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House of Assembly,
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The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

A.B. 22—'33. Liquor (Amendment) Bill .. PAGE i

Volksraad,
1 Februarie 1933.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

A.B. 22—'33. Drank-Wysigings Wetsontwerp .. BLADS. i

BILL

To amend the Liquor Act, 1928, and the Railways and Harbours Regulation, Control and Management Act, 1916.

(Introduced by the MINISTER OF JUSTICE.)

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

- Interpretation.** 1. In this Act the expression "principal Act" means the Liquor Act, 1928 (Act No. 30 of 1928). 5
- Amendment of section 5 of Act No. 30 of 1928.** 2. Section *five* of the principal Act is hereby amended—
 (i) by the insertion of the following new paragraph in sub-section (1) after paragraph (e):
 "(f) the sale of liquor on behalf of the Railways and Harbours Administration in any refreshment room or refreshment car referred to in section *fifty-eight* of the Railways and Harbours Regulation Control and Management Act, 1916 (Act No. 22 of 1916)"; and 10
 (ii) by the deletion of sub-section (2). 15
- Amendment of section 6 of Act No. 30 of 1928.** 3. Sub-section (1) of section *six* of the principal Act is hereby amended by the deletion of paragraph (a) and the substitution therefor of the following new paragraph:—
 (a) any person selling under the authority of the Minister of Defence liquor in any canteen referred to in section *eleven* of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922). 20
- Amendment of section 21 of Act No. 30 of 1928.** 4. Section *twenty-one* of the principal Act is hereby amended—
 (i) by the insertion of the following new paragraph to precede paragraph (a) of sub-section (1), the existing paragraphs (a), (b) and (c) becoming (b), (c) and (d) respectively: 25
 "(a) any application for a conditional authority for an hotel liquor licence in terms of section *thirty-two*;" 30
 (ii) by the addition at the end of paragraph (b) of sub-section (1), as relettered under paragraph (i) of this section, of the words "or an application for the authority referred to in paragraph (b) of section *one hundred and sixteen*"; 35
 (iii) by the insertion in sub-section (2) after "(a)" of the words "or (b)";
 (iv) by the substitution, in sub-section (2) of the letters (c) and (d) for the letters (b) and (c) respectively;
 (v) by the insertion after the word "addition" in sub-section (3) of the words "save where a notice of such meeting has been given under section *forty-six*"; and 40
 (vi) by the addition of the following proviso at the end of sub-section (3):—
 "Provided that in respect of any application for an authority under paragraph (a) of sub-section (1) such notice shall be given in accordance with the provisions of this Act relating to an annual meeting". 45
- Amendment of section 31 of Act No. 30 of 1928.** 5. Sub-section (2) of section *thirty-one* of the principal Act is hereby amended by the deletion in paragraph (d) of the words "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," and by the insertion of the following proviso at the end thereof:— 50
 "Provided that no such plan shall be necessary in the case of an application for the renewal of a licence if the applicant with his application submits an affidavit that since the last application for a licence the premises have undergone no change, or have undergone only a minor change of structural arrangement, of which full particulars shall be submitted to the licensing board and to the police at the time of filing the application for renewal. 60

WETSONTWERP

Tot wysiging van die Drankwet, 1928, en van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916”.

(Ingedien deur die MINISTER VAN JUSTISIE.)

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

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die Woordoms krywing.
5 Drankwet, 1928 (Wet No. 30 van 1928).
2. Artikel vyf van die Hoofwet word hiermee gewysig— Wysiging van
artikel 5 van Wet
No. 30 van 1928.
 - (i) deur invoeging van die volgende nuwe paragraaf na paragraaf (e) van sub-artikel (1):
10 „(f) die verkoop van drank namens die Admini-
strasie van Spoorweë en Havens in 'n verversings-
kamer of verversingswagon vermeld in artikel
agt-en-vyftig van die „Spoorwegen en Havens
Reglement, Bestuur en Beheer Wet, 1916”
(Wet No. 22 van 1916)”; en
 - 15 (ii) deur sub-artikel (2) te skrap.
3. Sub-artikel (1) van artikel ses van die Hoofwet word Wysiging van
hiermee gewysig deur paragraaf (a) te skrap en te vervang artikel 6 van Wet
deur die volgende nuwe paragraaf: No. 30 van 1928.
 - (a) iemand wat op gesag van die Minister van Verdedi-
20 ging drank verkoop in 'n winkel vermeld in artikel
elf van die „Zuid-Afrika Verdedigingswet-Wijzigings-
wet, 1922” (Wet No. 22 van 1922).
4. Artikel een-en-twintig van die Hoofwet word hiermee Wysiging van
gewysig— artikel 21 van
Wet No. 30 van
1928.
 - 25 (i) deur die volgende nuwe paragraaf voor paragraaf (a)
van sub-artikel (1) in te voeg, waardeur die bestaande
paragrafe (a), (b) en (c) respektieflik (b), (c) en
(d) word:
30 „(a) 'n aanvraag om 'n voorwaardelike magtiging vir
'n hotel-dranklisensie ingevolge artikel twee-
en-dertig”;
(ii) deur aan die end van paragraaf (b) van sub-artikel (1)
soos in paragraaf (i) van hierdie artikel herletter,
35 die volgende woorde by te voeg: „of 'n aanvraag
om die magtiging bedoel in paragraaf (b) van artikel
honderd-en-sestien”;
(iii) deur in sub-artikel (2) na „(a)” die woorde „of (b)”
in te voeg;—
(iv) deur in sub-artikel (2) die letters (b) en (c) respektieflik
40 deur die letters (c) en (d) te vervang;
(v) deur na die woorde „buitendien moet” in sub-artikel
(3) die woorde „(behalwe wanneer ingevolge artikel
ses-en-veertig van so 'n vergadering kennis gegee is)”
in te voeg; en
45 (vi) deur die volgende voorbehoudsbepaling by sub-
artikel (3) te voeg:
„Met die verstande dat ten opsigte van 'n aanvraag
om 'n magtiging ingevolge paragraaf (a) van sub-
50 artikel (1) so 'n kennisgewing moet geskied ooreen-
komstig die bepaling van hierdie Wet met betrekking
tot 'n jaarlikse vergadering”.
5. Sub-artikel (2) van artikel een-en-dertig van die Hoofwet Wysiging van
word hiermee gewysig deur in paragraaf (d) die woorde „(be- artikel 31 van
halwe wanneer in die geval van 'n vernuwing of oordrag, Wet No. 30 van
55 die gebou sedert die laaste aanvraag onder lisensie ten opsigte 1928.
daarvan nie deur ombou verander is nie)” te skrap en deur aan
die end daarvan die volgende voorbehoudsbepaling by te voeg:—
„Met die verstande dat so 'n plan by 'n aanvraag om die
vernuwing van 'n lisensie nie nodig is nie as die aanvrager
60 met sy aanvraag 'n beëdigde verklaring voorlê dat sedert
die laaste aanvraag om 'n lisensie die gebou nie verander
is nie, of slegs deur 'n geringe verbouing verander is,
waarvan volle besonderhede aan die lisensieraad en aan
die polisie ten tyde van die indiening van die aanvraag
65 om vernuwing voorgelê moet word.”

- Amendment of section 32 of Act No. 30 of 1928.
6. Sub-section (1) of section *thirty-two* is hereby amended—
- (a) by the deletion of the words " but not later than the fifteenth day of October ",
 - (b) by the deletion of the word " meeting " and the substitution therefor of the words— 5
 - " or interim meeting: Provided that if such application is to be considered by the board at an annual meeting, it shall be made not later than the preceding fifteenth day of October; or if it is to be considered by the board at an interim meeting, a 10 period of not less than six weeks shall intervene between the application and the date of the meeting of the board at which it is considered ".
- Amendment of section 35 of Act No. 30 of 1928.
7. Sub-section (1) of section *thirty-five* of the principal Act is hereby amended— 15
- (a) by the deletion in paragraph (a) of the words " and in at least one newspaper circulating in the district in which the board meets "; and
 - (b) by the addition of the following proviso at the end of paragraph (a):— 20
 - " Provided that he shall not cause such notice to be published in the *Gazette* if it is a notice relating to an application for a renewal, without any alteration, of an existing licence, to be made at an annual meeting of a licensing board." 25
- Amendment of section 42 of Act No. 30 of 1928.
8. Section *forty-two* of the principal Act is hereby amended—
- (a) by the insertion after the word " section " in sub-section (2) of the words " upon or after the date of the annual meetings of licensing boards in any year and before the fifteenth day of October of the next 30 following year ";
 - (b) by the insertion of the following new sub-section to follow sub-section (2):
 - " (2) *bis*. If there are reasonable grounds for believing that an application for a temporary transfer 35 under this section of a licence under this Act will, if granted, be granted after the fifteenth day of October in any year and before the date of the annual meetings of licensing boards to be held in that year, the notice of such application referred to in paragraph (a) of the proviso to sub-section (1) shall state that the temporary transferee of the licence will, if the application for a temporary transfer be granted, at the next then ensuing annual meeting of the licensing board apply for the ratification of such 45 transfer, and the licensing board may, at such meeting, notwithstanding anything contained in any other provision of this Act ratify such transfer, and upon such ratification shall allow the name of the transferee to be substituted wherever necessary in any appli- 50 cation for a renewal made in due form by the transferor ".
- Amendment of section 43 of Act No. 30 of 1928.
9. Section *forty-three* of the principal Act is hereby amended by the addition of the following new sub-section (2), the existing section becoming sub-section (1):— 55
- " (2) If there are reasonable grounds for believing that an application for a removal under sub-section (1) of a licence under this Act will, if granted, be granted upon or after the fifteenth day of October in any year and before the date of the annual meetings of licensing boards 60 to be held in that year, the notice of such application referred to in sub-section (1) shall state that if the removal be authorized the licensee concerned will at the next then ensuing annual meeting of the licensing board apply for the ratification of such authority and the licensing 65 board may at such meeting notwithstanding any other provision of this Act ratify such authority and shall substitute the new premises for the premises described in any application made by the licensee in due form for the renewal of his licence ".
- Amendment of section 45 of Act No. 30 of 1928.
10. Section *forty-five* of the principal Act is hereby amended by the deletion of the words " by any person or by the police to the transfer or removal, as the case may be " and the 70

6. Sub-artikel (1) van artikel *twee-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 32 van Wet No. 30 van 1928.

- (a) deur die woorde „maar nie later dan die vyftiende dag van Oktober” te skrap; en
- (b) deur die woord „vergadering” te skrap en te vervang deur die volgende woorde: —
- „of tussentydse vergadering: Met die verstande dat as daardie aanvraag deur die raad op ’n jaarlikse vergadering in oorweging geneem sal word, dit nie later as die voorgaande vyftiende dag van Oktober gemaak moet word nie; of as dit deur die raad op ’n tussentydse vergadering in oorweging geneem sal word, ’n tydperk van nie minder as ses weke moet verstrik tussen die aanvraag en die dag van die vergadering van die raad waarop dit in oorweging geneem word.”

7. Sub-artikel (1) van artikel *vyf-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 35 van Wet No. 30 v 1928.

- (a) deur in paragraaf (a) die woorde „en in ten minste een nuusblad in omloop in die distrik waarin die raad vergader” te skrap; en
- (b) deur aan die end van paragraaf (a) van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg: —
- Met die verstande dat hy so ’n kennisgewing nie in die *Staatskoerant* moet laat publiseer nie as dit ’n kennisgewing is met betrekking tot ’n aanvraag om ’n vernuwing, sonder enige verandering, van ’n bestaande lisensie, wat op ’n jaarlikse vergadering van ’n lisensieraad gemaak sal word.

8. Artikel *twee-en-veertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 42 van Wet No. 30 van 1928.

- (a) deur die volgende woorde na die woorde „oorgedra is” in sub-artikel (2) in te voeg: „op of na die dag van die jaarlikse vergaderings van lisensierade in een of ander jaar en voor die vyftiende dag van Oktober van die daarop volgende jaar”;
- (b) deur die volgende nuwe sub-artikel na sub-artikel (2) in te voeg:
- „(2) *bis*. As daar ’n gegronde vermoede bestaan dat ’n aanvraag om ’n tydelike oordrag kragtens hierdie artikel van ’n lisensie kragtens hierdie Wet, indien hy bewillig word, bewillig sal word op of na die vyftiende dag van Oktober in een of ander jaar en voor die dag waarop die jaarlikse vergaderings van lisensierade in daardie jaar gehou sal word, dan moet die kennisgewing van daardie aanvraag, bedoel in paragraaf (a) van die voorbehoudsbepaling tot sub-artikel (1) ’n verklaring bevat dat, indien die aanvraag om ’n tydelike oordrag bewillig word, die persoon aan wie die lisensie tydelik oorgedra word, op die eersvolgende jaarlikse vergadering van die lisensieraad die bekragtiging van die oordrag sal aanvra, en op daardie vergadering kan die lisensieraad, nieteenstaande enige ander bepaling van hierdie Wet, daardie oordrag bekragtig en by daardie bekragtiging moet hy in ’n aanvraag om ’n vernuwing van die lisensie, in ’n behoorlike vorm deur die oordraer gemaak, orals waar nodig die naam van die oordragontvanger invoeg”.

9. Artikel *drie-en-veertig* van die Hoofwet word hiermee gewysig deur die volgende nuwe sub-artikel (2) daaraan toe te voeg, waardeur die bestaande artikel sub-artikel (1) word: — Wysiging van artikel 43 van Wet No. 30 van 1928.

- „(2) As daar ’n gegronde vermoede bestaan dat ’n aanvraag om ’n verplasing kragtens sub-artikel (1) van ’n lisensie kragtens hierdie Wet, indien hy bewillig word, bewillig sal word op of na die vyftiende dag van Oktober in een of ander jaar en voor die dag waarop die jaarlikse vergaderings van lisensierade in daardie jaar gehou sal word, dan moet die in sub-artikel (1) bedoelde kennisgewing van daardie aanvraag ’n verklaring bevat dat, indien die verplasing bewillig word, die betrokke lisensiehouer op die eersvolgende vergadering van die lisensieraad, die bekragtiging van die verplasing sal aanvra en op daardie vergadering kan die lisensieraad, nieteenstaande enige ander bepaling van hierdie Wet daardie oordrag bekragtig en moet daarop die gebou, vermeld in ’n aanvraag om ’n vernuwing van die lisensie, in ’n behoorlike vorm deur die lisensiehouer gemaak, deur die nuwe gebou vervang.

10. Artikel *vyf-en-veertig* van die Hoofwet word hiermee gewysig deur die woorde „enigeen of die polisie beswaar maak teen die oordrag of verplasing na die geval mog wees” te skrap Wysiging van artikel 45 van Wet No. 30 van 1928.

- substitution therefor of the words "by the police to the transfer, or by the police or any other person to the removal".
- Amendment of section 49 of Act No. 30 of 1928. 11. Section *forty-nine* of the principal Act is hereby amended—
- (a) by the deletion of the word "vacating" and the substitution therefor of the words "ceasing to hold"; and
 - (b) by the deletion of the word "on" and the substitution therefor of the word "without".
- Amendment of section 54 of Act No. 30 of 1928. 12. Section *fifty-four* of the principal Act is hereby amended—
- (a) by the deletion of the words "or renewed" in sub-section (1);
 - (b) by the deletion of the words "same time" in sub-section (3) and the substitution therefor of the words "time of the lodging of the application".
- Amendment of section 55 of Act No. 30 of 1928. 13. Sub-section (3) of section *fifty-five* of the principal Act is hereby amended—
- (a) by the deletion of the words "or a wine and malt liquor licence";
 - (b) by the insertion after the words "removal of the licence" of the following new provision:
"or he may upon the granting of authority for the renewal of his bar licence then and there make verbal application to the board for conversion of his said bar licence into a wine and malt liquor licence whereupon the board shall forthwith grant such application and shall issue a certificate authorizing the issue of a wine and malt liquor licence in lieu of a renewal of such bar licence".
- Amendment of section 63 of Act No. 30 of 1928. 14. Section *sixty-three* of the principal Act is hereby amended—
- (a) by the insertion after the words "club liquor licence" in sub-section (1) of the words "other than a licence for a golf club which—
 - (a) possesses a *bona fide* male membership of not less than one hundred ordinary members; and
 - (b) is in sole occupation of premises which, apart from the land on which they are built, are of the value of one thousand pounds or upwards"; - (b) by the insertion after the words "local authority" where they occur for the third time in sub-section (1) of the words "in which there already exist two bottle liquor licences";
 - (c) by the addition of the following provision at the end of sub-section (1):
"Provided, further, that a licensing board may, subject to the provisions of section *eighty-seven bis* on the application of any person in the employ of the 'Koöperatieve Wijnbouwers-Vereniging van Zuid-Afrika, Beperkt' as defined in section *eleven* of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924) authorize the issue to such person of a bottle liquor licence (which shall not be transferable to any person who is not an employee of the said association) within any urban area, irrespective of the number of liquor licences already held in such area, and may from time to time authorize the renewal of any such licence".
 - (d) by the insertion at the end of sub-section (4) of the following words "or to any application for a bottle liquor licence in respect of premises in the area of an urban local authority where no such licence exists, or to any application for a bottle liquor licence in respect of premises in any rural area where there already exists an hotel liquor licence: Provided such premises are situate at least five miles from an area of an urban local authority wherein reside not less than three hundred parliamentary voters and within a distance of five hundred yards of a police station.
- Amendment of section 65 of Act No. 30 of 1928. 15. Sub-section (1) of section *sixty-five* of the principal Act is hereby amended by the insertion of the words "or an hotel liquor licence" after the words "or save in the case of a foreign liquor licence".
- Amendment of section 67 of Act No. 30 of 1928. 16. Section *sixty-seven* of the principal Act is hereby amended by the deletion of the word "vacates" and the substitution therefor of the words "ceases to hold".

en te vervang deur die woorde „die polisie beswaar maak teen die oordrag of as die polisie of iemand anders beswaar maak teen die verplasing.”

11. Artikel *negen-en-veertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 49 van Wet No. 30 van 1928.

(a) deur die woorde „sy betrekking ontruim” te skrap en te vervang deur die woorde „ophou om sy betrekking te beklee”; en

(b) deur die woord „teen” te skrap en deur die woord „sonder” te vervang.

12. Artikel *vier-en-vyftig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 54 van Wet No. 30 van 1928.

(a) deur die woorde „of vernuwe” in sub-artikel (1) te skrap;

(b) deur die woord „tewens” in sub-artikel (3) te skrap en deur die woorde „gelyktydig met die indiening van die aanvraag” te vervang.

13. Sub-artikel (3) van artikel *vyf-en-vyftig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 55 van Wet No. 30 van 1928.

(a) deur die woorde „of ’n wyn- en bier-lisensie” te skrap;

(b) deur na die woorde „bewillig word” die volgende nuwe paragraaf in te voeg:

„Of hy mag by verlening van magtiging tot vernuwing van sy kantien-lisensie terselfdertyd ’n mondelinge aanvraag by die raad maak om verwysing van sy voormelde kantien-lisensie deur ’n wyn- en bier-lisensie, waarop die raad daardie aanvraag dadelik moet toestaan en ’n sertifikaat moet verleen, waarin hy die uitreiking van ’n wyn- en bier-lisensie in stede van ’n vernuwing van bedoelde kantien-lisensie magtig.”

14. Artikel *drie-en-sestig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 63 van Wet No. 30 van 1928.

(a) deur na die woorde „klub-dranklisensie” in sub-artikel (1) die volgende woorde in te voeg „behalwe ’n lisensie vir ’n gholfklub—

(a) waarvan minstens honderd manspersone te goeder trou gewone lede is; en

(b) wat in alleenbesit is van ’n gebou wat, afgesien van die grond waarop dit staan, duisend pond of meer werd is”; en

(b) deur na die woorde „plaaslike bestuur” waar hulle vir die derde maal voorkom in sub-artikel (1) die woorde „waarin reeds twee bottel-dranklisensies bestaan” in te voeg;

(c) deur die volgende bepaling aan die end van sub-artikel (1) by te voeg:

„Met die verstande dat ’n lisensieraad, met inagneming van die bepalings van artikel *sewen-en-tagtig bis*, op aanvraag van iemand wat in diens is van die „Koöperatiewe Wijnbouwers-Vereniging van Zuid-Afrika, Beperkt”, soas omskrywe in artikel *elf* van die „Wet op de Kontrôle over Wijn en Spiritualiën, 1924 (Wet No. 5 van 1924) magtiging kan verleen tot uitreiking aan bedoelde persoon van ’n bottel-dranklisensie (wat nie oordraagbaar is aan iemand wat nie in diens van genoemde vereniging is nie) in enige stadsgebied, afgesien van die aantal dranklisensies wat reeds in daardie gebied gehou word, en van tyd tot tyd magtiging kan verleen tot vernuwing van so ’n lisensie”.

(d) deur aan die end van sub-artikel (4) die volgende woorde by te voeg „of op enige aanvraag om ’n bottel-dranklisensie ten opsigte van ’n gebou in die gebied van ’n stedelike plaaslike bestuur waar geen sodanige lisensie bestaan nie, of op enige aanvraag om ’n bottel-dranklisensie ten opsigte van ’n gebou op die platteland waar daar alreeds ’n hotel-dranklisensie bestaan, mits daardie gebou geleë is minstens vyf myl van die gebied van ’n stedelike plaaslike bestuur waarin minstens driehonderd parlementêre kiesers woon en binne ’n afstand van vyfhonderd yard van ’n polisie-stasie.”

15. Sub-artikel (1) van artikel *vyf-en-sestig* van die Hoofwet word hiermee gewysig deur die woorde „of ’n hotel-dranklisensie” na die woorde „of behalwe in die geval van ’n buitelandse dranklisensie” in te voeg. Wysiging van artikel 65 van Wet No. 30 van 1928.

16. Artikel *sewen-en-sestig* van die Hoofwet word hiermee gewysig deur die woorde „sy betrekking ontruim” te skrap en te vervang deur die woorde „ophou om sy betrekking te beklee”. Wysiging van artikel 67 van Wet No. 30 van 1928.

Insertion of new section 68 *bis* in principal Act.

17. The following new section is hereby inserted in the principal Act after section *sixty-eight*.

"Reduction of excessive rent.

68 *bis*. If the applicant to a licensing board for authority for any licence under this Act or for the renewal of any such licence is the lessee or the agent or nominee of the lessee of the premises in which the business to which the application relates, is to be carried on, the licensing board may, in granting the application, if it is of opinion that the rent payable by the applicant or his principal in respect of such premises, is so high that the applicant or his principal cannot be expected to make a reasonable profit out of such business, reduce such rent to a sum which, having regard to all the circumstances of the particular case, the board regards as equitable and thereupon the rent payable by the applicant or his principal in respect of the premises in question shall be reduced accordingly over the period for which the issue or renewal of a licence is authorized, notwithstanding the terms of the lease: Provided that the board shall not effect any such reduction unless it has given the lessor reasonable notice of its intention to reduce the rent and an opportunity to show cause why the rent should not be reduced".

Amendment of section 72 of Act No. 30 of 1928.

18. Section *seventy-two* of the principal Act is hereby amended by the insertion after the words "place of public" of the word "function".

Amendment of section 75 of Act No. 30 of 1928.

19. Section *seventy-five* of the principal Act is hereby amended—

- (i) by the insertion in paragraph (b) of sub-section (1) of the words "subject to the provisions of paragraph (d) "before the words "no board shall";
- (ii) by the deletion in the said paragraph (b) of the words "which have been purchased thereat and for consumption with such meals";
- (iii) by the insertion in paragraph (c) of sub-section (1) of the words "days, any portion of a day or" before the word "hours" wherever it occurs;
- (iv) by the insertion of the following new paragraph after paragraph (c):

"(d) the holder of an hotel liquor licence may on any day and at any time sell and deliver liquor to any person lodging in his hotel, for consumption therein elsewhere than in any restricted portion thereof, by the purchaser or by his guest, or to any traveller who spent the previous night at a place at least twenty miles distant from the place where the liquor is delivered to him, for consumption in such hotel elsewhere than in any restricted portion thereof by the purchaser or by any other person to whom such liquor could lawfully have been sold and delivered under this paragraph (if the supply of liquor to such lodger, guest, traveller or other person is not otherwise prohibited by any provision of this Act) unless the licensing board concerned has authorized the issue or renewal of the licence in question, subject to any curtailment of the rights of sale and delivery set forth in this paragraph and has caused such curtailment to be endorsed upon the licence as a condition thereof, in which case such condition shall prevail over any rights of sale and delivery which the licensee would, but for such curtailment, have had under this paragraph".
- (v) by the insertion of the following new sub section after sub-section (1):

"(1) *bis*. Whenever any person in purchasing or in attempting to purchase at an hotel, for consumption by himself or by any other person, liquor which cannot be lawfully sold or delivered to him, makes to the licensee of such hotel or to his agent a statement which is false, but which, if it were true, would entitle such licensee or agent to sell and

17. Die volgende nuwe artikel word hiermee na artikel *agten-sestig* in die Hoofwet ingevoeg:

Invoeging van nuwe artikel 68 bis in Wet No. 30 van 1928.

5 „Verlaging van te hoër huur. 68 bis. Wanneer die aanvrager by 'n lisensieraad om 'n magtiging tot 'n lisensie kragtens hierdie Wet of tot vernuwing van so'n lisensie is die huurder of die verteenwoordiger of benoemde van die huurder van die gebou waarin die besigheid, waarop die aanvraag betrekking het, gedryf sal word, dan kan die lisensieraad by bewilliging van die aanvraag, as hy van oordeel is dat die huurprys wat die aanvraer of sy prinsipaal vir daardie gebou moet betaal, so hoog is dat nie verwag kan word dat die aanvraer of sy prinsipaal 'n redelike wins uit bedoelde besigheid sal maak nie, daardie huur verlaag tot 'n som wat die raad, met die oog op al die omstandighede van die geval as billik beskou, en daarop word die huur wat die aanvraer of sy prinsipaal vir die betrokke gebou moet betaal dienoooreenkomstig verlaag vir die tydperk waarvoor die uitreiking of vernuwing van die lisensie gemagtig word, ondanks die bepalinge van die huurkontrak: Met die verstande dat die raad nie aldus die huurprys mag verlaag nie, tensy hy aan die verhuurder redelik kennis gee het van sy voorneme om die huurprys te verlaag en hom in die geleentheid gestel het om redes teen 'n verlaging van die huurprys aan te voer.”

18. Artikel *twee-en-sewentig* van die Hoofwet word hiermee gewysig deur na die woord „publieke” die woord „funksie” in te voeg.

Wysiging van artikel 72 van Wet No. 30 van 1928.

19. Artikel *vyf-en-sewentig* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 75 van Wet No. 30 van 1928.

- (i) deur in paragraaf (b) van sub-artikel (1) die woorde „(behoudens die bepalinge van paragraaf (d))” na die aanvangswoorde „'n raad” in te voeg;
- (ii) deur in bedoelde paragraaf (b), die woorde „daarin gekoopte” en „om by daardie maaltye gebruik te word” te skrap;
- (iii) deur in paragraaf (c) van sub-artikel (1) die woorde „dae, een of ander gedeelte van 'n dag of” in te voeg voor die woord „ure” orals waar dit voorkom;
- (iv) deur die volgende nuwe paragraaf na paragraaf (c) in te voeg:
- „(d) die houer van 'n hotel-dranklisensie op enige dag en te eniger tyd drank mag verkoop en lewer aan iemand wat in sy hotel loseer, om daarin elders dan in 'n beperkte gedeelte daarvan deur die koper of sy gas gebruik te word, of aan 'n reisiger wat die vorige nag deurgebring het op 'n plek minstens twintig myl van die plek waar die drank aan hom gelever word, om in bedoelde hotel elders dan in 'n beperkte gedeelte daarvan gebruik te word deur die koper of deur iemand anders aan wie daardie drank kragtens hierdie paragraaf wettig sou kan verkoop en gelever word (mits die verstreking van drank aan voormelde loseerder, gas, reisiger of ander persoon nie andersins deur een of ander bepaling van hierdie Wet verbied word nie), tensy die betrokke lisensieraad die uitreiking of vernuwing van die betrokke lisensie gemagtig het met voorbehoud van 'n beperking van die regte van verkoop en lewering, in hierdie paragraaf vermeld, en daardie beperking as 'n voorwaarde van die lisensie daarop laat aanteken het, waarop daardie voorwaarde geld in weerwil van die regte van verkoop en lewering wat die lisensiehouer, afgesien van bedoelde beperking, kragtens hierdie paragraaf sou gehad het.”

(v) deur invoeging van die volgende nuwe sub-artikel na sub-artikel (1):

„(1) bis. Wanneer iemand, as hy in 'n hotel vir sy eie of iemand anders se gebruik drank koop of poog om te koop wat nie wettig aan hom verkoop of gelever kan word nie, aan die lisensiehouer van daardie hotel of aan sy verteenwoordiger 'n meedeling doen wat onwaar is maar wat, indien dit waar was, daardie lisensiehouer of sy verteenwoordiger

deliver liquor to such person by virtue of the provisions of paragraph (d) of sub-section (1), such person shall be guilty of an offence."

- (vi) by the addition at the end of sub-sections (2) and (4) of the words :

"but may, if the licensing board so determine, on any closed day other than Sunday, Christmas Day, Good Friday or Ascension Day, authorize the lawful conveyance of liquor for delivery to any licensee in any rural area, or for delivery at any place on the railway system controlled by the Railways and Harbours Administration for transport by railway to any licensee."

- (vii) by the deletion of sub-section (3) ;

- (viii) by the addition at the end of sub-section (5) of the 15 words :

"Provided that any such licence may, if the licensing board so determine, authorize the sale or delivery of liquor on the licensed premises up to eight o'clock in the evening, or the delivery of liquor off the licensed premises up to nine o'clock in the evening, upon the twenty-third, twenty-fourth, thirtieth and thirty-first days of December, or any one or more of those days, if they be not closed days";

- (ix) by the insertion in sub-section (7) before the words "A bar licence" of the words "Subject to the provisions of paragraph (d) of sub-section (1)";

- (x) by the deletion in sub-section (7) of the words "in which the number of parliamentary voters amounts to four thousand or more" and the substitution thereof of the words "or in any other area which in terms of a certificate of the Minister is in his opinion a health or pleasure resort";

- (xi) by the deletion of the last proviso to sub-section (7) ;

- (xii) by the deletion in sub-section (8) of the words "four thousand" and the substitution thereof of the words "five hundred";

- (xiii) by the deletion of the figure "10" where it occurs for the second time in sub-section (9) and the substitution thereof of the figure "11";

- (xiv) by the deletion of all the words after the words "later than" in sub-section (10) and the substitution thereof of the words "twelve o'clock midnight";

- (xv) by the deletion of the figure "7" in sub-section (12) and the substitution thereof of the figure "6" and by the deletion of the figure "6" in the same sub-section and the substitution thereof of the figure "7".

Amendment of section 85 of Act No. 30 of 1928.

20. Section *eighty-five* of the principal Act is hereby amended by the deletion of the words "by the licensee".

New section 87 *bis* inserted in Act No. 30 of 1928.

21. The following new section is hereby inserted in the principal Act after section *eighty-seven* :—

"K.W.V. 87 *bis*. It shall be a condition of any bottle may sell only liquor licence held by an employee of the "Ko-operatieve Wijnbouwers-Vereniging van Zuid-Afrika, Beperkt" that no other liquor shall be sold thereunder than wine, as the term is defined in section *six* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) which is the product of the Union."

Amendment of section 95 of Act No. 30 of 1928.

22. Section *ninety-five* of the principal Act is hereby amended

- (i) by the addition at the end of paragraph (b) of the word "and";

- (ii) by the insertion after paragraph (b), of the following paragraph :

"(c) in the Province of the Cape of Good Hope no female coloured person may be in possession of any distilled liquor nor on any one day be in possession of more than one pint of wine or two pints of malt liquor, and no person shall sell, supply or deliver to any female coloured person any distilled liquor or on any one day more than the aforementioned quantity of wine or malt liquor ;

- (iii) by the insertion in the proviso after the word "coloured" of the word "male".

Amendment of section 96 of Act No. 30 of 1928.

23. Section *ninety-six* of the principal Act is hereby amended

- (a) by the deletion in sub-section (1) of the words "provided in sub-sections (2) and (3) and in section one hundred and twenty-seven" and the substitution thereof of the words "is otherwise specially provided in this Act";

- op grond van die bepaling van paragraaf (d) van sub-artikel (1) die reg sou verleen om aan bedoelde persoon drank te verkoop en te lewer, dan is daardie persoon aan 'n misdryf skuldig".
- 5 (vi) deur aan die end van sub-artikels (2) en (4) die volgende woorde by te voeg:
- „maar mag, as die lisensieraad sulks besluit, op enige geslote dag behalwe Sondag, Kersdag, Goeie Vrydag of Hemelvaartdag, die wettige vervoer
- 10 van drank veroorloof vir aflewering aan 'n lisensiehouer op die platteland, of vir aflewering op enige plek aan die spoorwegnet beheer deur die Administrasie van Spoorweë en Hawens, vir vervoer per spoor na 'n lisensiehouer";
- 15 (vii) deur sub-artikel (3) te skrap;
- (viii) deur die volgende woorde aan die end van sub-artikel (5) by te voeg:
- „Met die verstande dat as die lisensieraad aldus besluit, so 'n lisensie magtiging mag verleen tot verkoop of aflewering van drank in die gelisensieerde gebou tot agtuur saans of tot aflewering van drank buite die gelisensieerde gebou tot negenuur saans op die drie-en-twintigste, vier-en-twintigste, dertigste en een-en-dertigste Desember of op een of meer van daardie dae, as hulle nie geslote dae is nie";
- 20 (ix) deur in sub-artikel (7) die woorde „(behoudens die bepaling van paragraaf (d) van sub-artikel (1))" na die woorde „bier-lisensie mag" in te voeg;
- 30 (x) deur in sub-artikel (7) die woorde „waarin die aantal parlementêre kiesers vierduisend of meer bedra" te skrap en te vervang deur die woorde „of in enige ander gebied wat blykens 'n sertifikaat van die Minister, volgens sy oordeel 'n gesondheids- of ontspannings-oord is";
- 35 (xi) deur die laaste voorbehoudsbepaling tot sub-artikel (7) te skrap;
- (xii) deur in sub-artikel (8) die woord „vierduisend" te skrap en te vervang deur die woord „vyfhonderd";
- 40 (xiii) deur die woord „tienuur" in sub-artikel (9) te skrap en te vervang deur die woord „elfuur";
- (xiv) deur al die woorde na die woorde „later as" in sub-artikel (10) te skrap en te vervang deur die woorde „twaalfuur middernag";
- 45 (xv) deur die woord „sewenuur" in sub-artikel (12) te skrap en te vervang deur die woord „sesuur" en deur die woord „sesuur" in dieselfde sub-artikel te skrap en te vervang deur die woord „sewenuur".
20. Artikel *vyf-en-tagtig* van die Hoofwet word hiermee gewysig deur die woorde „deur die lisensiehouer" te skrap. Wysiging van artikel 85 van Wet No. 30 van 1928.
- 50 21. Die volgende nuwe artikel word hiermee na artikel *sewen-en-tagtig* in die Hoofwet ingevoeg:
- „K.W.V. 87 bis. 'n Bottel-dranklisensie gehou deur 'n dienaar van die „Koöperatiewe Wijnbouwers-Vereniging van Zuid-Afrika, Beperkt" is onderhewig aan die voorwaarde dat geen ander drank kragtens dieselfde verkoop mag word nie as wyn, soos daar die woord omskrywe is in artikel *ses* van die „Wijn, Spiritualiën en Azijn-Wet, 1913 (Wet No. 15 van 1913) wat die produk van die Unie is".
- 55 „K.W.V. mag slegs Unie-wyn verkoop."
- 60 22. Artikel *vyf-en-negentig* van die Hoofwet word hiermee gewysig—
- (i) deur die woord „en" aan die end van paragraaf (b) by te voeg;
- (ii) deur die volgende paragraaf na paragraaf (b) in te voeg:
- 65 „(c) mag in die Provinsie Kaap die Goeie Hoop geen vroulike kleurling gedistilleerde drank besit nog op een dag meer dan een pint wyn of twee pint bier in besit hê nie en niemand aan 'n vroulike kleurling gedistilleerde drank of op een dag meer dan die bogenoemde hoeveelheid wyn of bier verkoop, verstrek of lewer nie;
- 70 (iii) deur in die voorbehoudsbepaling die woord „manlike" voor die woord „Asiaat" in te voeg.
- 75 23. Artikel *ses-en-negentig* van die Hoofwet word hiermee gewysig—
- (a) deur in sub-artikel (1) die woorde „volgens bepaling van sub-artikels (2) en (3) en artikel *honderd-sewen-en-twintig*" te skrap en te vervang deur die woorde „vir sover hierdie Wet spesiaal anders bepaal";
- 80 Wysiging van artikel 95 van Wet No. 30 van 1928.
- Wysiging van artikel 96 van Wet No. 30 van 1928.

- (b) by the deletion in sub-section (2) of the words "twenty-one" and the substitution therefor of the word "eighteen";
- (c) by the insertion in sub-section (2) of the words "three pints" before the words "kaffir beer";
- (d) by the deletion of sub-section (3) and the substitution therefor of the following new sub-section:—
 (3) In the Province of the Orange Free State or in a rural area of the Province of Transvaal any *bona fide* employer may on any one day supply gratis to 10 his male native, Asiatic or coloured employee of eighteen years or above that age one single drink consisting of not more than one half-pint of wine, as defined in section *six* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) or one quarter pint 15 of distilled liquor, which is in either case the product of the Union, to be consumed when received and in the presence of such employer, or his agent, or a ration of not more than three pints of kaffir beer;
- (e) by the addition thereto of the following new sub- 20 sections:
 (6) In the Province of the Cape of Good Hope or of Transvaal a licensing board may, at its annual meeting, consider any application lodged in writing with the magistrate of the district on or before the 25 preceding fifteenth day of November, by a person permanently employing in such district not less than fifty male natives, Asiatics or coloured persons of or over the age of eighteen years, for authority to supply gratis, to such employees, wine, malt liquor or 30 kaffir beer.
 (7) The provisions of Chapter IV of this Act, other than sub-section (1) of section *thirty-eight* and sub-section (1) of section *thirty-nine* shall not apply to any such application. 35
 (8) A magistrate receiving any such application shall with reasonable despatch transmit a copy thereof to the senior officer in police charge of the district.
 (9) At the hearing of any such application the 40 applicant may adduce evidence in support of his application and any police officer may verbally object to the granting of the application and may adduce evidence in support of his objection.
 (10) Upon the consideration of any such application 45 the licensing board may refuse the application or may authorize the applicant during the ensuing calendar year, so long as he *bona fide* employs in the district not less than fifty male natives, Asiatics or coloured persons, to supply gratis to any of such employee on 50 any one day a ration of not more than one half-pint of wine as defined in section *six* of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) or not more than one pint of malt liquor, which is in either case the product of the Union, or not more than three 55 pints of kaffir beer.

Amendment of
section 102 of Act
No. 30 of 1928.

24. Section *one hundred and two* of the principal Act is hereby amended—

- (i) by the deletion, in sub-section (1) of the words "in or in connection with the sale of liquor or during the 60 hours when liquor may be sold or supplied by him";
- (ii) by the addition of the following proviso to paragraph (a) of sub-section (2):
 "Provided that he may employ any native, Asiatic or coloured male person of or over the age of eighteen 65 years solely for the purpose of cleaning any part of the licensed premises or the utensils therein used, or for the purpose of conveying into any part of such premises any object or substance whatsoever, or for the purpose of conveying out of any part of such 70 premises any object or substance other than liquor contained in drinking vessels and intended for delivery to any person."

Amendment of
section 105 of Act
No. 30 of 1928.

25. Sub-section (1) of section *one hundred and five* of the principal Act is hereby amended by the deletion of the words 75 "showing in respect of every sale of liquor by him" and the substitution therefor of the words "wherein he shall enter in respect of every sale of any quantity of liquor (other than malt liquor) exceeding six quarts, to any one person on any one day".

- (b) deur in sub-artikel (2) die woorde „een-en-twintig” te skrap en te vervang deur die woord „agtien”;
- (c) deur in sub-artikel (2) die woorde „drie pinte” voor die woord „kafferbier” in te voeg;
- 5 (d) deur sub-artikel (3) te skrap en te vervang deur die volgende nuwe sub-artikel:
- „(3) In die Provinsie Oranje-Vrystaat of op die platteland in die Provinsie Transvaal kan ’n *bona fide* werkgewer op een dag aan sy manlike naturelle, Asiatische of kleurling-bediende van ’n ouderdom van
- 10 agtien jaar of meer gratis verstreke een enkele sopie, bestaande uit nie meer as ’n halwe pint wyn soos omskrywe in artikel ses van die „Wijn, Spiritualiën en Azijn Wet, 1913” (Wet No. 15 van 1913) of ’n
- 15 kwart pint gedistilleerde drank, wat in beide gevalle die produk van die Unie is, om by ontvangs en in teenwoordigheid van daardie werkgewer of sy verteenwoordiger gedrink te word, of ’n rantsoen van nie meer as drie pinte kafferbier”;
- 20 (e) deur die volgende nuwe sub-artikels daaraan toe te voeg:—
- „(6) In die Provinsie Kaap die Goeie Hoop of Transvaal kan ’n lisensieraad op sy jaarlikse vergadering in oorweging neem ’n aanvraag wat op of
- 25 voor die voorgaande vyftiende dag van November by die magistraat van die distrik ingedien is deur iemand wat deurgaans in daardie distrik nie minder as vyftig manlike naturelle, Asiatische of kleurlinge van ’n ouderdom van agtien jaar of meer in diens het,
- 30 om vergunning om aan daardie bediendes gratis wyn, bier of kafferbier te verstrek.
- (7) Die bepalings van Hoofstuk IV van hierdie Wet behalwe sub-artikel (1) van artikel *agt-en-dertig* en sub-artikel (1) van artikel *negen-en-dertig* is nie op
- 35 so ’n aanvraag van toepassing nie.
- (8) ’n Magistraat wat so ’n aanvraag ontvang, moet met redelike spoed ’n kopie daarvan stuur aan die senior-beampte onder wie se poliesietoetsing die distrik staan.
- 40 (9) By die verhoor van so ’n aanvraag kan die aanvraer getuienis tot staving van sy aanvraag aanvoer en enige polisiebeampte kan mondeling beswaar maak teen bewilling van die aanvraag en kan getuienis tot staving van sy beswaar aanvoer.
- 45 (10) Na oorweging van so ’n aanvraag kan die lisensie-raad die aanvraag weier of kan aan die aanvraer vergunning verleen om gedurende die volgende kalenderjaar solank hy te goeder trou in die distrik nie minder as vyftig manlike naturelle, Asiatische of kleurlinge in diens het, aan so ’n bediende op een
- 50 dag gratis ’n rantsoen verstreke van nie meer as ’n halwe pint wyn, soos omskrywe in artikel ses van die „Wijn, Spiritualiën en Azijn Wet, 1913” (Wet No. 15 van 1913), of nie meer as een pint bier, wat in beide
- 55 gevalle die produk van die Unie is, of nie meer as drie pinte kafferbier”.
24. Artikel *honderd-en-twee* van die Hoofwet word hiermee gewysig—
- (i) deur die volgende woorde in sub-artikel (1) te skrap:
- 60 „by of in verband met die verkoop van drank of gedurende die tye wanneer hy drank mag verkoop of verstreke”;
- (ii) deur die volgende voorbehoudsbepaling by paragraaf (a) van sub-artikel (2) te voeg:
- 65 „Met die verstande dat hy ’n naturelle, Asiatische of kleurling-manspersoon wat agtien jaar oud of ouer is, te werk kan stel alleen om een of ander gedeelte van die gelisensieerde gebou of die daarin gebruikte gereedskap skoon te maak of om enige voorwerp of
- 70 stof hoegenaamd in enige gedeelte van bedoelde gebou te bring of om uit enige gedeelte van bedoelde gebou enige voorwerp of stof te verwyder, behalwe drank in drinkgereedskap, bestem om aan iemand gelever te word.”
- 75 25. Sub-artikel (1) van artikel *honderd-en-vyf* van die Hoofwet word hiermee gewysig deur die woorde „wat ten opsigte van elke verkoop van drank deur hom aangee” te skrap en te vervang deur die woorde „waarin hy met betrekking tot elke verkoop van ’n hoeveelheid drank (behalwe
- 80 bier) van meer as ses kwarte aan een persoon op een dag moet opteken”.
- Wysiging van artikel 102 van Wet No. 30 van 1928.
- Wysiging van artikel 105 van Wet No. 30 van 1928.

Amendment of section 111 of Act No. 30 of 1928.

26. Section *one hundred and eleven* of the principal Act is hereby amended by the insertion after the word "person" where it occurs for the first time of the words "other than a licensee".

Amendment of section 114 of Act No. 30 of 1928.

27. Section *one hundred and fourteen* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the words "any licensee" of the words "his servant or agent"; and

(b) by the insertion in sub-section (2) after the word "any licensee" of the words "his servant or agent".

Amendment of section 116 of Act No. 30 of 1928.

28. Section *one hundred and sixteen* of the principal Act is hereby amended by the deletion in paragraph (b) of the words "in the case of a licence for which the authority of the board is not required without the written consent of the magistrate" and the substitution therefor of the words "of the magistrate and two members of the board".

Repeal of section 117 of Act No. 30 of 1928.

29. Section *one hundred and seventeen* of the principal Act is hereby repealed.

Insertion of new section 125 bis in Act No. 30 of 1928.

30. The following new section is hereby inserted in the principal Act after section *one hundred and twenty-five*:

Introduction 125 bis. No person shall introduce into or possess to or possession of kaffir beer on alluvial diggings. upon any place proclaimed as an alluvial digging under the Precious Stones Act, 1927 (Act No. 44 of 1927), or any other law controlling or regulating the recovery of any precious stones or any mineral, from alluvial, any kaffir beer, unless such introduction or possession is covered by any provision of or any permit issued under this Act or any other law, or is authorized by a permit given in writing by the Mining Commissioner or by some other officer under his authority stating—

(a) the name and address of the holder of the permit;

(b) the quantity of kaffir beer the introduction or possession of which is permitted; and

(c) the date when, place at which, and purpose for which, the kaffir beer to which it refers may be introduced or possessed.

Repeal of section 127 of Act No. 30 of 1928.

31. Section *one hundred and twenty-seven* of the principal Act is hereby repealed.

Substitution of section 128 of Act No. 30 of 1928.

32. Section *one hundred and twenty-eight* of the principal Act is hereby repealed and the following new section substituted therefor:

"State beer and wine houses for natives, Asiatics and coloured persons. 128 (1) Notwithstanding any other provision of this Act, the Minister of Native Affairs or any other Minister of State to whom the Governor-General has assigned the administration of this section, may cause to be established and carried on in any urban area one or more kaffir beer and wine houses at which without licence under this Act or any other law, there may be sold directly by the State to natives, Asiatics and coloured persons, in reasonable quantities for consumption on the premises, kaffir beer and wine, as defined in section six of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913) which has been produced in the Union.

(2) The said Minister may from time to time appoint all persons necessary in connection with the establishment and conduct of a kaffir beer and wine house under sub-section (1) and may by rules prescribe—

(a) the manner of brewing and storage of kaffir beer intended for sale in any such kaffir beer and wine house;

(b) the quantity of kaffir beer and wine which may be supplied in any such house to any one person at a time or during any period;

(c) the alcoholic strength of such beverage;

(d) the price at which it shall be sold in any such house;

(e) the manner in which it shall be supplied therein;

(f) the days on which and the hours during which it shall be so supplied;

(g) the conditions with which any person shall comply before he may be supplied with kaffir beer or wine in any such house;

26. Artikel *honderd-en-elf* van die Hoofwet word hiermee gewysig deur na die woord „iemand” waar dit vir die eerste maal voorkom, die woorde „anders as ’n lisensiehouer” in te voeg. Wysiging van artikel 111 van Wet No. 30 van 1928.
- 5 27. Artikel *honderd-en-veertien* van die Hoofwet word hiermee gewysig— Wysiging van artikel 114 van Wet No. 30 van 1928.
- (a) deur in sub-artikel (1), na „lisensiehouer” in te voeg, „sy dienaar of verteenwoordiger”; en
- (b) deur in sub-artikel (2), na „lisensiehouer” in te voeg „sy dienaar of verteenwoordiger”.
- 10 28. Artikel *honderd-en-sestien* van die Hoofwet word hiermee gewysig deur in paragraaf (b) die woorde „in die geval van ’n lisensie waarvoor die magtiging van die raad nie vereis is nie sonder skriftelike toestemming van die magistraat”, te skrap en te vervang deur die woorde „van die magistraat en twee lede van die raad”. Wysiging van artikel 116 van Wet No. 30 van 1928.
- 15 29. Artikel *honderd-en-sewentien* van die Hoofwet word hiermee herroep. Herroeping van artikel 117 van Wet No. 30 van 1928.
- 20 30. Die volgende nuwe artikel word hiermee in die Hoofwet na artikel *honderd-vyf-en-twintig* ingevoeg: Invoeging van nuwe artikel 125 bis in Wet No 30 van 1928.
- Vervoer of besit van kafferbier na of op alluwiale delwery. 125 bis. Niemand mag kafferbier vervoer na of besit op ’n plek wat kragtens die Wet op Edelgesteentes, 1927 (Wet No. 24 van 1927) of enige ander wet tot beheer of reëling van die uithaal van edelgesteentes of minerale uit alluwiale grond, tot ’n alluwiale delwery geproklameer is, tensy daardie vervoer of besit gedek is deur ’n bepaling van hierdie of ’n ander wet of deur ’n permit uit kragte daarvan uitgereik, of veroorloof word deur ’n skriftelike permit uitgereik deur die myn-kommissaris of op sy gesag deur ’n ander amp-tenaar, vermeldende—
- (a) die naam en adres van die permithouer;
- (b) die hoeveelheid kafferbier waarvan die vervoer of besit veroorloof word; en
- (c) die datum wanneer, die plek waar en die doel waarvoor die daarin bedoelde kafferbier ingevoer of besit mag word.
- 30 31. Artikel *honderd-sewen-en-twintig* van die Hoofwet word hiermee herroep. Herroeping van artikel 127 van Wet No. 30 van 1928.
- 35 32. Artikel *honderd-agt-en-twintig* van die Hoofwet word hiermee herroep en deur die volgende nuwe artikel vervang: Vervanging van artikel 128 van Wet No. 30 van 1928.
- „Staats bier- en wynwinkels vir natuurlike, Asiate en kleurlinge. 128. (1) Nieteenstaande enige ander bepaling van hierdie Wet, kan die Minister van Naturellesake of enige ander Staatsminister aan wie die Goewerneur-generaal die uitvoering van hierdie artikel toevertrou het, in enige stadsgebied een of meer kafferbier- en wynwinkels laat oprig en dryf, waarin, sonder enige lisensie ingevolge hierdie of enige ander wet, deur die Staat direk aan natuurlike, Asiate en kleurlinge kafferbier en wyn, soas omskrywe in artikel ses van die „Wijn, Spiritualien en Azijs Wet, 1913” (Wet No. 15 van 1913) wat in die Unie vervaardig is, in redelike hoeveelhede kan verkoop word om in die betrokke gebou gebruik te word.
- (2) Voormelde Minister kan van tyd tot tyd alle persone aanstel wat nodig is in verband met die oprigting en bedryf van ’n kafferbier- en wynwinkels kragtens sub-artikel (1) en kan deur ’n reglement voorskryf—
- (a) die wyse waarop kafferbier vir verkoop in so ’n kafferbier- en wynwinkel gebrui en bewaar moet word;
- (b) die hoeveelheid kafferbier en wyn wat in so ’n winkel aan een persoon op eens of gedurende een of ander tydperk verstrekk mag word;
- (c) die alkoholgehalte van sodanige drankes;
- (d) die prys waarteen hulle in so ’n winkel verkoop moet word;
- (e) die wyse waarop hulle daarin verstrekk moet word;
- (f) die dae waarop en die ure wanneer hulle so verstrekk mag word;
- (g) die voorwaardes waaraan iemand moet voldoen voordat kafferbier of wyn in so ’n winkel aan hom verstrekk mag word;

- (h) what class of person shall not be admitted to any such house or be supplied therein with wine;
- (i) any other matter which he deems necessary for the proper conduct of any such house, 5
and may generally take any steps which he deems necessary to give effect to this section.

(3) The cost of establishing and carrying on any kaffir beer and wine house under this section shall be defrayed from funds provided by Parliament for the purpose and the revenue derived from the sale of kaffir beer and wine in any such house shall be paid into the Consolidated Revenue Fund: Provided that if, during any period of twelve months ended on the thirty-first day of March in any year 15 the revenue derived by the State from any such house exceeds the cost incurred by the State in connection therewith and added thereto the reasonable depreciation of all movable property used in connection therewith, and five per cent. of 20 the value of any immovable State-owned property used in connection therewith such excess shall be paid into the native revenue account referred to in section *eight* of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923) of the urban local 25 authority (as in section *twenty-nine* of that Act defined) within whose area of jurisdiction the kaffir beer and wine house in question is situate".

Amendment of section 132 of Act No. 30 of 1928.

33. Section *one hundred and thirty-two* of the principal Act is hereby amended— 30

- (a) by the insertion, after the word "liquor" in sub-section (1), of the words "other than malt liquor";
- (b) by the insertion, after the words "that urban area" in sub-section (1) of the words "Provided that if the holder of an off-consumption licence conveys 35 simultaneously various quantities of liquor lawfully sold by him to various separate purchasers, for delivery to them, he shall not be required to possess any such permit in respect of any quantity of liquor not exceeding the quantity hereinbefore specified, 40 which he so conveys for delivery to any one such purchaser";
- (c) by the deletion in sub-section (5) of the words "a wholesale liquor licence or of a brewers" and the substitution therefor of the words "any liquor". 45

Amendment of section 133 of Act No. 30 of 1928.

34. Section *one hundred and thirty-eight* of the principal Act is hereby amended by the insertion of the following words at the end of sub-section (2) "and at the same time send by registered post or personally deliver a copy of such report to the licensee, the lessor of the premises, and to every person 50 described in sub-paragraph (ii) of paragraph (a) of sub-section (3) of section *thirty-one*".

Amendment of section 143 of Act No. 30 of 1928.

35. Section *one hundred and forty-three* of the principal Act is hereby amended by the insertion after the word "register" of the words "(which may consist of duplicates or copies 55 of the permits or authorities issued, if kept in book form)".

Insertion of new section 156 bis in Act No. 30 of 1928.

36. The following new section is hereby inserted in the principal Act after section *one hundred and fifty-six*:

Presump- 156 bis. If in any charge under this Act it is
tion as to alleged that any liquid was or is kaffir beer, evidence 60
kaffir beer. that such liquid had or has the appearance of kaffir beer shall be *prima facie* proof that it was or is kaffir beer.

Amendment of section 166 of Act No. 30 of 1928.

37. Section *one hundred and sixty-six* of the principal Act is hereby amended by the insertion after the word "licensee" 65 in paragraph (h) of the words "his servant or agent"; and by the addition to paragraph (r) of the words—

"in contravention of section *one hundred and twenty-five bis*, introduces into or possesses in any place mentioned in that section any kaffir beer; or upon any land or in 70 any place where, in terms of section *one hundred and twenty-five* or *one hundred and twenty-six* no kaffir beer may be brewed except by consent or under a permit, possesses kaffir beer in respect of which no such consent or permit has been granted; or".

- (h) die kategorie van persone wat nie tot so 'n winkel toegelaat of daarin met wyn bedien mag word nie;
- (i) enigiets anders wat hy nodig ag vir die behoorlike bestier van so 'n winkel,
- 5 en oor die algemeen kan hy alles doen wat hy nodig ag om aan hierdie artikel gevolg te gee.
- (3) Die koste van oprigting en bedryf van 'n kafferbier- en wynwinkel kragtens hierdie artikel word bestry uit gelde deur die Parlement daarvoor
- 10 beskikbaar gestel en die inkomste verkry uit die verkoop van kafferbier en wyn in so 'n winkel, word in die Gekonsolideerde Inkomstefonds gestort: Met die verstande dat as gedurende 'n tydperk
- 15 van twaalf maande wat op die een-en-dertigste dag van Maart in een of ander jaar eindig, die inkomste deur die Staat uit so 'n winkel verkry, meer bedra as die Staat se uitgawe in verband daarmee, benewens die redelike waardevermindering van alle in verband daarmee gebruikte
- 20 roerende goed en vyf persent van die waarde van alle in verband daarmee gebruikte onroerende staatseiendom, dan moet die oorskot gestort word in die natuurlike-inkomsterekening vermeld in artikel 47 van die „Naturellen (Stadsgebieden) Wet, 1923” (Wet No. 21 van 1923) van die
- 25 stedelike plaaslike bestuur (soas in artikel negen-en-twintig van daardie wet omskrywe) waarin die betrokke kafferbier- en wynwinkel geleë is”.
- 30 33. Artikel *honderd-twee-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 132 van Wet No. 30 van 1928.
- (a) deur die woord „drank” in sub-artikel (1) te vervang deur die woorde „ander drank as bier”;
- (b) deur in sub-artikel (1) na die woord „verklaar”
- 35 die volgende woorde in te voeg: „Met die verstande dat as die houer van 'n buiteverbruikslisensie tege- lykertyd verskillende hoeveelhede drank, wat hy wettig aan verskillende afsonderlike kopers verkoop
- 40 het, vervoer om dit aan hulle af te lewer, hy nie verplig is nie om so 'n permit te besit vir 'n hoeveelheid drank van nie meer as die wat hierbo vasgestel is, wat hy aldus vervoer ter aflewering aan een sodanige koper”;
- (c) deur die woorde „'n groothandelaars-dranklisensie of van 'n bierbrouers-lisensie” te skrap en te vervang
- 45 deur die woorde „enige dranklisensie”.
34. Artikel *honderd-agt-en-dertig* van die Hoofwet word hiermee gewysig deur aan die end van sub-artikel (2) die vol- Wysiging van artikel 138 van Wet No. 30 van 1928.
- 50 gende woorde by te voeg: „en terselfdertyd aan die lisensie- houer, die verhuurder van die gebou en aan elkeen bedoel in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (3) van artikel *een-en-dertig* na afskrif van bedoelde verslag per geregistreerde brief stuur of dit aan hom persoonlik besorg”.
35. Artikel *honderd-drie-en-veertig* van die Hoofwet word hiermee gewysig deur die woorde „(wat kan bestaan uit Wysiging van artikel 143 van Wet No. 30 van 1928.
- 55 duplikate of kopieë van die uitgereikte permitte of magtigings, indien in die vorm van 'n boek gehou)” na die woord „aanhou” in te voeg.
36. Die volgende nuwe artikel word hiermee in die Hoofwet Invoeging van nuwe artikel 156 bis in Wet No. 30 van 1928.
- 60 na artikel *honderd-ses-en-vyftig* ingevoeg:
- Presumpsie 156 bis. Wanneer in 'n beskuldiging kragtens ontrent hierdie Wet beweer word dat 'n vloeistof kafferbier was of is, dan lewer getuienis dat daardie vloeistof na kafferbier gelyk het of lyk, *prima facie* die
- 65 bewys dat dit kafferbier was of is.
37. Artikel *honderd-ses-en-sestig* van die Hoofwet word hiermee gewysig deur in paragraaf (h) na die woord „lisensie- Wysiging van artikel 166 van Wet No. 30 van 1928.
- 70 houer” die woorde „sy dienaar of verteenwoordiger” in te voeg en deur aan paragraaf (r) die volgende woorde toe te voeg:
- „in stryd met artikel *honderd-vyf-en-twintig bis* kafferbier na 'n plek in daardie artikel vermeld, vervoer of daar besit; of op grond of 'n plek waar volgens artikel *honderd-vyf-en-twintig* of *honderd-ses-en-twintig* alleen kragtens toestemming of 'n permit kafferbier gebrou
- 75 mag word, kafferbier besit waarvoor geen sodanige toestemming of permit verleen is nie; of”.

Amendment of
section 167 of Act
No. 30 of 1928.

38. Section *one hundred and sixty-seven* of the principal Act is hereby amended by the deletion in sub-section (2) of the words—

“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”.

Amendment of
section 168 of Act
No. 30 of 1928.

39. Section *one hundred and sixty-eight* of the principal Act is hereby amended by the deletion in sub-section (2) thereof of the words—

“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”.

Insertion of new
section 169 *bis* in
Act No. 30 of 1928.

40. The following new section is hereby inserted in the principal Act after section *one hundred and sixty-nine* :

Term of imprisonment under this Act is in discretion of court. 169 *bis*. (1) Whenever an offender is sentenced to pay a fine under this Act and does not forthwith pay it, all the provisions of sections *three hundred and forty-five* and *three hundred and forty-six* of the Criminal Procedure and Evidence Act, 1917, or any amendment thereof, shall apply, save that the period of imprisonment which may be ordered by the court shall be in its discretion, but shall not exceed twelve months.

(2) Whenever under this Act any Court is authorized to impose imprisonment, the term thereof shall be in its discretion, but shall not exceed twelve months.

Amendment of
section 172 of Act
No. 30 of 1928.

41. Section *one hundred and seventy-two* of the principal Act is hereby amended by the insertion at the commencement of paragraph (a) of the words “Any condition in”.

Amendment of
section 175 of Act
No. 30 of 1928.

42. Section *one hundred and seventy-five* of the principal Act is hereby amended—

(a) by the deletion in paragraph (a) of the definition of “native” of the word “and” and the substitution therefor of the words “but excluding”;

(b) by the insertion after the definition of “supply” of the following definition:
“‘this Act’ includes any regulation in force thereunder”.

(c) by the addition to paragraph (e) of the definition of “Transkeian territories” of the words:
“excluding the districts of Maclear and Elliot”.

Amendment to
First Schedule to
Act No. 30 of 1928.

43. The First Schedule of the principal Act is hereby amended by the insertion in the list of Transvaal laws repealed of the following item:—

Act No. 33 of 1916	The Transvaal Liquor Licensing Laws Amendment Act 1916.	The whole.
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Amendment of
Third Schedule to
Act No. 30 of 1928.

44. The Third Schedule to the principal Act is hereby amended—

(a) by the insertion of the word “(ordinary)” after the word “Bottle” in the first column;

(b) by the insertion of the following new item after the item relating to bottle liquor licences:

“Bottle, in favour of employee of “Ko-operatieve Wijnbouwers-Vereniging van Zuid-Afrika, Be-perkt”.	10 0 0 5 0 0 5 0 0 5 0 0
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Repeal of Laws.

45. (1) The expired provisions of the principal Act enumerated in the First Schedule to this Act are hereby repealed.

(2) The laws enumerated in the Second Schedule to this Act are hereby repealed.

Amendment of
section 58 of Act
No. 22 of 1916.

46. Section *fifty-eight* of the Railways and Harbours Regulation, Control and Management Act, 1916 is hereby amended by the deletion of the first proviso contained therein and the substitution therefor of the following new proviso:

38. Artikel *honderd-sewen-en-sestig* van die Hoofwet word hiermee gewysig deur die volgende woorde uit sub-artikel (2) te skrap : Wysiging van artikel 167 van Wet No. 30 van 1928.
- 5 „wat tot die boete wat opgelê kon geword het, in die verhouding staan wat vasgestel is in sub-artikel (1) van artikel *driehonderd-vyf-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917, of enige wysiging daarvan”.
39. Artikel *honderd-agt-en-sestig* van die Hoofwet word hiermee gewysig deur die volgende woorde uit sub-artikel (2) te skrap : Wysiging van artikel 168 van Wet No. 30 van 1928.
- 10 „wat tot die boete wat opgelê kon geword het, in die verhouding staan wat vasgestel is in sub-artikel (1) van artikel *driehonderd-vyf-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917, of enige wysiging daarvan”.
- 15
40. Die volgende nuwe artikel word hiermee in die Hoofwet na artikel *honderd-negen-en-sestig* ingevoeg : Invoeging van nuwe artikel 169 bis in Wet No. 30 van 1928.
- 20 Duur van 169 bis. (1) Wanneer 'n oortreder kragtens hierdie Wet veroordeel word tot betaling van 'n boete en dit nie onmiddellik betaal nie, is al die bepalings van artikels *driehonderd-vyf-en-veertig* en *driehonderd-ses-en-veertig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917, of 'n wysiging daarvan van toepassing, behalwe dat die tydperk van gevangenisstraf wat die hof kan beveel, aan sy oordeel oorgelaat word, maar twaalf maande nie mag te bo gaan nie.
- 25 gelaat.
- 30 (2) Wanneer 'n hof bevoeg is om kragtens hierdie Wet gevangenisstraf op te lê, word die duur daarvan aan sy oordeel oorgelaat, maar mag twaalf maande nie te bo gaan nie.
41. Artikel *honderd-twee-en-sewentig* van die Hoofwet word hiermee gewysig deur in paragraaf (a) na die woord „is” die woorde „enige voorwaarde in” in te voeg. Wysiging van artikel 172 van Wet No. 30 van 1928.
- 35
42. Artikel *honderd-vyf-en-sewentig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 175 van Wet No. 30 van 1928.
- (a) deur in paragraaf (a) van die omskrywing van „naturel” die woorde „en Hottentotte” te skrap en deur die woorde „maar nie Hottentotte nie” te vervang ;
- 40 (b) deur na die omskrywing van „verstrek” die volgende omskrywing in te voeg : „hierdie Wet” omvat ook elke uit kragte daarvan geldende regulasie” ;
- 45 (c) deur aan paragraaf (c) van die omskrywing van „Transkeise gebied” die volgende woorde toe te voeg : „met uitsondering van die distrikte Maclear en Elliot”.
- 50 43. Die Eerste Bylae tot die Hoofwet word hiermee gewysig deur in die lys van Transvaalse herroepe wette die volgende item in te voeg : Wysiging van Eerste Bylae tot Wet No. 30 van 1928.
- Wet No. 33 van 1916 Die „Transvaalse Drank Licensie-wetten Wijzigings Wet, 1916”. Geheel.
- 55
44. Die Derde Bylae tot die Hoofwet word hiermee gewysig— Wysiging van Derde Bylae van Wet No. 30 van 1928.
- (a) deur invoeging van die woord „(gewone)” na die woord „Bottel” in die eerste kolom ;
- 60 (b) deur die volgende nuwe item in te voeg na die item wat op bottel-dranklisensies betrekking het : „Bottel, ten gunste 10 0 0 5 0 0 5 0 0 5 0 0 van 'n dienaar van die „Koöperatieve Wijnbouwers-Vereeniging van Zuid-Afrika, Beperkt”.
- 65
45. (1) Die vervalbepalings van die Hoofwet, vermeld in die Eerste Bylae tot hierdie Wet, word hiermee herroep. Herroeping van wette.
- (2) Die wette vermeld in die Tweede Bylae tot hierdie Wet word hiermee herroep.
- 70
46. Artikel *agt-en-veertig* van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916” word hiermee gewysig deur die eerste daarin vervatte voorbehoudsbepaling te skrap en te vervang deur die volgende nuwe voorbehoudsbepaling :
- 75

"Provided that no liquor shall be sold at any such refreshment room to any person to whom liquor could not be lawfully sold and delivered if such refreshment room were an hotel in respect whereof an hotel liquor licence is held under the Liquor Act, 1928 (Act No. 30 of 1928) 5 granting to the holder of such licence the most extensive rights of sale and supply of liquor which he could hold under the said Act in the locality in question.

Short title.

47. This Act shall be known as the Liquor (Amendment) Act, 1933. 10

First Schedule.

EXPIRED PROVISIONS OF THE LIQUOR ACT, 1928, WHICH ARE REPEALED IN TERMS OF SECTION FORTY-FIVE.

Section of Liquor Act, 1928.	Extent of Repeal.
3	Paragraphs (a) and (d) of sub-section (1), and sub-section (4).
4	The whole.
9	Paragraph (a).
12	Sub-section (2).
13	Sub-section (4).
17	The proviso to sub-section (1).

Second Schedule.

LAWS REPEALED.

No. and Year of Law.	Short title or subject of Law.	Extent of Repeal.
(1) British Bechuanaland Proclamation No. 113 of 1891.	—	The whole.
(2) British Bechuanaland Proclamation No. 124 of 1891.	—	The whole.
(3) British Bechuanaland Proclamation No. 127 of 1892.	—	The whole.
(4) Act No. 12 of 1913.	Maclear and Elliot Districts Further Provision Act, 1913.	The last proviso to section one.

- „Met dien verstande dat geen drank in zulk een versinkamer verkocht mag worden aan iemand, aan wie geen drank verkocht en geleverd zou kunnen worden indien bedoelde versinkamer een hotel was, waarvoor krachtens de Drankwet, 1928 (Wet No. 30 van 1928) een hotel-dranklisentie gehouden wordt, waarin aan de houder van die lisentie de omvangrijkste rechten tot verkoop en verstrekking van drank verleend worden, die hij in de betrokken lokaliteit krachtens bedoelde Wet zou kunnen bezitten”.

47. Hierdie Wet heet die Drank-Wysigings Wet, 1933. Kort titel.

Eerste Bylae.

VERVALLE BEPALINGS VAN DIE DRANKWET, 1928, WAT DEUR ARTIKEL VYF-EN-VEERTIG HERROEP WORD.

Artikel van Drankwet.	Omvang van herroeping.
3	Paragraawe (a) en (d) van sub-artikel (1) en sub-artikel (4).
4	Geheel.
9	Paragraaf (a).
12	Sub-artikel (2).
13	Sub-artikel (4).
17	Die voorbehoudbepaling tot sub-artikel (1).

Tweede Bylae.

HERROEPTE WETTE.

No. en jaar van Wet.	Kort titel of onderwerp van Wet.	Omvang van herroeping.
(1) Brits Betsjoeanalandse Proklamasie No. 113 van 1891.	—	Geheel.
(2) Brits Betsjoeanalandse Proklamasie No. 124 van 1891.	—	Geheel.
(3) Brits Betsjoeanalandse Proklamasie No. 127 van 1892.	—	Geheel.
(4) Wet No. 12 van 1913.	Maclear en Elliot Distrikten Verdere Voorzieningswet, 1913.	Die laaste voorbehoudbepaling tot artikel een.

PAGE 175 NO. 21 Prohibition of Prospecting on certain Farms, Cape.

PAGE 178 NO.154 Treasury Bills - Change of Rates.

PAGE 211 NO.163 Lease of Mineral Rights, Portions of Farm
Vogelstruisfontein No. 62, Johannesburg.

VOL. XCI.] PRYS 6d. PRETORIA, 3RD FEBRUARY, 1933. PRICE 6d.

INHOUD.

Alle Proklamasies, Goewermements- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

No.	Proklamasies.	BLADSY
* 21.	Verbod op Prospekteer op sekere Plase, Kaap ...	175
* 22.	Vernietiging van Karkasse, Humansdorp ...	175
* 23.	Invoer van Hondse van Verenigde State van Amerika ...	176
* 24.	Eerste Oostelike Rondgaande Howe, Transvaal, 1933 ...	176
* 25.	Juriedistrik Waterberg—Verandering van ...	177
Goewermementskennisgewings.		
DEPARTEMENT VAN FINANSIES:		
* 143.	Doeanepakhuis, Kaapstad—Herroeping ...	177
* 144.	Doeanepakhuis, Port Elizabeth—Aanwysing ...	177
* 148.	Doeanepakhuis, Port Elizabeth—Herroeping ...	177
* 154.	Skatkisbiljette—Verandering van Tarief ...	178
* 157.	Doeanepakhuis, Port Elizabeth—Aanwysing ...	178
* 170.	Uitvoer van Staafgoud en Goudspesie, 28/1/33 ...	178
* 173.	Reserwebank—Opgaaf 27/1/33 ...	178
DEPARTEMENT VAN BINNELANDSE SAKE:		
* 150.	Aanstelling van Waarnemende Registrateur van Asië ...	179
* 159.	Aanstelling van Publieke Amptenare tot Huweliksbevestigers ...	179
* 160.	Aanstelling van Huweliksbevestigers ...	180
* 164.	Verkieping van Senator, Kaap ...	180
DEPARTEMENT VAN VOLKSGESONDHEID:		
* 168.	Aanstelling van Geneeskundige Superintendent, Pretoriase Melaatse Inrigting ...	180
* 171.	Malaria-regulasies ...	180
* 172.	Malaria 'n Aangeebare Siekte Verklaar, Potgietersrus ...	181
DEPARTEMENT VAN LANDE:		
* 153.	Tenders vir die Huur van Perseel No. 1, Wemmer, Johannesburg ...	181
* 155.	Kroongrondhoeves beskikbaar, Transvaal ...	182
* 167.	Tenders vir die Huur van Restant van Hartbeestpoort D No. 43, Brits ...	185
* 169.	Aanstelling van Lede van Kaapse Landraad ...	185
DEPARTEMENT VAN VERDEDIGING:		
* 158.	Eenhede van Verlengde Diens ...	185

CONTENTS.

All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

No.	Proclamations.	PAGE
* 21.	Prohibition of Prospecting on certain Farms, Cape ...	175
* 22.	Destruction of Carcasses, Humansdorp ...	175
* 23.	Importation of Dogs from U.S.A. ...	176
* 24.	First Eastern Circuit Courts, Transvaal, 1933 ...	176
* 25.	Jury District of Waterberg—Alteration of ...	177
Government Notices.		
DEPARTMENT OF FINANCE:		
* 143.	Bonded Warehouse, Capetown—Revocation ...	177
* 144.	Bonded Warehouse, Port Elizabeth—Appointment ...	177
* 148.	Bonded Warehouse, Port Elizabeth—Revocation ...	177
* 154.	Treasury Bills—Change of Rates ...	178
* 157.	Bonded Warehouse, Port Elizabeth—Appointment ...	178
* 170.	Export of Gold Bullion and Gold Specie, 28/1/33 ...	178
* 173.	Reserve Bank Statement, 27/1/33. ...	179
DEPARTMENT OF INTERIOR:		
* 150.	Appointment of Acting Registrar of Asiatics ...	179
* 159.	Appointment of Public Officers as Marriage Officers ...	179
* 160.	Appointment as Marriage Officers ...	180
* 164.	Election of Senator, Cape ...	180
DEPARTMENT OF PUBLIC HEALTH:		
* 168.	Appointment of Medical Superintendent, Pretoria Leper Institution ...	180
* 171.	Malaria Regulations ...	180
* 172.	Malaria declared a Notifiable Disease, Potgietersrus ...	181
DEPARTMENT OF LANDS:		
* 153.	Tenders for Lease of Lot No. 1, Wemmer, Johannesburg ...	181
* 155.	Crown Land Holdings Available, Transvaal ...	182
* 167.	Tenders for Lease of Remainder of Farm Hartbeestpoort D No. 43, Brits ...	185
* 169.	Appointment of Members of Cape Land Board ...	185
DEPARTMENT OF DEFENCE:		
* 158.	Units for Extended Service ...	185

Goewermentskennisgewings (vervolg).		BLADSY.
DEPARTEMENT VAN ARBEID:		
* 151. Fabriekswet: Vrstellings Kennisgewing	...	186
* 152. Fabriekswet: Kennisgewing van Verandering in Werkure	...	186
* 165. Kleremakery-op-maat-Nywerheid, Witwatersrand—Registrasie van Nywerheidsraad	...	186
* 166. Bakkers- en Banketbakkersnywerheid, Witwatersrand—Ooreenkoms	...	187
* 174. Leernywerheid—Ooreenkoms	...	191
DEPARTEMENT VAN LANDBOU:		
* 145. Aanstelling van Inspekteur kragtens „Zuivel-nijwerheid Wet”, No. 16, 1918	...	208
* 146. Aanstelling van Inspekteur kragtens „Zuivel-nijwerheid Wet”, No. 16, 1918	...	208
* 147. Brandmerke geregistreer, Transvaal, 31/12/32	...	209
* 162. Mond- en Klouseer—Verbod op Verwydering van Beeste, ens.	...	209
DEPARTEMENT VAN MYNWESE EN NYWERHEID:		
52. Voorgenome Deproklamasie, Gedeelte Plaas Goedgenoeg No. 1744, Pietersburg	...	210
102. Eksamen vir Mynometers	...	210
* 161. Aanstelling van Sekretaris van die Mynver-huringsraad	...	211
* 163. Huur van die Minerale Regte, Sekere gedeeltes van die Plaas Vogelstruisfontein No. 62, Johannesburg	...	211
DEPARTEMENT VAN BESPROEING:		
* 149. Rivierdistrik van Sterkspruit—Hersiening van Kieserslys	...	212
* 156. Hersiening van Kieserslyste	...	212
DEPARTEMENT VAN BOSBOU:		
1587. Voorgestelde Demarkasie, Subreserwe (d), Blyde-bosreserwe, Pelgrimsrust	...	213
Algemene Kennisgewings.		
KOÖPERATIEWE LANDBOUVERENIGINGS:		
* 57. Lidmaatskaplyste—Wysigings	...	213
* 58. Lidmaatskaplyste	...	214
DEPARTEMENT VAN LANDE:		
24. Kroongrondkaarte, Kaap, 3607/1932, ens.	...	214
DIVERSE:		
* 53. Ontvlugte Gevangene—Thys Kupeka	...	215
* 54. Oberholzer-besproeiingsraad, Verkiesing	...	215
* 55. Onopgevrage Geld—Departement van Myn-wese en Nywerheid	...	215
* 56. Yk van Mate en Gewigte, Boksburg, ens.	...	216
* 59. Volksgesondheidsbulletin No. 5	...	216
* 60. Besproeiingsrade—Datums van Verstryking van Lidmaatskap	...	217
* 61. Vrolikheid- en Zanddrift-besproeiingsrade, Ver-kiesing	...	217
* 62. Lys van Besighede Geregistreer	...	218
Tenders	...	219
Vakante Poste van Distriktgeneeshere	...	223
STAATSDIENSKOMMISSIE:		
Vakature vir Assistent-Ingenieur	...	224
Vakature vir Mediese Beampte vir Melaatsheid-navorsing	...	224
Bankstaat—Stellenbosse Distriktbank, Beperkt	...	225
ADVERTENSIES.		
Patente en Handelsmerke	...	i
Provinsie Transvaal	...	vii
Provinsie Kaap die Goede Hoop	...	xxix
Provinsie Natal	...	xxxvi
Provinsie Oranje-Vrystaat	...	xxxix
Boedel-Kennisgewings	...	xliv

HIGH COMMISSIONER'S GAZETTE (at back).		PAGE
Basutoland.		
NOTICES.		
10. Appointment of Chairman and Members of Licensing Board	...	13
Bechuanaland.		
PROCLAMATIONS.		
7. Further Appropriation (1931-32), 1933	...	13

Government Notices (continued).		PAGE.
DEPARTMENT OF LABOUR:		
* 151. Factories Act: Exemption Notice	...	186
* 152. Factories Act: Notice of variation in Working hours	...	186
* 165. Bespoke Tailoring Industry, Witwatersrand: Registration of Industrial Council	...	186
* 166. Baking and Confectionery Industry, Witwatersrand—Agreement	...	187
* 174. Leather Industry—Agreement	...	191
DEPARTMENT OF AGRICULTURE:		
* 145. Appointment of Inspector under Dairy Industry Act, No. 16, 1918	...	208
* 146. Appointment of Inspector under Dairy Industry Act, No. 16, 1918	...	208
* 147. Brands Registered, Transvaal, 31/12/32	...	209
* 162. Foot and Mouth Disease—Prohibition of Removal of Cattle, etc.	...	209
DEPARTMENT OF MINES AND INDUSTRIES:		
52. Proposed Deproclamation, Portion Farm Goed-genoeg No. 1744, Pietersburg	...	210
102. Mine Surveyors' Examination	...	210
* 161. Appointment of Secretary to the Mining Leases Board	...	211
* 163. Lease of Mineral Rights, Portions of Farm Vogelstruisfontein No. 62, Johannesburg	...	211
DEPARTMENT OF IRRIGATION:		
* 149. Sterkspruit River District—Revision of Voters' List	...	212
* 156. Revision of Voters' Lists	...	212
DEPARTMENT OF FORESTRY:		
1587. Proposed Demarcation, Sub-reserve (d), Blyde Forest Reserve, Pilgrims Rest	...	213
General Notices.		
CO-OPERATIVE AGRICULTURAL SOCIETIES:		
* 57. Membership Lists—Amendments	...	213
* 58. Membership Lists	...	214
DEPARTMENT OF LANDS:		
24. Crown Land Diagrams, Cape, 3607/1932, etc.	...	214
MISCELLANEOUS:		
* 53. Escaped Convict—Thys Kupeka	...	215
* 54. Oberholzer Irrigation Board Election	...	215
* 55. Unclaimed Moneys, Department of Mines and Industries	...	215
* 56. Assizing of Weights and Measures, Boksburg, etc.	...	216
* 59. Public Health Bulletin No. 5	...	216
* 60. Irrigation Boards—Dates of Expiration of Mem-ber-ship	...	217
* 61. Vrolikheid and Zanddrift Irrigation Boards Election	...	217
* 62. List of Businesses Registered	...	218
Tenders	...	219
Vacant District Surgeoncies	...	223
PUBLIC SERVICE COMMISSION:		
Vacancy for Assistant Engineer	...	224
Vacancy for Medical Officer for Leprosy Research	...	224
Bank Statement—Stellenbosch District Bank, Limited	...	225
ADVERTISEMENTS.		
Patents and Trade Marks	...	...
Transvaal Province	...	...
Cape of Good Hope Province	...	...
Natal Province	...	...
Orange Free State Province	...	...
Estate Notices	...	...

No.	NOTICES.	PAGE.
9.	Dairies and Dairy Produce Regulations	1
11.	Appointment of Marriage Officer	1
---	Motor Roads	14
Swaziland.		
NOTICES.		
12.	Constitution of Liquor Licensing Courts, Mbabane and Hlatikulu	14