedkeuring van die Minister in verband met die vervulling van sy pligte 'n kommissie, fooi of beloning van geldelike of ander aard (ander dan die emolumente aan hom betaalbaar in verband met sy pligte) aanneem of eis, of versuim om aan die hoof van sy skool of as hy die hoof van 'n skool is aan die hoof van die Departement die aanbod van so 'n kommissie, fooi of beloning te berig; of
 (i) homself Regeringseiendom toeëien of daarvan onbehoorlike gebruik maak onder omstandighede wat geen misdaad uitmaak nie; of
 (j) 'n misdaad begaan; of
 (k) van sy skool of diens wegbly sonder verlof of gegronde rede; of
 (l) met die doel om 'n voorreg of voordele ten opsigte van sy offisiële posisie of sy pligte te verkry of om afbreuk te doen of nadeel te berokken aan die Departement of die Regering 'n onjuiste of onware mededeling doen terwyl hy weet dat dit onjuis of onwaar is;

word geag hom aan wangedrag skuldig te maak het en kan volgens bepaling van artikel twaalf behandel word.

(2) Iemand van wie beweer word dat hy hom aan sulke wangedrag skuldig maak het, moet deur die hoof van die Departement skriftelik daarvan aangekla word.

12. (1) Enige persoon in diens by 'n skool, wat aangekla word weens wangedrag wat nie van 'n ernstige aard is nie, moet gelas word om binne 'n tydperk vasgestel in die aanklag, 'n skriftelike bekentenis of ontkenning van die aanklag voor te lê, en as hy wil, ook 'n skriftelike uitleg van die wangedrag waarvan hy aangekla is. As die voorsegde persoon die aanklag ontken, moet hom 'n geleentheid gegee word om gehoor te word. So 'n bekentenis of ontkenning (en uitleg, as daar ene is) moet oorweeg word deur die Minister of, indien daartoe deur die Minister gemagtig, deur die hoof van die Departement of 'n ander beampte daarvan. Die Minister of die hoof van die Departement of ander beampte, indien aldus gemagtig, moet nadat die bekentenis of ontkenning (met die uitleg, as daar ene is) aldus oorweeg is, of sodra versuim word om dit binne die bepaalde tydperk voor te lê—

(a) so 'n beampte onskuldig bevind en die aanklag van die hand wys, of
 (b) hom skuldig bevind en hom waarsku of berisp of hom beboet met ten hoogste vyf pond.

Die aangeklaagde moet in albei gevalle van die bevinding in kennis gestel word.

(2) So iemand wat aangekla word weens wangedrag van 'n ernstige aard kan deur die Minister of, indien daartoe deur die Minister gemagtig, deur die hoof van die Departement of 'n ander beampte daarvan tydelik in sy diens geskors word. 'n Kopie van die aanklag moet dadelik aan die aangeklaagde gestuur of persoonlik oorhandig of by sy laasbekende adres gelaat word.

Die aangeklaagde moet gelas word om binne 'n redelike en vasgestelde tydperk 'n skriftelike bekentenis of ontkenning van die aanklag voor te lê en as hy wil ook 'n skriftelike uitleg van die wangedrag waarvan hy aangekla is.

Procedure
 wat gevolg
 moet word
 by aanklag
 weens
 wangedrag.

cedure to
 followed
 charges
 mis-
 duct.

The matter shall, after the expiry of that period (and whether or not such statement of admission or denial has been submitted) be considered by the head of the department or other person delegated thereto by him.

Whenever a person dealt with under this sub-section admits the charge or fails to reply thereto within the time specified, an enquiry shall not be necessary but, if he denies the charge, an enquiry shall be held by the head of the department or other person delegated thereto by him and the person charged shall be entitled to be heard and to be present and to be represented at the enquiry and shall be permitted to produce such evidence as he may think fit.

When an enquiry is held by the head of the department or a person delegated thereto by him the person charged may, within seven days after the termination of the enquiry, submit to the Minister any written representations which he may desire to make in his own behalf.

If the head of the department or other person (as the case may be) finds the charge is not proved, the charge shall be dismissed and thereupon any order of suspension shall be discharged as from the date of such order; but if the head of the department or other person (as the case may be) finds the charge is proved, he shall make a recommendation to the Minister as to the action which under this Act or any other law shall be taken with respect to the charge:

Provided that if the head of the department or other person (as the case may be) finds on the evidence that the charge is proved but that the act of misconduct is in his opinion not of a serious character, he shall report to the Minister accordingly and thereupon the charge shall be disposed of, as if it had been made under sub-section (1) of this section.

In determining whether the misconduct charged is of a serious character or not, due regard shall be given to the probable effect of the conduct in question on the tone and efficiency of the school, on the staff of which the person charged serves, and on the pupils of such school.

(3) In the case of a person convicted of a criminal offence by a court of law, a certified copy of the record shall be sufficient evidence of the commission by him of such offence unless the conviction is set aside on review or appeal by a superior court.

(4) The finding of the head of the department or other person (as the case may be) in respect of any charge under this section shall be final.

(5) The Minister, upon consideration of the recommendation as to the action to be taken under this Act or any other law, may discharge any order of suspension which may have been made, and may further—

- (a) caution or reprimand the said person; or
- (b) impose any one or both of the following penalties namely—
 - (i) a fine recoverable by deduction from salary;
 - (ii) reduction of annual emoluments or reduction in grade or both;

or may either discharge the said person from the service of the department or call upon him to resign therefrom as from a date to be specified and if he fails to do so, he shall be deemed to have been discharged as from the specified date.

(6) An order of suspension made under this section may be withdrawn by the Minister at any stage of the proceedings but such withdrawal shall in no way prejudice the prosecution of the charge.

(7) A person who is suspended from duty shall not be entitled to receive any salary or other emoluments for the period of his suspension: Provided that the Minister may in his discretion order the payment to such person of the whole or a portion of such salary or other emoluments.

Die saak moet na afloop van daardie tydperk (en of so 'n bekentenis of ontkenning voorgelê is al dan nie) deur die hoof van die Departement of iemand anders wat hy daartoe gemagtig het, oorweeg word.

Wanneer iemand met wie kragtens hierdie sub-artikel gehandel word, die aanklag erken of versuim om binne die bepaalde tydperk daarop te antwoord, is 'n ondersoek onnodig, maar as hy die aanklag ontken, moet 'n ondersoek gehou word deur die hoof van die Departement of iemand anders wat hy daartoe gemagtig het en is die aangeklaagde geregtig om by die ondersoek gehoor te word en teenwoordig en verteenwoordig te wees en moet hom toegestaan word om sodanige bewysmateriaal aan te voer as wat hy goedvind.

Wanneer 'n ondersoek gehou word deur die hoof van die Departement of iemand wat hy daartoe gemagtig het, kan die aangeklaagde binne sewe dae na afloop van die ondersoek enige skriftelike verhoor wat hy ten gunste van homself wil maak, aan die Minister voorlê.

As die hoof van die Departement of ander persoon (soos die geval mog wees) bevind dat die aanklag nie bewys is nie, moet die aanklag van die hand gewys word en word daarop enige bevelskrif van skorsing opgehef vanaf die datum van die bevelskrif, maar as die hoof van die Departement of ander persoon (soos die geval mog wees) bevind dat die aanklag bewys is, moet hy aan die Minister aanbeveel watter stappe volgens hierdie Wet of enige ander wet gedaan moet word ten opsigte van die aanklag: Met die verstande dat as die hoof van die Departement of ander persoon (soos die geval mog wees) bevind volgens die getuienis dat die aanklag bewys is maar dat die wangedrag volgens sy oordeel nie van 'n ernstige aard is nie, moet hy dienoreenkomstig aan die Minister berig en daarna moet die aanklag behandel word asof dit kragtens sub-artikel (1) van hierdie artikel gemaak was.

Wanneer bepaal word of die wangedrag in die aanklag genoem van 'n ernstige aard is al dan nie, moet behoorlik aandag gegee word aan die waarskynlike uitwerking van die gedrag waarvoor die ondersoek gaan op die gees en doeltreffendheid van die skool, op die personeel waartoe die aangeklaagde behoort, en op die leerlinge van daardie skool.

(3) In die geval van iemand wat deur 'n geregshof aan 'n misdadig skuldig bevind is, is 'n gesertifiseerde kopie van die stukke voldoende bewys dat hy die misdadig begaan het, tensy die vonnis deur 'n hoër hof in revisie of appel vernietig word.

(4) Die bevinding van die hoof van die Departement of ander persoon (soos die geval mog wees) ten opsigte van enige aanklag kragtens hierdie artikel is final.

(5) Die Minister kan na oorweging van die aanbeveling met betrekking tot die stappe wat kragtens hierdie Wet of enige ander wet moet geneem word, 'n bevel van skorsing wat gegee mog wees, ophef en kan verder—

- (a) die genoemde persoon waarsku of berisp; of
- (b) een van beide of albei die volgende strawwe opleë naamlik—
 - (i) 'n boete verhaalbaar deur aftrek van salaris;
 - (ii) vermindering van jaarlikse emolumente of terugsetting in graad of albei;

of kan of die genoemde persoon uit die diens van die Departement ontslaan of hom aansê om sy ontslag te neem vanaf 'n bepaalde datum, en as hy versuim om sulks te doen, word hy geag vanaf die bepaalde datum ontslaan te wees.

(6) 'n Bevel van skorsing kragtens hierdie artikel gegee kan te eniger tyd gedurende die verrigtings deur die Minister ingetrek word, maar so 'n intrekking doen geen afbreuk aan die voortsetting van die aanklag.

(7) Iemand wat in sy diens geskors is, is nie geregtig om gedurende die tydperk van skorsing salaris of ander emolumente te ontvang nie: Met die verstande dat die Minister volgens goedvinde kan beveel dat die hele salaris of ander emolumente of 'n gedeelte daarvan aan bedoelde persoon uitbetaal moet word.

13. (1) Van 'n leerling wat tot 'n skool toegelaat is, word verlang dat hy sodanige fooie vir onderwys en losies betaal as wat by regulasie mog voorgeskryf word.

Fooie betaalbaar deur leerlinge.

13. (1) A pupil admitted to a school shall be required to pay such fees for tuition and board as may be prescribed by regulation.

(2) Where a parent or guardian is, in the opinion of the department, unable to pay the fees due in respect of any pupil at a school, such fees may be remitted by the department either wholly or in part and the department may authorize the admission of a pupil as a part-paying pupil or as a free pupil:

Provided that no authority for the admission of a pupil as a free pupil shall be granted unless the parent or guardian of the pupil signs an undertaking, in a form to be prescribed by regulation, that he will not, without the consent of the department, remove the pupil from the school before the expiration of such period as may be fixed by the department.

14. (1) Where a parent or guardian has signed an undertaking in terms of section *thirteen* and thereafter, without the consent of the department and without some excuse deemed by the head of the department to be reasonable, fails, either by removing the pupil from the school or by neglecting to return the pupil to the school when called upon to do so by the principal of the school, to abide by the terms of the undertaking, he shall be liable for all expenditure incurred in the maintenance and education of the pupil and be indebted to the department in the amount thereof as certified by the head of the department whose certificate in the matter shall be final and conclusive.

(2) Such parent or guardian shall further, and in addition, be guilty of an offence under this Act and shall be liable upon conviction to a fine not exceeding five pounds, or in default of payment, to imprisonment for a period not exceeding one month or to such imprisonment without the option of a fine or to both such fine and imprisonment.

15. (1) The Minister may in respect of schools make regulations not inconsistent with this Act relating to any of the following matters:—

- (a) Appointment of members of staff;
- (b) conditions of service including scales of salary and leave privileges of members of staff;
- (c) constitution, function and duties of advisory committees;
- (d) courses of instruction;
- (e) admission of pupils to, control and treatment of pupils at, and discharge of pupils from, schools;
- (f) conditions attaching to grants-in-aid to be given to State-aided schools;
- (g) any other matter connected with the establishment, management and control of schools and the administration of this Act.

(2) The Minister may restrict the application of any of the regulations to one or more schools and may in respect of different schools apply different regulations.

16. The provisions of this Act and the regulations shall apply to every pupil who entered a school, whether before or after the commencement of this Act, and, notwithstanding any agreement or law to the contrary, no pupil who entered before such commencement shall have as against the department any greater right in respect of bonus, pocket-money or other privileges than one who entered after such commencement.

17. Notwithstanding anything in any other law contained, no stamp duty shall be chargeable in respect of any undertaking made in terms of section *thirteen* or of any affidavit made under this Act or a regulation.

18. No pupil at any school shall, for the purposes of the Workmen's Compensation Act, 1914 (Act No. 25 of 1914), or any amendment thereof, be deemed to be a workman or other person entitled to payment thereunder.

19. Nothing in this Act shall apply to any institution declared a place of higher education under the Higher Education Act, 1923 (Act No. 30 of 1923).

(2) Wanneer 'n ouer of voog volgens die mening van die Departement nie in staat is om die fooie wat ten opsigte van enige leerling in 'n skool verskuldig is te betaal nie, mag sodanige fooie deur die Departement geheel of gedeeltelik kwytgeskel word en die Departement kan magtiging verleen tot toelating van 'n leerling as 'n gedeeltelik betalende leerling of as 'n vrye leerling:

Met die verstande dat geen magtiging tot toelating van 'n leerling as 'n vrye leerling gegee mag word nie, tensy die ouer of voog van die leerling 'n verbintenis teken in 'n vorm wat by regulasie voorgeskryf moet word, dat hy nie sonder die verloop van die Departement die leerling uit die skool sal verwyder nie voor afloop van 'n sodanige tydperk as wat die Departement mog bepaal.

14. (1) Wanneer 'n ouer of voog 'n verbintenis geteken het volgens artikel *dertien* en daarna sonder verloop van die Departement en sonder 'n rede wat die hoof van die Departement as redelik beskou, deur die verwydering van die leerling van die skool of deur in gebreke te bly om die leerling na die skool terug te stuur wanneer hy daartoe deur die hoof van die skool aangesê word, versuim om hom aan die bepalings van die verbintenis te hou, is hy aanspreeklik vir alle uitgawes in verband met die onderhoud en opvoeding van die leerling en is hy daarvoor in die Departement se skuld tot die bedrag gesertifiseer deur die hoof van die Departement, wie se sertifikaat in die saak finaal en afdoende is.

(2) Sodanige ouer of voog is verder ook nog skuldig aan 'n misdryf kragtens hierdie Wet en is by veroordeling strafbaar met 'n boete van hoogstens vyf pond of by wanbetaling met gevangenisstraf van hoogstens een maand of met sodanige gevangenisstraf sonder die keuse van 'n boete of met sodanige boete en gevangenisstraf albei.

15. (1) Die Minister mag ten opsigte van skole regulasies wat nie met hierdie Wet in-stryd is nie, uitvaardig aangaande enige van die volgende sake:—

- (a) aanstelling van personeel;
- (b) diensvoorwaardes, insluitende salarisskale en verlof-voorregte van personeel;
- (c) samestelling, werksaamhede, en pligte van adviserende komitees;
- (d) leerkursusse;
- (e) toelating van leerlinge tot, beheer en behandeling van leerlinge aan, en ontslag van leerlinge uit, skole;
- (f) voorwaardes van hulptoelae vir staatsondersteunde skole;
- (g) enige ander saak in verband met die oprigting, bestuur en beheer van skole en die uitvoering van hierdie Wet.

(2) Die Minister mag die toepassing van enige regulasie beperk tot een of meer skole en mag ten opsigte van verskillende skole verskillende regulasies van toepassing maak.

16. Die bepalings van hierdie Wet en die regulasies is toepaslik op elke leerling wat tot 'n skool toegelaat is hetsy voor of na die inwerkingtreding van hierdie Wet, en nieteenstaande enige teenstrydige ooreenkoms of wet, het geen leerling wat toegelaat is voor daardie inwerkingtreding teenoor die Departement 'n groter reg ten opsigte van bonus, sakgeld of ander voorregte as ene wat na daardie inwerkingtreding toegelaat is.

17. Nieteenstaande ander wetsbepalings, is geen seëlreg verskuldig ten opsigte van enige verbintenis aangegaan volgens artikel *dertien*, of van 'n kragtens hierdie Wet of 'n regulasie afgelegde beëdigde verklaring.

18. Geen leerling aan enige skool word vir die doeleindes van die Werklieden Schadeloosstelling Wet, 1914 (Wet No. 25 van 1914) of 'n wysiging daarvan beskou as 'n werksman of ander persoon wat ingevolge daarvan op betaling geregtig is.

19. Die bepalings van hierdie Wet is nie van toepassing nie op 'n inrigting wat kragtens die Hoger Onderwyswet, 1923, (Wet No. 30 van 1923), tot 'n skool van hoër onderwys verklaar is.

Straf-bepaling vir ouer of voog wat sonder verloop van Departement leerling uit skool verwyder.

Mag van Minister in regulasies uit te vaardig.

Toepassing van bepalings van Wet en regulasies op leerling wat voor die inwerkingtreding van die Wet toegelaat

Vrystelling van seëlregte.

Uitsluiting van bepalings van Werklieden Schadeloosstellingwet

Toepassing van Wet.

Penalty on parent or guardian who removes pupil from school without permission of department.

Power of Minister to make regulations.

Application of provisions of Act and regulations to pupils admitted prior to commencement of Act. Stamp duty not chargeable on documents.

Exclusion of provisions of Workmen's Compensation Act.

Application of Act.

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20. In this Act and in any regulation unless inconsistent with the context—

“approved” means approved by the Secretary for Education or his authorized deputy;

“defective children” means—

- (a) physically defective children; or
- (b) mentally defective or subnormal children other than those certifiable under the Mental Disorders Act, 1916 (Act No. 38 of 1916),

who, by reason of physical or mental defect or abnormality, are incapable of being effectively taught and consequently incapable of benefiting from the instruction and training given, in ordinary schools;

“Department” means the Union Department of Education;

“Minister” means the Minister of Education or any Minister acting on his behalf;

“regulation” means a regulation made and in force under this Act;

“school” means a school established under this Act for vocational education or as a special school, or any school to which the provisions of this Act have been made applicable;

“special school” means a school for the education and care of defective children;

“vocational education” means instruction and training in commerce, agriculture, or housecraft or in any trade or industry.

ort- title.

21. This Act may be cited as the Vocational Education and Special Schools Act, 1928.

Schedule.

In the Province of the Cape of Good Hope.

- (1) Trade School, Knysna.
- (2) „ Karreedouw.
- (3) Industrial School, (boys) Adelaide.
- (4) „ (girls) Adelaide.
- (5) „ Oudtshoorn.
- (6) „ Uitenhage.
- (7) Deaf and Dumb School, Worcester.
- (8) Blind School, Worcester.

In the Province of the Transvaal.

Industrial School, Potchefstroom.
School of Domestic Science, Johannesburg.

In the Province of Natal.

Weston Farm Training School.

In the Province of the Orange Free State.

Trade School, Bloemfontein.
„ Ficksburg.
„ Jacobsdal.
„ Kroonstad.
„ Ladybrand.
School of Agriculture and Domestic Crafts, Tweespruit.
School of Domestic Science, Bethlehem.

20. Tensy uit die samehang anders blyk, het onderstaande Woord-woorde in hierdie Wet en in enige regulasie die volgende bepaling beteken is—

“goedgekeur” beteken goedgekeur deur die Sekretaris van Onderwys of ’n gemagtigde persoon wat namens hom optree;

“gebreklike kinders” beteken—

- (a) liggaamlik gebreklike kinders; of
- (b) verstandelik gebreklike of sub-normale kinders, behalwe wat volgens die Wet op Geestesgebreken, 1916, (Wet No. 38 van 1916) sertifiseerbaar is,

wat as gevolg van liggaamlike of verstandelike gebreke of abnormaliteit onbekwaam is om doeltreffend onderwys te word en derhalwe onbekwaam is om voor deel te trek uit die onderwys en opleiding in gewone skole;

“Departement” beteken die Unie Departement van Onderwys;

“Minister” beteken die Minister van Onderwys of enige Minister wat namens hom optree;

“regulasie” beteken ’n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is;

“skool” beteken ’n skool kragtens hierdie Wet opgerig vir beroepsonderwys of as ’n spesiale skool of enige skool waarop die bepalinge van hierdie Wet toepaslik gemaak is;

“spesiale skool” beteken ’n skool vir die onderwys en sorg van gebreklike kinders;

“beroepsonderwys” beteken onderwys en opleiding in handel, landbou of huishoudkunde of in enige ambag of nywerheid.

21. Hierdie Wet mag aangehaal word as die Wet op Beroepsonderwys en Spesiale Skole, 1928.

Bylae.

In die Provinsie Kaap die Goeie Hoop.

- (1) Ambagskool, Knysna.
- (2) „ Karreedouw.
- (3) Nywerheidsskool, (seuns) Adelaide.
- (4) „ (meisies) Adelaide.
- (5) „ Oudtshoorn.
- (6) „ Uitenhage.
- (7) Doofstomme-Skool, Worcester.
- (8) Blinde-Skool, Worcester.

In die Provinsie Transvaal.

Nywerheidsskool, Potchefstroom.
Huishoudskool, Johannesburg.

In die Provinsie Natal.

Opleidingskool, Weston Plaas.

In die Provinsie Oranje-Vrystaat.

Ambagskool, Bloemfontein.
„ Ficksburg.
„ Jacobsdal.
„ Kroonstad.
„ Ladybrand.
Landbou- en Huishoudskool, Tweespruit.
Huishoudskool, Bethlehem.

PROCLAMATION

By His Excellency, the Right Honourable, Sir William Henry Solomon, A Member of His Majesty's Most Honourable Privy Council, Knight Commander of the Most Exalted Order of the Star of India, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Officer Administering the Government of the Union of South Africa.

No. 166.

WHEREAS the *Liquor Bill*, 1923, is a Bill which under section *sixty-four* of the South Africa Act, 1909, has been reserved by the Governor-General for the signification of His Majesty's pleasure;

AND WHEREAS under section *sixty-six* of that Act such a Bill has no force or effect unless and until, within one year from the day on which it was presented to the Governor-General for His Majesty's assent, I have made known in manner prescribed by that section that it has received His Majesty's assent;

AND WHEREAS the said Bill was presented as aforesaid on the thirtieth day of May, 1923,

Now THEREFORE, under and by virtue of the powers in me vested by section *sixty-six* of the South Africa Act, 1909, I do hereby declare, proclaim and make known that, by Order-in-Council, dated the Thirteenth day of July, 1923, His Majesty the King declared his assent to the *Liquor Bill*, 1923.

The said Bill to which His Majesty's assent has thus been given is hereby promulgated hereunder as Act No. 30 of 1928.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria, on this the Fourteenth day of July, One Thousand Nine Hundred and Twenty-eight.

W. H. SOLOMON,
Officer Administering the Government.

By command of His Excellency the Officer Administering the Government in Council.

J. B. M. HERTZOG.

No. 30, 1928.]

ACT

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

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-four.*

CHAPTER VII.

Qualification for licences and restrictions as to premises:

(A) Qualifications of licensee Sections *sixty-five 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-three.*

(F) Quality and kinds of liquor to be sold. Sections *eighty-four to eighty-seven.*

PROKLAMASIE

VAN SY EKSELLENSIE, DIE HOOGEDELAGBARE SIR WILLIAM HENRY SOLOMON, LID VAN SY MAJESTEITS MEES EDELAGBARE GEHEIME RAAD, RIDDER KOMMANDEUR VAN DIE MEES VERHEWE ORDE VAN DIE STER VAN INDIË, RIDDER KOMMANDEUR VAN DIE MEES ONDER-SKRIE ORDE VAN ST. MICHAEL EN ST. GEORGE, AMPTENAAR BELAS MET DIE UITOEFENING VAN DIE UITVOERENDE GESAG VAN DIE UNIE VAN SUID-AFRIKA.

No. 166.

NADEMAAL die *Drankwetsontwerp*, 1923, 'n Wetsontwerp is wat, ingevolge Artikel *vier-en-sestig* van die Zuid Afrika Wet, 1909, deur die Goewerneur-Generaal gereserveer is ter inwinning van Sy Majesteit's behae;

EN NADEMAAL onder Artikel *ses-en-sestig* van daardie Wet so 'n Wetsontwerp nie in werking tree nie, tensy en tot ek, binne één jaar vanaf die dag waarop dit aan die Goewerneur-Generaal vir Sy Majesteit's toestemming aangebied is, op die wyse in daardie artikel voorgeskrewe, bekend gemaak het dat Sy Majesteit se toestemming verleë is;

EN NADEMAAL genoemde Wetsontwerp, soos voormeld, op die dertigste dag van Mei, 1923, aangebied is;

So is dit dat ek ingevolge en kragtens die bevoegdheid aan my verleë deur Artikel *ses-en-sestig* van die Zuid Afrika Wet, 1909, hiermee verklaar, proklameer en bekend maak, dat deur Raadsbesluit gedateer die dertiende dag van Julie, 1923, Sy Majesteit sy toestemming aan die *Drankwetsontwerp*, 1923 verleë het.

Gesegde Wetsontwerp, waaraan Sy Majesteit se toestemming aldus verleë is, word hiermee hieronder uitgevaardig as Wet No. 30 van 1928.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika, te Pretoria op hierdie Veertiende dag van Julie Een Duisend Nege Honderd en Ag-en-twintig.

W. H. SOLOMON,
Amptenaar belas met die Uitoefening van die Uitvoerende Gesag.

Op las van Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag-in-Rade.

J. B. M. HERTZOG.

No. 30, 1928.]

WET

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

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 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 appèl .. 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-veertig tot vier-en-sestig.*

HOOFSTUK VII.

Vereistes vir lisensies en beperkings omtrent geboue:

(A) Vereistes vir lisensiehouers. Artikels *vyf-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-ens-ewentig.*

(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 drie-en-tagtig.*

(F) Kwaliteit en soorte van drank wat verkoop mag word. Artikels *vier-en-tagtig tot sewen-en-tagtig.*

CHAPTER IX.

- Prohibited or restricted sale, supply or acquisition of liquor
- (A) Sale by producers .. Sections *eighty-eight to ninety.*
- (B) Supply to particular classes of persons. Sections *ninety-one to ninety-three.*
- (C) Supply to natives, Asiatics and coloured persons. Sections *ninety-four to one hundred and one.*

CHAPTER X.

Conduct of licensed businesses :

- (A) Prohibited employment Section *one hundred and two*
- (B) Prohibited access to licensed premises. Sections *one hundred and three and one hundred and four.*
- (C) Records Sections *one hundred and five and one hundred and six.*
- (D) Ties Sections *one hundred and seven and one hundred and eight.*
- (E) Licensee and customer .. Sections *one hundred and nine to one hundred and fourteen.*
- (F) General Sections *one hundred and fifteen to one hundred and eighteen.*

CHAPTER XI.

Provisions relating to the tenancy of licensed premises :

- (A) Liability in respect of alterations, additions or repairs. Sections *one hundred and nineteen and one hundred and twenty.*
- (B) Duration of leases .. Section *one hundred and twenty-one.*

CHAPTER XII.

Kaffir beer and other native liquors :

- (A) Prohibited liquors and substances. Sections *one hundred and twenty-two and one hundred and twenty-three.*
- (B) Kaffir beer Sections *one hundred and twenty-four to one hundred and twenty-nine.*

CHAPTER XIII.

- Methylated spirit Section *one hundred and thirty.*

CHAPTER XIV.

- Intoxicating medicines .. Section *one hundred and thirty-one.*

CHAPTER XV.

- Removal and delivery of liquor Sections *one hundred and thirty-two to one hundred and thirty-five.*

CHAPTER XVI.

- Powers and duties of police.. Sections *one hundred and thirty-six to one hundred and forty-four.*

CHAPTER XVII.

Legal proceedings, offences and penalties :

- (A) Evidence and criminal liability. Sections *one hundred and forty-five to one hundred and sixty.*
- (B) Offences Sections *one hundred and sixty-one to one hundred and sixty-six.*

HOOFSTUK IX.

Verbod of beperking van verkoop, verstrekking of verkryging van drank.

- (A) Verkoop deur vervaar- Artikels *ag-en-tagtig tot digers. negentig.*
- (B) Drankverstrekking Artikels *een-en-negentig tot drie-en-negentig.*
- (C) Drankverstrekking Artikels *vier-en-negentig tot honderd-en-een.*
- aan Asiate, kleurlinge en naturelle.

HOOFSTUK X.

Beheer van gelisensieerde besighede :

- (A) Verbode indiensstelling Artikel *honderd-en-twee.*
- (B) Verbode toegang tot Artikels *honderd-en-drie en gelisensieerde gebou. honderd-en-vier.*
- (C) Aantekeninge.. .. Artikels *honderd-en-vyf en honderd-en-ses.*
- (D) Koopverplichtings. Artikels *honderd-en-sewe en honderd-en-ag.*
- (E) Die lisensiehouer en sy Artikels *honderd-en-negte klante. tot honderd-en-veertien.*
- (F) Algemene bepalinge.. Artikels *honderd-en-vyftien tot honderd-en-agtien.*

HOOFSTUK XI.

Bepalings omtrent huurbesit van gelisensieerde geboue :

- (A) Verplichting tot verbouing, aanbou en herstelling. Artikels *honderd-en-negentien tot honderd-en-twintig.*
- (B) Huurtermyn .. Artikel *honderd-een-en-twintig.*

HOOFSTUK XII.

Kafferbier en ander naturelledranke :

- (A) Verbode drank en stowwe. Artikels *honderd-twee-en-twintig en honderd-drie-en-twintig.*
- (B) Kafferbier Artikels *honderd-vier-en-twintig tot honderd-negen-en-twintig.*

HOOFSTUK XIII.

- Brandspieritus Artikel *honderd-en-dertig.*

HOOFSTUK XIV.

- Bedwelkende medisyne .. Artikel *honderd-een-en-dertig.*

HOOFSTUK XV.

- Vervoer en aflewering van drank. Artikels *honderd-twee-en-dertig tot honderd-vyf-en-dertig.*

HOOFSTUK XVI.

- Bevoegdhe en pligte van polisie. Artikels *honderd-ses-en-dertig tot honderd-vier-en-veertig.*

HOOFSTUK XVII.

Prosedure, misdrywe en strawwe :

- (A) Bewyslewering en kriminele aanspreeklikheid. Artikels *honderd-vyf-en-veertig tot honderd-en-sestig.*
- (B) Misdrywe Artikels *honderd-een-en-sestig tot honderd-ses-en-sestig.*

(C) Penalties Sections *one hundred and sixty-seven to one hundred and seventy-one.*

CHAPTER XVIII.

Supplementary Sections *one hundred and seventy-two to one hundred and seventy-six.*

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 under any law hereby repealed shall, for the period of such appointment, be deemed to have been appointed 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, or by the Governor-General by Proclamation in the *Gazette*;
- (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 in 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, and a reference in any such law to a law repealed by this Act shall be deemed to be a reference to this Act.

(3) Nothing in this Act shall be deemed to repeal, or affect the operation of, any provision of the Native Administration Act, 1927 (Act No. 38 of 1927).

(4) Whenever prior to the commencement of this Act a licensing court or board has lawfully granted authority to any person to obtain a licence subject to the compliance within a certain period by such person with any conditions specified by such court or board, a licensing board may, on the application of such person at its first annual meeting under this Act, if no licence has been issued to such person and if such period has not yet elapsed, grant a certificate entitling such person to the issue of such licence subject to the compliance by such person with such conditions as may be specified in that certificate.

4. (1) Any person who at the commencement of this Act is the holder of a licence or licences 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 or licences of the class named in the Second Schedule to this Act opposite the name of the class of the licence or licences of which he is a

(C) Strawwe Artikels *honderd-sewen-en-sestig tot honderd-een-en-sewentig.*

HOOFSTUK XVIII.

Aanvullingsbepalings Artikels *honderd-twee-en-sewentig tot honderd-ses-en-sewentig.*

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 mog 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 beamppte of persoon wat aangestel is, ingevolge 'n hiermee herroep wet vir solank as wat hy aangestel is, beskou word aangestel 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, of deur die Goewerneur-generaal deur proklamasie in die *Staatskoerant* herroep, vervang of gewysig word; 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 geregtelike stuk of deur waarskuwing om êrens te verskyn of op enige ander manier) en dat sulke 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 kolom van daardie Bylae teenoor die benaming van daardie eersbedoelde soort en 'n verwysing in so 'n wet na 'n wet wat deur hierdie Wet herroep word, word beskou as 'n verwysing na hierdie Wet.

(3) Geen bepaling van hierdie Wet word geag enige bepaling van die Naturelleadministrasie Wet, 1927 (Wet No. 38 van 1927), te herroep of inbreuk te maak op die toepassing daarvan.

(4) As 'n lisensiehof of -raad voort die inwerkingtreding van hierdie Wet aan iemand wettig magtiging verleen het om 'n lisensie te verkry behoudens voldoening deur sodanige persoon binne 'n sekere tydperk aan voorwaardes deur sodanige hof of raad gestel, kan 'n lisensieraad op aanvraag deur sodanige persoon op sy eerste jaarlikse vergadering ingevolge hierdie Wet, as geen lisensie aan daardie persoon uitgereik is nie en as sodanige tydperk nog nie verloop het nie, 'n sertifikaat verleen wat daardie persoon op uitreiking van sodanige lisensie geregtig maak, behoudens voldoening deur daardie persoon aan sodanige voorwaardes as wat in daardie sertifikaat gestel mog word.

4. (1) Iemand wat by die inwerkingtreding van hierdie Wet die houer is van 'n lisensie of lisensies 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 of lisensies genoem in die Tweede Bylae tot hierdie Wet teenoor die naam van die soort van lisensie of lisensies

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holder at such commencement, or in case more than one class is so named then of a licence or licences of any one of the classes named which he may in such application select, and he may at such meeting make application as for a renewal of the licence or licences 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
- (b) if the applicant is not qualified under this Act to hold the licence in respect of which the application is made; or
- (c) 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:

Provided that the provisions of this sub-section shall not apply to an application made to the first annual meeting of any licensing board under this Act by any person who, at the date of such application, 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.

5. 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 thirty;
- (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 thirty-one 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 contained shall affect the operation of any provision of Chapter V of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916).

In any area in which under this Act a power is held by a licensing board to extend the hours of sale under, or to grant any other special right to the holder of, a licence under this Act, the Minister of Railways and Harbours may, in respect of any refreshment room at a railway station, exercise like powers.

For the purposes of this Act every refreshment room at a railway station in which liquor is sold and every railway 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.

waarvan hy, by bedoelde inwerkingtreding, houer is, of as meer dan een soort aldus genoem is, dan van 'n lisensie of lisensies van enigen van die genoemde soorte wat hy in daardie aanvraag mog verkies, en hy mag op bedoelde vergadering aanvraag doen om 'n vernuwing van die lisensie of lisensies 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 te hou; of
- (b) as die aanvrager ingevolge hierdie Wet onbevoeg is om die lisensie wat hy aanvra te hou; of
- (c) 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:

Met die verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie op 'n aanvraag gemaak op die eerste jaarlike vergadering van 'n lisensieraad ingevolge hierdie Wet deur iemand wat op die dag van daardie aanvraag die houer was van 'n lisensie ingevolge 'n deur hierdie Wet herroepe 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 spiritualieë verkoop, as daardie leventel, reukwerk of spiritualieë nie ingevolge sub-artikel (5) van artikel honderd-en-dertig 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 handelaarslisensie of 'n ander lisensie wat die verkoop veroorloof: Met die verstande dat sodanige medisyne wat ingevolge artikel honderd-en-en-dertig tot bedwelgende medisyne verklaar is, alleen volgens die bepalings van daardie artikel verkoop of verstrekt mag word;
- (d) die verkoop van drank in 'n verversingslokaal in die Parlementsgebou, indien verkoop met toestemming van een van beide Huisse 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) Die bepalings van hierdie Wet, maak geen inbreuk op die uitwerking van 'n bepaling van Hoofstuk V van die Spoorwegin en Havens Reglement, Bestuur en Beheer Wet, 1916 (Wet No. 22 van 1916).

In 'n gebied waar 'n lisensieraad kragtens hierdie Wet bevoeg is om die ure van verkoop kragtens 'n lisensie ingevolge hierdie Wet te verleng, of om 'n ander spesiale reg aan die houer van so 'n lisensie te verleen mag die Minister van Spoorweë en Havens ten opsigte van 'n verversingslokaal op 'n spoorwegstasie soortgelyke bevoegdhede uitoefen.

Vir die doeleindes van hierdie Wet word elke verversingslokaal op 'n spoorwegstasie waarin drank verkoop word en elke spoorweg-verversingswagon beskou as 'n gebou ten opsigte waarvan 'n binneverbruikslisensie uitgereik is en die persoon ander wie se beheer daardie lokaal of wagon staan word beskou so die houer van daardie lisensie en as die werkgever van alle persone wat in daardie lokaal of wagon werk.

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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 on the premises 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 on the premises by, members of the police force;
- (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 on the premises 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 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;
- (g) any owner or lawful occupier of land selling to a licensee in terms of any permit granted under section ninety liquor from fruit or other produce grown on such land; or
- (h) the master of a vessel in any dock or harbour of the Union or within the territorial waters of the Union in respect of the sale on board such vessel to any passenger therein of liquor taken from duty paid stores freed by the Department of Customs.

(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 lawful manufacturer of vinegar or 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 four gallons contained in one receptacle securely corked or stoppered;
- (iii) save in the case of a sale to or order by the holder of a wholesale liquor licence, such wine or brandy shall have been sold or ordered before being removed from the cellar of the owner or occupier;
- (iv) such person or association of persons shall keep a record, which shall be open to the inspection of

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 vir Verdediging drank verkoop in 'n winkel vermeld in artikel elf van die Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922, waar drank verstrekt word alleen aan en vir gebruik in die gebou 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 verstrekt word alleen aan en vir gebruik in die gebou van lede van die Poliesiemag;
- (c) iemand wat op gesag van die Direkteur van Gevangenisse drank verkoop in 'n kantien waar drank verstrekt word alleen aan en vir gebruik in die gebou 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 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 doeanebeampte by die uitoefening van sy pligte;
- (f) 'n behoorlik gelisensieerde venduafslaer 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;
- (g) enige eienaar of wettige besitter van grond wat aan 'n lisensiehouer, ooreenkomstig 'n permit verleen ingevolge artikel negentig drank uit vrugte of ander produkte op daardie grond verbou verkoop; of
- (h) die skipper van 'n vaartuig in 'n dok of hawe in die Unie of in die territoriale waters van die Unie met betrekking tot die verkoop aan boord van daardie vaartuig, aan 'n passasier daarop, van drank geneem uit 'n voorraad waarop invoerrechte betaal is en wat deur die Doanedepartement vrygelaat is.

(2) Met inagneming van die bepalings 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 persoon of vereniging, of uit duiwe wat deur daardie persoon 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 persoon of vereniging.

Mits—

- (i) daardie wyn of brandewyn verkoop, gelewer of van die hand gesit word aan 'n wettige fabrikant van asyn of aan iemand wat ingevolge hierdie Wet 'n lisensie hou, en aan niemand anders;
- (ii) hoeveelhede van nie minder dan vier gallon, in een dig-toegekurkte of gepropte houer aldus verkoop, gelewer of van die hand gesit word;
- (iii) daardie wyn of brandewyn, behalwe by 'n verkoop aan of bestelling van die houer van 'n groothandelaars-dranklisensie, verkoop of bestel is voordat hy uit die eienaar of besitter se kelder vervoer word;
- (iv) daardie persoon of vereniging aantekening hou wat ter insage van enige lid van die poliesiemag beskikbaar

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

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 other 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.

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.

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, 1929, or the thirty-first day of December, 1928 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, 1929; and

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 wysigings as wat die Goewerneur-generaal in daardie proklamasie mog 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 persoon of vereniging, of uit appels of ander vrugte, deur daardie persoon of vereniging gekoop 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 persoon of vereniging.

7. Geen bepaling van, of voorwaarde gestel kragtens hierdie Wet, wat 'n onderskeid maak ten opsigte van naturelle, Asiatiese of kleurlinge, is van toepassing op iemand wat aan die Unie geakkrediteer is deur die regering van 'n ander staat, of op 'n lid van sy famielie wat by hom inwoon, of op die lede van sy personeel wat nie in die Unie gedomiseleer is nie.

Sekere persone word vrygestel van sekere onderskeidmakende bepalinge.

HOOFSTUK II.

KLASSIFIKASIE EN UITREIKING VAN LISSENSIES.

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-dranksensies;

(ii) buitelandse dranksensies;

(iii) bierbrouers-lisensies;

(iv) bottel-dranksensies;

(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-dranksensies;

(ii) hotel-dranksensies;

(iii) kantien-lisensies;

(iv) wyn- en bier-lisensies;

(v) klub-dranksensies;

(vi) teater- of sportgronde-dranksensies;

(vii) tydelike dranksensies;

(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 vernuwung as daardie dag later is dan 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 een-verstande dat—

(a) by die eerste vernuwung, kragtens hierdie Wet, van 'n lisensie wat by die inwerkingtreding van hierdie Wet gehou word ingevolge 'n hiermee herroepe wet, en wat eindig op 'n ander dag dan die eerste dag van Januarie, 1929, of die een-en-dertigste dag van Desember, 1928, 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, 1929; en

Duur van lisensie.

- (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; and

(b) any special conditions imposed upon, and any privilege granted to, the holder thereof by the licensing board.

(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 liquor 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, and 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 in police charge of 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 in respect of such issue, renewal, transfer or removal the fees set out in the Third Schedule to this Act.

(2) 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 issued 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.

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

- (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. Vorm van lisensie.

(2) Elke sodanige lisensie moet bevat—

(a) 'n beskrywing van die ligging van die gebou waarvoor dit verleen is; en

(b) enige besondere voorwaardes en enige voorreg wat die lisensieraad aan die houer daarvan opgelê of verleen het.

(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 dranklisensie, 'n nagtelike geleentheids-lisensie en 'n wynboer-lisensie word verleen en uitgereik deur die magistraat van die distrik. Uitreiking van lisensies.

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

(3) Elke ander lisensie, wat kragtens hierdie Wet verleen mog word, word uitgereik deur die ontvanger van staatsinkomste van die distrik.

(4) Geen lisensie mag ingevolge 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 tydelike 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 beamppte behou, een deur hom aan die lisensieraad, en een aan die senior beamppte onder wie se polisie-toesig die distrik staan respektieffik gestuur, en een deur hom aan die lisensiehouer oorhandig word.

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

12. (1) Tensy hierdie artikel anders bepaal, moet daar 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. Lisensie-fooie.

(2) 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 uitgereik as 'n vernuwing van daardie lisensie, verminder met een-twaalfde vir elke voltooide kalendermaand van 1929 waarin eersgenoemde lisensie van krag is.

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

first day of December to the date of the actual issue of the licence.

(4) The Governor-General may from time to time proclaim any area to be one in which no new bottle liquor licence shall be issued by a receiver of revenue save upon payment, in addition to the fees payable in terms of sub-section (1), of a sum to be specified by the Governor-General in such proclamation, and which shall not exceed five thousand pounds.

(5) Whenever in terms of sub-section (7) of section *seventy-five* the hours during which liquor may be sold under any bar, hotel liquor or wine and malt liquor licence are extended, the amount payable in respect of such licence shall be increased as provided in that sub-section.

CHAPTER III.

LICENSING BOARDS.

(4) Constitution.

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 of any such authority at the time of their appointment: Provided that in the Province of the Cape of Good Hope one of those two members shall be a member of a divisional council having jurisdiction over any part of the district concerned.

(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.

(4) At the commencement of this Act the term of office of every person who at such commencement was a member of any body constituted for the consideration or determination of applications for licences for the sale or supply of liquor shall expire.

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 another district, the licensing board of such first-mentioned district shall from the date of such detachment, 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*. The first members of such board shall hold office from the date of their appointment until the last day of December next ensuing.

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

(a) The holder of, or applicant for, any licence for the sale of intoxicating liquors;

een-en-dertigste Desember en die dag waarop die lisensie werklik uitgereik word.

(4) Die Goewerneur-generaal mag van tyd tot tyd enige gebied proklameer tot 'n gebied waarin 'n ontvanger van staatsinkomste geen nuwe bottel-dranklisensie mag uitreik nie dan teen betaling (buiten die fooie wat kragtens sub-artikel (1) verskuldig is), van 'n deur die Goewerneur-generaal in daardie proklamasie vas te stelle som wat nie meer as vyfduisend pond mag bedra nie.

(5) Wanneer volgens sub-artikel (7) van artikel *vyf-en-sewentig* die ure wanneer drank verkoop mag word kragtens 'n kantien-, hoteldrank-, of wyn- en bier-lisensie, verleng word, word die bedrag wat vir daardie lisensie verskuldig is, verhoog soos in daardie sub-artikel bepaal.

HOOFSTUK III.

LISENSIERADE.

(A) Instelling.

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

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

(a) die magistraat of waarnemende magistraat, of in sy afwesigheid om watter rede 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 mog aanwys, en

(b) vier ander lede, benoem te word deur die Goewerneur-generaal, van wie twee, as die distrik een of meer stedelike plaaslike besture omvat, lede van enige sodanige bestuur ten tyde van hulle benoeming moet wees: Met die verstande dat in die Provinsie Kaap die Goeie Hoop een van daardie twee lede lid moet wees van 'n afdelingsraad wat bevoeg is in enige deel van die betrokke distrik.

(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.

(4) By die invoering van hierdie Wet eindig die ampstermyn van elkeen wat by daardie invoering lid was van 'n liggaam wat vir oorweging of beslissing van 'n aanvraag om lisensies vir die verkoop of verstrekking van drank ingestel is.

14. (1) Wanneer die Goewerneur-generaal by die uitoefening van sy bevoegdhede 'n deel van 'n distrik afsonderom 'n nuwe distrik te stig of om 'n deel van 'n ander distrik uit te maak, dan vervel die bevoegdheid van die lisensieraad van eersgenoemde distrik, vanaf die dag waarop die afsondering gemaak 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.

(2) Wanneer die Goewerneur-generaal by die uitoefening van sy bevoegdhede '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 bekleed hulle amp van die dag van hulle benoeming tot die laaste dag van die daaropvolgende Desember.

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

(a) Die houer van, of aanvrager om, 'n lisensie vir die verkoop van sterke drank;

Constitution of licensing boards.

Instelling van lisensieraad.

Provision where new district constituted.

Wanneer nuwe distrik gestig word.

General disqualification for membership of board.

Algemene onbevoegdheid om lid van raad te wees.

- (b) any brewer or distiller ;
- (c) any person engaged in making wine or spirits for sale ;
- (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, and 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 any 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, or upon any land in respect of which an application is made under section thirty-two or fifty-four ;
- (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 in respect of which a liquor licence is held within the district in which the board has jurisdiction.

(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 ; or
- (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).

17. (1) Every member of a licensing board appointed by the Governor-General under this Act 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 : Provided that every member appointed in the year 1928 shall hold office from the date of his appointment until the last day of December, 1929, or, in the event of adjournment of the annual meeting beyond that day, 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

- (b) 'n bierbrouer of drankstoker ;
- (c) iemand wat die vervaardiging van wyn en spiritueel vir verkoop beoefen ;
- (d) 'n eggenoot, vennoot, agent of dienaar van iemand vermeld in paragraaf (a), (b) of (c) ;
- (e) 'n beampste of agent van 'n vennootskap of vereniging van persone of genootskap wat belang het by die verkoop of by die verhinderig van die verkoop van sterke drank, en iemand wat 'n offisiële betrekking bekleed of gedurende die voorafgaande drie 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 as agent opdrag ontvang het om by 'n lisensieraad namens iemand anders enige aanvraag in te dien of 'n vennoot van iemand wat aldus opdrag ontvang het ;
- (g) iemand wat 'n direkteur, agent of bestuurder van, 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 is van so 'n gebou of van grond ten opsigte waarvan 'n aanvraag kragtens artikel twee-en-dertig of vier-en-veertig gemaak is ;
- (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 beampste van 'n klub ten opsigte waarvan 'n dranklisensie gehou word in die distrik waarin die raad bevoegdheid het.

(2) Die feit dat iemand lid is van 'n klub wat 'n klub-dranklisensie besit, maak hom nie om die rede alleen 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 vantevore, '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, agent of dienaar van die aanvrager of van iemand wat die aanvraag opponeer ; of
- (c) 'n direkteur, bestuurder of ander beampste, dienaar of agent van 'n maatskappy of vereniging wat onder paragraaf (a) of (b) sou val as dit 'n individu was.

17. (1) Elke lid van 'n lisensieraad deur die Goewerneur-generaal ingevolge hierdie Wet 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 verdagting van die jaarlikse vergadering tot na die een-en-dertigste dag van Desember, tot die sluiting van die jaarlikse vergadering : Met die verstande dat elke in 1928 benoemde lid sy amp beklee van die dag van sy benoeming tot die laaste dag van Desember 1929 of in geval die jaarlikse vergadering tot na daardie dag verdaag word, tot die einde van die jaarlikse vergadering.

(2) In geval 'n lid van 'n lisensieraad sy amp ontruim deur die dood, bedanking, onbevoegdheid of om watter ander rede ook, word die vakature gevul deur iemand, benoem deur die

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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 representation 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.

Secretary to licensing board.

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.

Legal proceedings by or against licensing 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 and no legal proceedings shall be instituted by any board 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.

(3) The cost incurred by members of any licensing board in connection with proceedings instituted by or 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 out of the Treasury.

(B) Meetings.

Annual meeting of licensing board.

20. (1) A meeting of the licensing board, to be known as the annual meeting, 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 licences;
- any application for an authority under section *thirty-two* for an hotel liquor licence; or under section *fifty-four* for an hotel liquor or club liquor licence;
- any application submitted to it by a lessor in terms of section *one hundred and twenty-one* for the termination of a tenancy of premises; and
- any other matter which under any provision of this Act it is authorized to consider at an annual meeting.

(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 of 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—

- any application for the transfer or removal of a licence referred to it in terms of section *forty-five*;

Goewerneur-generaal, wat by die benoeming, as dit na sy oordeel doenlik is, die kwota van verteenwoordigers van plaaslike besture op daardie raad, soas 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.

Sekretari van lisen raad.

19. (1) In enige regsgeding ingestel teen die lisensieraad in sy offisiële hoedanigheid, word 'n diening 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 diening op die raad. Die raad mag in so 'n geding geen stappe neem en geen regsgeding mag deur enige raad ingestel word behalwe deur middel van die magistraat en die regeringsprokureur.

Regsgedi deur of teen lisensieraad.

(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 diening 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 verskynag van 'n order *nisi* 'n termyn gestel van nie minder dan veertien dae na die diening van die kennisgewing van die mosie of order *nisi*, na gelang van omstandighede, op die magistraat en die regeringsprokureur.

(3) Die koste beloop deur lede van 'n lisensieraad in verband met 'n regsgeding deur of teen hulle in hul amptelike hoedanigheid ingestel, word, tensy die hof wat die geding hoor gelas dat die koste deur die teenparty of deur die genoemde lede *de bonis propriis* gedra moet word, uit die Skatkis betaal.

(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 wat bekend sal wees as die jaarlikse vergadering ter oorweging van—

Jaarlikse vergadering van lisensieraad.

- aanvrae om verlening, vernuwing, oordrag, of verplasing van lisensies;
- enige aanvraag om 'n magtiging ingevolge artikel *twee-en-dertig* vir 'n hotel-dranklisensie, of ingevolge artikel *vier-en-veertig* vir 'n hotel-dranklisensie of klub-dranklisensie;
- 'n aanvraag van 'n verhuurder volgens artikel *honderdeen-en-twintig* om die huur van 'n gebou te beëindig; en
- enige ander saak wat, ingevolge enige bepaling van hierdie Wet, hy gemagtig is om te oorweeg op 'n jaarlikse vergadering.

(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—

Tussentydse vergaderings van lisensieraad.

- 'n aanvraag om die oordrag of verplasing van 'n lisensie, na die raad verwys ingevolge artikel *vyf-en-veertig*;

- (b) any application made by the senior officer in police charge 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 thirty-eight*; or
- (c) any report referred to it by the magistrate in terms of sub-section (2) of section *one hundred and thirty-seven* alleging the non-compliance by a licensee with a condition imposed by the board.

(2) At any such meeting the board shall have power to deal with any application made under paragraph (a) of sub-section (1) as if it were an application duly made at an annual meeting; and in respect of any licence which is the subject of an application under paragraph (b) of sub-section (1) or of a report under paragraph (c) of that sub-section, the board shall have power forthwith to cancel such licence or to impose such prohibition, restriction or condition as it may have imposed at an annual meeting.

(3) 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.

(4) 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. The person who signed such report may be called as a witness by the licensee concerned for purpose of cross-examination as to such report; and such person, whether so called or not, or any other member of the police shall have the right to call evidence or present arguments in support of that report.

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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 any application made to a magistrate—

- (a) 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) for a renewal of a licence which should have been made to the last previous annual meeting if, in the opinion of the Minister, the circumstances connected with the failure to make such application to that 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.

(2) The board shall, at such special meeting, have power to deal with any application under sub-section (1) as if it were an application duly made at an annual meeting.

(3) 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.

- (b) 'n versoek van die senior beampte onder wie se poliesietoelig die distrik staan om intrekking van 'n bestaande lisensie, deur die magistraat na die raad verwys, ingevolge sub-artikel (2) van artikel *honderd-ag-en-dertig*; of
- (c) enige rapport, deur die magistraat na die raad verwys ingevolge sub-artikel (2) van artikel *honderd-sewen-en-dertig*, waarin 'n lisensiehouer beskuldig word van nie-nakoming van 'n voorwaarde deur die raad gestel.

(2) By so 'n vergadering is die raad bevoeg om enige aanvraag af te handel wat ingevolge paragraaf (a) van sub-artikel (1) ingedien word asof dit 'n aanvraag is wat behoorlik by 'n jaarlikse vergadering ingedien is; en wat betref enige lisensie waarvoor 'n aanvraag ingedien is ingevolge paragraaf (b) van sub-artikel (1) of van 'n rapport ingevolge paragraaf (c) van daardie sub-artikel is die raad bevoeg om dadelik so 'n lisensie te herroep of om so 'n verbod, beperking of voorwaarde te maak soos dit by 'n jaarlikse vergadering kon gemaak het.

(3) Van so 'n vergadering moet aan elke lid van die raad sewe dae vantevore 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.

(4) As 'n poliesieversoek om intrekking van 'n lisensie, of 'n beweerde nie-nakoming van voorwaardes deur 'n lisensiehouer die oorwegings-onderwerp uitmaak, moet 'n kopie van die rapport 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. Die persoon wat so 'n rapport geteken het mag geroep word as 'n getuie deur die betrokke lisensiehouer, om hom onder kruisverhoor te neem wat betref die rapport; en so 'n persoon, of hy geroep is of nie, of enige ander lid van die poliesiemag is bevoeg, om getuie- nis-te roep, of argumente voor te lê om daardie rapport te steun.

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

- (a) 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 dit staan, vir die doeleindes van 'n plaaslike bestuur gewaardeer is op tienduiseend pond of meer of wat, indien nie aldus gewaardeer nie, volgens oordeel van die Minister soveel werd is; of
- (b) om 'n vernuwing van 'n lisensie, wat op die voorafgaande jaarlikse vergadering moes gemaak geword het, as volgens oordeel van die Minister die omstandighede in verband met die versuim om die aanvraag op daardie vergadering te maak en die nadeel wat die gevolg sou wees van 'n uitstel van die aanvraag tot die volgende jaarlikse vergadering van die raad sodanig is, dat dit billik is om verligting te verleen.

(2) Die raad is bevoeg om op so 'n spesiale vergadering 'n aanvraag ingevolge sub-artikel (1) af te handel asof dit 'n behoorlik op 'n jaarlikse vergadering gemaakte aanvraag was.

(3) Van so 'n vergadering moet aan elke lid van die raad, nie minder dan sewe dae vantevore, 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.

(4) A special meeting of a board may be held at any time upon the order, made under sub-section (2) of section *twenty-nine* or otherwise, by a division of the Supreme Court having jurisdiction. At such meeting the board shall have power to deal with any matter in terms of any order made by the said division. Save where otherwise expressed or implied in such order, notice of any such meeting shall be given in terms of sub-section (3).

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.

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 relevant to the matter before the board 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: Provided that in the event of an equality of votes the chairman in addition to his deliberative vote shall have a casting vote.

(4) 'n Spesiale vergadering van die raad kan te eniger tyd gehou word ingevolge 'n order deur 'n bevoegde afdeling van die Hooggeregshof kragtens sub-artikel (2) van artikel *negen-en-twintig* of andersins verleen. Op sodanige vergadering is die raad bevoeg om enige saak ooreenkomstig enige order deur genoemde afdeling verleen te behandel. Behalwe waar anders in sodanige order uitdruklik verklaar of stilswygend te kenne gegee, geskied kennisgewing van so 'n vergadering ooreenkomstig sub-artikel (3).

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 bepalings 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.

Prosedure of raadsvergadering.

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

Getuienis onder eed.

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 eed, opgelê te word 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 in verband met die saak voor die raad wat hy besit of waaroor hy beskik, oor te lê.

Beslissing van regspunte.

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 'n 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 hoor en die punt te beslis.

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

Beslissing van feite.

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 *negen-en-dertig*) is die beslissing of oordeel van die meerderheid van die aanwesige en stembevoegde lede die beslissing of oordeel van die raad: Met die verstande dat by staking van stemme die voorsitter 'n beslissende stem sowel as sy beraadslagende stem het.

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

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.*

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
- (c) 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 the court finds 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 deems fit, including an order that a special 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 has 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, caused or was calculated to cause substantial prejudice to the petitioner or any other person.

(3) Save as provided in this section there shall be no review of the proceedings of a licensing board.

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 whose 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 last-mentioned appeal, whether in respect of the hearing thereof or of the confirmation or setting aside of the proceedings appealed against, or otherwise, 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.

(2) 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 prowinsiale 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 prowinsiale of plaaslike afdeling van die Hooggeregshof die verrigtings van 'n lisensieraad in revisie neem op 'n versoekskrif van 'n aanvrager of beswaarmaker, 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
- (c) 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 die hof, by die revisie van verrigtings van 'n lisensieraad bevind dat die bewerings van die versoeker om revisie bewys is, mag hy die betrokke verrigtings vernietig en 'n sodanige order verleen as wat hy wenslik ag, met inbegrip van 'n order dat 'n speciale vergadering van 'n raad belê word 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 revisiehof oortuig is dat die bewese feite die versoeker of iemand anders wesenlik benadeel het of sou kon benadeel het.

(3) Behalwe volgens bepaling van hierdie artikel is die verrigtings van 'n lisensieraad aan geen revisie onderhewig nie.

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 appeleer.

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

(3) Behoudens soos hierdie artikel bepaal kan teen die beslissing van 'n lisensieraad nie geappeleer word nie.

Notule van raad se verrigtings.

Revisie van raad se verrigtings.

Wanneer appèl geoorloof is.

CHAPTER IV.

APPLICATIONS FOR LICENCES AND OBJECTIONS THERETO.

Applications
for
licences.

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 save as provided in sub-section (4) hereof there shall be submitted to the board—

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

- (i) particulars of any tie by which the applicant is, or is proposed 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) The provisions of sub-section (3) shall not apply to an application for a renewal of a licence if the applicant with his application submits an affidavit setting forth that the particulars previously supplied in terms of sub-section (3) remain unchanged.

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 houer 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.

(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 weg, 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 binnegebou 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, behalwe as bepaal in sub-artikel (4) van hierdie artikel, moet aan die raad voorgeleë word—

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

- (i) besonderhede van enige koopverplichting wat op die aanvrager rus of volgens voorneme op hom sal 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 omtrent so '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) Die bepalinge van sub-artikel (3) is nie van toepassing op 'n aanvraag om 'n vernuwing van 'n lisensie nie as die aanvrager met sy aanvraag 'n beëdigde verklaring ooreenkomstig sub-artikel (3) verskaf onveranderd bly.

(5) 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 shall be denoted by revenue stamps to be affixed to the application and cancelled by the magistrate.

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32. (1) Any person desiring to obtain an authority under sub-section (3) of this section in respect of premises in an urban area proposed to be used as an hotel, which are not erected, or which, if already erected, require additions or alterations to make them suitable as an hotel, and which when erected, altered or added to will, apart from the land on which they are built, or to be 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 fifteenth 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,

and shall be accompanied by an affidavit fully setting forth the particulars described in paragraph (a) of sub-section (3) of section *thirty-one* and by the copies of documents described in paragraphs (b) and (c) of that sub-section.

(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 an 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 an hotel; and
 - (e) generally it is desirable that an hotel liquor licence should be granted in respect of the premises;
- may issue to the applicant a conditional authority for an hotel liquor 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 an hotel and for the conducting thereon of the business of an hotel, the issuer of licences to whom there is produced the authority so endorsed shall issue in respect of such premises to

(5) 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 mog stel. Daardie bykomende som moet betaal 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 in 'n stadsgebied wat as hotel sal gebruik word maar wat nog nie opgerig is nie of waaraan, 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 of sal staan tienduise pond of meer werd sal wees, mag, voor of na die begin van die oprigting of van die aanbou of verandering maar nie later dan die vyftiende dag van Oktober by die magistraat van die distrik skriftelik aanvraag maak dat sodanige magtiging deur die raad verleen word op sy volgende jaarlikse vergadering.

Aanvraag
om
mgtiging
vir hotel-
drank-
lisensie ten
opsigte van
voorgestelde
gebou in
stadsgebied.

- (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,

en moet vergesel gaan van 'n beëdigde verklaring volledig uiteensettende die besonderhede in paragraaf (a) van sub-artikel (3) van artikel *een-en-dertig* beskrewe en ook van kopieë van die dokumente in paragrawe (b) en (c) van daardie sub-artikel beskrewe.

(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, tienduise 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 om daarin gedryf te 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 mog vasstel;
 - (d) dat die gebou na sy voltooiing in elke opsig vir 'n hotel geskik sal wees; en
 - (e) oor die algemeen, dit wenslik is om 'n hotel-drank-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-dranklisensie 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 per-

the person to whom the authority was granted an 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—

- (a) 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;
- (b) if it is made to an annual meeting for the grant of a licence or of a conditional authority revenue stamps of the value of ten pounds;
- (c) if it is made to an annual meeting for the renewal of any licence, stamps of the value of one pound;
- (d) 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;
- (e) 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 *fifty-four*, 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—

- (a) 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 at least one newspaper circulating in the district in which the board meets, a notice showing—
 - (i) the name of the applicant;
 - (ii) the nature of the application;
 - (iii) the situation of the premises upon which the business which is the subject of the application is proposed to be carried on;
 - (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 affected merely by reason of the fact that any notice required by this section was not duly posted, published or sent as herein provided.

soon 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—

- (a) 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 vyf-en-twintig pond;
- (b) as daarmee op 'n jaarlikse vergadering die verlening van 'n lisensie of 'n voorwaardelike magtiging aangevra word, belastingseëls van 'n waarde van tien pond;
- (c) as daarmee op 'n jaarlikse vergadering die vernuwing van 'n lisensie aangevra word, seëls van 'n waarde van een pond;
- (d) 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;
- (e) 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.

(2) Nadat die Minister so 'n aanvraag en die verslag of die inligtings daaromtrent wat hy mog 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 of verplasing van 'n lisensie of om 'n voorwaardelike magtiging kragtens artikel *twee-en-dertig* of *vier-en-vyftig* 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 na die ontvangs van die aanvraag of die opdrag, na die geval mog wees, en nie minder dan dertig dae voor die dag wat vir die vergadering vasgestel is—

- (a) 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 ten minste een nuusblad in omloop in die distrik waarin die raad vergader, laat publiseer, 'n kennisgewing wat vermeld—
 - (i) die naam van die aanvrager;
 - (ii) die aard van die aanvraag;
 - (iii) die ligging van die gebou waar voorgestel word om die besigheid wat die onderwerp van die aanvraag uitmaak, te dryf;
 - (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 senior 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.

Seëls op aanvraag.

Deurstending van aanvraag om spesiale vergadering aan Minister.

Bekendmaking van aanvraag.

Lodging of objections.

Information of objections and police reports.

Hearing of applicants and objectors.

Power of licensing board to take objection.

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 thirty-six* or *one hundred and thirty-seven* 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) At the hearing of any application by a licensing board the applicant, subject to the provisions of sub-section (2) of section *twenty-four*, may appear before the board personally or by counsel or attorney.

(2) 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 other person deputed by him in writing, to object to the granting of the application against which he has lodged an objection. If the objector 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.

(3) 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.

(4) The senior police officer who in terms of section *one hundred and thirty-six* 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 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 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.

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 agent te eniger tyd voor die vergadering toestaan om die beswaarskrif in te sien en af te skrywe.

(2) 'n Poliesierapport, ontvang ingevolge artikel *honderd-ses-en-dertig* of *honderd-seven-en-dertig* 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 agent of aan daardie ander persoon of sy agent moet toestaan om 'n afskrif van die rapport te neem.

38. (1) By die verhoor van 'n aanvraag deur 'n lisensieraad mag die aanvrager, met inagneming van die bepalings van sub-artikel (2) van artikel *vier-en-twintig*, persoonlik of deur 'n advokaat of prokureur voor die raad verskyn.

(2) 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.

(3) 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 ingeval 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.

(4) Die senior polisiebeampte wat kragtens artikel *honderd-ses-en-dertig* 'n rapport aangaande 'n aanvraag geteken het, mag deur die betrokke aanvrager as 'n getuie opgeroep word om oor daardie rapport onder kruisverhoor geneem te word, en daardie beampte, of hy al dan nie aldus opgeroep is, of enige ander lid van die polisiemag, is geregtig om die rapport 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, vernuwung, oordrag of verplasing van 'n lisensie, alhoewel niemand daarteen beswaar gemaak het nie.

(2) Wanneer die vernuwung, 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 uitstel, in geskifte, geteken deur die sekretaris, of as hy ontbreek 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.

Indiening van beswaarskrif.

Meedeling van beswaarskrif en polisie-rapport.

Verhoor van aanvrager en beswaar.

Lisensieraad bevoeg om self beswaar te opper.

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. (1) If any person applies for the grant, renewal, removal, transfer or ratification of temporary transfer or removal 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 then, subject to any law relating to deceased estates, insolvency or mental disorders, as the case may be—

- (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

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

- (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, wanneer drank kragtens 'n aldus verleende lisensie verkoop of verstrek 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. (1) As iemand die verlening, vernuwing, verplasing, oordrag of bekragtiging van 'n tydelike oordrag of verplasing van 'n lisensie aanvra en op of voor die dag waarop die lisenieraad 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 met inagneming van die regsbepalings op boedels van oorlede persone, insolvensie of geestesgebreke, na gelang van die geval—

- (a) het sy eksekuteur, kurator, of boedelredder of by ontstentenis van 'n eksekuteur, kurator of boedelredder of as die beklader 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 rapporte 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 beklader 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 kon uitoefen 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 byontstentenis van 'n eksekuteur,

Dood of onbekwaamheid van aanvrager.

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 who is not disqualified under this Act from being the holder of the licence.

(2) If a company or a co-operative society or company which has applied for the grant, renewal, removal, transfer or ratification of temporary transfer or removal of a licence is placed under liquidation on or before the day for considering the application, the liquidator shall, subject to the law relating to companies or co-operative societies or companies as the case may be, have all such power and rights in respect of the application as would, under sub-section (1) be held by a trustee where the estate of an applicant is sequestrated under the law relating to insolvency.

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 to which application could in due form be made 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 was 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, not being later than the day before such application is considered;
- (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 or the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) or any amendment thereof, 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 or the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) or any amendment thereof 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 has been temporarily transferred under this section, shall at the next annual meeting of the licensing board to which application could in due form be made 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.

kurator of boedelredder, of as die bekleder van so 'n amp nie kan of wil optree nie, van enige lid van die aanvrager se familie, wat nie kragtens hierdie Wet onbevoeg is om die houer van die lisensie te wees nie.

(2) As 'n maatskappy of 'n kooperatiewe vereniging of maatskappy wat die verlening, vernuwing, verplasing, oordrag of bekragtiging van 'n tydelike oordrag of verplasing van 'n lisensie aangevra het gelikwiedeer word op of voor die dag wanneer die aanvraag oorweeg moet word, het die likwidateur, onderworpe aan die Wet betreffende maatskappye of kooperatiewe verenigings of maatskappye na die geval mog wees, al sulke bevoegdhede en regte wat betref die aanvraag as wat 'n kurator sou hê, ingevolge sub-artikel (1), wanneer die boedel van 'n aanvrager gesekwestreer word kragtens die wet op insolvensie.

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-rapport opgevra, ontvang en oorweeg het, mag hulle, indien oortuig dat die aanvrager ernstige verlies en ongerief sou ly as hy op die volgende vergadering van die lisensieraad by wie aanvraag in behoorlike vorm gedaan sou kon word moes wag, met inagneming van die bepalinge van artikel vyf-en-veertig en teen betaling, deur die aanvrager, van die fooi wat die Derde Bylae tot hierdie Wet vir so 'n oordrag voorskryf, dienooreenkomstig '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 voorgestelde 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, en nie later dan die dag voor sodanige aanvraag oorweeg word, sy beswaar en sy redes daarvoor skriftelik by die magistraat in te dien;
- (b) tensy die aanvrager 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 aanvrager, sy agent of sy bediende, dat hy 'n wet op die verstreking van sterke drank of die Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913) of enige wysiging daarvan oortree het, by die polisie ingedien en in oorweging is of as 'n geding teen die aanvrager, sy agent of bediende op so 'n beskuldiging in 'n hof aanhangig is; of
- (d) as die aanvrager of sy agent of bediende sedert die laaste jaarlikse vergadering van die lisensieraad weens 'n oortreding van enige wet op die verstreking van sterke drank of die Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913) of enige wysiging daarvan 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 by wie aanvraag in behoorlike vorm gedaan sou kon word 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.

Tydelike oordrag van lisensies.

Temporary transfer of licence.

(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 transfer of a billiard table licence or bagatelle table licence.

Removal of licensed business to other premises.

43. The holder of any licence (other than 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 wait for the next meeting of the licensing board, to which application could in due form be made, 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 was given, by advertisement in the *Gazette* and in a newspaper circulating in the district and by a notice affixed in a conspicuous place on the outside of the premises to which it is proposed to remove the licence, 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 not being later than the day before the day upon which such application is considered.

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 to which application can in due form be made 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. In the case of a transfer 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. In the case of a removal the applicant shall be deemed to have applied in due form for a renewal of the licence in respect of the premises originally licensed, provided that the board may postpone consideration of the application to a date fixed by it and order such publication and giving of notice by the applicant as it may deem fit.

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.

(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 of 'n bagateltafel-lisensie gehou in verband met 'n tafel in dieselfde gebou as die gebou in verband waarmee eersbedoelde lisensie gehou word. Die bepalings 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 houër van 'n ander lisensie dan '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-rapport opgevra, ontvang en oorweeg het, mag hulle, indien oortuig dat die aanvrager ernstige verlies en ongerief sou ly as hy op die volgende vergadering van die lisensieraad by wie in die behoorlike vorm aanvraag gemaak sou kan word, moes wag, met inagneming van die bepalings van artikel *vyf-en-veertig* en teen betaling deur die aanvrager van die fooi wat die Derde Bylae tot hierdie Wet vir so 'n verplasing voorskryf, die verplasing magtig: 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 aanvraag en 'n beskrywing van die geboue vanwaar en waarheen die verplasing van die lisensie beoog word, bekendgemaak word, en enigiens wat teen die verplasing beswaar wil maak, opgeroep word om op of voor 'n dag, in die kennisgewing vastgestel, (wat nie later mag wees nie as die dag voor die dag waarop daardie aanvraag oorweeg word), sy beswaar en sy redes daarvoor skriftelik by die magistraat in te dien.

Verplasing van gelisensieerde besigheid, ander geb.

44. (1) Iemand aan wie 'n lisensie kragtens magtiging verleen onder 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 by wie aanvraag in behoorlike vorm gedaan kon word die bekragtiging van die oordrag of verplasing aanvra.

Bekragtigi van tydelik oordrag of verplasing moet by raad aangevra word.

(2) As die raad weier om die oordrag of verplasing te bekragtig, 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. In geval van 'n oordrag word 'n aanvraag van die oordrag-ontvanger om 'n vernuwing van die lisensie op versoek van die oordraer, beskou as 'n aanvraag van die oordraer om daardie vernuwing. In geval van 'n verplasing word die aanvrager geag in behoorlike vorm 'n vernuwing van die lisensie aan te gevra het met betrekking tot die oorspronklik gelisensieerde gebou: Met die verstande dat die raad die oorweging van die aanvraag mag uitstel tot 'n dag wat hy bepaal het en die aanvrager mag gelas om so 'n bekendmaking en kennisgewing uit te vaardig as wat die raad wenslik ag.

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—

Verwysing van aanvraag om oordrag of verplasing van lisensie na raadsvergadering.

- (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; of
- (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 kon word,

en hulle moet daardie aanvraag aldus ter beslissing verwys as enigiens of die polisie beswaar maak teen die oordrag of verplasing, na die geval mog wees.

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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-one*, 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.

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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 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 sequestered 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.

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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 to all the duties, obligations and penalties of the original holder of the licence.

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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. The magistrate shall, if the person so appointed is not disqualified under this Act from being the holder of the licence and on payment of the transfer fee in terms of sub-section (1) of section *twelve*, endorse upon licence the name

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 gewings geskied as wat ingevolge artikel *vyf-en-dertig* moet geskied 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 *een-en-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 die geval mog wees.

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 afgestaan 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 regsbepalinge op geestesgebreke, bestorwe boedels of insolvensies, sonder formele oordrag die besigheid self of deur 'n agent wat deur die magistraat skriftelik goedgekeur is, mag voortset tot die volgende jaarlikse vergadering van die lisensieraad en 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 of maatskappy 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 ingevolge 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 mog 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. Die magistraat moet, as die aldus aangestelde persoon nie kragtens hierdie Wet onbevoeg is om die houer van die lisensie te wees nie, en teen betaling van 'n oordragfooi volgens sub-artikel (1) van artikel *twaaif*, op die lisensie die naam van daardie persoon as die

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of such person as the holder of the licence and he shall possess all the rights and be subject to all the duties, obligations and penalties of the licensee.

Temporary continuation of licence where renewal refused.

50. (1) Whenever a licensing board refuses to renew any licence, such board may authorize the continuation for a period not exceeding three months 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) In respect of every period of one month or less for which the continuation of a licence is authorized under sub-section (1) there shall be paid one-twelfth of the amount which would have been paid for the renewal of the licence.

Right of disposal of liquor on forfeiture or cancellation of licence.

51. (1) Whenever in terms of sub-section (2) of section one hundred and sixty-seven or sub-section (2) of section one hundred and sixty-eight 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.

(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 competent 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 impose as to the publication and the giving of notices or otherwise—

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

CHAPTER VI.

PROHIBITION, LIMITATION AND RESTRICTION OF LICENCES.

Prohibited areas.

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

- in or within half a mile of the boundary of any native location or native village established under the provisions of any law;
- 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;
- on any ground given out as a mynpacht claim, storage site (bewaarplaats), 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:

Provided that in any place to which any prohibition of paragraph (a) or (b) applies the licensing board may grant a licence

lisensiehouer van die lisensie aanteken en hy het al die regte en is onderhewig aan al die verpligtings en strawwe van die lisensiehouer.

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 hoogstens drie maande 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 mog 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 elke tydperk van een maand of minder waarvoor die verlenging van 'n lisensie ingevolge sub-artikel (1) toegestaan word, 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-sewen-en-sestig of sub-artikel (2) van artikel honderd-ag-en-sestig 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 geappeleer word, binne veertien dae nadat dit finaal bekrachtig 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.

(2) As 'n verbeurdverklaring of intrekking van 'n lisensie deur 'n bevoegde hof in appél 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 appél of reviesie deur 'n bevoegde 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—

- iemand anders dan die lisensiehouer aan wie 'n vernuwing ontseig is, magtig om op 'n deur hom vasgestelde dag 'n lisensie vir dieselfde gebou aan te vra;
- die vergadering tot daardie dag verdaag; en
- op daardie dag, as hy oortuig is dat aan die aldus bepaalde voorwaardes voldoen is die aanvraag oorweeg en niteenstaande die bepalinge van artikel drie-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—

- in, of binne 'n halfmyl van die grens van 'n natuurlike lokasie of natuuredorp, gestig ingevolge die bepalinge van enige wet;
- 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
- op enige grond uitgegee as 'n mynpag-kleim, bewaarplaas, masjienstandplaas, 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:

Met die verstande dat op enige plek waarop 'n verbod van paragraaf (a) of (b) van toepassing is die lisensieraad

Tydlike voortsetting van lisensie by weiering van vernuwing.

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

Verlening van nuwe lisensie wanneer vernuwing om persoonlike redes geweier word.

Verbode streke.

for the sale of liquor if there be produced to it the certificate of the Minister that the Governor-General has authorized the consideration by the board of the application. In the event of the licensing board authorizing the grant of the application, the Governor-General may, in respect of the licence so authorized or any renewal thereof, exercise all such powers as may be exercised by him in a restricted area in terms of sub-sections (2) and (3) of section fifty-six and the provisions of those sub-sections in respect of the issue and holding of the licence shall apply.

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

- (a) to affect any provision 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.

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

(2) Whenever any person proves 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 utilise premises as an hotel, or club, or erect or convert premises to be used as an hotel or club which are or will be when utilized, erected or converted, apart from the land on which they are built or to be built, of the value of two thousand five hundred pounds or upwards; and
- (c) that it would be in the general public interest that such an 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 at its annual meeting an application by such person for an hotel liquor licence or a club liquor licence at that place, or for a conditional authority for an hotel liquor licence or a club liquor licence in respect of premises proposed to be erected or converted at that place: Provided that in the Orange Free State a licence may not be granted for an hotel in a rural area unless the premises in respect of which the licence is granted will, apart from the land on which they are built, be of the value of five thousand pounds or upwards.

(3) The magistrate of the district within which any rural area falls may receive, and the licensing board concerned may at an annual meeting consider, any application for the grant of an hotel liquor licence or a club liquor licence at a place within that area, or for authority for the erection or conversion of premises to be used at a place in such area as an 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 is presented by the applicant the written authority of the Minister granted under sub-section (2).

(4) If the magistrate of the district in which the premises are situated endorses upon any authority granted under sub-section (3) for the erection or conversion of premises a certificate that the premises to which such authority refers have been completed substantially in accordance with the plans proposed to the board at the making of the application and are, in his opinion, in a suitable condition for occupation and for the conducting of the business of an hotel or of a club, as the case may be, 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 an hotel liquor licence or a club liquor licence, as the case may be, which shall be of force and effect until the thirty-first day of December in the year in which the certificate was granted.

'n lisensie kan verleen vir die verkoop van drank as aan hom getoon word die sertiikaat van die Minister dat die Goewerneur-generaal die oorweging van die aanvraag deur die raad gemagtig het. In geval die lisensieraad die toestaan van die aanvraag magtig, mag die Goewerneur-generaal ten aansien van die lisensie aldus gemagtig of enige vernuwing daarvan al die bevoegdhede uitoefen wat deur hom uitgeoefen kan word in 'n beperkte streek ingevolge sub-artikels (2) en (3) van artikel ses-en-vyftig en die bepalinge van daardie sub-artikels ten opsigte van die uitreiking en hou van die lisensie sal van toepassing wees.

(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, ander dan 'n wynboer-lisensie of 'n groothandelaars-dranklisensie, 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 as hotel of klub te gebruik of 'n gebou op te rig of te verbou om as hotel of klub gebruik te word, wat na die gebruik of oprigting of verbouing, afgesien van die grond waarop dit gebou is, sal geëvalueerd word, tweeduisendvyfhonderd pond of meer werd is of sal wees; en
- (c) dat die oprigting van so '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 op sy jaarlikse vergadering 'n aanvraag van die betrokke persoon te oorweeg vir 'n hotel-dranklisensie of klub-dranklisensie op daardie plek of vir 'n voorwaardelike magtiging tot 'n hotel-dranklisensie of 'n klub-dranklisensie op daardie plek vir 'n gebou wat volgens voorneme op daardie plek opgerig of verbou sal word: Met die verstande dat in die Oranje Vrystaat geen lisensie mag toegestaan word vir 'n hotel op die platteland, tensy die gebou ten aansien waarvan die lisensie verleen word, afgesien van die grond waarop dit gebou is, vyfduisend pond of meer werd sal wees.

(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 op 'n jaarlikse vergadering 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) As die magistraat van die distrik waarin die gebou geleë is, op 'n magtiging verleen ingevolge sub-artikel (3) vir die oprigting of verbouing van 'n gebou 'n sertiikaat endosseer dat die gebou waarna die magtiging verwys substansieel voltooi is ooreenkomstig die planne aan die raad voorgelê toe die aanvraag gemaak is en na sy mening, in 'n geskikte toestand is vir okkupasie en om as hotel of klub gedryf te word, na die geval mog wees, moet die uitreiker van lisensies aan wie die aldus geëndosseerde magtiging voorgelê word, ten opsigte van sodanige gebou aan die persoon aan wie die magtiging verleen is, 'n hotel-dranklisensie of 'n klub-dranklisensie, na die geval mog wees, uitreik, wat van krag bly tot die een-en-dertigste dag van Desember in die jaar waarin die sertiikaat verleen is.

Bepaling van lisensies op die platteland. Spesiale bepalinge oor gesondheids- of ontspanningsoorde en vernuwing van bestaande lisensies op platteland.

(5) 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 is 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 two thousand five hundred pounds or upwards, and—

- (a) that they are situated in a place which is, or is likely to become, a health or pleasure resort; or
- (b) that the licence is necessarily required in order to meet the needs of the travelling public.

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 an 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
- (b) if the applicant is not qualified under this Act to hold the licence in respect of which the application is made; or
- (c) 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 competent for a licensing board to grant a licence of the kind applied for.

(4) An application or grant made under sub-section (3) shall in all respects be deemed to be an application for, or grant of, a renewal.

56. (1) The Governor-General may, on the request presented to the Minister by any magistrate or local authority, whenever he 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, that the sale or supply of intoxicating liquor in that area should be placed under restrictions or be subjected to conditions imposed by himself, 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;
- (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 of 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

(5) '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 bepalinge 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 is 'n sertifikaat deur die Minister verleen, dat die gebou, afgesien van die grond waarop dit staan, tweeduisend-vyfhonderd pond of meer werd is en dat—

- (a) dit geleë is op 'n plek wat 'n gesondheids- of ontspannings-oord is of waarskynlik sal word; of
- (b) die lisensie noodsaaklik vereis is om aan die behoeftes van die reisende publiek te voldoen.

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

(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 kantien-lisensie 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 te hou; of
- (b) as die aanvrager nie bevoeg is nie om kragtens hierdie Wet die lisensie, waarop die aanvraag betrekking het, te hou; of
- (c) as die gebou waarvoor die lisensie aangevra word nie sodanig is dat 'n lisensieraad kragtens een of ander bepaling van hierdie Wet bevoeg is om 'n lisensie van die aangevraagde soort daarvoor te verleen.

(4) 'n Aanvraag of verlening kragtens sub-artikel (3) gemaak, word in elke opsig as 'n aanvraag om of 'n verlening van 'n vernuwing beskou.

56. (1) Die Goewerneur-generaal kan, op versoek gedoen aan die Minister deur 'n magistraat of plaaslike bestuur, wanneer hy dit in die belang van die bevolking of van 'n deel van die bevolking van 'n streek (behalwe 'n streek waarop artikel drie-en-vyfzig van toepassing is) wenslik ag dat die verkoop of verstrekking van sterke drank in daardie streek onderhewig gemaak word aan beperkings of voorwaardes, deur homself bepaal, by proklamasie in die *Staatskoerant* daardie streek tot 'n beperkte streek verklaar.

(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) 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 van verbruik;
- (d) die houters 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

Beperking van kantien-lisensie.

Streke waarin verkoop beperk is.

Restriction of bar licences.

Areas in which sale restricted.

(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.

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 areas all premises of any class specified in the proclamation in which liquor is sold for consumption on the premises or under a bottle liquor licence, shall be closed for the remainder of the day at noon on Saturdays or on such other one day of the week as the Governor-General may from time to time determine.

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, additional 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 of the district or the person who issued the order is of opinion that the reason for the continuance of the order no longer exists, he may cancel the same.

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 other than a licensee 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) Subject to the provisions of section one hundred and six, 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 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.

(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 arbeidsentra, streke by proklamasie bepaal, waarbinne alle geboue van enige klas wat in die proklamasie gespesifiseer word waarin drank verkoop word om in die gebou gebruik te word of kragtens 'n bottel-dranklisensie, vir die orige van die dag gesluit moet word om twaalfuur op die middag van Saterdag of van so 'n ander dag van die week as wat die Goewerneur-generaal van tyd tot tyd mog bepaal.

58. (1) Wanneer op enige plek 'n staking of uitsluiting 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 solank as wat daardie magistraat, addisionele magistraat, assistent-magistraat, kommissaris of onder-kommissaris wenslik ag.

(2) Die lisensiehouer of sy bestuurder of agent 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 van die distrik of die persoon wat die bevel uitgereik het 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 nie veroorloof sal wees om aan iemand anders dan 'n lisensiehouer drank te verkoop, te verstrek of te lewer, tensy so iemand 'n permit voorlê in die vorm, vervat in die Vierde Bylae, geteken deur 'n polisie-offisier of 'n lid van die polisiemag met 'n rang nie laer dan sersjant en uitgereik op naam van daardie persoon.

(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 gelever word.

(3) So 'n offisier of polisiebeampte 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 rusverstoring 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 opgevera, moet daardie permit vir daardie doel oorhandig word.

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

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

(7) Met inagneming van die bepalings van artikel honderden-ses moet elke sodanige permit, 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 word. Daardie offisier of persoon mag egter van daardie oorhandiging afsien, as aan hom blyk dat die permit verloor of vernietig is.

Sluiting van gelisensieerde geboue in arbeidsentra op een agtermiddag per week.

Sluiting gelisensieerde geboue gedurende oproer.

Streke waar permit vere word deur houters van groothandelaars-en bottel-dranklisensies. om drank te lewer.

Retention of local option prohibition areas existing at commencement of Act.

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, subject to the provisions of paragraph (c) of sub-section (1) of section three, notwithstanding the repeal by this Act of such law, remain an area in which the sale of liquor is totally prohibited.

Petition by inhabitants of district.

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.

Memorials against new licence in Cape Province.

62. It shall not be lawful for a licensing board to grant a new on-consumption or bottle liquor licence in respect of premises situated within an urban area in the Province of the Cape of Good Hope if there is lodged with the magistrate of the district, or the secretary of the board, at least seven days before the meeting of the board to consider an application for such licence, a memorial or memorials disapproving of the granting of such licence and signed by a majority of the voters registered on the voters' roll for the election of members of—

- (a) the urban local authority within whose area the said premises are situated, if such area is not divided into wards, or, if so divided,
- (b) the ward within which such premises are situated.

Limitation in urban areas of number of licences in proportion to population.

63. (1) Subject to the provisions 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 club liquor 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, shall a licensing board grant within the area of any urban local authority any application for a new bottle liquor licence if by such grant the total number of bottle liquor licences within that area would exceed one for every one thousand parliamentary voters registered therein: 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 two licences, not more than one of which may be a bottle liquor licence.

(2) No new restaurant liquor licence shall be granted within an urban area unless the number of parliamentary voters in that area amounts to four thousand or more: Provided that this sub-section shall not apply to the grant of any restaurant liquor licence under the authority of section four or sub-section (3) of section fifty-five.

(3) 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 for all purposes of this Act be conclusive evidence as to the number of voters in such area.

(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 they are built, are of the value of twenty thousand pounds or upwards.

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 behoudens die bepalinge van paragraaf (c) van sub-artikel (1) van artikel drie 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 Licensieraad moet enige petisie aan hom deur die inwoners van die distrik aangebied met betrekking tot die verlening of weiering deur die lisenieraad, van 'n aanvraag of aanvaar, of die uitoefening deur die raad van een van sy ander bevoeghede in ontvangs neem en oorweeg.

62. 'n Licensieraad is nie bevoeg om 'n nuwe binne-verbruik-lisensie of bottel-dranklisensie te verleen nie ten opsigte van 'n gebou geleë binne 'n stadsgebied in die Provinsie Kaap die Goeie Hoop, wanneer minstens sewe dae voor die vergadering van die raad om 'n aanvraag vir so 'n lisensie te oorweeg 'n petisie of petisies by die magistraat van die distrik of die sekretaris van die raad ingedien word, die verlening van sodanige lisensie afkeurende en geteken deur die meerderheid van die kiesers geregistreer op die kieserslys vir die verkiesing van lede van—

- (a) die plaaslike stadsbestuur binne wie se gebied genoemde gebou geleë is, as sodanige gebied nie in wyke verdeel is nie, of indien wel so verdeel,
- (b) die wyk waarin daardie gebou geleë is.

63. (1) Behoudens die bepalinge van sub-artikel (4) van hierdie artikel, mag 'n lisenieraad 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 twee-honderden-vyftig sodanige kiesers bo die vyfduisend;

en voorts, mag 'n lisenieraad 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 daardie gebied deur daardie bewilliging meer sou bedra as een op elke duisend daarin geregistreerde parlementêre kiesers; maar nieteenstaande die bepalinge van hierdie sub-artikel mag 'n lisenieraad, as hy dit wenslik ag, en met inagneming van die bepalinge van hierdie Wet, binne die gebied van enige stedelike plaaslike bestuur twee lisensies verleen, waarvan egter nie meer as een 'n bottel-dranklisensie mag wees nie.

(2) Geen nuwe restaurant-dranklisensie mag in 'n stadsgebied verleen word nie tensy die aantal parlementêre kiesers in daardie gebied vierduisend of meer bedra: Met die verstande dat hierdie sub-artikel nie van toepassing is nie op die verlening van 'n restaurant-dranklisensie kragtens artikel vier of sub-artikel (3) van artikel vyf-en-vyftig.

(3) 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 vir alle doeleindes van hierdie Wet onweerlegbaar.

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

Behoud streke wat by inwerkingtreding van Wet drank-handel stemming verbied is

Petisie v inwoners distrik.

Petisies teen nuwe lisensie in Kaap Provinsie.

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

Special right
of off-sale.

64. (1) If at the first annual meeting of a licensing board under this Act the board renews any licence which previously authorized the sale of liquor for consumption both on and off the premises, the board, notwithstanding anything contained in this Act, may, at such meeting in addition authorize the sale under such licence of liquor for consumption off the licensed premises.

(2) In any case in which the board grants any renewal in terms of sub-section (1), it may thereafter from year to year continue to exercise its authority under that sub-section.

(3) All the provisions of this Act relating to sales under a bottle liquor licence and all the obligations and disabilities of and penalties upon the holders of bottle liquor licences shall apply in respect of sales of liquor for consumption off the licensed premises authorized under sub-sections (1) and (2) and in respect of the licensee of such premises, and the licensing board may, in respect of such sales and licensee, exercise all such powers as it may exercise in respect of a bottle liquor licence.

CHAPTER VII.

QUALIFICATIONS FOR LICENCES AND RESTRICTIONS AS TO PREMISES.

(A) *Qualifications of Licensees.*

65. (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, magistrate, or other authority, as the case may be, such offence was of a political character or arose out of an industrial dispute;
- (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 and within five years of such previous conviction 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) occupies premises whereon a business licensed under this Act is conducted of which any member of the police is the owner or lessee or in which such member has any interest; or
- (h) is the wife of any person disqualified under paragraph (a), (b), (d) or (f), unless the parties are *bona fide* living apart under notarial deed or judicial order of separation;

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) The issue or transfer of a licence to any person disqualified under this Act from holding it shall be null and void. Any such person shall be deemed not to be licensed and the premises in respect of which such licence 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.

64. (1) As 'n lisensieraad op sy eerste jaarlikse vergadering ingevolge hierdie Wet 'n lisensie vernuwe wat voorheen van buite-verkoop van drank vir verbruik sowel buite asook in die gebou veroorloof het, dan mag die raad, niesteenstaande die bepalings van hierdie Wet, op daardie vergadering, benewens die vernuwing, magtiging verleen tot verkoop, kragtens daardie lisensie, van drank vir gebruik buite die gelisensieerde gebou.

(2) In elke geval waarin die raad 'n vernuwing volgens sub-artikel (1) verleen, mag hy daarna van jaar tot jaar, voortgaan om sy bevoegdheid kragtens daardie sub-artikel uit te oefen.

(3) Al die bepalings van hierdie Wet wat betrekking het op die verkoop kragtens 'n bottel-dranklisensie en al die verpligtings en onbevoegdhede van die houer van bottel-dranklisensies en al die strawwe waaraan hulle onderhewig is, is van toepassing met betrekking tot die kragtens sub-artikels (1) en (2) gemagtigde verkoop van drank vir gebruik buite die gelisensieerde gebou en met trekking tot die lisensiehouer van daardie gebou, en die lisensieraad mag, met betrekking tot so 'n verkoop en daardie lisensiehouer, al die bevoegdhede uitoefen wat hy met betrekking tot 'n bottel-dranklisensie mag uitoefen.

HOOFTSTUK VII.

KWALIFIKASIES VIR LISENSIES EN BEPERKINGS OMTRENT GEBOUE.

(A) *Vereistes vir Lisensiehouers.*

65. (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, magistraat of ander gesag, al na die geval mog wees, van politieke aard was of uit 'n industriële geskil ontstaan het;
- (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 en binne vyf jaar na sodanige vorige veroordeling, 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) 'n gebou okkupeer waarin 'n ingevolge hierdie Wet gelisensieerde besigheid gedryf word waarvan 'n lid van die poliesiemag die eienaar of huurder is of waarby so 'n lid enige belang het; of
- (h) die vrou is van iemand wat kragtens paragraaf (a), (b), (d) of (f) onbevoeg is, tensy die partye te goeder trou van mekaar geskeie leef kragtens 'n notariële of geregtelike skeiding van tafel en bed;

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 appèl of reviesie vernietig is nie of ten opsigte waarvan grasia verleen is.

(2) Die uitreiking of oordrag van 'n lisensie aan iemand wat kragtens hierdie Wet onbevoeg is om dit te hou is nietig; so iemand word as ongelisensieer beskou, en die gebou ten opsigte waarvan sulke lisensies 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.

Spesiale reg
van buite-
verbruik
verkoop.

Aan wie
geen lisensies
verleen
mag word
nie.

Qualifications of certain licensees.

66. (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.

(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 authorized 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 an hotel liquor licence, or a wine and malt liquor licence, or a club liquor licence or a sports ground liquor 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, or 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 an 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.

What licence may be held by company or partnership.

67. No licence other than a wholesale liquor 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: Provided that nothing in this section contained shall be deemed to prevent the issue of any licence to a person in the employ of a company, society, partnership or other association of persons: Provided further that if such employee vacates his position for any reason his employer may take such steps for the transfer of a licence to some other person as may be taken by a licensee under sub-section (1) of section *forty-two* and thereupon the provisions of that section, save paragraphs (b), (c) and (d) of sub-section (1) thereof and of sections *forty-four*, *forty-five* and *forty-six* shall *mutatis mutandis* apply in respect of the transfer of the licence to such other person.

(B) Restrictions as to Premises.

General suitability of premises.

68. Before granting any application for the grant or renewal 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 to enable the proposed licensed 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) any on-consumption licence may be granted in respect of premises upon which any person lawfully carries on the business of selling tea, coffee, cocoa, cakes, confectionery and other light refreshments (including drinks other than liquor), tobacco, cigars, cigarettes and matches, or any other lawful business specially authorized by the licensing board;

66. (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 *bona fide* agent van so iemand.

(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-dranklisensie of 'n wyn en bier-lisensie of 'n klub-dranklisensie of 'n sportgronde-dranklisensie 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, 'n *bona fide* resies- of sportbyeenkoms of 'n dergelike 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 'n klub-dranklisensie.

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

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: Met die verstande dat geen bepaling in hierdie artikel vervat geag word die uitreiking van 'n lisensie aan iemand in diens van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone te verhinder nie: Met die verstande verder dat as daardie dienaar om enige rede sy betrekking ontruim sy werkgegewer sodanige stappe mag doen om die lisensie op iemand anders oor te dra, as wat 'n lisensiehouer kragtens sub-artikel (1) van artikel *twee-en-veertig* mag doen en dat daarop die bepalings van daardie artikel behalwe paragrawe (b), (c) en (d) van sub-artikel (1) daarvan en van artikels *vier-en-veertig*, *vyf-en-veertig* en *ses-en-veertig* *mutatis mutandis* van toepassing is met betrekking tot die oordrag van die lisensie op daardie ander persoon.

(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 dit kragtens die lisensie gebruik mag word, en—

- (a) voldoende voltooi 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 natuurelekwartiere staan, dat die besigheid sodanig gedryf sal word dat die verrigtings op daardie plek van erediens of in daardie skool nie gesteur sal word of die bewoners van daardie natuurelekwartiere 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 nieteenstaande die bestaan, met betrekking tot die gebou, van die beletsels vermeld in paragraaf (b).

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

- (a) mag enige binneverbruik-lisensie verleen word in verband met 'n gebou waarin die lisensiehouer wettig as 'n besigheid tee, koffie, kakao, koek, suikergoed en ander ligte verversings (en ook drank wat nie sterke drank is nie), tabak, sigare, sigarette en vuurhoutjies verkoop of enige ander wettige besighede dryf wat die lisensieraad spesiaal veroorloof het;

Kwalifikasies vir sekere lisensiehouers

Watter lisensies, maatskappij of vennootskap mag hou.

Algemene geskiktheid van geboue

Watter ander besigheid gelisensieerde geboue gedryf mag word.

- (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 matches and grape vinegar (as defined by section nineteen of the Wine, Spirits and Vinegar Act, 1913) in closed receptacles; and
- (c) a brewer's licence may be granted in respect of premises in which the licensee lawfully carries on the business of brewing any malt liquor.

(2) Save as provided in sub-section (1), and subject to the provisions of sections seventy-two and seventy-three, no licence other than a wholesale or foreign liquor 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.

(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. (1) 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—

- (a) 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;
- (b) that adequate and proper sanitary and bathroom arrangements are provided on the premises; and
- (c) that a *bona fide* hotel providing such accommodation is or will be conducted by the licensee upon the premises.

(2) 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.

(3) Whenever, by the constitution, or extension of the boundaries of any municipality or borough, premises in respect of which an hotel liquor licence is held which were previously situated outside a municipality or borough become included in a municipality or borough, the provisions of sub-section (1) requiring that such premises shall contain not less than ten bedrooms shall not apply until the expiration of twelve months from the date when the premises became so included.

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. (1) 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, an 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.

- (b) mag 'n bottel-dranklisensie verleen word in verband met 'n gebou waarin die lisensiehouer wettig handel dryf as drank-groothandelaar of in brandspieritus, mineraalwaters en ander drankes dan sterke drank, in toe bottels, tabak, sigare, sigarette, vuurhoutjies en druiwe-asyn (soos in artikel negentien van die Wijn- Spiritualiën- en Azijn Wet, 1913, omskryf) in toe houters verkoop; en
- (c) mag 'n brouerslisensie verleen word in verband met 'n gebou waarin die lisensiehouer wettig as 'n besigheid enige soort bier brou.

(2) Behalwe volgens bepaling van sub-artikel (1), en met inagneming van die bepalings van artikels twee-en-sewentig en drie-en-sewentig mag geen lisensie ander dan 'n groot-handelaars- of 'n buitelandse dranklisensie 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) Vir die doel van hierdie artikel word 'n gebou nie as afsonderlik beskou nie—

- (a) as dit 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 dit '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 restourant-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 restourant hou of voornemens is te hou, waar gewone maaltye gereeld aan gaste verstrek sal word, en dat die gebou redelike akkomodasie bevat vir mense wat hulle maaltye in daardie restourant neem.

71. (1) 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—

- (a) dat die gebou in verband waarmee die aanvraag gemaak word, redelike woonakkomodasie vir gaste bevat met minstens tien slaapkamers as die gebou in 'n munisipaliteit of stad geleë is, of vyf slaapkamers as die gebou elders geleë is;
- (b) dat toereikende en behoorlike sanitere en badkamer-inrigtings in die gebou bestaan; en
- (c) dat die lisensiehouer in daardie gebou te goeder trou 'n hotel met sodanige akkomodasie hou of sal hou.

(2) 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.

(3) Wanneer 'n gebou ten opsigte waarvan 'n hotel-dranklisensie gehou word, wat voorheen buite 'n munisipaliteit of stad geleë was, deur stigting of grensuitbreiding van 'n munisipaliteit of stad, in 'n munisipaliteit of stad opgeneem word, dan is die vereiste van sub-artikel (1) dat daardie gebou minstens tien slaapkamers moet bevat nie van toepassing nie, totdat twaalf maande verloop het vanaf die dag waarop daardie gebou aldus opgeneem 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 restourant-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, 'n *bona fide* gesellige, byeenkoms sal plaasvind.

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Vir watter
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(2) A late hours occasional licence shall not be issued in respect of any particular premises more than twice in a calendar week.

(C) Clubs.

Club liquor licence.

74. (1) No authority for the issue 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 authority 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 (including *bona fide* reciprocity members) 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 eligible as an honorary or temporary member of the club save where—
 - (i) such eligibility is, in terms of the rules of the club, granted by reason of such person holding some public office or being a *bona fide* candidate for membership; or
 - (ii) by resolution of the club committee such person is allowed the privileges of membership while engaged in any match or competition;
- (g) that a register of members and proper accounts are kept;
- (h) that, save in the case of *bona fide* country members, the annual subscription is at least one pound;
- (i) that the club consists of at least thirty-five members;
- (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; and
- (k) that no member who has not paid his subscription within three months after it became due shall be allowed to continue as a member while his subscription is unpaid.

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) no board shall authorize the sale or delivery of liquor on closed days save, in the case of a restaurant liquor licence as provided in sub-section (6) and in the case

(2) 'n Nagtelike geleentheidslisensie mag nie meer as tweemaal per kalenderweek vir dieselfde gebou uitgereik word nie.

(C.) Klubs.

74. (1) Geen magtiging tot uitreiking of vernuwing van 'n Klub-dranklisensie mag verleen word nie tensy die betrokke lisensieraad oortuig is dat die klub 'n *bona fide* 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 magtiging mag nie verleen word nie, tensy die lisensieraad na insage van die reglement of van die polisie-rapport of andersins oortuig is—

- (a) dat die klub beheer word deur 'n bestuur uit sy lede;
- (b) dat die bestuur gereelde vergaderings hou, waarvan behoorlik notule gehou word;
- (c) dat net lede van die klub insluitende *bona fide* wederkerighedslede vir daarin verstrekte akkomodasie 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 aangeplak 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 as erelid of tydelike lid van die klub verkiesbaar is, behalwe wanneer—
 - (i) daardie verkiesbaarheid volgens die reëls van die klub verleen is omdat bedoelde persoon een of ander openbare amp beklee of 'n *bona fide* kandidaat vir lidmaatskap is; of
 - (ii) aan daardie persoon by besluit van die klub-komitee die voorregte van lidmaatskap toegestaan word solank hy aan 'n wedstryd deelneem.
- (g) dat 'n lederegister en behoorlike boeke gehou word;
- (h) dat die jaarlikse subskripsie minstens een pond bedra behalwe vir *bona fide* plattelandse lede;
- (i) dat die klub uit minstens vyf-en-dertig lede bestaan;
- (j) dat buiten 'n skriftelike en deur die raad goedgekeurde ooreenkoms, geen wins uit die verkoop van drank deur die klub aan 'n indiuidu toekom; en
- (k) dat geen lid, wat sy subskripsie nie binne drie maande na die vervaltyd betaal het nie, toegelaat word om lid te bly terwyl sy subskripsie onbetaal is.

HOOFSTUK VIII.

VOORWAARDES VAN LISENSIES.

(A.) Dae en Ure van Verkoop en Aflewering.

75. (1) Met inagneming van die bepalings van hierdie Wet word die dae waarop en die ure wanneer iemand, wat kragtens hierdie Wet 'n lisensie hou, drank mag verkoop en aflewering, 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 die besondere soort van lisensie voorskryf;
- (b) 'n raad nie die verkoop of aflewering van drank op geslote dae mag veroorloof nie behalwe in die geval van 'n restaurant-dranklisensie ingevolge sub-artikel

Dae en ure van verkoop en aflewering.

of a club liquor licence as provided in sub-section (8) and save that in the case of—

- (i) an hotel liquor licence; and
- (ii) a bar licence and a wine and malt liquor licence where the licensing board is satisfied that *bona fide* meals are served in a room or place specially set apart for the purpose other than the place commonly known as the bar, the licensing board, notwithstanding anything contained in section one hundred and thirty-nine of the Electoral Act, 1918 (Act No. 12 of 1918) or any other law, 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; 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, notwithstanding anything contained in section one hundred and thirty-nine of the Electoral Act, 1918 (Act No. 12 of 1918) or any other law, 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, an hotel liquor licence, or a wine and malt liquor licence shall not authorize the sale of liquor earlier than 10 o'clock in the morning or later than 10 o'clock at night: Provided that in any municipality or borough in which the number of parliamentary voters amounts to four thousand, or more, the licensing board, if satisfied that the reasonable requirements of the section of the population served under any bar, hotel liquor, or wine and malt liquor licence demand that liquor shall be sold thereunder at a later hour, may authorize the extension of the hours of sale under such licence until a time fixed by the board which shall not be later than half-past 11 at night. The amount ordinarily payable in terms of sub-section (1) of section twelve and the Third Schedule to this Act in respect of such licence shall be increased by one-tenth for every half hour or portion thereof by which the hours of sale under any such licence are so

(6) en in die geval van 'n klub-dranklisensie soos bepaal in sub-artikel (8) en behalwe dat—

- (i) by 'n hotel-dranklisensie; en
- (ii) by 'n kantien-lisensie en 'n wyn- en bier-lisensie as die lisensieraad oortuig is dat *bona fide* maaltie opgedis word in 'n spesiaal daarvoor bestemde vertrek of plek buiten die plek wat gewoonlik die kantien genoem word,

hy niesteenstaande die bepalings van artikel honderd-negen-en-dertig van die Kieswet, 1918 (Wet No. 12 van 1918) of enige ander wet, 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 maaltie gebruik, drank verstrekk mag word om by daardie maaltie gebruik te word; en

- (c) die ure wat op 'n gegewe tydstop 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 daardie uitdrukking omskrywe is of later omskrywe mag word vir die doeleindes van die Licenties (Konsolidatie) 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-dranklisensie of 'n bottel-dranklisensie handel gedryf word: Met die verstande dat deur die bepalings 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-dranklisensie mag nie die verkoop of aflewering van drank veroorloof voor agtuur in die môre of na sewenuur in die aand.

(3) 'n Buitelandse dranklisensie 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-dranklisensie 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 Restaurant-dranklisensie mag niesteenstaande die bepalings van artikel honderd-negen-en-dertig van die Kieswet, 1918 (Wet No. 12 van 1918) of van enige ander wet, die verkoop van drank veroorloof op alle dae aan iemand wat in die restaurant 'n gewone, daarin gekoopte maaltied *bona fide* neem, en wel om by die maaltied 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-dranklisensie, of 'n wyn- en bier-lisensie mag nie die verkoop van drank veroorloof voor tienuur in die môre of na tienuur saans: Met die verstande dat die lisensieraad in enige munisipaliteit of stad waarin die aantal parlementêre kiesers vierduisend of meer bedra indien oortuig dat die redelike vereistes van die gedeelte van die bevolking wat onder 'n kantien-, hotel-drank- of wyn- en bier-lisensie bedien word vorder dat drank daarvoor tot 'n later uur sal verkoop word, die verlenging van die verkoopsure onder so 'n lisensie tot 'n tyd wat die raad vasstel, maar nie later as half-twaalfuur saans nie, mag veroorloof. Die bedrag wat ten aansien van sodanige lisensie gewoonlik ingevolge sub-artikel (1) van artikel twaalf en die Derde Bylae van hierdie Wet betaalbaar is, word met een-tiende vermeerder vir iedere halfuur of gedeelte daarvan waarmee die verkoopsure onder sodanige lisensie aldus verleng

extended: Provided further that such extension may not be granted in the case of any licences to a number exceeding one-half of the total number of on-consumption licences other than temporary or late hours occasional licences existing in such municipality or borough;

(8) A club liquor licence, notwithstanding anything contained in section one hundred and thirty-nine of the Electoral Act, 1918 (Act No. 12 of 1918), in this Act or any other law, may authorize the supply of liquor on all days but not at any other time than between 10 o'clock in the morning and in any municipality or borough in which the number of parliamentary voters amounts to four thousand or more half-past 11 o'clock at night or in any other place 10 o'clock at night.

(9) 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 than 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.

(10) 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 any municipality or borough in which the number of Parliamentary voters amounts to four thousand or more and 10 o'clock at night in any other place.

(11) 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.

(12) A wine farmer's licence shall not authorize the sale, disposal or delivery of wine earlier than 7 o'clock in the morning or later than 6 o'clock in the evening.

(B) Maximum and Minimum Quantities to be Sold.

Quantities of liquor to be sold under various licences.

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 or a foreign liquor 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 or delivered by the holder of a brewer's licence shall not be less than one gallon to be delivered at one time in receptacle or receptacles securely corked or stoppered.

(4) The quantity of liquor to be sold or delivered by a bottle liquor licensee to any one customer at any one time shall be not less than one half-pint bottle securely corked, and not more than twelve quart bottles or the equivalent amount of liquor in receptacle or receptacles properly and securely corked or stoppered: 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-seven or ninety-eight.

(5) The liquor to be sold or supplied by the holder of a wine farmer's licence shall be in cask securely corked or stoppered, containing not less than four gallons or in a securely closed case containing not less than twelve quart or eighteen pint bottles of liquor.

word: Met die verstande dat so 'n verlenging slegs toegestaan mag word in die geval van enige lisensies tot geen hoër getal dan die helfte van die gesamentlike getal binneverbruik-lisensies ander dan tydelike of nagtelike geneentheids-lisensies, bestaande in so 'n munisipaliteit of stad.

(8) 'n Klub-dranklisensie, nieteenstaande die bepalings van artikel honderd-negen-en-dertig van die Kieswet, 1918 (Wet No. 12 van 1918), van hierdie Wet of enige ander wet, mag die verstrekking van drank op alle dae veroorloof, maar alleen tussen tienuur smôrens en in 'n munisipaliteit of stad waarin die aantal parlementêre kiesers vierduisend of meer bedra, half-twaalfuur saans of op enige ander plek tienuur saans.

(9) '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.

(10) '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 as tienuur smôrens of later as half-elfuur saans in 'n munisipaliteit of stad waarin die aantal parlementêre kiesers vierduisend of meer bedra en tienuur saans in enige ander plek.

(11) '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.

(12) 'n Wynboer-lisensie mag nie die verkoop, vervreemding of aflewering van wyn veroorloof voor sewenuur 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 verstrekt mag word deur iemand wat kragtens hierdie Wet 'n lisensie hou, mag nie groter en nie kleiner wees as die hoeveelheid wat hierdie artikel vir die bepaalde soort van lisensie vasstel.

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

(4) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie ineens aan een klant mag verkoop of lewer, mag nie minder bedra as een dig-gekurkte halfpint-bottel en nie meer as twaalf kwart-bottels, of dieselfde hoeveelheid drank in 'n houer of houters, wat dig-gekurk of geprop 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 seven-en-negentig of ag-en-negentig.

(5) Die drank wat die houer van 'n wynboer-lisensie mag verkoop of lewer, moet in 'n dig-toegekurkte of gepropte vat wees wat nie minder as vier gallon bevat nie of in 'n dig-toege-maakte kis wat nie minder as twaalf kwart-bottels of agtien pint-bottels drank bevat nie.

Hoeveelheid wat kragtens verskillende lisensies verkoop mag word

(6) 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.

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

- (a) determine that any particular portion of the premises, other than the dining room, 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.

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 officer in police charge of the district or the magistrate has certified in writing that the condition has been fulfilled.

(D) *Consumption on or off Premises.*

80. (1) It shall be a condition of every off-consumption licence, that no liquor shall be consumed by any customer 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) Subject to the provisions of section sixty-four 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.*

81. (1) Subject to the provision of Parts (B) and (C) of Chapter IX, a licensing board may at an annual meeting resolve that it shall be a condition of all licences in the district, or of any particular licence or class of 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 at an annual meeting rescind or vary any such resolution, and if the rescission or variation

(6) 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-drank-lisensie, 'n buitelandse dranklisensie, 'n bierbrouerslisensie 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 gelewer word dan in die gelisensieerde gebou en mag geen drank gelewer word in 'n ander gedeelte van daardie gebou dan dié wat die lisensie mog aanwys.

78. By die magtiging tot verlening of vernuwing van 'n lisensie mag 'n lisensieraad—

- (a) bepaal dat 'n bepaalde gedeelte van die gebou behalwe die eetsaal 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 persone alleen verstrek mag word in 'n kantien of ander plek in die gelisensieerde gebou, wat spesiaal afgesonder is vir daardie bepaalde klas van persone.

79. By die magtiging tot verlening, vernuwing 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 akkomodasie wat vir die publiek daarin verstrek 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 besoekers in daardie gebou of om toesig deur die polisie te vergemaklik of in enige ander opsig,

en mag 'n termyn stel waarbinne die lisensiehouer aan die voorwaardes moet voldoen, of mag beding dat 'n lisensie nie uitgereik mag word nie voordat die senior beampte onder wie se poliesietoesig die distrik staan 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 drank deur 'n klant gebruik mag word in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of digby geleë is en wat die lisensiehouer besit of beheer.

(2) Met inagneming van die bepalinge van artikel vier-ensestig is elke binneverbruik-lisensie onderworpe 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) Met inagneming van die bepalinge van Dele (B) en (C) van Hoofstuk IX mag 'n lisensieraad op 'n jaarlikse vergadering besluit dat alle lisensies of een of ander bepaalde lisensie of klas van lisensie in die distrik die voorwaarde moet bevat dat die verstrekking van drank aan 'n bepaalde klas van persone (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 meedeel aan die Minister, wat daarop die bepaling in die *Staatskoerant* moet afkondig.

(3) 'n Lisensieraad mag op 'n jaarlikse vergadering so 'n bepaling intrek of wysig en as die intrekking of wysiging

Plekke waar drank verkoop en gelewer mag word.

Beperkte gebruik van 'n deel van die gebou.

Voorwaarde van verandering ens. van gebou of ruimte vir publiek.

Voorwaarde in lisensie, omtrent plek van drankgebruik.

Beperking van drank-verstrekking aan bepaalde klas mense en vroue.

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.

Special condition of wine farmer's licence.

82. 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.

83. 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.

84. (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) No licensee shall sell as a particular kind or brand or as the manufacture of a particular person liquor which is not of that kind or brand or is not the manufacture of that person.

(3) 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.

85. 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.

86. 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 malt liquor 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.

87. 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).

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. Elke wynboer-lisensie is onderhewig aan die besondere voorwaarde dat kragtens dieselwe, behalwe aan iemand wat woonagtig is op 'n plek, vyf-en-twintig myl of verder geleë van die gebou waar die koop 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 tweehonderd pond of meer gewaardeer is of wat, by gebreke van so 'n waardering, volgens 'n skriftelike sertifikaat van 'n magistraat of polisieoffisier soveel werd is.

Besondere voorwaarde van wynboer-lisensies.

83. 'n Nagtelike geleentheids-lisensie is onderhewig aan die besondere 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.*

84. (1) Elke lisensie is onderhewig aan die voorwaarde dat drank, kragtens dieselwe 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 of ander wet.

Kwaliteit van verkoopte drank.

(2) Geen lisensiehouer mag as 'n besonder soort of merk of as die fabriek van 'n besonder persoon drank verkoop wat nie van daardie soort of merk is nie of wat nie die fabriek van daardie persoon is nie.

(3) 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.

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

Watter drank 'n bierbrouer mag verkoop.

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

Wyn- en bierlisensiehouer 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.

87. 'n Wynboer-lisensie is onderhewig aan die voorwaarde dat kragtens dieselwe 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.

CHAPTER IX.

PROHIBITION OR RESTRICTED SALE, SUPPLY OR ACQUISITION OF LIQUOR.

(A) Sale by Producers.

88. 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 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-two, 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, malt liquor of the kind and in the quantity permitted to be sold under such licence; 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) or any amendment thereof.

89. Whenever under any Excise law or other law or any 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.

90. (1) The owner or lawful occupier of any land 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, sell but only to a licensee liquor lawfully made from fruit or other produce grown on such land where such liquor cannot lawfully be sold or disposed of under sub-section (2) or (3) of section six.

(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 sold;
- (c) the maximum and minimum quantities and the kinds of liquor which are to be sold.

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

(4) The provisions of sub-paragraphs (ii), (iii) and (iv) of sub-section (2) of section six shall *mutatis mutandis* apply in respect of any liquor sold under permit granted in terms of this section.

(B) Supply to Particular Classes of Persons.

91. 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.

HOOFSTUK IX

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

A. Verkoop deur vervaardigers.

88. Nieteenstaande die bepalings van enige wet of van 'n Verkoop van drank deur 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 'n koöperatiewe vereniging of maatskappy, geregistreer ingevolge die Koöperatiewe Verenigings Wet, 1922 (Wet No. 28 van 1922) of 'n wysiging daarvan of enige ander agent, 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 persone vermeld in artikel twee-en-tagtig die soort van wyn mag verkoop wat kragtens sy lisensie verkoop mag word;
- (b) die houer van 'n bierbrouers-lisensie, met die lisensie-raad se vergunning, gelyktydig verleen met die verlening of vernuwing van sy lisensie, aan ander persone dan die houders van lisensies kragtens hierdie Wet, bier mag verkoop van die soort en in die hoeveelheid wat kragtens daardie lisensie verkoop mag word;
- (c) hierdie artikel geen inbreuk maak op die bepalings van die Wet op de Kontrole over Wijn en Spiritualiën, 1924 (Wet No. 5 van 1924) of 'n wysiging daarvan.

89. 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.

90. (1) Die eienaar of wettige besitter van grond 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, slegs aan 'n lisensiehouer drank verkoop wat van vrugte of ander produkte volgens wet gemaak is en wat op daardie grond verbou is waar sodanige drank nie ingevolge sub-artikel (2) of (3) van artikel ses wettig verkoop of van die hand gesit mag word nie.

(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 verkoop sal word;
- (c) die grootste en kleinste hoeveelheid en soorte drank wat verkoop mag word.

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

(4) Die bepalings van sub-paragrafe (ii), (iii) en (iv) van sub-artikel (2) van artikel ses is *mutatis mutandis* van toepassing met betrekking tot drank wat verkoop word kragtens 'n volgens hierdie artikel verleende permit.

B. Drankverstreking aan bepaalde klasse van persone.

91. 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 verstrek, en niemand mag in stryd met daardie beperking of voorwaarde enige drank verkry.

Supply to children.

92. 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 person under the age of eighteen years.

Prohibition by magistrate of supply to individual.

93. (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 a law repealed thereby or of drunkenness; or
- (b) has within that period been twice convicted of a contravention of this Act or of a law repealed thereby 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,

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, if he be present, 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 officer in police charge 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, a wine farmer's licence or an on-consumption licence; and in the event of such person removing to, or obtaining or being suspected of obtaining liquor 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 officer in police charge 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 wholesale liquor licences, brewers' licences, bottle liquor licences, wine farmer's licences and on-consumption licences shall forthwith be notified by the said senior police officer of the endorsement of the order and the effect thereof.

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

Drankverstreking aan kinders.

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

Magistraat mag drankverstreking aan sekere persone belet.

- (a) in die voorafgaande twaalf maande driemaal veroordeel is weens 'n oortreding van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word of weens dronkenskap; of
- (b) binne daardie tydperk tweemaal veroordeel is weens 'n oortreding van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word 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 famielie benadeel,

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 getuënis wat hy nodig ag onder eed afneem en aan die persoon op wie die kennisgewing gedien is, geleentheid gee as hy teenwoordig is 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 senior beambte onder wie se polisie-toesig die distrik staan en daardie beambte moet onverwyld na ontvangs daarvan die verbod meedeel aan die persoon ten opsigte van wie die order verleen is en aan elke houer in die distrik van 'n groothandelaars-dranklisensie, 'n bierbrouers-lisensie, of 'n bottel-dranklisensie, 'n wynboer-lisensie of 'n binneverbruik-lisensie 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 senior beambte onder wie se polisie-toesig die distrik staan.

(5) 'n Senior polisiebeambte 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 polisiebeambte moet die aantekening op die order en die uitwerking daarvan meedeel aan die houer in daardie distrik van groothandelaars-dranklisensies, bierbrouers-lisensies, bottel-dranklisensies, wynboer-lisensies en binneverbruik-lisensies.

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prohibition.

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

94. Save as is otherwise specially provided by this Act, no person shall supply or deliver any liquor to any native, and no native shall obtain or be in possession of, any liquor: Provided that save in any area proclaimed by the Governor-General as an area to which this proviso shall not apply, a native may, on a written order dated and signed by his *bona fide* employer, and setting forth in legible characters such employer's full name and address, obtain the delivery of liquor for conveyance to such employer, if such employer is not a person to whom it is unlawful to supply liquor.

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95. Save as is otherwise provided in this Act—

- (a) in the Provinces of the Transvaal and Orange Free State no person shall sell or supply or deliver any liquor to any Asiatic or coloured person, and no Asiatic or coloured person shall obtain or be in possession of liquor; and
- (b) in the Province of Natal no Asiatic shall be supplied with or obtain liquor save for consumption on premises licensed under this Act for the sale thereof, or be in possession of liquor off such premises:

Provided that, save in any area proclaimed, by the Governor-General as an area to which this proviso shall not apply, an Asiatic or coloured person may, on a written order dated and signed by his *bona fide* employer and setting forth in legible characters such employer's full name and address, obtain the delivery of liquor for conveyance to such employer, if such employer is not a person to whom it is unlawful to supply liquor.

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96. (1) Save as provided in sub-sections (2) and (3) and in section one hundred and twenty-seven no person shall supply any liquor or kaffir beer 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 or kaffir beer to such employee.

(2) In the Province of the Cape of Good Hope any adult *bona fide* employing in farming operations any native, Asiatic or coloured person, being a male of or over the age of twenty-one years, may on any one day supply gratis to such native, Asiatic or coloured person one and one-half pints of unfortified wine or Kaffir beer: Provided that such wine shall be consumed during intervals of not less than two hours and in not less than three equal portions.

(3) In the Orange Free State any *bona fide* employer may to his male employee of eighteen years or above that age supply gratis one single drink of intoxicating liquor per day in quantity not exceeding one quarter of a pint in the case of spirituous liquor or not exceeding one pint in the case of liquor of any other kind to be consumed when received and in the presence of such employer.

(4) The right granted by sub-section (2) or (3) 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.

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

- (a) prohibit the supply, under sub-section (2), or sub-section (3) 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) or sub-section (3) shall cease to have any operation.

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97. (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

(C) Drankverstreking aan Asiate, kleurlinge en naturelle.

94. Niemand mag, behalwe vir sover hierdie Wet uitdruklik anders bepaal, enige drank aan 'n natuurel verstreke of aflewer, en geen natuurel mag drank verkry, of in besit daarvan wees: Met die verstande, dat behalwe in 'n gebied wat die Goewerneur-generaal geproklameer het as 'n gebied waarop hierdie voorbehoudsbepaling nie van toepassing is nie, 'n natuurel op 'n skriftelike bestelling, gedagteken en onderteken deur sy *bona fide* werkgever en in leesbare letters die volle naam en adres van daardie werkgever vermeldende, drank in ontvangs mag neem om dit na daardie werkgever te vervoer indien daardie werkgever nie iemand is nie aan wie dit onwettig is om drank te verstrek.

Verbod vir
naturelle.

95. Behoudens andersluidende bepalings in hierdie Wet—

- (a) mag in die Provinsies Transvaal en Oranje-Vrystaat niemand aan 'n Asiat of kleurling drank verkoop of verstreke of aflewer en mag geen Asiat of kleurling drank verkry of besit nie; en
- (b) mag in die Provinsie Natal geen drank verstreke word aan of verkry word deur 'n Asiat, behalwe om gebruik te word in 'n gebou wat kragtens hierdie Wet vir die verkoop daarvan gelisensieer is, nog mag hy buite so 'n gebou drank besit:

Beperkings
in Transvaal,
Vrystaat en
Natal.

Met die verstande dat, behalwe in 'n gebied wat die Goewerneur-generaal geproklameer het as 'n gebied waarop hierdie voorbehoudsbepaling nie van toepassing is nie, 'n Asiat of kleurling op 'n skriftelike bestelling gedagteken en onderteken deur sy *bona fide* werkgever en in leesbare letters die volle naam en adres van daardie werkgever vermeldende, drank in ontvangs mag neem om dit na daardie werkgever te vervoer indien daardie werkgever nie iemand is nie aan wie dit onwettig is om drank te verstrek.

96. (1) Behalwe volgens bepaling van sub-artikel (2) en (3) en artikel honderd-sewen-en-twintig mag niemand drank of kafferbier verstreke aan 'n natuurel, Asiat 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 of besoldiging of as 'n aanvulling daarvan of as 'n beloning en hetsy al dan nie kragtens hierdie Wet of kragtens 'n bevoegdheid wat hy verleen, die verstreking van drank of kafferbier aan daardie bediende belet of beperk is.

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(2) In die Provinsie Kaap die Goeie Hoop kan 'n volwasse persoon wat 'n natuurel, Asiat of kleurling van die manlike geslag en een-en-twintig of bo die een-en-twintig jaar oud vir boerderywerk *bona fide* in diens het, aan daardie natuurel, Asiat of kleurling op een en dieselfde dag verniet een en 'n half pint ongefortifiseerde wyn of kafferbier verstreke: Met die verstande dat sodanige wyn gebruik moet word met tussenpose van nie minder as twee uur en in nie minder as drie gelyke dele.

(3) In die Oranje Vrystaat mag 'n *bona fide* werkgever aan sy werknemer van die manlike geslag van agtien of bo die agtien jaar oud een enkele sopie sterke drank van nie meer as een kwart pint as dit spiritualieë is of nie meer as een pint as dit 'n ander soort drank is per dag verniet verstreke, gebruik te word by ontvangs en in teenwoordigheid van so 'n werkgever.

(4) Die reg deur sub-artikel (2) of (3) verleen mag ten opsigte van enige werkgever enige tyd en sonder opgawe van redes ingetrek word deur op daardie werkgever of sy agent '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 werkgever of agent mog appeleer en wie se beslissing van die saak finaal is.

(5) Die Goewerneur-generaal mag enige tyd by proklamasie in die Staatskoerant—

- (a) die verstreking, kragtens sub-artikel (2) of sub-artikel (3), verbied van enige soort drank as hy oortuig is dat die gebruik van daardie drank weens sy bestanddele of enige deel daarvan vir die verbruikers skadelik sou wees; en
- (b) streke bepaal wat aan die regsdrag van die bepalings van sub-artikel (2) of sub-artikel (3) onttrek is.

97. (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,

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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 liquor 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 Fifth Schedule.

98. (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 or above the rank of sergeant or the senior member of the police 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 Fifth Schedule.

99. (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.

100. (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 registered as a person entitled to vote at an election for members of the House of Assembly 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, whether before or after the commencement of this Act, under section sixty-six of Act No. 38 of 1896 of Natal, or any other law of Natal or under any law in any other province, shall exempt the holder of such letter or certificate from the operation of any provision of this Act.

101. (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 liquor 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 liquor is purchased, and in particular in any area proclaimed under section fifty-nine

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 dan 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.

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

98. (1) Wanneer 'n geregistreerde geneesheer skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens enige bepalinge 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 hoeveelhede en met die tussenpose wat die sertifikaat aangee, aan hom toegedien moet word, dan moet enige polisiebeampte wat die rang van sersjant of 'n hoëre rang beklee of die senior polisiebeampte wat op die betrokke tydperk 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 drank as medisyne toe te dien, by aantekening daarop enige houder van 'n bottel-dranklisensie 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 tegelyk dan een kwart, as dit spiritueel 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 Vyfde Bylae.

99. (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-dranklisensie aan wie die sertifikaat voorgelê word, aan die betrokke persoon die soort van en hoeveelheid wyn wat die sertifikaat aangee, verstrek.

(2) Nieteenstaande die bepalinge 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.

100. (1) Nieteenstaande die bepalinge 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 geregistreer is as iemand wat by 'n verkiesing van Volksraadslede stemgeregtig is, vrygestel van die toepassing van enige in daardie provinsie geldende wet (en dit sluit ook hierdie Wet in) wat, as dit nie was vir die eersgenoemde wet of ander wet nie, die verstrekking van sterke drank aan hom sou belet.

(2) Vanaf die eerste dag van Oktober, 1928, stel geen vrystellingsbrief of -sertifikaat, voor dan wel na die inwerking-treding van hierdie Wet uitgereik kragtens artikel ses-en-sestig van Wet No. 38 van 1896 van Natal of enige ander wet van Natal of enige wet van 'n ander provinsie, die houder van so 'n brief of sertifikaat vry van die toepassing van enige bepaling van hierdie Wet.

101. (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, drank te verkry, 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 drank gekoop word, en veral in 'n streek kragtens

Drank wat verbode persoon vir herstel van gesondheid nodig het.

Drankverstreking aan of vir verbode persone vir sakramentele doel.

Afskaffing van vrystelling van sekere persone.

Verlening van vrystellingsbrief aan Asiaat, kleurling of naturel.

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, subject to any regulation made under sub-section (5), grant 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.

(3) The magistrate of any district may, upon the application of any native, Asiatic or coloured person, subject to any regulation made under sub-section (5) grant to the applicant a letter exempting him within that district for a period not exceeding twelve months stated therein, from any discrimination imposed therein by or under the authority of this Act against natives, Asiatics or coloured persons, as the case may be. The issue of any such letter may be refused by the magistrate to whom application is made.

(4) Any letter issued under this section may at any time be cancelled by the Minister, or in the case of a letter granted under sub-section (2) or (3) by the person who granted it or his successor in office, and such power of cancellation shall not be limited by any regulation made under sub-section (5).

(5) The Minister may make regulations, which may differ in respect of different areas and of different classes, prescribing the conditions necessary to be complied with before any letter or class of letter referred to in this section may be issued and the circumstances in which any letter issued under this section shall be cancelled.

CHAPTER X.

CONDUCT OF LICENSED BUSINESSES.

(A) Prohibited Employment.

Employment of women and certain other persons in restricted portion of licensed premises.

102. (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 bar on 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 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) any person of or over the age of sixteen years who has undergone, or is undergoing a course of instruction

artikel *negen-en-vyftig* 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 mog wenslik ag om op te lê.

(2) Wanneer 'n naturel, Asiaat of kleurling 'n polisieoffisier met bewyse oortuig dat hy in 'n land buite die Unie gedomileer of gewoonlik 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, met inagneming van enige regulasie wat kragtens sub-artikel (5) gemaak 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.

(3) Die magistraat van 'n distrik kan op aansoek van 'n naturel, Asiaat of kleurling met inagneming van enige regulasie wat kragtens sub-artikel (5) gemaak is, aan die aansoeker 'n brief verleen wat hom in daardie distrik vir 'n daarin vermelde tydperk van hoogstens twaalf maande vrystel van enige diskriminasie wat daarin teen naturelle, Asiatische of kleurlinge, na die geval mog wees, deur of op gesag van hierdie Wet opgelê is. Die uitreiking van so 'n brief kan geweier word deur die magistraat by wie aansoek gedoen word.

(4) 'n Kragtens hierdie artikel uitgereikte brief mag te eniger tyd ingetrek word deur die Minister of in geval van 'n brief verleen kragtens sub-artikel (2) of (3), deur die persoon wat dit verleen het of sy ampsopvolger en hierdie intrekking-bevoegdheid word nie beperk nie deur 'n kragtens sub-artikel (5) uitgevaardigde regulasie.

(5) Die Minister mag regulasies uitvaardig wat met betrekking tot verskillende streke en verskillende klasse mag verskil, waarin voorgeskryf word aan watter voorwaardes voldaan moet word voordat enige in hierdie artikel vermelde brief of soort van brief uitgereik kan word en die omstandighede waaronder 'n kragtens hierdie artikel uitgereikte brief ingetrek moet word.

HOOFSTUK X.

BEHEER VAN GELISENSIEERDE BESIGHEDE.

(A) Verbode Indiensstelling.

102. (1) Geen houer 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 in 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 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 voorafgaande 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 wat sestien jaar of bo sestien jaar oud is, wat 'n opleidingskursus in prowiandering ondergaan of

Indiensstelling van vroue en seker ander persone in beperkte gedeelte van gelisensieerde gebou.

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 one year 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 any business carried on under 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 was an owner or part owner, or, if she was such in more than one province during the said period of one year, in whichever one of such provinces she may elect.

(5) Nothing in this section contained shall affect the exercise upon any premises in accordance with the provisions of this Act of any rights of a female who is an owner or a part-owner to the extent of not less than ten per cent. of any business carried on under any licence to sell or supply liquor on such premises.

(B) *Prohibited Access to Licensed Premises.*

Presence of prohibited persons on licensed premises.

103. (1) Subject to the provisions of section one hundred and four, 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 access to any part of the licensed premises of—

(a) any Asiatic, coloured person or native for the purpose of the performance by him thereon of any service upon which he may lawfully be employed;

(b) any person for the purpose of the performance by him thereon at any time during which the licensed premises are closed for the sale of liquor, of any *bona fide* domestic service.

Presence of women and children on licensed premises.

104. (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 licensed premises, or who is the wife of the licensee or a part owner to the extent of not less than ten per cent. of the business carried on under 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;

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 bestier van die gelisensieerde besigheid.

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

(a) gereeld 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 besigheid gedryf kragtens '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 of mede-eienares was, of, as sy dit was in meer dan een provinsie gedurende bedoelde tydperk van een jaar in sodanige een van daardie provinsies as sy verkies.

(5) Die bepalings van hierdie artikel maak geen inbreuk op die uitoefening, in een of ander gebou in ooreenstemming met die bepalings van hierdie Wet, van regte van 'n vrouspersoon, wat 'n eienares of mede-eienares tot die mate van minstens tien persent is van 'n besigheid gedryf kragtens 'n lisensie om in daardie gebou drank te verkoop of te verstrek.

(B) *Verbode Toegang tot Gelisensieerde Gebou.*

103. (1) Wanneer kragtens 'n bepaling van hierdie Wet die verstrekking van drank aan iemand geheelal verbied is, dan mag, behoudens die bepalings van artikel honderd-en-vier, geen houer van 'n bottel-dranklisensie of van 'n binne-verbruik-lisensie so iemand enige tyd toelaat in die beperkte gedeelte van sy gelisensieerde gebou. Teenwoordigdigheid v verbode persone 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 die toegang tot enige deel van die gelisensieerde gebou van—

(a) 'n Asiaat, 'n kleurling of 'n naturel vir die doel om daar enige werk te doen waarvoor hy wettig in diens geneem mag word;

(b) enige persoon vir die doel om daar gedurende enige tyd wanneer die gelisensieerde gebou vir die verkoop van drank gesluit is *bona fide* huishoudelike werk te doen.

104. (1) 'n Lisensiehouer mag geen vrouspersoon en niemand wat onder agtien jaar oud is enige tyd in 'n beperkte gedeelte van sy gelisensieerde gebou toelaat. Teenwoordigdigheid v vrouens e kinders in gelisensieerde gebou.

(2) Die bepalings van sub-artikel (1) 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 is van die lisensiehouer of mede-eienares is en wel-tot 'n omvang van nie minder as tien persent van die besigheid wat kragtens so 'n lisensie gedryf word, 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 bo sestien jaar oud is wat 'n opleidingskursus in prowiandering 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 is in enige hoedanigheid in verband met die bestier van die gelisensieerde besigheid;

(C) Records.

105. (1) Every holder of an off-consumption licence shall keep in the English or Dutch language such records, in form prescribed by regulation, as will enable at all times the additions to, takings from, and present condition of his stock, to be as far as practicable accurately ascertained, and a sales register showing in respect of every sale of liquor by him—

- (a) the date of sale;
- (b) the name and address of the purchaser;
- (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, or permit as the case may be.

Entry of such particulars 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 one) 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 six, keep such permit or certificate for a period of twelve months.

(4) Any licensee delivering liquor on a written order in terms of section ninety-four or ninety-five shall keep such order for a period of twelve months.

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

106. In any area proclaimed under section fifty-nine it shall be the duty of the holder of a wholesale liquor licence or 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) Ties.

107. From and after the first day of January, 1929, no tie, whether entered into before or after the commencement of this Act, shall be of any force and effect save in so far as it complies with the following conditions and limitations:

- (a) No tie shall exist save between a brewer or the holder of a wholesale liquor licence or foreign liquor licence on the one hand and any other licensee on the other;
- (b) a tie between a brewer and a licensee shall not exist in respect of anything whatever other than malt liquor;
- (c) a tie between the holder of a wholesale liquor licence or a foreign liquor licence and any other licensee shall not exist in respect of anything whatever other than liquor which is not malt liquor;
- (d) no tie shall be binding for a period exceeding six years from the date of its conclusion or of the commencement of this Act, or three years from the date of the discharge of any obligation which formed the considera-

(C) Aantekenings.

105. (1) Elke houer van 'n buiteverbruik-lisensie moet in die Engelse of Hollandse taal sodanige aantekenings hou in die by regulasie voorgeskrewe vorm dat daaruit op elke tydstip sover doenlik noukeurig bepaal kan word wat by sy voorraad gevoeg of daaruit geneem is en die teenswoordige stand daarvan, en 'n verkoopregister wat ten opsigte van elke verkoop van drank deur hom aangee—

- (a) die datum van die verkoop;
- (b) die naam en adres van die koper;
- (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 of permit, na de geval mog wees.

Sodra drank in verband met 'n verkoop klaar opsy gesit of toegewys is, moet dadelik besonderhede daarvan in die verkoopregister 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 aantekenings 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 aantekenings, 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 (nie synde 'n vrystellingsbrief verleen ingevolge artikel honderd-en-een) 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-ses, die permit of sertifikaat twaalf maande lank behou.

(4) 'n Lisensiehouer wat drank aflewer op 'n skriftelike bestelling volgens artikel vier-en-negentig of vyf-en-negentig moet daardie bestelling gedurende 'n tydperk van twaalf maande behou.

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

106. In 'n streek, ingevolge artikel negen-en-vyftig ge-proklameer, is die houer van 'n groothandelaars-dranklisensie of 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) Koopverpligtings.

107. Vanaf die eerste dag van Januarie 1929 is 'n koopverpligting, hetsy voor of na die inwerkingtreding van hierdie Wet aangegaan nietig, behalwe in sover dit aan die volgende voorwaardes en beperkings voldoen—

- (a) geen koopverpligting mag bestaan behalwe tussen 'n brouer of die houer van 'n groothandelaars-dranklisensie of 'n buitelandse dranklisensie aan die een kant, en enige ander lisensiehouer aan die ander kant;
- (b) 'n koopverpligting tussen 'n brouer en 'n lisensiehouer mag slegs bestaan ten aansien van bier;
- (c) 'n koopverpligting tussen die houer van 'n groothandelaars-dranklisensie of 'n buitelandse dranklisensie en enige ander lisensiehouer mag slegs bestaan ten aansien van enige drank wat nie bier is nie;
- (d) 'n koopverpligting is nie langer bindend dan vir ses jaar vanaf die datum dat dit aangegaan is of vanaf die inwerkingtreding van hierdie Wet, of vir drie jaar vanaf enige datum van ontheffing van die verpligting wat die vergoeding vir die koopverpligting

tion for the tie, whichever may be the longest, nor shall any agreement for the renewal of any tie be entered into until after the expiration thereof by effluxion of time:

Provided that where the tie was given in consideration of the right to occupy any premises, the tie shall terminate with the termination of the occupancy of such premises by the licensee concerned:

Provided further that where any valid tie shall exist by virtue of a condition in a deed of transfer of immovable property executed prior to the first day of January, 1928, and therein be made binding upon the transferee mentioned in such deed and his successors in title, then, such tie shall, in case it be in favour of a brewer, be valid, but only in respect of malt liquor and only for a period of ten years from the commencement of this Act, and if such tie be in favour of a holder of a wholesale liquor licence or a foreign liquor licence, the same shall be valid but only in respect of liquor which is not malt liquor and only for a period of ten years from the commencement of this Act.

Forbidden conditions in bond or contract.

108. No mortgage bond nor any contract for the loan of money entered into between a brewer or the holder of a wholesale liquor licence or foreign liquor licence as lender and any licensee as borrower or any agent of such parties shall contain any condition preventing the repayment of the debt or any part thereof before any specified time. Any such condition contained in any mortgage bond or any such contract, if entered into after the commencement of this Act, shall be null and void.

(E) Licensee and Customer.

Restriction on credit sales of liquor.

109. (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 to the order of any person actually boarding or lodging therein.

(2) Except in the cases mentioned in the proviso to subsection (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.

How payments for liquor or entertainment to be made.

110. (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: Provided that the holder of a club liquor licence may receive payment for liquor so supplied by means of coupons which have been paid for by 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.

uitgemaak het, watter een van hulle die langste is, en geen ooreenkoms vir die vernuwing van 'n koopverplichting mag aangegaan word nie totdat dit deur verloop van tyd afgeloop het:

Met die verstande, dat waar die koopverplichting aangegaan is as 'n vergoeding om 'n gebou te mag okkupeer, die koopverplichting eindig sodra die betrokke lisensiehouer die gebou nie langer okkupeer nie:

Met die verstande verder dat wanneer 'n geldige koopverplichting bestaan uit hoofde van 'n voorwaarde in 'n transportakte van vasgoed gepasseer voor die eerste dag van Januarie 1928 en daarin die in die akte vermelde transportnemer en sy regsopvolgers gebonde word, sulke koopverplichting, in geval dit ten gunste van 'n brouer is, geldig sal wees dog alleen ten opsigte van bier en slegs vir 'n tydperk van tien jaar vanaf die inwerkingtreding van hierdie Wet en indien sulke koopverplichting ten gunste van 'n houer van 'n groothandelaarsdranklisensie of 'n buitelandse dranklisensie is, sal dit geldig wees dog alleen ten opsigte van drank wat geen bier is en slegs vir 'n tydperk van tien jaar vanaf die inwerkingtreding van hierdie Wet.

108. Geen verband of ooreenkoms vir 'n geldlening deur 'n brouer of die houer van 'n groothandelaarsdranklisensie of 'n buitelandse dranklisensie aan 'n lisensiehouer of tussen agente van sulke partye gepasseer of aangegaan mag 'n voorwaarde bevat wat die terugbetaling van die skuld of van 'n deel daarvan, voor 'n bepaalde tyd verbied. Elke sodanige voorwaarde wat voorkom in 'n verband of so 'n ooreenkoms, gepasseer of aangegaan na die inwerkingtreding van hierdie Wet, is nietig.

Verbod van ooreenkoms.

(E) Die Lisensiehouer en sy Klante.

109. (1) Niemand mag behalwe in 'n gebou wat onder 'n klub-dranklisensie val—

- (a) in enige gelisensieerde gebou drank verstrek 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 verstrek word vir gebruik met 'n gewone maaltyd wat gelyktydig verstrek 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 verstrek word op bestelling van '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.

Bepoel van verkoo krediet

110. (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 verstrek is, iets anders ontvang dan gangbare geld of banktjeks: Met die verstande dat die houer van 'n klub-dranklisensie vir so verstrekte drank betaling mag ontvang deur middel van koepens waarvoor met gangbare geld of banktjeks betaal is.

(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 drankverstrekking. 'n Sodanige vooruitbetaling mag teruggevorder word, alhoewel na die betaling drank verstrek mag geword het of ander goedere met die drank verstrek 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 verstrek 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.

Hoe vir drank onthaal betaal word.

111. 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.

112. (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 any 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 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.

(4) Nothing in this section contained shall be deemed to affect the operation of the common law in so far as the liability of the licensee up to the amount of twenty pounds is concerned.

113. 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.

114. (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).

111. Vanaf die eerste dag van die derde kalendermaand wat volg op die ene waarin die houer van 'n bottel-dranklisensie aan iemand drank verstrekket, 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.

112. (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 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 dadelik gesien en maklik gelees kan word deur enigeen wat van plan is om in daardie gebou te loseer.

(4) Die bepalinge van hierdie artikel maak geen inbreuk op die toepassing van die gemene reg vir sover as die aanspreeklikheid van die lisensiehouer tot op die bedrag van twintig pond betrokke is.

113. 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.

114. (1) 'n Lisensiehouer mag aan enigeen toegang weier tot die beperkte gedeelte van sy gelisensieerde gebou, mag weier om aan iemand drank te verstrek en mag enigeen 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 kon blootstel, uit sy gelisensieerde gebou sit.

(3) Enige lid van die poliesiemag moet op verlange van die lisensiehouer, sy bediende of agent, iemand bedoel in sub-artikel (2) uit die gebou verwyder of by sy verwydering help

Tydsbeperking vir invordering van geld aan bottel-drank-lisensiehouders vir drank verskuldig.

Beperking van hotel-drank-lisensiehouer se aanspreeklikheid vir eiendom van gaste.

Hotel- en restaurant drank-lisensiehouders is verplig om huisvesting en maaltye te verstrek.

Lisensiehouer mag aan sekere persone toegang weier of hulle uitsit.

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.

Licensed business not to be carried on in premises of other business.

115. (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) In determining whether premises are separate for the purposes of sub-section (1) the provisions of sub-section (3) of section *sixty-nine* shall apply.

Delegation of management or control, or sharing of profits of business.

116. No licensee, not being a company shall—

- 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; or
- without the authority of the board or, in the case of a licence for which the authority of the board is not required, without the written consent of the magistrate, allow any other person in effect to control, or become a partner or a sharer in the profits of, the licensed business.

Soliciting of sales and acceptance of offers off licensed premises.

117. (1) No person other than the holder of a brewer's licence shall, either by himself or through any traveller, agent, servant or other person—

- solicit or take orders for the sale of liquor;
- accept offers to purchase liquor; or
- 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,

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.

Appointment and duties of liquor traffic inspectors.

118. 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 businesses 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 THE TENANCY OF LICENSED PREMISES.

(A) Liability in respect of alterations, additions or repairs.

Liability of lessor in respect of alteration or repairs ordered by licensing board.

119. (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 will 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.

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.

115. (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) Om vas te stel of geboue afsonderlik is vir die doeleindes van sub-artikel (1) is die bepaling van sub-artikel (3) van artikel *negen-en-sestig* van toepassing.

116. Geen lisensiehouer wat nie 'n maatskappy is nie, mag—

- sonder skriftelike toestemming van die magistraat toelaat dat iemand anders langer dan 'n maand die gelisensieerde besigheid bestuur, onder toesig hou of dryf; of
- sonder magtiging van die raad of, in die geval van 'n lisensie waarvoor die magtiging van die raad nie vereis is nie, sonder skriftelike toestemming van die magistraat, toelaat dat iemand anders in werklikheid die gelisensieerde besigheid beheer, 'n vennoot daarin word, of in die winste daarvan deel.

117. (1) Niemand mag, behalwe as hy die houer is van 'n bierbrouers-lisensie, hetsy self of deur 'n reisiger, agent, bediende of iemand anders,—

- koopbestellings van drank versoek of aanneem;
- aanbiedings om drank te koop, aanneem; of
- aanbiedings om drank te koop ontvang sodat hy hulle kan oorbring aan die persoon aan wie die aanbod gemaak word of aan sy agent of bediende;

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 bepaling 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 persone wat kragtens hierdie Wet sonder 'n lisensie drank mag verkoop.

118. 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.

HOOFSTUK XI.

BEPALINGS OMTRENT HUURBESIT VAN GELISENSIEERDE GEBOUE.

(A) Verpligting tot Verbouing, Aanbou of Herstelling.

119. (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.

(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 sal 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.

Gelisen-sieerde besig-heid mag nie gedryf word in gebou van ander besigheid.

Oordrag van bestuur en beheer of deelneming in wins van besigheid.

Versoek van verkopings en aanne-ming van aanbiedings buite gelisen-sieerde gebou.

Aanstelling en werk-kring van drank-handel-inspekteur.

Huurder is aanspreeklik vir verbou-ing of her-stelling wat lisensieraad gelas.

(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.

120. 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.

(B) Duration of Leases.

Period of tenancy licensed premises.

121. (1) Notwithstanding anything contained in any contract of lease, the tenancy of any hired premises upon which is carried on the business of an on-consumption licence—

- (a) shall, if the tenancy began before the commencement of this Act, endure for at least twelve months after such commencement, and if the tenancy begins after such commencement, endure for at least twelve months after such beginning of tenancy;
- (b) shall not terminate save after six calendar months' notice of such termination given in writing by the lessor to the lessee:

Provided that if the lessor proves to the satisfaction of the licensing board at an annual meeting, or of the chairman and any two members of the board at any time that the lessee—

- (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 calculated seriously to prejudice the lessor or endanger the continued existence of the licence,

the board or the chairman and two members, as the case may be, after giving to the lessee such notice as it or they may deem fit and considering any representations by him showing cause to the contrary, may by writing under the hand of the chairman authorize the termination of the lease on any date specified in such writing and under any conditions set forth therein.

(2) Nothing in sub-section (1) contained shall be deemed to affect the provision of sub-section (3) of section *one hundred and nineteen* or any right of a lessee under the common law or under his contract to determine his tenancy.

CHAPTER XII.

KAFFIR BEER AND OTHER NATIVE LIQUORS.

(A) Prohibited Liquors and Substances.

Concoctions totally prohibited.

122. 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;

(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, niesteenstaande 'n teenoorgestelde ooreenkoms, onmiddellik en sonder opsegging die huur beëindig.

120. 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, niesteenstaande 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 beskou as die huurprys wat kragtens die huur verskuldig is.

Verhoging van huur waar huurder gebou verander of vergroot.

(B) Huurtermyn.

121. (1) Die huur van 'n gehuurde gebou waarin besigheid van 'n binneverbruik-lisensie gedryf word (onverskillig wat die huurkontrak ook mog beding)—

Huurtermyn van gelisensieerde geboue.

- (a) moet, as die huur voor die inwerkingtreding van hierdie Wet begin het, minstens twaalf maande na sodanige inwerkingtreding duur en as die huur na sodanige inwerkingtreding begin, minstens twaalf maande na die begin van die huur duur;
- (b) mag nie tensy die verhuurder ses kalendermaande vantevore aan die huurder skriftelik die huur opgesê het, beëindig word nie:

Met die verstande dat as die verhuurder op 'n jaarlikse vergadering die lisensieraad of te eniger tyd die voorsitter en twee lede van die raad met bewyse oortuig dat die huurder—

- (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 die verhuurder ernstig benadeel of die voortbestaan van die lisensie ernstig bedreig sou kan word,

die raad of die voorsitter en twee lede, na die geval mag wees, na so 'n kennisgewing as wat hy of hulle wenslik mag ag aan die huurder, en na oorweging van enige redes wat hy daarteen mog aanvoer, in 'n geskrif geteken deur die voorsitter magtiging mag verleen tot beëindiging van die huur en wel op die dag en onder die voorwaardes wat die geskrif mag vasstel.

(2) Die bepalinge van sub-artikel (1) maak geen inbreuk op die bepaling van sub-artikel (3) van artikel *honderden-negentien* of op enige reg van 'n huurder kragtens die gemene reg of kragtens sy kontrak om sy huur te beëindig.

HOOFSTUK XII.

KAFFERBIER EN ANDER NATURELLEDRANKE.

(A) Verbode Dranke en Stowwe.

122. Niemand mag die volgende stowwe vervaardig, besit, bewaar, gebruik, of drink, of aan iemand gee of verstrek—

Heeltemal verbode brouels.

- (a) enige brousel vervaardig deur gisting van stroop, suiker of ander stowwe wat isityimiyana, hopana, qediviki, skokiaan of uhali genoem word;

- (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.

123. (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 other than malted kaffir corn.

(2) In respect of any yeast, malted kaffir corn 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 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 other than malted kaffir corn, 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.

124. 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 or scheduled native area.

125. (1) Save as provided in this or the last preceding section or in section *one hundred and twenty-seven* or *one hundred and twenty-eight*, no brewing or drinking of kaffir beer shall take place at any place which in terms of any law is a 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.

- (b) enige brousel wat, alhoewel anders genoem, in hoofsaak ooreenkom met een van die brousel 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.

123. (1) Niemand mag aan 'n natuurel verstrek—

- (a) die soorte van gis wat gewoonlik genoem word bakkerssuurdeeg, 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 enige alkoholhoudende brousel wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* mog vermeld; of
- (c) enige soort van mout ander dan gemoute kafferkoring.

(2) Ten opsigte van enige gis, gemoute kafferkoring 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 verstrekking aan natuurelle 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 verstrekking aan natuurelle kragtens sub-artikel (1) belet is, mag die Goewerneur-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) die reëling en beperking van invoer, uitvoer, oorslaaiing, vervoer, versending, aanhou, verkoop, verstrekking of gebruik;
- (b) die lisensieer van verkoop en die klasse van persone aan wie sulke lisensies uitgereik mag word;
- (c) die hou van registers en ander aantekenings van verkoop, die vorm waarin en manier waarop daardie registers of aantekenings gehou moet word en die besonderhede wat daarin geskrywe moet word;
- (d) die beperking van die hoeveelhede wat verkoop mag word;
- (e) die verbod of beperking van koop of besit asmede verlening van perमितte 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 ander dan gemoute kafferkoring koop, of in stryd met enige beperking vasgestel of enige regulasie uitgevaardig ingevolge sub-artikel (2), enige gis, of ander stof of ding koop of besit.

(B) *Kafferbier*.

124. 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.

125. (1) Behalwe vir sover hierdie of die voorgaande artikel of artikel *honderd-seven-en-twintig* of *honderd-ag-en-twintig* dit toelaat mag geen kafferbier gebrou of gedrink word in of by 'n plek wat kragtens een of ander wet 'n private lokasie is 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 mog word.

Verkoop aan, en besit van natuurelle mout.

Vervaardiging, besit, verstreking van kafferbier in stadsgebied.

Brou of drink van kafferbier in private grond buite stadsgebied of ingely natuurelle gebied.

(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 assistant native commissioner, kaffir beer may be brewed on such land by the native occupier of any hut thereon in such quantities as may be reasonably required and consumed by himself and his family, if any, and which shall be fixed by the person giving the consent.

126. At any place outside an urban area or an area scheduled or declared under any law as a native area, no kaffir beer shall 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 assembly has been issued by the magistrate or a native commissioner or assistant native commissioner or member of the police in charge of a police post or station. Such permit shall in the case of private land not be given save with the consent of the European owner or occupier thereof, and shall not authorize any sale of kaffir beer.

127. (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 employees, of reasonable quantities of kaffir beer to be supplied gratis by the employer to such employees. The powers exercisable under sub-sections (4) and (5) of section ninety-six may *mutatis mutandis* be exercised in respect of any employer or the supply of any kaffir beer under this sub-section.

(2) In the Province of Natal, in places situated outside any urban area and not included in any scheduled or declared native area under any law, the Minister may, subject to such conditions as to quality, quantity sold, place of consumption, time of sale, price, revocation of the licence or any other matter whatsoever as he may determine, and upon payment of such fees as he may fix, grant a licence to any person which shall be for a period not exceeding twelve months, to sell kaffir beer at or within one mile of any such mine or of any coal by-product works.

128. (1) In the municipalities of Pretoria and Johannesburg and in any other urban area upon the Witwatersrand 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, without licence under this Act or any other law, there may be sold directly by the State to natives kaffir beer in reasonable quantities for consumption on the premises.

(2) The said Minister may from time to time, in respect of the supply of kaffir beer at any kaffir beer house established under sub-section (1), 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;

(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 in 'n bylae opgeneem is of tot natuurelgebied verklaar is of dit hierna mog word, met toestemming van die magistraat van die distrik of van enige natuurel-kommissaris of assistent-natuurelkommissaris, mag die natuurelbesitter van 'n hut kafferbier brou op daardie grond in sulke hoeveelhede as wat hy en sy familie (as hy een het) redelikerwys mog nodig hê en gebruik, en wat vasgestel moet word deur die persoon wat die toestemming gee.

126. Op 'n plek buite 'n stadsgebied of 'n gebied wat kragtens een of ander wet as 'n natuurelgebied in 'n bylae opgeneem is of tot 'n natuurelgebied verklaar is mag geen kafferbier gedrink word op 'n byeenkoms van drie of meer persone wat geen ingesetenes is van die kraal of natuureliewoning waarby die byeenkoms plaasvind, tensy die magistraat of 'n natuurelkommissaris of assistent-natuurelkommissaris, of lid van die polisie wat die bevel voer oor 'n polisiepos of polisiekantoor vir die byeenkoms 'n permit uitgereik het. Daardie permit word in geval van private grond nie gegee nie dan met die toestemming van die blanke eienaar of bewoner daarvan, en veroorloof nie enige verkoop van kafferbier.

127. (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 uitdrukkings 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 gereeld meer dan vyftig natuurel- of kleurling-werkvolk in diens het en huisves, van redelike hoeveelhede kafferbier wat die werkgewer verniet aan daardie werkvolk moet verstrek. Die bevoegdheede wat kragtens sub-artikels (4) en (5) van artikel ses-en-negentig uitgeoefen kan word, mag *mutatis mutandis* uitgeoefen word met betrekking tot 'n werkgewer of die verstrekking van kafferbier ingevolge hierdie sub-artikel.

(2) In die Provinsie Natal op plekke wat buite 'n stadsgebied geleë is en wat nie onder 'n ingevolge enige wet in 'n bylae opgenome of verklaarde natuurelgebied begrepe is nie mag die Minister onder sodanige voorwaardes omtrent hoedanigheid, te verkope hoeveelheid, plek van gebruik, tyd van verkoop, prys, intrekking van die lisensie of enige ander saak hoegenaamd as wat hy mog bepaal en teen betaling van sodanige fooie as wat hy mog vasstel, aan enigeen 'n lisensie verleen, wat vir 'n tydperk van nie langer as twaalf maande verleen mag word nie, om by of binne 'n omtrek van een myl van so 'n myn of 'n steenkool byprodukte-bedryf kafferbier te verkoop.

128. (1) In die Pretoria en Johannesburg Munisipaliteite en in enige ander stadsgebied op die Witwatersrand, mag die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar dat vanaf die datum daarin vermeld en met inagneming van die voorwaardes daarin gestel die Minister van Justisie of enige ander Minister aan wie die Goewerneur-generaal die administrasie van hierdie artikel mog opdra magtiging mag verleen tot die stigting en die dryf van een of meer kafferbier-lokale waar, sonder 'n lisensie onder hierdie Wet of enige ander wet, direk deur die Staat aan natuurel kafferbier in redelike hoeveelhede vir verbruik in die gebou kan verkoop word.

(2) Voormelde Minister mag van tyd tot tyd, ten aansien van die verstrekking van kafferbier in enige kafferbier-lokaal kragtens sub-artikel (1) gestig, sodanige aanstellings maak, sodanige reëls uitvaardig en sodanige stappe neem as hy nodig mog ag vir die kontroleer en reëling van—

(a) die brou of vervaardiging van kafferbier vir verkoop;

Bierdrin-
kerye.

Brou en
gebruik van
kafferbier op
persele van
seker wer-
gewers, en
verkoop van
kafferbier in
of by seker
bedryfs-
plekke.

Staats
kafferbier-
lokale in
Pretoria en
in Wit-
watersrand
Munisipa-
liteite.

- (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.

When sale of kaffir beer unlawful.

129. Save as provided in section one hundred and twenty-four, sub-section (2) of section one hundred and twenty-seven and section one hundred and twenty-eight, the sale of kaffir beer shall be unlawful.

CHAPTER XIII.

METHYLATED SPIRIT.

Restriction and regulation of importation, keeping and sale of methylated spirit.

130. (1) No person shall supply methylated spirit to any native, and no native shall obtain 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;
- (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 contraventions 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 class 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 (2) or to keep any register or record of sales of or dealings in, methylated spirit other than that referred to in paragraph (c) of sub-section (3).

(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 seventy-five.

- (b) die hoeveelhede kafferbier wat verstrek mag word en die voorwaardes van verstrekking;
- (c) die handhawing van orde; en
- (d) sodanige ander sake as nodig mog wees vir die betere uitvoering van die doeleindes van hierdie artikel.

129. Behalwe vir sover artikel honderd-vier-en-twintig en sub-artikel (2) van artikel honderd-sewen-en-twintig en artikel honderd-ag-en-twintig dit toelaat, is die verkoop van kafferbier onwettig.

Wanneer verkoop van kafferbier onwettig.

HOOFSTUK XIII.

BRANDSPIERITUS.

130. (1) Niemand mag brandspieritus aan 'n naturel verstrek en geen naturel mag brandspieritus verkry of in besit daarvan wees.

Bepanking en reëling van invoer, aanhou en verkoop van brandspieritus.

(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 sjielings betaal word in belastingseëls, wat aan die lisensie geheg en gerokeer 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 aantekeninge van alle handel in brandspieritus, die vorm waarin en manier waarop die registers of aantekeninge 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 houe waar in dit verkoop moet word;
- (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 niesteenstaande die belyings 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 (2) uit te neem of om 'n register of aantekening van die verkoop of handel in brandspieritus te hou behalwe die bedoel in paragraaf (c) van sub-artikel (3).

(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-vyf-en-sewentig vir die doeleindes van hierdie Wet as brandspieritus verklaar.

CHAPTER XIV.

INTOXICATING MEDICINES.

Restriction of keeping, selling or possession of intoxicating medicines.

131. (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 intoxicating medicine 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;
- (b) the prohibition or restriction of the purchase or possession of any intoxicating medicine including the granting of permits for any such purchase or possession; and
- (c) 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 class of persons or a particular area.

CHAPTER XV.

REMOVAL AND DELIVERY OF LIQUOR.

Permit for conveyance of liquor within an urban area.

132. (1) No person shall within an urban area convey or cause to be conveyed 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 urban area. 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.

(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, brewed 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 or receptacle in which it is being conveyed;
- (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 the police to inspect any vehicle belonging to such holder, whether or not liquor is being conveyed therein; and
- (d) that any receptacle in which the liquor conveyed is contained shall be securely corked or stoppered.

HOOFSTUK XIV.

BEDWELMENDE MEDISYNE.

131. (1) Die Goewerneur-generaal mag van tyd tot 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) Elke wat bedwelvende medisyne verkoop moet in die Engelse of Hollandse taal aanhou 'n voorraadbok wat enige tyd duidelik aantoon die teenswoordige stand van sy voorraad van sodanige medisyne en wat daaraan toegevoeg of daaruit onttreem is en 'n verkoopsregister wat met betrekking tot elke verkoop van sodanige medisyne deur hom aantoon—

- (a) die datum van die verkoop;
- (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 toegeëien is. Bedoelde voorraadbok 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) die verbod of beperking van aanhou, verkoop, verstreking of gebruik van bedwelvende medisyne;
- (b) die verbod of beperking van koop of besit van bedwelvende medisyne en ook die verlening van permitte vir sodanige koop of besit; en
- (c) die strawwe wat opgelê mag word vir die oortreding van sodanige regulasies.

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.

132. (1) Niemand mag in 'n stadsgebied drank in hoeveel-hede van meer dan twee gallon, indien per vat, of twaalf kwarte of vier-en-twintig pinte, indien per bottel, kruik of soortgelyke houer, vervoer of laat vervoer, tensy hy in besit is van 'n permit, uitgereik deur 'n lid van die poliesiemag van so 'n rang as wat die Kommissaris van Polisie vir die uitreiking van permitte in daardie stadsgebied mag bevoeg verklaar. Die aldus bevoegverklaarde lid van die poliesiemag 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.

(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 onder bewaring het en van die persoon aan wie dit afgelewer moet word, en dit moet verder vermeld of die drank in die Unie vervaardig, gebrou 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 of houer waarin dit vervoer word, moet vergesel;
- (b) dat dit op verlangeter insage vertoon moet word aan enige lid van die poliesiemag;
- (c) dat die permithouer en iemand aan wie hy die beheer oor voertuie toevertrou het, op verlangeter enige lid van die poliesiemag alle kans moet gee om enige voertuig te besigtig wat aan die permithouer behoort, hetsy al dan nie drank daarin vervoer word; en
- (d) dat enige houters wat die drank bevat dig toegekurk of geprop moet wees.

Beperking van aanhou, verkoop of besit van bedwelvende medisyne.

Permit vir drankvervoer binne 'n stadsgebied

(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 or sold or disposed of under the provisions of sub-section (2) of section six of this Act.

Declaration of and conveyance of liquor to or within removal restriction area.

133. (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—

- (i) 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; and
- (ii) 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.

(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.

(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 of wat verkoop of van die hand gesit word kragtens die bepalings van sub-artikel (2) van artikel ses van hierdie Wet.

133. (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, besproeiings- of gereserveerde nedersettings of van 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—

- (i) so 'n streek nie aldus verklaar mag word nie, as dit binne die gebied lê van 'n munisipale, stads- of dorpsraad, lokale raad, dorpsbestuursraad of dorpsbestuurskomitee; en
- (ii) 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.

(5) 'n Poliesieoffisier of lid van die poliesiemag wat 'n rang nie laer as die van sersjant bekleed mag, op 'n versoek aan hom gerig deur iemand wat hom oortuig dat hy 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.

Verklaring van, en voerna of in streek van beperkte vervoer.

(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 or receptacle in which it is being conveyed;
- (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 the 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.

(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.

Introduc-
tion and
possession of
liquor
and kaffir
beer in
native area.

134. Save in circumstances in which the possession and use of liquor for medicinal or sacramental purposes is rendered lawful by sections *ninety-seven*, *ninety-eight* and *ninety-nine* and the possession and use of kaffir beer is rendered lawful by any provision of part (B) of Chapter XII no person shall, unless he—

- (a) is authorized thereto in writing by the magistrate of the district concerned, or
- (b) holds a certificate under the hand of a magistrate that he 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 quantity stated in the certificate, which shall not exceed one quart,

introduce any intoxicating liquor or kaffir beer 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 place which in terms of any law is a private location or any 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.

Conditions
as to distri-
bution of
liquor

135. (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 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

(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 of houer waarin dit vervoer word, moet vergesel;
- (b) dat dit op verlanse ter insage vertoon moet word aan enige lid van die poliesiemag;
- (c) dat die permithouer en iemand aan wie hy die beheer oor voertuie toevertrou het, op verlanse enige lid van die poliesiemag alle kans moet gee om enige voertuig te besigtig wat aan die permithouer behoort, hetsy al dan nie drank daarin vervoer word; en
- (d) dat die houters waarin die drank vervoer word, dig toegesluit 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 vervall 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 appeleer 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 van 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.

134. Behalwe onder die omstandighede waarin artikels *sewen-en-negentig*, *ag-en-negentig* en *negen-en-negentig*, 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 kafferbier wettig, mag niemand tensy hy—

Invoering en
besit van
drank en
kafferbier
in naturelle-
gebied.

- (a) deur die magistraat van die betrokke distrik skriftelik daartoe gemagtig is, of
- (b) 'n sertifikaat geteken deur 'n magistraat het dat hy 'n deur die Regering erkende godsdienster is en te goeder trou by die bediening van 'n sakrament die soort van en hoeveelheid wyn nodig het wat die sertifikaat vermeld, wat nie meer dan een kwart mag wees nie.

sterke drank of kafferbier invoer in 'n lokasie, naturelle-dorp of naturelle-tehuis wat ingevolge die Naturellen (Stadsgebieden) Wet, 1923, gestig is of bestaan, of in 'n gebied wat kragtens enige wet nou of hierna as naturelle-gebied in 'n bylae opgeneem is of tot naturellegebied verklaar is, of op 'n plek wat kragtens een of ander wet 'n private lokasie is of enige plaas of ander stuk grond in gemeenskaplike besit van naturelle, en met voormelde uitsonderings mag niemand in so 'n lokasie, naturelledorp, naturelle-tehuis, naturellegebied, private lokasie, plaas of ander stuk grond enige sterke drank of kafferbier besit.

135. (1) Niemand mag hetsy self of deur 'n bediende of agent—

Voor-
waardes van
drank-
aflewering.

- (a) enige sterke drank uit 'n voertuig of 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

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 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 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.

136. (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* or *fifty-four* 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 under section *fifty-four* or for an authority under section *thirty-two* would, upon completion in accordance with the plans, be suitable in all respects for an hotel or club, as the case may be;
- (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, it 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 the magistrate 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.

Report by
police of
failure of
licensee to
carry out
condition.

137. (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 as to any structural alteration or arrangement of, or addition to, the premises in respect of which any licence has been granted or renewed or as to 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.

gelewer moet word, ingeskrywe is in 'n afleveringsboek 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 gestuur word; of

- (b) terwyl 'n voertuig of houer gebruik word om sterke drank uit te gee of af te lewer, enige sodanige drank daarin vervoer wat nie ingeskrywe is in daardie afleveringsboek of faktuur en dagboek; of
- (c) enige sterke drank uitgee of aflewer aan 'n adres wat nie vermeld staan in daardie afleveringsboek of faktuur en dagboek; of
- (d) aan 'n lid van die poliesiemag die besigtiging van so 'n voertuig of houer of so 'n afleveringsboek of faktuur ontse.

(2) Hierdie artikel belet of beperk nie die verstrekking, uitgifte of aflevering van sterke drank as 'n gewone besigheids-transaksie aan 'n lisensiehouer.

HOOFSTUK XVI.

BEVOEGDHEDE EN PLIGTE VAN POLIESIE.

136. Met betrekking tot elke aanvraag by 'n lisensieraad om die verlening of vernuwing van 'n lisensie of die verlening van 'n magtiging kragtens artikel *twee-en-dertig* of *vier-en-vyftig* is die senior beampste onder wie se poliesietoetsig die distrik staan verplig om minstens veertien dae vóór die dag van die vergadering waarop die aanvraag in oorweging geneem sal word, aan die magistraat, tot inligting van die raad, te rapporteer of—

- (a) die gebou in verband waarmee die verlening of vernuwing van 'n lisensie aangevra word, goed onderhou is, redelike en geskikte akkomodasie bevat, en in elke opsig voldoende ingerig is vir die behoorlike uitoefening van die voorgestelde besigheid;
- (b) die gebou in verband waarmee 'n aanvraag kragtens artikel *vier-en-vyftig* of 'n magtiging kragtens artikel *twee-en-dertig* gemaak word, na sy voltooiing volgens die planne in elke opsig geskik sou wees vir 'n hotel of klub, na die geval mog wees;
- (c) die aanvrager van goeie gedrag en wandel is en nie kragtens 'n bepaling van artikel *vyf-en-sestig* onbevoeg is nie;
- (d) in die geval van 'n besigheid voorheen gelisensieer, 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 indiensneming in 'n gelisensieerde gebou;
- (e) die lisensie wat aangevra word, volgens oordeel van die beampste, 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 beampste by die oorweging van die aanvraag behoer 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 beampste onder wie se poliesietoetsig die distrik staan verplig om 'n verslag voor te lê aan die magistraat waarin die aandag gevestig word op alle sake wat volgens oordeel van die beampste by die oorweging van die aanvraag behoer in aanmerking geneem te word.

137. (1) Die senior beampste onder wie se poliesietoetsig 'n distrik staan is verplig om uit te vind en aan die magistraat te rapporteer 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 akkomodasie 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.

Rapport
lisensieraad
omtrent 'n
aanvraag.

Polisie-
rapport
omtrent
lisensiehouer
se versuim
om aan voo
waarde te
voldoen.

(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.

lication
police for
cancellation
licence.

138. (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.

ht of
ce to
ar pre-
es and
e liquor.

139. (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) at all times enter and inspect any premises or room or other portion thereof, whether licensed under this Act or not, or any 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 or vehicle entered is supposed by him to be unlawful or in respect of which he supposes an offence to have been committed.

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140. 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 thirty*, 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 or keeping methylated spirit. Any 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.

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141. Any member of the police may demand the name and address of any person whom he finds on any premises or vehicle in which he seizes or from which he removes any liquor, methylated spirit or other thing under the provisions of section *one hundred and thirty-nine* or *one hundred and forty*. If such person fails on such demand to furnish his full name and address,

(2) As aan die magistraat wat so 'n rapport 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.

138. (1) Wanneer 'n lisensiehouer veroordeel is weens enige misdryf, hetsy ingevolge hierdie of enige ander wet, en die senior beamppte onder wie se poliesietoetsig die distrik staan van mening is—

- (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 vertraging 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.

139. (1) Enige lid van die poliesiemag wat die rang van sersjant of 'n hoëre rang beklee, 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 beklee, 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 enig ander deel van daardie gebou betree en besigtig;
- (b) enige tyd ingaan en 'n ondersoek instel in enige gebou of kamer of ander deel daarvan, hetsy al dan nie ingevolge hierdie Wet gelisensieer, of in enige 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 of voertuig aangehou en besit mag word nie, of in verband waarmee hy vermoed dat 'n misdryf gepleeg is, in beslag neem en verwyder.

140. Enige doeane- of aksynsbeamppte, wat spesiaal deur die Kommissaris van Doeane en Aksyns gemagtig is of enige polisiebeamppte wat die rang van sersjant of 'n hoëre rang beklee, mag enige 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-en-dertig*, besigtig, en mag die perseel van iemand wat verdink word sonder lisensie in brandspieritus handel te dryf of onwettig brandspieritus in te voer, of aan te hou betree en deursoek. So 'n beamppte mag in 'n aldus betrede perseel enige brandspieritus in beslag neem, wat in stryd met die bepaling van daardie artikel of 'n regulasie ingevolge daarvan, aangehou word.

141. Enige lid van die polisie mag die naam en adres verlang van enige persoon wat hy teëkom op enige perseel of voertuig waarop of waarvan hy kragtens die bepalinge van artikel *honderd-negen-en-dertig* of *honderd-en-veertig* enige drank, brandspieritus of ander voorwerp in beslag neem of verwyder. As daardie persoon wanneer aldus van hom verlang weier om

Poliesiever-
soek om
intrekking
van lisensie.

Reg om
gebou te
betree en
drank weg
te vat.

Deursoeking
van gebou
van hande-
laar in
brand-
spieritus.

Polisie mag
name en
adresse van
persone in
geboue
verlang.

such member may forthwith arrest him; and if any such person on such demand furnishes to such member a name or address which such member 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.

Police power where unlawful removal of liquor, etc., suspected.

142. 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.

Record of permits or authorities granted.

143. 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.

Powers and duties of Durban Borough Police.

144. In the Borough of Durban all powers and authorities conferred and duties imposed upon police by this Act may be exercised and shall be performed by the Durban Borough Police.

CHAPTER XVII.

LEGAL PROCEEDINGS, OFFENCES AND PENALTIES.

(A) Evidence and Criminal Liability.

Presumption of sale by unlicensed person.

145. 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.

When gift or supply of liquor presumed to be sale.

146. 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.

Presumption of sale arising from nature of transaction.

147. 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.

Presumption of sale arising from presence in restricted portion.

148. 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 restricted portion 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 employee or member of family.

149. 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 of 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.

sy volledige naam en adres op te gee dan mag daardie lid hom onmiddellik arresteer, en as daardie persoon wanneer aldus van hom verlang '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 uitgewind is of die aldus opgegewe naam en adres juis is.

142. 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.

143. 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 houder van so 'n permit of magtiging, en van elke intrekking daarvan.

144. Alle deur hierdie Wet aan die polisie verleende bevoegdhede en gesag of opgedrage pligte mag in die stad Durban uitgeoefen en moet nagekom word deur die Durbanse stads-polisie.

Bevoegd van polie wanneer wettige drankvervoer vermoed wor

Aanteker van verleende permitte of magtigin

Bevoegdh en pligte Durbanse stadspolie

HOOFSTUK XVII.

PROSEDURE, MISDRYWE EN STRAWWE.

(A) Bewyslewering en Kriminele Aanspreeklikheid.

145. 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 dergelyke plek waarin bottels, vate of vaatwerk sodanig uitgestal was, dat dit 'n redelike vermoede verwek het dat drank daar verkoop of verstrekk 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.

Presumps van verke deur onge lisensieer persoon.

146. Die bewyslewering dat 'n lisensiehouer, algemene handelaar, invoerder, agent van 'n buitelandse firma, slagter, bakker of handelaar in mineraalwaters, enige drank verstrekk 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, verstrekk of verhandel het.

Wanneer drankver strekking verkoop beskou word.

147. 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, niesteenstaande 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.

Veronder stelling va verkoop u aard van handeling.

148. Die bewyslewering dat iemand (behalwe die lisensiehouer, 'n lid van sy famielie, sy bediende of agent 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 in sodanige beperkte gedeelte 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.

Verkoops-presumpsi uit teenwoordighe in beperkt gedeelte.

149. Die bewyslewering dat enige drank aan iemand in die gelisensieerde gebou verstrekk is deur 'n lid van die lisensiehouer se famielie of deur 'n agent of iemand wat in diens is van die lisensiehouer, bewys *prima facie* dat die drank deur of namens die lisensiehouer verstrekk is.

Presumpsi uit verstreking van drank deur bediende of familielid

150. 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.

151. 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.

152. (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.

153. 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.

154. In any proceedings against any person for a contravention of section *ninety-six* 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 or shall be deemed not to have been at the time of the supply *bona fide* employed by the accused in terms of sub-section (3) of that section (as the case may be) unless the accused prove the contrary.

155. Entries in any register kept under the provisions of section *one hundred and forty-three*, shall, on production of the register by any public prosecutor or member of the police, 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.

156. (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 statement or certificate unless the accused requires that such analyst or chemist, if the prosecutor is able to compel him to attend as a witness, 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.

(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 thereof together with the answers thereto, and such answers shall be admissible in evidence in the proceedings.

150. Die bewyslewing van gebruik of voorgenome gebruik van drank in 'n gelisensieerde gebou, deur iemand anders dan die lisensiehouer, 'n lid van sy famielie of sy bediende of agent, bewys *prima facie* dat die drank wat gebruik is of waarvan die gebruik voorgenome was, deur of namens die lisensiehouer verstrekkend geword is.

151. 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 tydskied daar mag wees nie, in daardie gebou of gedeelte daarvan was of dat hy op daardie tydskied daar was, dan word veronderstel dat die lisensiehouer van die gebou daardie persoon toegelaat het op die plek te wees waar hy aangetref is, tensy die lisensiehouer die hof deur bewyse oortuig dat hy en buitendien ook sy agente en bediendes ywerig bemoei was om daardie persoon daar uit te hou.

152. (1) By 'n geding teen iemand ingevolge hierdie Wet weens verkoop of verstreking 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.

153. 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 gesag 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.

154. In 'n geding teen iemand weens 'n oortreding van artikel *ses-en-negentig*, word die persoon, aan wie drank verstrekkend is, beskou nie te goeder trou tydens die verstreking by die boerebedryf in diens van die beskuldigde te gewees het nie, volgens sub-artikel (2) van daardie artikel of word hy beskou nie te goeder trou tydens die verstreking in diens van die beskuldigde te gewees het nie, volgens sub-artikel (3) van daardie artikel (na gelang van omstandighede), tensy die beskuldigde die teendeel bewys.

155. Aantekeninge in 'n register, gehou kragtens artikel *honderd-drie-en-veertig*, is op vertoon van die register deur enige publieke vervolger of lid van die polisiemag *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.

156. (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, wat die onderwerp van die aanklagte is, ontleed het, voldoende bewys van die feite vermeld in die verklaring of sertifikaat, tensy die beskuldigde verlang dat daardie ontleed- of skeikundige, as die vervolger in staat is om hom te dwing as getuie voor te kom, 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 ontleed- of skeikundige as 'n getuie.

(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.

Presumpsie uit drank-gebruik.

Bewyslas wanneer verbode persoon in gebou is.

Bewyslas dat beskuldigde lisensie het.

Bewys van lisensie en aantekeninge daarop.

Bewyslas in geval van verstreking aan bediende.

Polisie-register is bewys van permitte.

Skeikundige sertifikaat.

Proof that person is under particular age or belongs to a particular class.	157. (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, 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 <i>prima facie</i> proof of that fact.	157. (1) Wanneer in 'n geding ingevolge hierdie Wet bewys dat iemand onder 'n sekere ouderdom is of tot 'n sekere klas 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, <i>prima facie</i> 'n bewys van daardie feit.	Bewys dat iemand onder seke ouderdom of tot seke klas behoort.
Bona-fide mistake of fact no defence.	(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.	(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 aanteken 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.	
Liability of manager.	158. It shall be no defence to any charge under this Act that the accused or his principal, agent or servant, was <i>bona fide</i> 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.	158. By 'n aanklagte ingevolge hierdie Wet is dit geen verontskuldiging dat die beskuldigde of sy prinsipaal, agent 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.	Vergissing te goeder trou-is geen verontskuldiging.
Criminal responsibility of licensee for unlawful act of manager, agent, servant or member of family.	159. Any person who at any time is 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.	159. Iemand wat te eniger tyd die besigheid van 'n lisensie-houer, 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 mog wees.	Aanspreeklikheid van bestuurder.
Offences by licensees in general.	160. (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—	160. (1) Wanneer die bestuurder, agent, 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—	Kriminele aanspreeklikheid van lisensiehouer vir onwettige daad van bestuurder, agent, bediende of familielid.
	(a) 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 (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question; and (c) 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 whether lawful or unlawful 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.	(a) hy daardie daad of versuim van die bestuurder, agent, bediende of familielid nie deur die vingers gesien, of toegestaan het nie, en (b) hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en (c) dat 'n daad of versuim hetsy wettig of onwettig van die ten laste gelegde soort onder geen voorwaardes of omstandighede binne die bevoegdheid of in die diensloop van die bestuurder, agent, 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, agent, bediende of familielid van die lisensiehouer van aanspreeklikheid vir enige misdryf wat hy mog begaan het; en weens so 'n misdryf kan sowel hy as die lisensiehouer veroordeel en gestraf word.	
	(B) Offences.	(B) Misdrywe.	
	161. Any licensee shall be guilty of an offence if he by himself, his servant or agent— (a) permits drunkenness or any riotous conduct to take place upon his licensed premises; (b) sells or supplies liquor to any person already in a state of intoxication; (c) sells as a particular kind or brand or as the manufacture of a particular person liquor which is not of that kind or brand or is not the manufacture of such person, unless he satisfies the court that he was not a party to, and had no knowledge of, the fact and had no means of detecting or preventing it;	161. Enige lisensiehouer is skuldig aan 'n misdryf as hy self of deur sy bediende of agent— (a) dronkenskap of enige losbandige gedrag in sy gelisensieerde gebou toelaat; (b) drank verstrek aan iemand wat reeds in 'n beskonke toestand is; (c) drank verkoop as 'n besonder soort of merk of as die fabrikaat van 'n besonder persoon wat nie van daardie soort of merk is nie of nie die fabrikaat van daardie persoon is nie, tensy hy die hof oortuig dat hy nie medepligtig was aan en nie bekend was met die feit nie en geen middel had om dit te ontdek of te verhinder nie;	Misdrywe deur lisensiehouers in die algemeen.

- (d) sells, supplies or delivers 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 obtain 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 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 or delivers any liquor, during any time when he is not authorized by his licence to sell or deliver 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 at or in connection with or employs him at, work in which the employment of such person is prohibited by section *one hundred and two*;
- (m) permits any person to manage, superintend, conduct or control his licensed business or become a partner therein or a sharer in the profits thereof in contravention of any provision of section *one hundred and sixteen*;
- (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 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 ten* 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 ten* 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 ten* 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; or
- (t) save for some reason deemed to be satisfactory by the magistrate trying the charge (the *onus* of proving which shall be upon the accused) refuses or fails if the holder of an hotel liquor licence, to provide lodging for any person demanding it, or, if the holder of a restaurant liquor licence or an hotel liquor licence, to provide any meal for any person demanding it.
- (d) drank verkoop, verstrek of aflewer aan iemand wat ingevolge 'n verbod of beperking, deur of kragtens hierdie Wet bepaal, dit nie mag verkry 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 dienstryd 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, of lewer op 'n tydstop wanneer sy lisensie die verkoop of lewering nie veroorloof nie;
- (j) drank verkoop, verstrek of daarin handel in stryd met die voorwaardes van sy lisensie of op 'n manier wat die lisensie nie veroorloof nie, wanneer sodanige verkoop of verstrekking van of handel in drank 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 op of in verband met, of hom gebruik vir, werk waarvoor hy kragtens artikel *honderd-en-twee* nie gebruik mag word nie;
- (m) toelaat dat iemand in stryd met 'n bepaling van artikel *honderd-en-estien*, sy gelisensieerde besigheid bestuur, daarvoor 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-entien* iets anders dan gangbare geld, of banktjeks ontvang as betaling, of sekuriteit vir enige drank of onthaal in of uit sy gelisensieerde gebou verstrek;
- (q) in stryd met sub-artikel (2) van artikel *honderd-entien* 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 verstrekking van drank;
- (r) in stryd met sub-artikel (3) van artikel *honderd-entien* 'n pand ontvang vir of in verband met drank of 'n onthaal in of uit sy gelisensieerde gebou verstrek;
- (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 uitgeoefen mag word nie; of
- (t) behalwe om 'n rede wat die magistraat wat die saak verhoor bevredigend beskou (en die bewyslas sal op die beskuldigde rus) weier of versuim, as hy die houer van 'n hotel-dranklisensie is, om losies te verskaf aan iemand wat dit verlang, of as hy die houer van 'n restaurant-dranklisensie of 'n hotel-dranklisensie is, om 'n maaltyd te verskaf aan iemand wat dit verlang.

Offences by
licensees for
off-con-
sumption.

162. (1) The holder of any off-consumption licence shall be guilty of an offence if he—

- (a) permits any customer to consume liquor 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 holder;
- (b) sells, supplies or delivers to any person any liquor other than in a cask, jar, bottle or other receptacle securely corked or stoppered;
- (c) sells, or supplies a greater or less quantity of liquor than he is authorized to supply under any provision of this Act or any authority issued thereunder; or
- (d) 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 wholesale liquor licence or 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 six* in respect of the taking possession of and transmission of permits.

Offences by
licensee for
on-con-
sumption.

163. Subject to the provisions of section *sixty-four*, 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;
- (c) save in circumstances permitted by section *one hundred and nine* allows on his licensed premises the consumption of liquor which is not paid for at the time of sale or supply; or
- (d) save in the case of sparkling wine or malt liquor *bona fide* supplied for consumption on the premises, 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.

Offences by
licensees
and others.

164. Any person shall be guilty of an offence who, whether as principal, agent or servant, where the act or omission by him is not an offence under section *one hundred and sixty-one*,

- (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, supplies or delivers 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 thirty* or *one hundred and twenty-three* to purchase, obtain or possess it;
- (d) gives or supplies liquor to any employee in contravention of section *ninety-six*;
- (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) in any manner whatsoever 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;

162. (1) Die houër van 'n buiteverbruik-lisensie is skuldig aan 'n misdryf as hy—

- (a) toelaat dat 'n klant drank gebruik in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of digby geleë is en wat die lisensiehouer besit of beheer;
- (b) enige drank behalwe in 'n vat, kruik, bottel of ander dig gekurkte of gepropte houer aan iemand verkoop, verstreë of aflewer;
- (c) 'n groter of kleiner hoeveelheid drank verkoop of verstreë dan hy kragtens die bepalings van hierdie Wet of enige magtiging daaronder verleen bevoeg is om te verstreë; of
- (d) 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 houër van 'n groothandelaars-dranklisensie of '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 waaronder hy drank verstreë, of van artikel *honderd-en-ses* wat betref inbesitneming en insending van permitte.

163. Behoudens die bepalings van artikel *vier-en-sestig* is die houër van 'n binneverbruik-lisensie aan 'n misdryf skuldig 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 behoeve van iemand verkoop of verstreë dan redelikerwys deur laasgenoemde in die gelisensieerde gebou gebruik mag word;
- (c) behalwe in die omstandighede deur artikel *honderd-en-neg* veroorloof, toelaat dat drank, waarvoor nie tydens die verkoop of verstreëking betaal is nie, in sy gelisensieerde gebou gebruik word; of
- (d) behalwe wanneer skuimwyn of bier wat te goeder trou verstreë word vir gebruik in die gebou, drank verkoop of verstreë in 'n gekurkte of gepropte bottel, kruik of ander houer of in enige ander vorm waarin dit maklik uit die gelisensieerde gebou weggevoer kan word.

164. Enigeen is skuldig aan 'n misdryf wat, hetsy as prinsipaal of as agent of bediende (as die handeling of versuim deur hom nie kragtens artikel *honderd-een-en-sestig* 'n misdryf uitmaak nie)—

- (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 verstreë of aflewer 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 oorlaet;
- (c) brandspieritus, gis, mout of 'n ander stof of ding verkoop of verstreë aan 'n naturel ten opsigte van wie artikel *honderd-en-dertig* of *honderd-drie-en-twintig* die koop, verkryging of besit daarvan verbied;
- (d) drank gee of verstreë aan 'n bediende, in stryd met artikel *ses-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) op enige manier valslik voorgee dat hy of iemand anders behoor tot 'n bepaalde klas van persone, om daarmee 'n lisensiehouer of sy agent of bediende te beweë om aan hom of aan daardie ander persoon drank te verstreë in stryd met 'n verbod, beperking of voorwaarde deur of kragtens hierdie Wet vasgestel;

Misdrywe
deur houër
van lisensie
vir gebruik
buite gebou

Misdrywe
deur houër
van lisensie
vir gebruik
in gebou.

Misdrywe
deur lisen-
siehouers
en andere.

- (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;
- (i) obstructs or hinders any member of the police or any other officer in the performance of any duty under this Act; or
- (j) save in circumstances permitted by section one hundred and nine consumes on licensed premises liquor which is not paid for at the time of sale or supply.

165. A registered medical practitioner shall be guilty of an offence if he makes or gives any certificate under section ninety-seven or ninety-eight—

- (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.

166. 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 any document written or signed or purporting to have been written or signed by an employer authorizing any person to obtain liquor for such employer or utters such counterfeit or forged letter of exemption, permit, certificate, licence, or 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) knowing that he is disqualified from doing so, sits or votes as a member of a licensing board or takes any part in the hearing or decision of an application for a licence 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;

- (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; of
- (j) behalwe onder omstandighede wanneer artikel honderd-en-nege dit toelaat, in 'n gelisensieerde gebou drank gebruik, waarvoor nie tydens die verkoop of verstrekking betaal is nie.

165. 'n Geregistredere geneesheer is skuldig aan 'n misdryf as hy ingevolge artikel sewen-en-negentig of ag-en-negentig 'n sertifikaat opstel of gee—

- (a) sonder dat hy met die oog op daardie sertifikaat die persoon gesien het ten opsigte van wie hy die sertifikaat gee;
- (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.

166. Elkeen is skuldig aan 'n misdryf, wat—

- (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 of 'n dokument wat deur 'n werkgewer geskrywe of geteken is of wat voorgee deur 'n werkgewer geskrywe of geteken te wees, waarin iemand gemagtig word om drank vir daardie werkgewer te verkry, namaak of vervals, of so 'n nagemaakte of vervalste vrystellingsbrief, permit, sertifikaat, lisensie of dokument uitgee met wete dat dit nagemaak of 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 of deel neem in die verhoor of beslissing van 'n aanvraag vir 'n lisensie terwyl hy weet dat hy daartoe onbevoegd is 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;

Misdrywe deur geneesheer.

Misdrywe in die algemeen.

Offences by medical practitioner.

Offences by persons generally.

- (i) is drunk, violent, or disorderly upon any licensed premises, or is drunk in or near—
- any road, street, lane, thoroughfare, trekpath, outspan, commonage, or market place; or
 - any shop, store, warehouse or public garage; or
 - any place of entertainment, café, eating house, race course, or other premises or place to which the public are granted or have access, whether or not the right of admission be granted on payment or be reserved to any class;
- (j) enters into or is a party to any tie, stipulation or promise rendered unlawful by section *one hundred and seven*;
- (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 thirty-one*;
- (l) without a licence issued under sub-section (2) of section *one hundred and thirty* sells methylated spirit or contravenes any provision of a regulation issued under that section or section *one hundred and twenty-three*;
- (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 seventeen*;
- (p) in contravention of any provision of section *one hundred and thirty-four* introduces into or possesses in any place or area mentioned in that section any intoxicating liquor or kaffir beer;
- (q) makes, has the custody or possession of, uses, drinks, or gives or supplies to any person any concoction referred to in section *one hundred and twenty-two* or purchases or possesses any yeast, malt or other substance or thing in contravention of any provision of sub-section (1) or (4) of section *one hundred and twenty-three*;
- (r) sells kaffir beer in contravention of the provision of section *one hundred and twenty-nine*; or takes part in or permits upon land owned or occupied by him any assembly prohibited by section *one hundred and twenty-six*; or permits, or consents to, the brewing upon any land of kaffir beer in quantity more than is reasonably required in terms of section *one hundred and twenty-five*; or
- (s) conveys or causes to be conveyed any liquor in contravention of any provision of section *one hundred and thirty-two* or *one hundred and thirty-three* or contravenes any provision of section *one hundred and thirty-five*, or does not comply with any condition of any permit granted under this Act.

(C) Penalties.

Penalties for contraventions by licensee. 167. (1) A licensee contravening any provision of this Act hereunder mentioned shall, on conviction, be liable—

- if the contravention is of a provision of paragraphs (a), (b), (c), (e), (f), (g), (h), (m), (n), (o), (p), (q), (r), (s) or (t) of section *one hundred and sixty-one* to a fine not exceeding fifty pounds; and
- if the contravention is of a provision of paragraphs (d), (h), (i), (j), or (k) of section *one hundred and sixty-one* or of a provision of section *one hundred and sixty-two* or *one hundred and sixty-three*, to a fine not exceeding one hundred pounds;

- dronk, gewelddadig, of wanordelik is in 'n gelisensieerde gebou, of dronk is op of in of naby—
 - 'n pad, straat, steeg, deurgang, trekpad, uitspanning, meentgrond of markplek; of
 - 'n winkel, pakhuis of publieke garage; of
 - 'n plek van vermaak, kafee, eethuis, resiesbaan of 'n ander perseel of plek waartoe aan die publiek toegang verleen word of waartoe dit toegang het, hetsy die toegangsreg al dan nie teen betaling verleen word of vir 'n klas voorbehoud is;
- (j) 'n koopverplichting, beding of belofte wat artikel *honderd-en-sewe* onwettig maak, aangaan of daaraan deelneem;
- (k) in stryd met die bepaling van 'n regulasie uitgevaardig ingevolge sub-artikel (3) van artikel *honderd-een-en-dertig* bedwelmende medisyne verkoop, koop, aanhou, besit of gebruik;
- (l) brandspieritus verkoop sonder 'n lisensie, uitgereik ingevolge sub-artikel (2) van artikel *honderd-en-dertig*, of 'n bepaling van 'n regulasie, ingevolge daardie artikel of artikel *honderd-drie-en-twintig* 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 verstrekk mag word nie, in stryd met daardie verbod drank koop, verkry of besit;
- (n) drank koop of verkry op 'n tydstip of onder omstandighede wanneer of op 'n plek waar die verstrekkings van daardie drank aan hom onwettig is;
- (o) in stryd met die bepalings van artikel *honderd-en-sewentien* die verkoop van drank versoek of bestellings daarvoor aanneem of aanbiedings om drank te koop aanneem of ontvang;
- (p) in stryd met 'n bepaling van artikel *honderd-vier-en-dertig* sterke drank of kafferbier in 'n in daardie artikel vermelde plek of gebied invoer of besit;
- (q) 'n brousel, vermeld in artikel *honderd-twee-en-twintig*, maak, in sy bewaring of besit het of gebruik of drink, of aan iemand anders gee of verstrekk of gis of mout of 'n ander stof of ding in stryd met 'n bepaling van sub-artikel (1) of (4) van artikel *honderd-drie-en-twintig* koop of besit;
- (r) in stryd met die bepalings van artikel *honderd-negen-en-twintig*, kafferbier verkoop, of aan 'n byeenkoms wat artikel *honderd-ses-en-twintig* belet, deelneem, of dit toelaat op grond wat aan hom behoort of in sy besit is, of toelaat of daarin toestem dat op enige grond meer kafferbier gebrou word as wat redelikerwys nodig is volgens artikel *honderd-vyf-en-twintig*; of
- (s) in stryd met 'n bepaling van artikel *honderd-twee-en-dertig* of *honderd-drie-en-dertig* enige drank vervoer of laat vervoer of 'n bepaling van artikel *honderd-vyf-en-dertig* oortree of nie voldoen nie aan 'n voorwaarde van 'n permit wat kragtens hierdie Wet uitgereik is.

(C) Strawwe.

167. (1) 'n Lisensiehouer wat enige hieronder genoemde Strawwe bepaling van hierdie Wet oortree, is by sy veroordeling strafbaar—

- as dit 'n oortreding is van 'n bepaling in paragraaf (a), (b), (c), (e), (f), (g), (h), (m), (n), (o), (p), (q), (r), (s) of (t) van artikel *honderd-een-en-sestig* met 'n boete van hoogstens vyftig pond; en
- as dit 'n oortreding is van 'n bepaling in paragraaf (d), (h), (i), (j), of (k) van artikel *honderd-een-en-sestig* of van 'n bepaling in artikel *honderd-twee-en-sestig* of *honderd-drie-en-sestig* met 'n boete van hoogstens honderd pond.

Strawwe oortre deur l houer.

(2) If 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, 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, or any amendment thereof. 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.

168. (1) Any person contravening any provision of this Act hereunder mentioned shall on 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 sixty-four* or (a), (b), (c), (e), (g), (h), (i), (m) (n) or (r) of section *one hundred and sixty-six*, 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 sixty-four* or (d), (f), (j), (k), (l), (o), (p), (q) or (s) of section *one hundred and sixty-five*, to a fine not exceeding one hundred pounds.

(2) If 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, 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, or any amendment thereof. If the offender is the holder of a licence issued under this Act and 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 licence to be forfeited.

169. 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 or of any regulation made thereunder with which it is his duty to comply, where such contravention or default is not elsewhere in this Act or in such regulation 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 conviction to a fine not exceeding twenty-five pounds, or if within three 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, to a fine not exceeding fifty pounds.

170. Notwithstanding anything contained in section *eighty-nine* of the Magistrates' Courts Act, 1917 (Act No. 32 of 1917), or any other law, magistrates' courts shall have jurisdiction to impose any penalty prescribed by this Act or any regulation thereunder.

171. (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

(2) As 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 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, of enige wysiging daarvan. As die 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.

168. (1) Iemand wat 'n hieronder genoemde bepaling van hierdie Wet oortree, is by 'n veroordeling strafbaar—

Strawwe op oortredings deur wie ook.

- (a) as dit 'n oortreding is van 'n bepaling in paragraaf (d), (e), (f), (g), (h), (i) of (j) van artikel *honderd-vier-en-sestig*, of (a), (b), (c), (e), (g), (h), (i), (m), (n) of (r) van artikel *honderd-ses-en-sestig* 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-vier-en-sestig*, of (d), (f), (j), (k), (l), (o), (p), (q) of (s) van artikel *honderd-ses-en-sestig* of van 'n bepaling in artikel *honderd-vyf-en-sestig*, met 'n boete van hoogstens honderd pond.

(2) As die aldus veroordeelde persoon 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 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, of enige wysiging daarvan. As die skuldige die houer is van 'n ingevolge hierdie Wet uitgereikte lisensie, en die 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 die lisensie verbeurd verklaar.

169. 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 of van 'n ingevolge daarvan vasgestelde regulasie waaraan hy verplig is om te voldoen, is, as daardie oortreding of versuim nie elders in hierdie Wet of in sulke regulasies 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 veroordeling met 'n boete van hoogstens vyf-en-twintig pond of as die aldus veroordeelde persoon binne drie jaar voor daardie veroordeling, veroordeel geword is weens watter oortreding ook van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word met 'n boete van hoogstens vyftig pond.

Algemene strawwe.

170. Nieteenstaande die bepalings van artikel *negen-en-tagtig* van die Magistraatshoven Wet, 1917 (Wet No. 32 van 1917), of enige ander wet, het magistraatshowe regsmag om enige straf op te lê wat hierdie Wet of 'n uit kragte daarvan uitgevaardigde regulasie voorskryf.

Regsmag van magistraatshowe.

171. (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 houters waarin dit bevat is, verbeur, tensy—

Verbeurte van drank, ens., wat in beslag geneem is.

- (a) in geval die drank of voorwerp die onderwerp uitmaak van die vervolging van die persoon in wie se besit dit was toe dit in beslag geneem geword is, die hof bevind dat hy nie die drank of voorwerp in besit gehad het nie in stryd met 'n bepaling van hierdie of enige ander wet; of

- (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 or receptacle 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 or receptacle may by order of such court be confiscated for the benefit of the Consolidated Revenue Fund.

CHAPTER XVIII.

SUPPLEMENTARY.

172. Save as is otherwise specially provided in this Act—

- (a) any contract entered into after the commencement of this Act whereby any person purports to relinquish any right or forego any obligation thereunder shall be null and void; and
(b) nothing in this Act contained shall affect any provision in any contract existing at the commencement thereof.

173. The Governor-General may make 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;
(d) the performance of the duties of receivers of revenue and other officers under this Act;
(e) the duties of liquor traffic inspectors and the submission of their reports or portions thereof to the licensing boards concerned; and
(f) generally prescribing and regulating any matter for the more efficient administration and carrying into effect the provisions of this Act.

174. The Governor-General may from time to time amend or may at any time withdraw any proclamation issued by him under this Act.

175. In this Act, unless inconsistent with the context—

“Asiatic” means any Turk and any member of a race or tribe whose national home is in Asia, but shall not include any member of—

- (a) the class or race commonly known as the Cape Malays;
(b) the Jewish or the Syrian race;
(c) any race, or branch of any race, declared by the Governor-General by proclamation in the *Gazette* to be excluded from this definition.

“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

- (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 van die drank of voorwerp 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 of houer 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 of houer verbeurd verklaar tot voordeel van die Gekonsolideerde Inkomstefonds.

HOOFSTUK XVIII.

AANVULLINGSBEPALINGS.

172. Behalwe insover in hierdie Wet spesiaal anders bepaal Kontrakte word—

- (a) is 'n kontrak na die inwerkingtreding van hierdie Wet aangegaan, waarvolgens iemand voorgee om enige reg af te staan of enige verpligting op te gee daaronder, nietig; en
(b) maak geen bepaling in hierdie Wet vervat enige inbreuk op 'n bepaling in 'n kontrak wat by die inwerkingtreding daarvan bestaan.

173. Die Goewerneur-generaal mag regulasies, wat nie met hierdie Wet in stryd is nie, uitvaardig, 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;
(d) die verrigting van werksaamhede van ontvangers van staatsinkomste en ander amptenare ingevolge hierdie Wet;
(e) die werksaamhede van drankhandelinspekteurs en die voorlegging van hulle verslae of gedeeltes daarvan aan die betrokke lisensierade; en
(f) oor die algemeen enige saak voorskryf en reël tot meer doelmatige uitvoering van die bepalinge van hierdie Wet.

174. Die Goewerneur-generaal mag 'n proklamasie wat hy kragtens hierdie Wet uitgevaardig het, van tyd tot tyd wysig of te eniger tyd intrek.

175. Tensy uit die samehang anders blyk, het onderstaande woorde in hierdie Wet die volgende betekenis—

“Asiaat” beteken 'n Turk en enige lid van 'n ras of stam wie se nasionale tuiste in Asië is, maar dit omvat nie 'n lid van—

- (a) die klas of ras gewoonlik Kaapse Slamaaiers genoem;
(b) die Joodse of die Siriese ras;
(c) enige ras, of tak van enige ras, deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar van hierdie woordbepaling uitgesluit te wees;

“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

Wysiging of intrekking van proklamasies.
Woordbepaling.

by any licensing board by reason of their residence in any particular area ;

"closed days" means—

- (a) Sundays,
- (b) Christmas Day,
- (c) Good Friday,
- (d) Ascension Day,
- (e) any day on which a general Parliamentary election takes place,
- (f) in respect of any province any day on which a general election for members of the Provincial Council takes place,
- (g) 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
- (h) 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 any other law ;

"coloured person" means any person who is neither a European nor an Asiatic nor a native, but it includes persons of the class mentioned in paragraph (a) of the definition of Asiatic and excludes persons of the classes mentioned in paragraphs (b) and (c) of that definition ;

"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, and 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 paragraph (a), (b) or (c) has been mixed ;

"intoxicating medicine" means any medicine proclaimed to be such under section one hundred and thirty-one ;

"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 ;

"local authority" means an urban local authority and a divisional council ;

"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

wat 'n lisensieraad saam groepeer omdat hulle in 'n bepaalde streek of gebied woon ;

"geslote dae," beteken—

- (a) Sondae ;
- (b) Kersdag ;
- (c) Goeie Vrydag ;
- (d) Hemelvaartsdag ;
- (e) enige dag waarop 'n algemene Parlements-verkiezing plaasvind ;
- (f) ten opsigte van 'n provinsie, 'n dag waarop 'n algemene verkiesing van lede van die Prowinsiale Raad plaasvind ;
- (g) ten opsigte van die gebied van 'n stedelike plaaslike bestuur, 'n dag waarop 'n verkiesing (buiten 'n tussentydse verkiesing) van lede van die plaaslike bestuur plaasvind ; en
- (h) 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 enige ander wet ;

"kleurling," beteken iemand wat nog 'n blanke is, nog 'n Asiaat, nog 'n naturel, maar dit sluit in iemand van die klas vermeld in paragraaf (a) van die omskrywing van Asiaat en sluit uit iemand van die klasse vermeld in paragraaf (b) of (c) van daardie omskrywing ;

"Regering" beteken enige Staatsdepartement en omvat die Spoorweë- en Hawensadministrasie ;

"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 spiritualieë, (behalwe brandspieritus), wyn, likeur, bier, appelwyn, perewyn, hobbier, 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 ;

"bedwelvende medisyne" beteken enige medisyne wat as sodanig geproklameer is kragtens artikel honderdeen-en-dertig ;

"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 naturelle gebrou word uit kafferkoring 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* as 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 ;

"plaaslike bestuur" beteken 'n stedelike plaaslike bestuur en 'n afdelingsraad ;

"ier," 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

contains more than two per cent. by volume of alcohol, but does not include kaffir beer;

"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 (5) of section one hundred and thirty, declare to be methylated spirit for the purposes of this Act;

"Minister" means the Minister of Justice or any Minister acting on his behalf;

"native" means any person belonging to one or other of the following classes—

- (a) aboriginal tribes of Africa, including Bushmen and Hottentots,
- (b) Korannas,
- (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 or sports ground 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;

"ordinary meal" means a lunch or dinner actually supplied for which a price of not less than one shilling is actually paid or *bona fide* to be paid;

"parliamentary voter" means any person who is entitled to vote at an election for members of the House of Assembly, but shall not include 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 other than in terms of any provision of Chapter XII;

"pint" includes a reputed pint;

"prescribed" means prescribed under this Act or the regulations;

"quart" includes a reputed quart;

"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;

"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;

alkohol bevat dan twee persent van sy volume maar dit sluit nie kafferbier in nie;

"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 (5) van artikel honderd-en-dertig vir die doeleindes van hierdie Wet as brandspieritus mag verklaar;

"Minister," beteken die Minister van Justisie, of enige Minister wat namens hom optree;

"naturel," beteken iemand wat tot een van die volgende klasse behoort:

- (a) inboorlingstamme van Afrika, waaronder Boesmans en Hottentotte;
- (b) Korannas;
- (c) persone van wie gehef word 'n algemene of plaaslike belasting, kragtens artikel twee van die Naturelle 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- of sportgronde-dranklisensie;
- (g) 'n tydelike dranklisensie; en
- (h) 'n nagtelike geleentheids-lisensie;

"ope dae," beteken alle dae van die jaar behalwe geslote dae;

"gewone maaltyd" beteken 'n werklik verstrekte noenmaal of dinee waarvoor 'n prys van nie minder as een sjieling werklik betaal is of te goeder trou betaal moet word;

"parlementêre kieser" beteken iemand wat stemgeregtig is by 'n verkiesing van lede van die Volksraad, maar dit sluit nie in 'n vrou of iemand uit 'n klas aan wie deur 'n bepaling van hierdie Wet of kragtens daaraan ontleende bevoegdheid geheel en al ontseig is om ander drank te koop of te besit, dan volgens een of ander bepaling van Hoofstuk XII;

"pint," omvat 'n beweerde pint;

"voorgeskrewe," beteken deur hierdie Wet of die regulasies voorgeskrewe;

"kwart," omvat 'n beweerde kwart;

"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;

"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;

"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 other than the dining room 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 bartering or exchanging, or possessing 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, and shall, in respect of any tie falling within the terms of paragraphs (b) and (c) of section one hundred and seven, include any similar agreement, understanding or condition binding any licensee or owner or lessee of any licensed premises in respect of any class of aerated or mineral waters;

"Transkeian territories" means—

- (a) the Transkei, including Gcalekaland,
- (b) Tembuland, including Emigrant Tembuland and Bomvanaland,
- (c) Port St. Johns,
- (d) Pondoland including East and West Pondoland, and
- (e) East Griqualand;

"urban area" means an area under the jurisdiction of an urban local authority;

"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;

"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 behalwe die eetsaal 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 verruil of die besit om te verkoop;

"verstrek," 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 en omvat ten opsigte van 'n koopverpligting vallende binne die terme van paragrafe (b) en (c) van artikel honderd-en-sewe 'n gelyksoortige ooreenkoms, verstandhouding of voorwaarde waardeur 'n lisensiehouer of eienaar of huurder van 'n gelisensieerde gebou ten opsigte van enige soort van spuit- of mineraalwater gebind is;

"Transkeise gebied," beteken:

- (a) die Transkei, met Gcalekaland;
- (b) Temboeland met Emigrant Temboeland en Bomvanaland;
- (c) Port St. John's;
- (d) Pondoland, met Oos- en Wes-Pondoland; en
- (e) Oos-Griekwaland;

"stadsgebied," beteken 'n gebied onder die beheer van 'n stedelike plaaslike bestuur;

"stedelike plaaslike bestuur," beteken 'n munisipale raad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike raad, gesondheidsraad of gesondheidskomitee;

176. Hierdie Wet mag aangehaal word as die Drankwet 1928, en behalwe vir sover uitdruklik anders bepaal word, tree hy in werking op die eerste dag van Oktober, 1928.

Kort tite en in-
werking-
treding.

176. 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.

First Schedule.

LAWS REPEALED.

No. and Year of Law.	Short Title or Subject of Law.	Extent of Repeal.
Act No. 27 of 1882.	<i>Cape of Good Hope.</i> The Police Offences Act, 1882	So much of section <i>nine</i> as refers to drunkenness.
Act No. 28 of 1883.	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 1894.	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.	Section <i>eleven.</i>
British Bechuanaland Proclamation 58 of 1889.	—	The whole.
British Bechuanaland Proclamation 64 of 1889.	—	The whole.
British Bechuanaland Proclamation No. 118 of 1891.	—	The whole.
British Bechuanaland Proclamation No. 164 of 1892.	—	The whole.
Act No. 38 of 1896.	<i>Natal.</i> 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. 33 of 1901.	The Excise Act, 1901.	Sub-section (2) of section <i>one hundred and seventeen.</i> So much of Part IV as refers to the selling of methylated spirits. Part IX.
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 unrepealed.
Act No. 41 of 1909.	To amend the Liquor Acts in regard to wholesale licences. <i>Transvaal.</i>	The whole.
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.

Eerste Bylae

HERROEPTE WETTE.

No. en Jaar van Wet.	Korte Tittel of Onderwerp van Wet.	Wat Herroep word.
Wet No. 27 van 1882.	<i>Kaap die Goeie Hoop.</i> Die Wet op Poliesiemisdrywe, 1882.	Soveel van artikel <i>nege</i> as wat op dronkenskap slaan.
Wet No. 28 van 1883.	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 ..	Artikels <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 Wyn, 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 Wyn, 1908.	Die geheel.
Wet No. 17 van 1909.	Wet tot Wysiging van die Wet op Lisensies vir Ligte Wyn, 1909.	Die geheel.
Wet No. 24 van 1909.	Wet tot Wysiging van die Wet op Verkoop van Suiwer Natuurlike Wyn, 1909.	Die geheel.
Wet No. 32 van 1909.	Die Wet op Private Lokasies 1909.	Artikel <i>elf.</i>
Brits Betsjoeanalandse Proklamasie No. 58 van 1889.	—	Die geheel.
Brits Betsjoeanalandse Proklamasie No. 64 van 1889.	—	Die geheel.
Brits Betsjoeanalandse Proklamasie No. 118 van 1891.	—	Die geheel.
Brits Betsjoeanalandse Proklamasie No. 164 van 1892.	—	Die geheel.
Wet No. 38 van 1896.	<i>Natal.</i> Drankwet, 1896	Die geheel.
Wet No. 5 van 1898.	Tot Reëling van Naturelle byeenkomste.	Vir sover dit handel oor byeenkomste om bier te drink.
Wet No. 36 van 1899.	Tot wysiging van die Drankwet, 1896.	Die geheel.
Wet No. 32 van 1901.	Tot wysiging van die Wet omtrent drank.	Die geheel.
Wet No. 33 van 1901.	Die Aksyns Wet, 1901. ..	Sub-artikel (2) van artikel <i>honderden-seventien.</i> Soveel van Deel IV as betrekking het op die verkoop van brandspiertus. Deel IX.
Wet No. 37 van 1901.	Tot oplegging van 'n aksynsbelasting op bier, ens.	Alle woorde in artikel <i>twee</i> na "one pound sterling".
Wet No. 27 van 1905.	Tot wysiging van die Drankwette 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 Provinsie 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 drankverstreking aan naturelle en Indiers.	Die geheel.
Wet No. 23 van 1908.	Die Kafferbier-Wet, 1908	Wat nog onherroep is.
Wet No. 41 van 1909.	Tot wysiging van die Drankwette met betrekking tot groothandelaars-lisensies. <i>Transvaal.</i>	Die geheel.
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.

No. and Year of Law.	Short Title or Subject of Law.	Extent of Repeal.
Ordinance No. 17 of 1903.	<i>Transvaal.</i> —(contd). The Liquor Licensing Further Amendment Ordinance, 1903.	The whole.
Ordinance No. 68 of 1903.	The Liquor Licensing (Railway Employees) Amending Ordinance, 1903.	The whole.
Ordinance No. 8 of 1906.	Liquor Licensing Amendment Ordinance, 1906.	The whole.
Act No. 9 of 1907.	The Excise Act, 1907 ..	All the words in section <i>two</i> after the words "one pound."
Act No. 33 of 1909.	The Liquor Licensing Laws Further Amendment Act, 1909.	The whole.
Chapter CIX of Law Book Ordinance No. 21 of 1902.	<i>Orange Free State.</i> The Brewing and Abuse of Kaffir Beer. The Police Offences Ordinance, 1902.	The whole. So much of section <i>twenty-seven</i> as refers to drunkenness.
Ordinance No. 8 of 1903.	The Liquor Licensing Ordinance, 1903.	The whole.
Ordinance No. 10 of 1905.	Liquor Licensing Amending Ordinance, 1905.	The whole.
Ordinance No. 28 of 1906.	Brewers Bottle Licence Ordinance, 1906.	The whole.
Ordinance No. 10 of 1907.	Liquor Licensing (Railway Station and Theatre) Amending Ordinance, 1907.	So much as is unrepealed.
Act No. 3 of 1909.	Liquor Law Amending Act, 1909.	The whole.
Act No. 4 of 1909.	Analysis of Liquor Evidence Act, 1909.	The whole.
Act No. 25 of 1913.	<i>Union.</i> The Children's Protection Act, 1913.	Sections <i>forty-eight, forty-nine and fifty.</i>
Act No. 10 of 1914.	The Cape Liquor Licensing Courts (Constitution) Amendment Act, 1914.	The whole.
Act No. 1 of 1916.	The Native Definition Amendment Act, 1916.	The whole.
Act No. 11 of 1916.	The Transvaal Liquor Licensing Ordinance Amendment (Sale of Liquor) Act, 1916.	The whole.
Act No. 33 of 1916.	The Transvaal Liquor Licensing Laws Amendment Act, 1916.	The whole.
Act No. 12 of 1918.	The Electoral Act, 1918.	In section <i>one hundred and thirty-nine</i> , the words "and within three miles of any boundry thereof."
Act No. 33 of 1919.	The Transvaal Liquor Licensing Ordinance, 1902, Amendment Act, 1919.	The whole.
Act No. 20 of 1921.	The Transvaal Liquor Licensing Ordinance, 1902, Amendment Act, 1921.	The whole.
Act No. 5 of 1922	The Financial Relations Fourth Extension Act, 1922.	Section <i>thirteen.</i>

Second Schedule.

LICENCES DEEMED IN TERMS OF SECTION *four* 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 liquor.
Brewer's in Transvaal or Orange Free State.	Brewers.
Bottle in all Provinces	Bottle liquor.
Restaurant or Café in Transvaal and Orange Free State.	Restaurant liquor.
Light wine licence granted in Cape Province under Act No. 40 of 1908 as amended by Act No. 17 of 1909.	Restaurant liquor or wine and malt liquor.
Malt liquor licence in Transvaal ..	Wine and malt liquor.
Club in all Provinces	Club liquor.
Theatre in all Provinces	Theatre or sports ground liquor.
Colonial beer in Natal	Wine and malt liquor.
Hotel liquor in Transvaal	Restaurant liquor or hotel liquor.
Retail licence in Cape Province, hotel, country hotel or bar licence in Natal, general retail licence in Transvaal and retail licence in Orange Free State.	Hotel liquor or bar or wine and malt liquor or restaurant liquor or theatre or sport's ground liquor.

No. en Jaar van Wet.	Korte Tittel of Onderwerp van Wet.	Wat Herroep word.
Ordonnansie No. 17 van 1903.	<i>Transvaal</i> (vervolg). Ordonnansie tot verdere Wysiging van die Dranklisensie-Ordonnansie.	Die geheel.
Ordonnansie No. 68 van 1903.	Die Dranklisensies- (Spoorwegarbeiders) Wysigingsordonnansie, 1903.	Die geheel.
Ordonnansie No. 8 van 1906.	Dranklisensie - Wysigingsordonnansie, 1906.	Die geheel.
Wet No. 9 van 1907.	Die Aksynswet, 1907	Alle woorde in artikel <i> twee</i> na die woorde "een pond."
Wet No. 33 van 1909.	Wet tot verdere Wysiging van die Drankwette, 1909. <i>Oranje-Vrystaat.</i>	Die geheel.
Hoofstuk CIX van Wetboek.	Het Brouwen en Misbruik van Kafferbier.	Die geheel.
Ordonnansie No. 21 van 1902.	Die Ordonnansie op Poliesie-misdrywe, 1902.	Soveel van artikel <i>sewen-en-twintig</i> as wat op dronkenskap slaan.
Ordonnansie No. 8 van 1903.	Die Dranklisensie - Ordonnansie, 1903.	Die geheel.
Ordonnansie No. 10 van 1905.	Dranklisensie - Wysigingsordonnansie, 1905.	Die geheel.
Ordonnansie No. 28 van 1906.	Bierbrouers-Bottellensie-Ordonnansie, 1906.	Die geheel.
Ordonnansie No. 10 van 1907.	Dranklisensie- (Spoorwegstasie en Teater) Wysigingsordonnansie, 1907.	Wat nog onherroep is.
Wet No. 3 van 1909.	Drankwet-Wysigingswet, 1909.	Die geheel.
Wet No. 4 van 1909.	Wet op Bewys van Drankontleding, 1909. <i>Unie.</i>	Die geheel.
Wet No. 25 van 1913.	Wet ter Bescherming van Kinderen, 1913.	Artikels <i> ag-en-veertig</i> tot en met <i> vyftig.</i>
Wet No. 10 van 1914.	Die Kaapse Drank Licentiehoven (Samestelling) Wijzigingswet, 1914.	Die geheel.
Wet No. 1 van 1916.	Die Naturellen Woordbepaling Wijzigingswet, 1916.	Die geheel.
Wet No. 11 van 1916.	Die Transvaalse Dranklicentie Ordonantie, Wijzigings (Drankverkoop) Wet, 1916.	Die geheel.
Wet No. 33 van 1916.	Die Transvaalse Dranklicentie Wetten Wijzigings Wet, 1916.	Die geheel.
Wet No. 12 van 1918.	Die Kieswet, 1918	In artikel <i> honderd-negen-en-dertig</i> , die woorde "en binnen drie mijl van de grenzen van."
Wet No. 33 van 1919.	Die Transvaalse Dranklicentie Ordonantie, 1902, Wijzigings Wet, 1919.	Die geheel.
Wet No. 20 van 1921.	Die Transvaalse Dranklicentie Ordonantie, 1902, Wijzigingswet, 1921.	Die geheel.
Wet No. 5 van 1922.	Die Financiële Verhoudingen Vierde Verlengings Wet, 1922.	Artikel <i> dertien.</i>

Twede Bylae.

LISENSIES WAT KRAGTENS ARTIEKEL *vier* GEAG WORD INGEVOLGE HIERDIE WET GEHOU TE WORD DEUR PERSONE WAT BY DIE INWERKING-TREDING DAARVAN LISENSIES GEHOU HET INGEVOLGE 'N HIERMEE HERROEPE WET.

Lisensie ingevolge 'n herroepe Wet gehou.	Lisensie wat geag word ingevolge hierdie Wet gehou te word en waarvoor vernuwung 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 of sportsgronde.
Koloniale bier, in Natal	Wyn en bier.
Hotel-dranklisensie in Transvaal ..	Restaurant of hotel.
Kleinhandelaars-lisensie, in Kaapprovinsie, hotel-lisensie, plattelandse hotel-lisensie of kantien-lisensie in Natal, algemene kleinhandelaars-lisensie in Transvaal, en kleinhandelaars-lisensie in Oranje-Vrystaat.	Hotel of kantien of wyn en bier of restaurant of teater of sportsgronde.

Third Schedule.

FEES TO BE PAID ON ISSUE OF LICENCES SUBJECT TO REDUCTIONS PROVIDED FOR IN SECTION *twelve* AND TO THE INCREASE PROVIDED FOR IN SUB-SECTION (7) OF SECTION *seventy-five*.

Description of Licence.	Fee payable on issue of new licence.	Fee payable on renewal of licence.	Fee payable on issue of authority for transfer of licence to another person.	Fee payable on issue of authority for removal of licence to other premises.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Wholesale	100 0 0	50 0 0	25 0 0	25 0 0
Foreign	100 0 0	50 0 0	25 0 0	25 0 0
Brewer	100 0 0	50 0 0	25 0 0	25 0 0
Bottle	100 0 0	50 0 0	25 0 0	25 0 0
Restaurant	50 0 0	25 0 0	15 0 0	15 0 0
Hotel	100 0 0	50 0 0	25 0 0	25 0 0
Bar	—	100 0 0	50 0 0	50 0 0
Club	100 0 0	50 0 0	25 0 0	25 0 0
Theatre or sports ground	50 0 0	25 0 0	25 0 0	25 0 0
Temporary	5 0 0	per diem in respect of each bar kept under £15 in respect of all bars kept under any one liquor licence.	in respect of the licence, but not exceeding £15 in respect of all bars kept under any one temporary licence.	in respect of each hour or portion of an hour for which the licence is granted.
Late hours occasional	1 0 0			
Wine and malt liquor	20 0 0	10 0 0	10 0 0	10 0 0
Wine farmer	0 5 0	0 2 6	0 2 6	0 2 6

Whenever, in terms of section *sixty-four*, the holder of an on-consumption licence is granted authority to sell liquor for consumption off the licensed premises, the amount payable for a renewal of such licence shall be increased by one half.

Fourth Schedule

(Front.)

No.

Place

Date

Permission is hereby granted to

Name

Address

to purchase for consumption off licensed premises for the period from to liquor of the following kind or kinds namely.....

in quantities not exceeding in any one calendar month.....

Signature.....

Rank

THIS PERMIT MUST BE DELIVERED UP FOR CANCELLATION ON EXPIRY, ON DEMAND OF THE ISSUING OFFICER OR ON THE CONVICTION OF THE HOLDER OF A CONTRAVENTION OF ANY PROVISION OF THE LIQUOR LAWS.

(Back.)

Date.	Quantity.	Kind.	Signature of Licensee.
.....			
.....			
.....			
.....			
.....			

Derde Bylae.

FOOIE WAT BY UITREIKING VAN LISENSIES VERSKULDIG IS, MET DIE KORTINGS VASGESTEL IN ARTIEKEL *twaaif* EN DIE VERMEERDERING WAT IN SUB-ARTIEKEL (7) VAN ARTIEKEL *vyf-en-sewentig* VOOR- SIENING VIR GEMAAK IS.

Soort van lisensie.	Ver-skuldigde fooi by uitreiking van nuwe lisensie.	Ver-skuldigde fooi by vernuwing van lisensie.	Ver-skuldigde fooi by magtiging tot oordrag van lisensie van iemand anders.	Ver-skuldigde fooi by magtiging 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	100 0 0	50 0 0	25 0 0	25 0 0
Bierbrouers	100 0 0	50 0 0	25 0 0	25 0 0
Bottel	100 0 0	50 0 0	25 0 0	25 0 0
Restourant	50 0 0	25 0 0	15 0 0	15 0 0
Hotel	100 0 0	50 0 0	25 0 0	25 0 0
Kantien	—	100 0 0	50 0 0	50 0 0
Klub	100 0 0	50 0 0	25 0 0	25 0 0
Teater of sportsgronde	50 0 0	25 0 0	25 0 0	25 0 0
Tydelijke	5 0 0	per dag vir elke kantien wat kragtens die lisensie gehou word, maar nie meer as £15 ten opsigte van alle kantien onder een enkele tydelike dranklisensie gehou.	vir elke uur of gedeelte van 'n uur waarvoor die lisensie verleen is.	
Nagtelijke geleentheids.	1 0 0			
Wyn- en bier	20 0 0	10 0 0	10 0 0	10 0 0
Wynboer	0 5 0	0 2 6	0 2 6	0 2 6

Wanneer volgens artikel *vier-en-sestig* aan die houer van 'n binne-verbruik-lisensie die bevoegdheid verleen word om drank te verkoop vir gebruik buite die gelisensieerde gebou, word die bedrag, wat vir vernuwing van daardie lisensie verskuldig is, met die helfte vermeerder

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 asin een kalendermaand.

Handtekening

Rang

HIERDIE PERMIT MOET NA AFLOOP OP VERSOEK VAN DIE UITREIKENDE BEAMPTTE OF NA VEROORDELING VAN DIE HOER WEENS 'N OORTREDING VAN ENIGE BEPALING VAN DIE DRANKWETTE, AFGEGEE WORD.

(Agterkant.)

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, a of police stationed at, hereby authorize the holder of a bottle liquor 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.....sertifiseer hiermee dat ek....., iemand aan wie die verkryging van sterke drank ontse is, omuur 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) meteens.

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.....sertifiseer hiermee dat ek..... iemand aan wie die verkryging van sterke drank ontse is, omuur 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....., 'n..... van Polisie, gestasioneer in (op).....magtig hiermee enige houer van 'n bottel-dranklisensie om aan of ten behoeve van die genoemde..... een..... te verstrek.

Page 164, No. 1238.

Appointment of Acting Member, Committee of Management
State Alluvial Diggings, Namaqualand.

Page XXIV

Sub Nigel Limited - Notice of Meeting.



VAN DIE UNIE VAN SUID-AFRIKA.

UITGEEGE OP GESAG.

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[No. 1720.]

CONTENTS.

All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

Proclamations—	PAGE
*No. 167. Act No. 41 of 1925—Portion of farm Malakong No. 861, District of Potgietersrust, defined as a Native Location	147
* „ 168. Act No. 41 of 1925—Levy of Special Rate on the Lebelo Tribe of Natives	147
* „ 169. District of Schweizer Reneke—Division into Wards	148
* „ 170. Alteration of Area of Ward Zuurburg, District Steynsburg	148
Government Notices—	
DEPARTMENT OF EXTERNAL AFFAIRS:	
*No. 1251. Appointment of Acting German Consul-General at Pretoria	149
DEPARTMENT OF NATIVE AFFAIRS:	
*No. 1241. Levy of Stock Rates in certain Districts	149
* „ 1274. Magisterial District of Mqanduli prescribed as an Area under section seven, Act No. 41 of 1925	149
* „ 1275. Act No. 41 of 1925—Certain Form prescribed as Annexure E of Schedule to Government Notice No. 520 of 1926	149
DEPARTMENT OF JUSTICE:	
*No. 1254. Appointment of Magistrates under Act No. 32 of 1917	151
* „ 1255. South African Police—Retirement of certain Officer	151
* „ 1256. Special Justices of the Peace—Appointment of	151
* „ 1257. Commissioners of Oaths—Appointments and Cancellation of Appointment	151
* „ 1258. Special Justices of the Peace—Appointment of	152
DEPARTMENT OF THE INTERIOR:	
*No. 1242. Appointment of Marriage Officers	153
* „ 1259. Amendments and Additions to Public Service Regulations	153
* „ 1273. Appointment of Public Officers as Marriage Officers	154
* „ 1281. Certificates of Naturalization granted to certain Persons	155
DEPARTMENT OF DEFENCE:	
No. 1182. Union Military Discipline Code—Warning to Tradesmen	157
* „ 1260. Appointment of a Short Service Commission under South Africa Defence Act, 1912	157
* „ 1278. South African Permanent Force—Amendment of Regulations	157
* „ 1279. South African Division, Royal Naval Volunteer Reserve—Amendment of Regulations	158

INHOUD.

Alle Proklamasies, Goewerments en Algemene Kennisgewings, gepubliseer vir die eerste keer, word gemerk met een * in die opperlinkerhoek.

Proklamasies—	BLADSY
*No. 167. Proklamasie van Naturellokasie in Magistraatsdistrik van Potgietersrust	147
* „ 168. Heffing van spesiale belasting op die Lebelo stam naturelle	147
* „ 169. Distrik Schweizer Reneke—Verdeling in Wyke	148
* „ 170. Wyk Zuurburg, Distrik Steynsburg—Verandering van gebied	148
Goewermentskennisgewings—	
DEPARTEMENT VAN BUITELANDSE SAKE:	
*No. 1251. Aanstelling van Waarnemende Duitse Konsul-generaal te Pretoria	149
DEPARTEMENT VAN NATURELLESAKE:	
*No. 1241. Heffing van Veebelasting in sekere distrikte van die Transkei gebied	149
* „ 1274. Magistraatsdistrik van Mqanduli gebring onder bepaling van artikel sewe van Wet No. 41 van 1925	149
* „ 1275. Voorgeskrewe vorm onder artikel sewentien van Wet No. 41 van 1925	149
DEPARTEMENT VAN JUSTISIE:	
*No. 1254. Aanstelling van Magistrate	151
* „ 1255. Suidafrikaanse Polisie—Aftreding van offisier	151
* „ 1256. Spesiale Vrederegters—Aanstelling van	151
* „ 1257. Kommissaris van Ede—Aanstellings en Intrekking van Aanstelling	151
* „ 1258. Spesiale Vrederegters—Aanstelling van	152
DEPARTEMENT VAN BINNELANDSE SAKE:	
*No. 1242. Aanstelling van huweliksbevestigters	153
* „ 1259. Wysigings in Staatsdiensregulasies	153
* „ 1273. Aanstelling van publieke beampptes as huweliksbevestigters	154
* „ 1281. Naturalisasie-opgawe	155
UNIE DEPARTEMENT VAN VERDEDIGING:	
No. 1182. Waarskuwing aan Handelaars en ander Persone	157
* „ 1260. Unie Verdedigingsmagte—Aanstelling met Offisiersrang	157
* „ 1278. Suidafrikaanse Staande Mag—Wysiging van Regulasies	157
* „ 1279. Suidafrikaanse Afdeling van die Koninklike Mariene Vrywilligersreserwe—Wysiging van Regulasies	158

Government Notices—(continued).

PAGE

DEPARTMENT OF LABOUR:

*No. 1234. East London Building Apprenticeship Committee—Appointment of Chairman ...	158
* „ 1235. Apprenticeship Committees—Appointment of Members ...	158
* „ 1249. Wage Act, 1925—Proposed Determination of Wages, etc., for Barmen, Bloemfontein and Kimberley ...	158

DEPARTMENT OF FINANCE:

*No. 1240. Appointment of a Bonded Warehouse, Walvis Bay ...	160
* „ 1244. Denaturation of Spirits for Motor Fuel ...	161
* „ 1253. Export of Gold Bullion and Gold Specie ...	161
* „ 1261. Statement of Revenue and Loan Recoveries ...	161
* „ 1277. Statement of Provincial Revenue Collections ...	162
* „ 1283. South African Reserve Bank—Weekly Statement ...	163
* „ 1284. Bank Statements ...	163

DEPARTMENT OF MINES AND INDUSTRIES:

No. 1107. Waterval No. 211, District Pietersburg, Deproclaimed as a Public Digging ...	164
„ 1108. Vogelstruisfontein No. 62, District Krugersdorp, Deproclaimed as a Public Digging ...	164
„ 1183. Waterval No. 537 proclaimed as a Public Digging ...	164
„ 1187. Mining District of Pilgrims Rest—Certain Farms proclaimed as Public Diggings ...	164
* „ 1236. Appointment of Member to the Miners' Phthisis Prevention Committee ...	164
* „ 1237. Certain Base Mineral Leases cancelled in the Division of Mount Ayliff, owing to non-payment of rental ...	164
* „ 1238. Appointment of Acting Member, Committee of Management, State Alluvial Diggings, Namaqualand ...	164
* „ 1262. Certain Areas Reserved for Township Purposes on the farm Elandsfontein No. 11 ...	164
* „ 1263. Certain farms in the Zoutpansberg District withdrawn from Prospecting ...	165
* „ 1264. Amendments to Government Notice No. 1211, 1918 ...	165
* „ 1265. Administrative Board for the Alluvial Diggings Appointed ...	165
* „ 1271. Prospecting, Pegging, and Digging prohibited in certain Areas ...	165
* „ 1272. Farm Tovey No. 799, District Zoutpansberg, withdrawn from Prospecting ...	165

DEPARTMENT OF RAILWAYS AND HARBOURS:

*No. 1248. Committee Members appointed to the Perishable Products Export Control Board ...	166
--	-----

DEPARTMENT OF LANDS:

No. 1010. Crown Land for Sale by Public Auction, Cape ...	166
„ 1097. Proclamation No. 105 of 1913 (Natal)—Sale of Land under ...	167
* „ 1243. Sale of Erven by Public Auction at Lichtenburg ...	168

DEPARTMENT OF AGRICULTURE:

*No. 1245. Demarcation of certain Sub-Reserves, Reserve II, Tsomo Western Forest Reserve ...	168
* „ 1246. Proposed Demarcation of certain Sub-Reserves, Kubusie Railway-sleeper Plantation ...	168
* „ 1247. Oversea Scholarship for Agricultural Study ...	168
* „ 1250. Acting Chief Conservator of Forests Appointed ...	169
* „ 1252. Amendment to By-laws of Angora Goat Breeders' Society of South Africa ...	169
* „ 1266. Infected Areas—Cancellation ...	169
* „ 1267. Compulsory Dipping of Cattle—Cancellation ...	169
* „ 1268. Outbreaks of Contagious Animal Diseases ...	170
* „ 1269. Export of Beef, Ham, and Bacon, June, 1928 ...	170
* „ 1280. Suspension of portion of Regulation No. 9, issued under Government Notice No. 1103 of 1928 ...	171
* „ 1282. Amendments to Special Regulations for the Midland Conservancy, published in Government Notice No. 1612 of 1917 ...	171

DEPARTMENT OF IRRIGATION:

*No. 1276. Proposed Alteration of Boundaries of the Prins River Irrigation District, Cape Province ...	171
--	-----

DEPARTMENT OF POSTS AND TELEGRAPHS:

*No. 1239. Certain Post, Telegraph, and Telephone Offices established in the Union ...	172
* „ 1270. Sale of Unclaimed Articles by Public Auction ...	172

General Notices—

CO-OPERATIVE AGRICULTURAL SOCIETIES:

*No. 533. Particulars in regard to Membership ...	172
---	-----

DEPARTMENT OF LANDS:

No. 504. Surveyor-General's Diagrams for certain Mining Properties in the Barberton District ...	174
„ 520. Surveyor-General's Diagram, Krugersdorp District ...	174
* „ 536. Surveyor-General's Diagram, Heidelberg District ...	174
„ 397. Farm Graspan No. 429—Application for Deed of Grant in respect of ...	174

(Continued on inside back cover.)

Goewermentskennisgewings—(vervolg):

BLADSY

DEPARTEMENT VAN ARBEID:

*No. 1234. Ooslondense Vakleerlingekomitee vir die Bou-nywerheid—Aanstelling van Voorstter ...	158
* „ 1235. Vakleerlingekomitee—Aanstelling van Lede ...	158
* „ 1249. Voorgestelde Vasstelling van lone, skale, ure en arbeidsvoorwaardes vir kantienmanne in die gelisensieerde drankhandel in die Munisipale gebiede van Bloemfontein en Kimberley ...	158

DEPARTEMENT VAN FINANSIEË:

*No. 1240. Aanwysing van 'n entrepot ...	160
* „ 1244. Meng van spieritus vir motorbrandstof ...	161
* „ 1253. Weekrapport van uitvoer van goud en goudmunt ...	161
* „ 1261. Staat van Inkomste en Leningsterugbetalings ...	161
* „ 1277. Staat van Prowinsiale Inkomste-invorderings ...	162
* „ 1283. Suidafrikaanse Reserwebank—Weekopgaaf ...	163
* „ 1284. Bankopgawes, 30 Junie 1928 ...	163

DEPARTEMENT VAN MYNWESE EN NYWERHEID:

No. 1107. Voorgenome deproklamasie van gedeelte van plaas Waterval No. 211, Distrik Pietersburg ...	164
„ 1108. Voorgenome deproklamasie van gedeelte van plaas Vogelstruisfontein No. 62, Distrik Krugersdorp ...	164
„ 1183. Voorgenome proklamasie as 'n publieke delwery van plaas Waterval No. 537, Distrik Pietersburg ...	164
„ 1187. Voorgenome deproklamasie as 'n publieke delwery van die plase Holnek No. 531 en Makobuliaan No. 532, Distrik Pelgrimsrust ...	164
* „ 1236. Myntering Verhinderende Komitee—Aanstelling van lid ...	164
* „ 1237. Intrekking onedele minerale huurkontrakte Nos. 18 en 23 ...	164
* „ 1238. Bestuurskomitee Staats Alluwiale Delwerye, Namakwaland—Aanstelling waarnemende lid ...	164
* „ 1262. Goedkeuring van reservasie van grond vir standdorp op plaas Elandsfontein No. 11 ...	164
* „ 1263. Sekere plase in die Distrik Zoutpansberg van prospekteer onttrek ...	165
* „ 1264. Wysiging Goewermentskennisgewing No. 1211 van 1928 ...	165
* „ 1265. Benoeming van en Regulasies vir Administratiewe Raad vir alluwiale delwerye in Magistraatsdistrikte Lichtenburg en Marico ...	165
* „ 1271. Reservasie van seker gebied in Myndistrik Johannesburg vir waterreg doeleindes ...	165
* „ 1272. Plaas "Tovey" No. 799, Distrik Zoutpansberg, van prospekteer onttrek ...	165

DEPARTEMENT VAN SPOORWEE EN HAWENS:

*No. 1248. Bederfbare Produkte Uitvoer Kontrole Raad—Aanstelling van Komitee-lede ...	166
---	-----

DEPARTEMENT VAN LANDE:

No. 1010. Verkoop van Kroongrond, Kaap ...	166
„ 1097. Verkoop van seker grond met woonhuis, Dorp Colenso ...	167
* „ 1243. Verkoop van Kroongrond, Transvaal ...	168

DEPARTEMENT VAN LANDBOU:

*No. 1245. Demarkasie van Subreserwe (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad) en (ae) van Reserwe II, Tsomo Westelike Bosreserwe, Tsomo Distrik ...	168
* „ 1246. Voorgestelde demarkasie van Subreserwe (b), Lot 4P., van Reserwe VI, Kubusie spoorwegdwarsleer plantasie ...	168
* „ 1247. Oorsese beurs vir landbou studente ...	168
* „ 1250. Aanstelling Waarnemende Hoofbosbewaarder ...	169
* „ 1252. Anghora Boktelers Vereniging van Suid-Afrika—Wysiging van Bywette ...	169
* „ 1266. Besmette streke—Kanselasie ...	169
* „ 1267. Verpligte dip—Kanselasie ...	169
* „ 1268. Weekrapport van besmettelike veesiektes ...	170
* „ 1269. Uitvoer van beestevleis, spek en ham ...	170
* „ 1280. Verpakkingsmateriaal vir Eiers vir uitvoer oorsee—Wysiging van regulasies vir 1928 seisoen ...	171
* „ 1282. Amendemente tot spesiale regulasies vir die Middellandse Bewaring, gepubliseer in Goewermentskennisgewing No. 1612 van 1917 ...	171

DEPARTEMENT VAN BESPROEING:

* „ 1276. Voorgestelde Verandering van grense van die Prinsrivier Besproeiingsdistrik, Kaap ...	171
---	-----

DEPARTEMENT VAN POS- EN TELEGRAAFWESE:

*No. 1239. Opening Pos-, telegraaf-, en telefoonkantore ...	172
* „ 1270. Verkoop van onafgemaakte posstukke ...	172

Algemene Kennisgewings—

KOÖPERATIEWE LANDBOUVERENIGINGS:

*No. 533. Veranderinge in die lidmaatskap van Koöperatiewe landbouverenigings ...	172
---	-----

DEPARTEMENT VAN LANDE:

No. 504. Landmeterskaarte, Transvaal ...	174
„ 520. Landmeterskaarte, Transvaal ...	174
* „ 536. Landmeterskaarte, Transvaal ...	174
„ 397. Applikasie vir uitreiking van grondbrief van plaas Graspan No. 429, Distrik Boshof ...	174

(Vir vervolg sien tweede laaste bladsy.)