

Property Division



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GOVERNMENT GAZETTE



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[No. 2339.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 524.

2nd April, 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 23 of 1969: Liquor Amendment Act, 1969.

No. 524.

2 April 1969.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 23 van 1969: Drankwysigingswet, 1969.

Act No. 23, 1969

LIQUOR AMENDMENT ACT, 1969.

ACT

To amend the Liquor Act, 1928, the Liquor Amendment Act, 1963, and Proclamation No. 333 of 1949; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 20th March, 1969.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 5 of Act 30 of 1928, as amended by section 2 of Act 41 of 1934, section 1 of Act 88 of 1963, section 1 of Act 6 of 1965 and section 1 of Act 12 of 1965.

1. Section 5 of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended—

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

“(b) (i) 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;

(ii) any chemist and druggist selling not more than eight fluid ounces of rectified spirits or absolute alcohol for *bona fide* medicinal use; or

(iii) any chemist and druggist selling rectified spirits or absolute alcohol to any other chemist and druggist or to any registered veterinarian, dentist or medical practitioner or person in charge of any hospital or any home or other institution used solely for the admission and medical treatment of sick persons or to any educational institution for *bona fide* educational or scientific purposes;” and

(b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) Subject to the provisions of paragraph (a), every refreshment room or bar in which liquor is sold at any railway station or harbour under the control of the Railway Administration, whether by the said Administration itself or by any person to whom a concession has been granted in terms of section 58 (1) of the said Act shall, for the purposes of this Act, be deemed to be premises in respect of which a bar licence has been issued, and the person in charge of such room or bar shall be deemed to be the holder of such licence and to be the employer of all persons working in such room or bar.”

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of

2. (1) Section 6 of the principal Act is hereby amended—

(a) by the deletion of paragraph (g) of subsection (1);

(b) by the addition to the said subsection of the following paragraph:

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Wet No. 23, 1969

WET

Tot wysiging van die Drankwet, 1928, die Drankwysigingswet, 1963, en Proklamasie No. 333 van 1949; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 5 van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) (i) '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;

(ii) 'n apteker wat hoogstens agt vloeistofonse gerektifiseerde spiritus of suiwer alkohol vir *bona fide*-gebruik as geneesmiddel verkoop; of

(iii) 'n apteker wat gerektifiseerde spiritus of suiwer alkohol verkoop aan 'n ander apteker of aan 'n geregistreerde veearts, tandarts of geneesheer of persoon in beheer van 'n hospitaal of 'n tehuis of ander inrigting wat uitsluitlik vir die opneming en mediese behandeling van siek persone gebruik word of aan 'n opvoedkundige inrigting vir *bona fide* opvoedkundige of wetenskaplike doeleindes;” en
 - (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) Onderworpe aan die bepalings van paragraaf (a), word elke verversingskamer of kroeg op 'n spoorwegstasie of in 'n hawe onder die beheer van die Spoorwegadministrasie waarin drank verkoop word, hetsy deur bedoelde Administrasie self of deur 'n persoon aan wie 'n konsessie toegestaan is ingevolge artikel 58 (1) van bedoelde Wet, by die toepassing van hierdie Wet beskou as 'n gebou ten opsigte waarvan 'n kantienlisensie uitgereik is, en die persoon onder wie se beheer daardie kamer of kroeg staan, word beskou as die houer van daardie lisensie en as die werkgewer van alle persone wat in daardie kamer of kroeg werk.”.
- Wysiging van artikel 5 van Wet 30 van 1928, soos gewysig deur artikel 2 van Wet 41 van 1934, artikel 1 van Wet 88 van 1963, artikel 1 van Wet 6 van 1965 en artikel 1 van Wet 12 van 1965.

2. (1) Artikel 6 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (g) van subartikel (1) te skrap;
 - (b) deur die volgende paragraaf by bedoelde subartikel te voeg:

Wysiging van artikel 6 van Wet 30 van 1928, soos gewysig deur artikel 3

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Act 41 of 1934,
section 1 of
Act 39 of 1937,
section 2 of
Act 72 of 1961,
section 1 of
Act 89 of 1962,
section 2 of
Act 88 of 1963,
section 1 of
Act 85 of 1964,
section 1 of
Act 98 of 1965
and section 1
of Act 62 of
1966.

“(k) any person selling or supplying under the written authority of the Minister, and subject to such conditions as he may deem fit to impose, wine at a wine tasting function for consumption, on the premises specified in such authority, by persons *bona fide* attending such function.”; and

(c) by the deletion of subsection (3).

(2) Any proclamation issued under any provision repealed by subsection (1) which is in force immediately before the commencement of the said subsection shall, notwithstanding such repeal, remain of full force and effect: Provided that the Minister may at any time by notice in the *Gazette* amend any such proclamation in any respect in which the State President could have amended it prior to such repeal, or withdraw any such proclamation.

Insertion of
section 6A in
Act 30 of 1928.

3. The following section is hereby inserted in the principal Act after section 6:

“Sale of
wine or
other
fermented
beverages
by certain
persons.

6A. (1) Subject to the provisions of subsection (2) and of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and any regulation made thereunder, any person or association of persons (hereafter in this section referred to as an association) *bona fide* engaged in viticulture or the production or manufacture of any other fermented beverage, may under and in accordance with a written authority granted under subsection (4) and without obtaining a licence under this Act, sell or dispose of—

- (a) any wine produced or manufactured from grapes grown on land owned or lawfully occupied by such person or association or any member of such association; or
- (b) any other fermented beverage produced or manufactured from fruit, other than grapes, grown on such land or from such fruit or the juice of such fruit purchased or procured by such person or association or any member of such association, or from such fruit or juice together with cane-sugar,

and produced or manufactured upon such land or in a central cellar, factory or brewery owned or lawfully occupied by such person or association or any member of such association.

(2) (a) (i) The sale, delivery or disposal of such wine or other fermented beverage shall, subject to the provisions of subparagraph (ii), be in quantities of not less than two gallons contained in one or more casks or other receptacles securely corked or stoppered or in a securely closed case containing not less than twelve quart or eighteen pint or twenty-four twelve ounce bottles of such wine or other fermented beverage.

(ii) The provisions of subparagraph (i) shall not apply to the sale, delivery or disposal of wine by a co-operative society as defined in section 1 of the Wine and Spirits Control Act, 1956 (Act No. 38 of 1956), to any of its members under an authority granted under subsection (4).

(b) Save in the case of a sale or disposal to the holder of a wholesale liquor licence, such wine or other fermented beverage may only be sold, disposed of or, unless it is dispatched by rail

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„(k) 'n persoon wat kragtens die skriftelike magtiging van die Minister, en behoudens die voorwaardes wat hy goetvind om op te lê, wyn by 'n wynproebyeenkoms verkoop of verskaf vir gebruik binne die in die magtiging vermelde gebou deur persone wat daardie byeenkoms te goeder trou bywoon.”;

en

(c) deur subartikel (3) te skrap.

(2) 'n Proklamasie uitgereik kragtens 'n bepaling deur subartikel (1) herroep wat onmiddellik voor die inwerkingtreding van bedoelde subartikel van krag is, bly, ondanks sodanige herroeping, van krag: Met dien verstande dat die Minister te eniger tyd so 'n proklamasie by kennisgewing in die *Staatskoerant* kan wysig in 'n opsig waarin die Staatspresident dit voor sodanige herroeping kon gewysig het, of herroep.

3. Die volgende artikel word hierby in die Hoofwet na artikel 6 ingevoeg:

„Verkoop van wyn of ander gegiste drank deur sekere persone.

6A. (1) Behoudens die bepalings van subartikel (2) en van die Wet op Wyn, Ander Gegiste Drank en Spirituatieë, 1957 (Wet No. 25 van 1957), en enige regulasie daarkragtens uitgevaardig, kan enige persoon of vereniging van persone (hieronder in hierdie artikel 'n vereniging genoem) wat hom te goeder trou op die wynbou of die produksie of vervaardiging van ander gegiste drank toelê, kragtens en ooreenkomstig 'n skriftelike magtiging ingevolge subartikel (4) verleen, en sonder om 'n lisensie kragtens hierdie Wet te verkry—

(a) enige wyn geproduseer of vervaardig van druiwe wat verbou is op grond wat behoort aan of in die wettige besit van so 'n persoon of vereniging of 'n lid van so 'n vereniging is; of

(b) enige ander gegiste drank geproduseer of vervaardig van ander vrugte as druiwe, wat op sodanige grond verbou is, of van sodanige vrugte of die sap van sodanige vrugte wat deur so 'n persoon of vereniging of 'n lid van so 'n vereniging gekoop of verkry is, of van sodanige vrugte of sap tesame met rietsuiker,

en geproduseer of vervaardig op sodanige grond of in 'n sentrale kelder, fabriek of brouery wat behoort aan of in die wettige besit is van so 'n persoon of vereniging of 'n lid van so 'n vereniging, verkoop of van die hand sit.

(2) (a) (i) Die verkoop, aflewering of vandiehandsit van sodanige wyn of ander gegiste drank geskied, behoudens die bepalings van subparagraaf (ii), in hoeveelhede van minstens twee gellings vervat in een of meer vate of ander houters wat dig gekurk of geprop is of in 'n dig toegemaakte kis wat minstens twaalf kwart-bottels of agtien pint-bottels of vier-en-twintig twaalfonsbottels van sodanige wyn of ander gegiste drank bevat.

(ii) Die bepalings van subparagraaf (i) is nie van toepassing op die verkoop, aflewering of vandiehandsit van wyn deur 'n koöperatiewe vereniging, soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spirituatieë, 1956 (Wet No. 38 van 1956), aan enige van sy lede ingevolge 'n kragtens subartikel (4) verleende magtiging nie.

(b) Behalwe in die geval van 'n verkoop of vandiehandsit aan die houer van 'n groothandelaarsdranklisensie, mag sodanige wyn of ander gegiste drank slegs op of by sodanige grond, kel-

Invoeging van artikel 6A in Wet 30 van 1928.

van Wet 41 van 1934, artikel 1 van Wet 39 van 1937, artikel 2 van Wet 72 van 1961, artikel 1 van Wet 89 van 1962, artikel 2 van Wet 88 van 1963, artikel 1 van Wet 85 van 1964, artikel 1 van Wet 98 van 1965 en artikel 1 van Wet 62 van 1966.

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- to the purchaser thereof or the person acquiring it, delivered upon or at such land, cellar, factory or brewery.
- (c) No such wine or other fermented beverage shall be sold, disposed of or delivered on a closed day or before seven o'clock in the morning or after six o'clock in the evening on any day other than a closed day.
- (d) The holder of such written authority shall, in one of the official languages of the Republic, keep a record showing particulars of the quantity and description of any such wine or other fermented beverage produced or manufactured and sold or disposed of by him.
- (e) Any such record and any premises on which such wine or other fermented beverage is produced, manufactured or kept shall at all reasonable times be open to inspection by any member of the police.
- (3) (a) Any owner or lawful occupier of land or any person or association *bona fide* engaged in viticulture or the production or manufacture of any other fermented beverage and desiring a written authority referred to in subsection (1), shall make application therefor in the prescribed form to the Minister through the magistrate of the district in which such wine or other fermented beverage is being or will be produced or manufactured and may submit therewith such representations in writing in support thereof as he may deem fit.
- (b) Any representations so submitted, shall be deemed to be part of such application.
- (4) (a) The Minister or any person acting under his directions may in his discretion, after having obtained the recommendation of the National Liquor Board made after consideration of the application and such other information as the said board may deem necessary, grant written authority to the applicant to sell or dispose of such wine or other fermented beverage for consumption off such premises as may be described in such authority, subject to such conditions or restrictions as he may, upon the recommendation of the said board and notwithstanding anything to the contrary in subsection (2) contained, deem fit to impose.
- (b) No such authority shall authorize the sale or disposal of wine or other fermented beverage to any person other than the holder of a wholesale liquor licence at premises other than premises situated on the land upon which such wine or other fermented beverage has been produced or manufactured.
- (c) Any authority granted under paragraph (a) may at any time be withdrawn by the Minister without giving any reason therefor.
- (5) For the purposes of this section, 'wine' means the beverage obtained solely by the alcoholic fermentation of the juice of fresh grapes, without the addition, either before, during or after the manufacture of such beverage, of any substance other than a substance which the Minister of Agricultural Technical Services has, under section 3 of the Wine, Other Fermented Beverages and Spirits Act, 1957, declared to be a substance which may lawfully be added thereto."

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- der, fabriek of brouery verkoop, van die hand gesit of, tensy dit per spoor versend word aan die koper of verkryer daarvan, afgelewer word.
- (c) Geen sodanige wyn of ander gegiste drank word verkoop, van die hand gesit of afgelewer op 'n geslote dag of voor sewe-uur in die môre of na sesuur in die aand op 'n ander dag as 'n geslote dag nie.
- (d) Die houer van sodanige skriftelike magtiging moet, in een van die amptelike tale van die Republiek, aantekeninge hou wat besonderhede aantoon van die hoeveelheid en soort van enige sodanige wyn of ander gegiste drank wat deur hom geproduseer of vervaardig en verkoop of van die hand gesit is.
- (e) Enige sodanige aantekeninge en enige gebou waarin sodanige wyn of ander gegiste drank geproduseer, vervaardig of gehou word, moet te alle redelike tye vir inspeksie deur 'n lid van die polisie beskikbaar wees.
- (3) (a) 'n Eienaar of wettige besitter van grond of enige persoon of vereniging wat hom te goeder trou op die wynbou of die produksie of vervaardiging van ander gegiste drank toelê en wat 'n in subartikel (1) bedoelde skriftelike magtiging verlang, moet in die voorgeskrewe vorm by die Minister deur bemiddeling van die magistraat van die distrik waarin sodanige wyn of ander gegiste drank geproduseer of vervaardig word of sal word, daarom aanvraag doen en kan tesame daarmee dié skriftelike vertoë ter ondersteuning daarvan wat hy goedvind, voorlê.
- (b) Enige vertoë aldus voorgelê, word geag deel van sodanige aanvraag uit te maak.
- (4) (a) Die Minister of iemand wat op sy gesag handel mag na goeddunke, nadat hy die aanbeveling van die Nasionale Drankraad, gedoen na oorweging van die aanvraag en sodanige ander inligting as wat bedoelde raad nodig ag, verkry het, skriftelike magtiging aan die aanvrager verleen om sodanige wyn of ander gegiste drank vir gebruik buite die in die magtiging omskrewe gebou te verkoop of van die hand te sit, behoudens die voorwaardes of beperkings wat hy, op aanbeveling van bedoelde raad en ondanks andersluidende bepalings van subartikel (2), goedvind om op te lê.
- (b) Geen sodanige magtiging word verleen vir die verkoop of vandiehandsit van wyn of ander gegiste drank aan iemand anders as die houer van 'n groothandelaarsdranklisensie in 'n ander gebou as 'n gebou wat op die grond geleë is waar sodanige wyn of ander gegiste drank geproduseer of vervaardig is nie.
- (c) 'n Magtiging ingevolge paragraaf (a) verleen, kan te eniger tyd deur die Minister, sonder verskaffing van enige rede daarvoor, ingetrek word.
- (5) By die toepassing van hierdie artikel, beteken 'wyn' die drank verkry uitsluitlik deur die alkoholiese gisting van die sap van vars druiwe, sonder byvoeging, hetsy voor, gedurende of na die vervaardiging van sodanige drank, van enige ander bestanddeel as 'n bestanddeel wat die Minister van Landbou- en Landbou-Dienste ingevolge artikel 3 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, 'n bestanddeel verklaar het wat wettiglik daarby gevoeg mag word."

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Amendment of section 11 of Act 30 of 1928, as substituted by section 5 of Act 88 of 1963.

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any certificate referred to in subsection (1) shall lapse and become null and void if no licence is issued in terms thereof within a period of one hundred and twenty days after the date of issue of such certificate.”.

Amendment of section 21 of Act 30 of 1928, as amended by section 5 of Act 41 of 1934, section 5 of Act 61 of 1956 and section 11 of Act 88 of 1963.

5. Section 21 of the principal Act is hereby amended—

(a) by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs:

“(c) any application made by a commissioned officer of police for the cancellation of any existing licence referred to it in terms of section 138 (2);

(d) any report referred to it in terms of section 137 (2) alleging the non-compliance by a licensee with a condition imposed by the Minister or the licensing board or a contravention by a licensee of the provisions of section 79 (2), as the case may be;”;

(b) by the addition to the said subsection of the following paragraph:

“(e) any application made by a person whose licence has been cancelled or suspended in terms of subsection (2) (a) pursuant to an application referred to in paragraph (c) of this subsection, for the restoration of such licence on the ground that the conviction which gave rise to the cancellation or suspension of such licence has been reversed or set aside by a competent court on review or appeal or that in respect of such conviction a free pardon has been granted.”; and

(c) by the substitution for subsection (2) of the following subsection:

“(2) (a) In respect of any licence which is the subject of an application under subsection (1) (c) or of a report under subsection (1) (d), the board shall at any such interim meeting have power forthwith to cancel or suspend, for such period as it may deem fit, such licence or to impose such prohibition, restriction or condition as it may have imposed at an annual meeting.

(b) In respect of any licence which is the subject of an application under subsection (1) (e), the board shall at any such interim meeting have power forthwith to restore such licence subject to such prohibition, restriction or condition as it may have imposed at an annual meeting.”.

Amendment of section 22 of Act 30 of 1928, as amended by section 4 of Act 12 of 1954, section 6 of Act 61 of 1956 and section 12 of Act 88 of 1963.

6. Section 22 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) If an application made to the chairman of a licensing board for the renewal of a licence should have been made or could not be made at the last previous annual meeting of the board and in the opinion of the chairman the circumstances connected with the failure or inability to make such application at that meeting are such as to render it just that relief should be granted, the chairman, on application made to him, may, and if the Minister on appeal to him so directs, the chairman shall, at any time other than in the month of November convene a special meeting of the board for the consideration of such application, but such meetings shall not be convened more often than once in any calendar month.”.

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4. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) 'n In subartikel (1) bedoelde sertifikaat verval en word nietig indien geen lisensie ingevolge daarvan binne 'n tydperk van honderd-en-twintig dae na die datum van uitreiking van daardie sertifikaat uitgereik word nie.”.
- Wysiging van artikel 11 van Wet 30 van 1928, soos vervang deur artikel 5 van Wet 88 van 1963.
5. Artikel 21 van die Hoofwet word hierby gewysig—
- (a) deur paragrafe (c) en (d) van subartikel (1) deur die volgende paragrafe te vervang:
- „(c) 'n versoek van 'n polisie-offisier om intrekking van 'n bestaande lisensie na die raad verwys ingevolge artikel 138 (2);
- (d) enige rapport na die raad verwys ingevolge artikel 137 (2) waarin die nie-nakoming deur 'n lisensiehouer van 'n voorwaarde deur die Minister of die lisensieraad gestel of 'n oortreding deur 'n lisensiehouer van die bepalings van artikel 79 (2), na gelang van die geval, beweer word;”;
- (b) deur die volgende paragraaf by bedoelde subartikel te voeg:
- „(e) 'n aanvraag gedoen deur iemand wie se lisensie ingevolge subartikel (2) (a) uit hoofde van 'n in paragraaf (c) van hierdie subartikel bedoelde versoek ingetrek of opgeskort is, om die herstel van sodanige lisensie op grond daarvan dat die veroordeling wat aanleiding tot die intrekking of opskorting van sodanige lisensie gegee het, deur 'n bevoegde hof by revisie of appèl omvergewerp of tersyde gestel is of dat algehele gracie ten opsigte van sodanige veroordeling verleen is.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) (a) Ten opsigte van 'n lisensie wat die onderwerp van 'n versoek ingevolge subartikel (1) (c) of van 'n rapport ingevolge subartikel (1) (d) uitmaak, is die raad bevoeg om op so 'n tussentydse vergadering so 'n lisensie dadelik in te trek of vir die tydperk wat hy goetvind op te skort of om so 'n verbod, beperking of voorwaarde op te lê as wat hy op 'n jaarlikse vergadering kon opgelê het.
- (b) Ten opsigte van 'n lisensie wat die onderwerp van 'n aanvraag ingevolge subartikel (1) (e) uitmaak, is die raad bevoeg om op so 'n tussentydse vergadering so 'n lisensie dadelik te herstel onderworpe aan so 'n verbod, beperking of voorwaarde as wat hy op 'n jaarlikse vergadering kon opgelê het.”.
- Wysiging van artikel 21 van Wet 30 van 1928, soos gewysig deur artikel 5 van Wet 41 van 1934, artikel 5 van Wet 61 van 1956 en artikel 11 van Wet 88 van 1963.
6. Artikel 22 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- „(b) Indien 'n aanvraag by die voorsitter van 'n lisensieraad ingedien om die vernuwing van 'n lisensie op die jongste voorafgaande jaarlikse vergadering van die raad gemaak moet gewees het of nie daarop gemaak kon word nie, en die omstandighede in verband met die versuim of onvermoë om dié aanvraag op daardie vergadering te maak, volgens die oordeel van die voorsitter sodanig is dat dit billik is dat verligting verleen moet word, kan die voorsitter op aanvraag by hom ingedien, en indien die Minister by appèl na hom aldus gelas, moet die voorsitter, te eniger tyd, behalwe in die maand November, 'n spesiale vergadering van die raad belê vir die oorweging van dié aanvraag, maar sodanige vergaderings word nie meer dikwels as een maal in 'n kalendermaand belê nie.”.
- Wysiging van artikel 22 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 12 van 1954, artikel 6 van Wet 61 van 1956 en artikel 12 van Wet 88 van 1963.

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Amendment of
section 29 of
Act 30 of 1928.

7. Section 29 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (1).

Amendment of
section 31 of
Act 30 of 1928,
as substituted
by section 15 of
Act 88 of 1963
and amended by
section 2 of
Act 85 of 1964.

8. Section 31 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) The Minister may in his discretion, after having obtained the recommendation of the National Liquor Board made after consideration of the application, all relevant documents, information, written objections, police reports, representations, the report by the board and the record of the board's proceedings referred to in section 28, transmitted to the Minister in terms of subsection (3), and with due regard to any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof, the total number of liquor licences and authorities under sections 100*bis* and 100*sex* existing in the district in which the premises are or will be situate and the number of persons served by such licences and authorities, grant an application for a licence, subject to such conditions and restrictions as he may, in addition to any condition or restriction imposed under section 87*ter* (1), deem fit to impose, but no such application shall be granted unless the National Liquor Board has so recommended.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) if the Minister grants an application for a licence in respect of premises which are not erected, or which, if already erected, require additions or alterations to make them suitable for the purposes of the proposed business, the Minister or any person acting under his directions shall issue to the applicant a conditional authority in the prescribed form and endorse thereon such conditions as the Minister may deem fit to impose and the period within which the premises concerned shall be erected or altered: Provided that such period shall not be longer than twelve months or such longer period not exceeding a further twelve months as the Minister or any person acting under his directions may, on application, determine.”.

Amendment of
section 32 of
Act 30 of 1928,
as substituted
by section 16
of Act 88 of
1963.

9. Section 32 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsections:

“(3) The licensing board may, after having considered all relevant documents, information, objections, police reports and representations submitted to it under this Act, grant such application subject to such conditions and restrictions as it may, in addition to any condition or restriction imposed by the Minister under this Act in respect of the licence concerned or the class of licences to which the licence concerned belongs, deem fit to impose.

(4) The chairman of the licensing board may, upon application made to him and after consultation with the commissioned officer of police designated in terms of section 136 and the other members of the licensing board, suspend the operation of any condition or restriction so imposed by the licensing board for a period not exceeding six months.”.

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7. Artikel 29 van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (b) van subartikel (1) te skrap. artikel 29 van Wet 30 van 1928.

8. Artikel 31 van die Hoofwet word hierby gewysig— Wysiging van artikel 31 van Wet 30 van 1928, soos vervang deur artikel 15 van Wet 88 van 1963 en gewysig deur artikel 2 van Wet 85 van 1964.

(a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

„(a) Die Minister mag na goeë dunde, nadat hy die aanbeveling van die Nasionale Drankraad, gedoen na oorweging van die aanvraag, alle relevante dokumente, inligting, skriftelike besware, polisierapporte, vertoë, die verslag van die raad, en die in artikel 28 bedoelde notule van die raad se verrigtings wat ingevolge subartikel (3) aan die Minister gestuur is, verkry het, en met behoorlike inagneming van die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger word, die totale getal dranklisensies en magtigings kragtens artikels 100*bis* en 100*sex* wat in die distrik bestaan waarin die gebou geleë is of geleë sal wees en die getal persone wat deur daardie lisensies en magtigings bedien word, 'n aanvraag om 'n lisensie toestaan, onderworpe aan die voorwaardes en beperkings wat hy, benewens enige kragtens artikel 87*ter* (1) opgelegde voorwaarde of beperking, goedvind om op te lê, maar geen sodanige aanvraag word toegestaan nie tensy die Nasionale Drankraad aldus aanbeveel het.”; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Indien die Minister 'n aanvraag om 'n lisensie toestaan met betrekking tot 'n gebou wat nie opgerig is nie, of waaraan, as dit reeds opgerig is, aangebou of verander moet word om dit vir die doeleindes van die beoogde besigheid geskik te maak, reik die Minister of iemand wat op sy gesag handel 'n voorwaardelike magtiging in die voorgeskrewe vorm aan die aanvrager uit en teken daarop aan die voorwaardes wat die Minister goedvind om op te lê en die tydperk waarin die betrokke gebou opgerig of verander moet word: Met dien verstande dat sodanige tydperk nie langer mag wees nie as twaalf maande of sodanige langer tydperk van hoogstens 'n verdere twaalf maande wat die Minister of iemand wat op sy gesag handel, op aanvraag bepaal.”.

9. Artikel 32 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (3) deur die volgende subartikels te vervang: artikel 32 van Wet 30 van 1928, soos vervang deur artikel 16 van Wet 88 van 1963.

„(3) Die lisensieraad mag, na oorweging van alle relevante dokumente, inligting, besware, polisierapporte en vertoë wat kragtens hierdie Wet aan hom voorgelê is, die aanvraag toestaan onderworpe aan die voorwaardes en beperkings wat hy goedvind om op te lê, benewens enige voorwaarde of beperking wat deur die Minister ingevolge hierdie Wet opgelê is ten opsigte van die betrokke lisensie of die klas lisensies waaronder die betrokke lisensie val.

(4) Die voorsitter van die lisensieraad kan, op aanvraag by hom gedoen en na oorlegpleging met die kragtens artikel 136 aangewese polisie-offisier en die ander lede van die lisensieraad, die werking van 'n voorwaarde of beperking wat aldus deur die lisensieraad opgelê is, vir 'n tydperk van hoogstens ses maande opskort.”.

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Amendment of section 32*bis* of Act 30 of 1928, as inserted by section 17 of Act 88 of 1963 and amended by section 2 of Act 98 of 1965.

10. Section 32*bis* of the principal Act is hereby amended by the substitution for subsection (4) of the following subsections:

“(4) The magistrate considering an application made to him in terms of subsection (1) may, after having considered all relevant documents, information, objections, police reports and representations submitted to him under this Act, in his discretion, grant such application subject to such conditions and restrictions as he may, in addition to any condition or restriction imposed by the Minister under the said Act in respect of the licence concerned or the class of licences to which the licence concerned belongs, deem fit to impose.

(4A) If the magistrate, or the Minister under subsection (7), grants an application for a wine farmer's licence in respect of premises which are not erected or which, if already erected, require additions or alterations to make them suitable for the purposes of the proposed business, the magistrate or the Minister or any person acting under the directions of the Minister, as the case may be, shall issue to the applicant a conditional authority in the prescribed form and endorse thereon such conditions as the magistrate or the Minister, as the case may be, may deem fit to impose, and the period within which the premises concerned shall be erected or altered: Provided that such period shall not be longer than six months.

(4B) If the magistrate or the Minister or any person acting under the directions of the Minister, is satisfied that the premises in respect of which a conditional authority under subsection (4A) has been issued, have been completed in accordance with the plans thereof and any condition which may have been imposed by the magistrate or the Minister, as the case may be, and are suitable for occupation in relation to the nature of the business to be conducted therein, the magistrate or the Minister or any person acting under the directions of the Minister, as the case may be, shall issue a certificate as contemplated in section 11 (1).”.

Substitution of section 33 of Act 30 of 1928, as substituted by section 3 of Act 58 of 1957 and amended by section 18 of Act 88 of 1963.

11. The following section is hereby substituted for section 33 of the principal Act:

“Appli-
cation
fees.

33. (1) There shall be paid to the magistrate of the district an amount of—

- (a) twenty-five pounds in respect of any application for the holding of a special meeting referred to in section 22 (1);
- (b) twenty-five pounds in respect of any application made to the Minister for the grant of a licence;
- (c) one pound in respect of any application made to a liquor licensing board for the renewal of any licence;
- (d) ten pounds in respect of any application made to the chairman of a liquor licensing board for the transfer or temporary removal of a licence, or to the chairman of the National Liquor Board for the permanent removal of a licence;
- (e) ten pounds in respect of any application to be considered at a special meeting to be held in pursuance of an order, other than an order under section 29 (2), made by any division of the Supreme Court for the consideration of the matter specified in such order.

(2) No application made to the Minister for the grant of a licence or to a liquor licensing board for the renewal of any licence shall be considered at a special meeting of such board convened under

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10. Artikel 32*bis* van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikels te vervang:

Wysiging van artikel 32*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 17 van Wet 88 van 1963 en gewysig deur artikel 2 van Wet 98 van 1965.

„(4) Die magistraat wat 'n aanvraag wat ingevolge subartikel (1) by hom gemaak is, oorweeg, mag, na oorweging van alle relevante dokumente, inligting, besware, polisie-rapporte en vertoë wat kragtens hierdie Wet aan hom voorgelê is, na goeëdunke die aanvraag toestaan onderworpe aan die voorwaardes en beperkings wat hy goeëvind om op te lê, benewens enige voorwaarde of beperking wat deur die Minister ingevolge hierdie Wet opgelê is ten opsigte van die betrokke lisensie of die klas lisensies waaronder die betrokke lisensie val.

(4A) Indien die magistraat, of die Minister kragtens subartikel (7), 'n aanvraag om 'n wynboer-lisensie toestaan met betrekking tot 'n gebou wat nie opgerig is nie, of waaraan, as dit reeds opgerig is, aanbou of verander moet word om dit vir die doeleindes van die beoogde besigheid geskik te maak, reik die magistraat of die Minister of iemand wat op die Minister se gesag handel, na gelang van die geval, 'n voorwaardelike magtiging in die voorgeskrewe vorm aan die aanvrager uit en teken daarop aan die voorwaardes wat die magistraat of die Minister, na gelang van die geval, goeëvind om op te lê en die tydperk waarin die betrokke gebou opgerig of verander moet word: Met dien verstande dat bedoelde tydperk nie langer as ses maande mag wees nie.

(4B) Indien die magistraat of die Minister of iemand wat op die Minister se gesag handel, oortuig is dat die gebou met betrekking waartoe 'n voorwaardelike magtiging kragtens subartikel (4A) uitgereik is, ooreenkomstig die planne daarvan en enige voorwaarde wat deur die magistraat of die Minister, na gelang van die geval, opgelê is, voltooi is en geskik is vir okkupasie met betrekking tot die soort besigheid wat daarin gedryf gaan word, reik die magistraat of die Minister of iemand wat op die Minister se gesag handel, na gelang van die geval, 'n in artikel 11 (1) bedoelde serti-fikaat uit.”.

11. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aansoek-gelde.

33. (1) Daar word aan die magistraat van die distrik 'n bedrag betaal van—

- (a) vyf-en-twintig pond ten opsigte van 'n aanvraag om die hou van 'n in artikel 22 (1) bedoelde spesiale vergadering;
- (b) vyf-en-twintig pond ten opsigte van 'n aanvraag ingedien by die Minister om die verlening van 'n lisensie;
- (c) een pond ten opsigte van 'n aanvraag ingedien by 'n dranklisensieraad om die vernuwning van 'n lisensie;
- (d) tien pond ten opsigte van 'n aanvraag ingedien by die voorsitter van 'n dranklisensieraad om die oordrag of tydelike verplasing van 'n lisensie, of by die voorsitter van die Nasionale Drankraad om die permanente verplasing van 'n lisensie;
- (e) tien pond ten opsigte van 'n aanvraag wat oorweeg moet word op 'n spesiale vergadering wat gehou moet word ingevolge 'n order, behalwe 'n order kragtens artikel 29 (2), gegee deur 'n afdeling van die Hooggeregshof vir die oorweging van enige aangeleentheid in die order vermeld.

(2) Geen aanvraag ingedien by die Minister om die verlening van 'n lisensie of by 'n dranklisensieraad om die vernuwning van 'n lisensie word op 'n spesiale

Vervanging van artikel 33 van Wet 30 van 1928, soos vervang deur artikel 3 van Wet 58 van 1957 en gewysig deur artikel 18 van Wet 88 van 1963.

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section 22 (1) for the consideration of such application unless there is paid to the magistrate of the district, in addition to any amount payable under subsection (1) (a) of this section in respect of that special meeting, the relevant amount prescribed by subsection (1) (b) or (c) of this section in respect of the application to be considered at such special meeting.

(3) No amount or any part thereof, paid under subsection (1), shall be refunded to the applicant: Provided that—

(a) in the case of an amount paid under paragraph (a) of the said subsection, there shall be refunded—

(i) seventy-five per cent of the amount so paid if the application for the holding of the special meeting has been refused by the chairman of the board concerned and no appeal has been lodged against the refusal; or

(ii) fifty per cent of the amount so paid if such appeal has been lodged and has been dismissed;

(b) any amount paid by virtue of the provisions of subsection (2) in respect of an application referred to in subsection (1) (b) shall be refunded if the Minister does not, under section 22 (1) (a), direct that a special meeting be convened for the consideration of such application.”.

Amendment of section 42 of Act 30 of 1928, as substituted by section 26 of Act 88 of 1963 and amended by section 3 of Act 85 of 1964.

12. Section 42 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) If an application under this section for the transfer of a licence is granted by the chairman, or by the licensing board at an interim meeting held in pursuance of section 21, on or after the first day of September in any year and before an application for the renewal of such licence is considered by the licensing board concerned at its annual meeting to be held in that year, the licensing board shall at that annual meeting substitute for the name of the transferor the name of the transferee, wherever necessary, in any application for the renewal of such licence made in due form by the transferor.

(b) If such an application for the transfer of a licence is granted as aforesaid after an application for the renewal of such licence has been granted by the licensing board concerned at its annual meeting held in any year, and before the end of that year, the chairman or secretary of that licensing board shall, upon production of proof that such licence has been transferred by the receiver of revenue concerned, substitute for the name of the transferor the name of the transferee in any certificate issued under section 11 (1) (b) in respect of the licence concerned.”.

Amendment of section 43 of Act 30 of 1928, as substituted by section 27 of Act 88 of 1963.

13. Section 43 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) If an application under this section for the permanent removal of a licence is granted by the chairman of the National Liquor Board on or after the first day of September in any year and before

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vergadering van so 'n raad wat kragtens artikel 22 (1) vir die oorweging van so 'n aanvraag belê is, oorweeg nie tensy daar aan die magistraat van die distrik, benewens enige bedrag wat ingevolge subartikel (1) (a) van hierdie artikel ten opsigte van daardie spesiale vergadering betaalbaar is, die by subartikel (1) (b) of (c) van hierdie artikel toepaslike voorgeskrewe bedrag betaal is ten opsigte van die aanvraag wat by sodanige spesiale vergadering oorweeg moet word.

(3) Geen bedrag of deel daarvan wat ingevolge subartikel (1) betaal is, word aan die aanvrager terugbetaal nie: Met dien verstande dat—

(a) in die geval van 'n bedrag wat ingevolge paragraaf (a) van bedoelde subartikel betaal is, daar terugbetaal word—

(i) vyf-en-sewentig persent van die bedrag wat aldus betaal is, indien die aanvraag om die hou van die spesiale vergadering deur die voorsitter van die betrokke raad geweier is en geen appèl teen die weiering ingedien is nie; of

(ii) vyftig persent van die bedrag wat aldus betaal is, indien so 'n appèl ingedien en van die hand gewys is;

(b) enige bedrag wat uit hoofde van die bepalinge van subartikel (2) ten opsigte van 'n in subartikel (1) (b) bedoelde aanvraag betaal is, terugbetaal word indien die Minister nie ingevolge artikel 22 (1) (a) gelas dat 'n spesiale vergadering vir die oorweging van dié aanvraag belê word nie.”.

12. Artikel 42 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) (a) Indien 'n aanvraag ingevolge hierdie artikel om die oordrag van 'n lisensie deur die voorsitter, of deur die lisensieraad op 'n tussentydse vergadering gehou ingevolge artikel 21, toegestaan word op of na die eerste dag van September in enige jaar en voordat 'n aanvraag om die vernuwing van daardie lisensie deur die betrokke lisensieraad op sy jaarlikse vergadering wat in daardie jaar gehou sal word, oorweeg word, moet die lisensieraad op daardie jaarlikse vergadering in 'n aanvraag om die vernuwing van die lisensie, in behoorlike vorm deur die oordraer gemaak, oral waar nodig, die naam van die oordraer deur die naam van die oordragontvanger vervang.

(b) Indien so 'n aanvraag om die oordrag van 'n lisensie toegestaan word soos voormeld nadat 'n aanvraag om die vernuwing van sodanige lisensie toegestaan is deur die betrokke lisensieraad op sy jaarlikse vergadering gehou in enige jaar, en voor die einde van daardie jaar, vervang die voorsitter of sekretaris van daardie lisensieraad by voorlegging van bewys dat sodanige lisensie deur die betrokke ontvanger van inkomste oorgedra is, die naam van die oordraer deur die naam van die oordragontvanger in 'n sertifikaat wat ingevolge artikel 11 (1) (b) ten opsigte van die betrokke lisensie uitgereik is of word.”.

Wysiging van artikel 42 van Wet 30 van 1928, soos vervang deur artikel 26 van Wet 88 van 1963 en gewysig deur artikel 3 van Wet 85 van 1964.

13. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) (a) Indien 'n aanvraag ingevolge hierdie artikel om die permanente verplasing van 'n lisensie deur die voorsitter van die Nasionale Drankraad toegestaan word op of na die eerste dag van September in enige jaar en

Wysiging van artikel 43 van Wet 30 van 1928, soos vervang deur artikel 27 van Wet 88 van 1963.

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an application for the renewal of such licence is considered by the licensing board concerned at its annual meeting to be held in that year, the licensing board shall at that annual meeting substitute a description of the new premises, wherever necessary, for the description of the premises referred to in any application for the renewal of such licence made in due form by the licensee.

- (b) If such an application for the permanent removal of a licence is granted by such chairman after an application for the renewal of such licence has been granted by the licensing board concerned at its annual meeting held in any year, and before the end of that year, the chairman or secretary of that licensing board, shall, upon production of proof that such licence has been removed, substitute for the description of the premises a description of the new premises in any certificate issued under section 11 (1) (b) in respect of the licence concerned.”.

Substitution of
section 51 of
Act 30 of 1928.

14. The following section is hereby substituted for section 51 of the principal Act:

“Right of
disposal
of liquor
on for-
feiture,
cancel-
lation
or sus-
pension
of licence.

51. (1) Whenever in terms of section 168bis (1) or under any other law a licence is declared by a court to be forfeited, or whenever at any interim meeting a board has ordered the cancellation or suspension of a licence, the licence concerned shall, in the case of such declaration or cancellation, immediately become null and void or, in the case of such suspension, be of no force or effect for the period of such suspension: Provided that the holder thereof may, within fourteen days after such declaration, cancellation or suspension 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, cancellation or suspension.

(2) If—

- (a) any forfeiture or order relating to the cancellation or suspension of any licence is reversed by any competent court on review or appeal;
 - (b) the period of suspension of any licence has expired; or
 - (c) any cancelled or suspended licence is restored by a licensing board in terms of section 21 (2) (b),
- the licence concerned shall *ipso facto* again become of full force and effect.

(3) No portion of the sum paid in respect of—

- (a) any licence so forfeited, cancelled or suspended;
- (b) any licence which, by reason of any declaration, cancellation or suspension which was reversed by a competent court on review or appeal, was inoperative for any period; or
- (c) any licence which by reason of the cancellation or suspension thereof by a licensing board at an interim meeting was, prior to the restoration thereof in terms of section 21 (2) (b), inoperative for any period,

shall be refunded to the holder or person who was the holder of such licence.”.

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voordat 'n aanvraag om die vernuwing van daardie lisensie deur die betrokke lisensieraad op sy jaarlikse vergadering wat in daardie jaar gehou sal word, oorweeg word, moet die lisensieraad op daardie jaarlikse vergadering die beskrywing van die gebou vermeld in 'n aanvraag om die vernuwing van die lisensie, in behoorlike vorm deur die lisensiehouer gemaak oral waar nodig, deur 'n beskrywing van die nuwe gebou vervang.

- (b) Indien so 'n aanvraag om die permanente verplasing van 'n lisensie deur bedoelde voorsitter toegestaan word nadat 'n aanvraag om die vernuwing van sodanige lisensie deur die betrokke lisensieraad toegestaan is op sy jaarlikse vergadering gehou in enige jaar, en voor die einde van daardie jaar, vervang die voorsitter of sekretaris van daardie lisensieraad by voorlegging van bewys dat sodanige lisensie verplaas is, die beskrywing van die gebou deur 'n beskrywing van die nuwe gebou in 'n sertifikaat wat ingevolge artikel 11 (1) (b) ten opsigte van die betrokke lisensie uitgereik is of word."

14. Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 51 van
Wet 30 van 1928.

„Reg om
drank van
die hand te
sit by
verbeurd-
verklaring,
intrekking
of op-
skorting
van
lisensie.

51. (1) Wanneer 'n lisensie kragtens artikel 168bis (1) of kragtens 'n ander wet deur die hof verbeurd verklaar word, of wanneer 'n raad op 'n tussentydse vergadering die intrekking of opskorting van 'n lisensie gelas het, word die betrokke lisensie, in die geval van sodanige verbeurdverklaring of intrekking, onmiddellik ongeldig of, in die geval van sodanige opskorting, van nul en gener waarde vir die tydperk van sodanige opskorting: Met dien verstande dat die houer daarvan binne veertien dae na die verbeurdverklaring, intrekking of opskorting, of as dit in revisie gebring of daarteen geappelleer word, binne veertien dae nadat dit finaal bekragtig is, enige drank wat op die dag van die verbeurdverklaring, intrekking of opskorting in sy gelisensieerde gebou was, by publieke veiling in die gebou ten opsigte waarvan die lisensie bestaan het, deur 'n behoorlik gelisensieerde vendu-afslaer, in hoeveelhede van nie minder nie dan twee gallon van dieselfde soort drank mag verkoop.

(2) As—

- (a) 'n verbeurdverklaring of bevel betreffende die intrekking of opskorting van 'n lisensie deur 'n bevoegde hof op revisie of appèl tersyde gestel word;
- (b) die tydperk van opskorting van 'n lisensie verstryk het; of
- (c) 'n ingetrekke of opgeskorte lisensie deur 'n lisensieraad kragtens artikel 21 (2) (b) herstel word,
- word die betrokke lisensie vanself weer ten volle geldig.

(3) Geen gedeelte van die som betaal ten opsigte van—

- (a) 'n lisensie wat aldus verbeurd verklaar, ingetrek of opgeskort word;
- (b) 'n lisensie wat 'n tyd lank buite werking was as gevolg van 'n verbeurdverklaring, intrekking of opskorting wat op revisie of appèl deur 'n bevoegde hof tersyde gestel is; of
- (c) 'n lisensie wat as gevolg van die intrekking of opskorting daarvan deur 'n lisensieraad op 'n tussentydse vergadering, voor die herstel daarvan kragtens artikel 21 (2) (b), 'n tyd lank buite werking was,

word terugbetaal aan die houer of persoon wat die houer was van die lisensie nie."

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Amendment of section 64 of Act 30 of 1928, as amended by section 44 of Act 88 of 1963.

15. Section 64 of the principal Act is hereby amended—
- (a) by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):
- “(b) If at the first annual meeting after the commencement of section 15 of the Liquor Amendment Act, 1969, of the licensing board for the liquor licensing area in which the district of Mount Currie is included, the board renews any licence granted under Proclamation No. 333 of 1949, in respect of premises situated in that district, the board may at such meeting, if such licence previously authorized the sale of liquor for consumption both on and off the premises, also authorize the sale of liquor under such licence for consumption off the licensed premises.”; and
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) In any case in which the board has granted any authority referred to in subsection (1) (a) in respect of the year 1969 or grants any authority referred to in subsection (1) (b), it may, subject to the provisions of subsections (3) and (4) of section 53 of the Liquor Amendment Act, 1963, from year to year continue to grant such authority.”.

Amendment of section 65 of Act 30 of 1928, as amended by section 17 of Act 41 of 1934 and section 46 of Act 88 of 1963.

16. Section 65 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) has, either before or after the commencement of section 16 (a) of the Liquor Amendment Act, 1969, been convicted of an offence under this Act, and has subsequently but after the commencement of the said section and within five years after such previous conviction, been convicted of an offence under this Act and sentenced to a fine of not less than one hundred pounds or to imprisonment without the option of a fine;”;
- (b) by the substitution for paragraph (f) of the said subsection of the following paragraph:
- “(f) holds an office of profit under the Republic: Provided that, for the purposes of this paragraph, any person who has been appointed a justice of the peace under section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), or is in terms of the provisions of that Act deemed to have been appointed a justice of the peace, shall be deemed not to hold an office of profit under the Republic;”.

Amendment of section 66 of Act 30 of 1928, as amended by section 18 of Act 41 of 1934 and section 6 of Act 85 of 1964.

17. Section 66 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- “(a) the holder of a bar licence, or a restaurant liquor licence, or an hotel liquor licence or a wine and malt liquor licence;”;
- (b) by the insertion in the said subsection, after paragraph (a), of the following paragraph:
- “(aA) the holder of an authority granted or renewed in terms of section 100*bis* or 100*sex*, for the sale of liquor for consumption on the premises described in such authority;”;
- (c) by the substitution for paragraph (d) of the said subsection of the following paragraph:
- “(d) the holder of a club liquor licence or a sports ground liquor licence who has satisfied the magistrate to whom application for the licence is made, that the temporary liquor licence is

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15. Artikel 64 van die Hoofwet word hierby gewysig—
- (a) deur die volgende paragraaf by subartikel (1) te voeg terwyl die bestaande subartikel paragraaf (a) word:
- „(b) As die lisensieraad vir die dranklisensiegebied waarby die distrik Mount Currie ingesluit is, op sy eerste jaarlikse vergadering na die inwerking-treding van artikel 15 van die Drankwysigingswet, 1969, 'n lisensie vernuwe wat ingevolge Proklamasie No. 333 van 1949 toegestaan is ten opsigte van 'n gebou wat in daardie distrik geleë is, kan die raad op daardie vergadering, indien so 'n lisensie voorheen die verkoop van drank vir verbruik sowel in as buite die gebou gemagtig het, ook magtiging vir die verkoop van drank kragtens daardie lisensie vir verbruik buite die gelisensieerde gebou verleen.”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) In elke geval waarin die raad 'n magtiging bedoel in subartikel (1) (a) ten opsigte van die jaar 1969 verleen het, of 'n magtiging bedoel in subartikel (1) (b) verleen, mag hy van jaar tot jaar voortgaan om sodanige magtiging te verleen, dog behoudens die bepalings van subartikels (3) en (4) van artikel 53 van die Drankwysigingswet, 1963.”.
- Wysiging van artikel 64 van Wet 30 van 1928, soos gewysig deur artikel 44 van Wet 88 van 1963.
16. Artikel 65 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- „(b) hetsy voor of na die inwerkingtreding van artikel 16 (a) van die Drankwysigingswet, 1969, veroordeel is weens 'n misdryf ingevolge hierdie Wet en daarna, maar na die inwerkingtreding van bedoelde artikel en binne vyf jaar na sodanige vorige veroordeling, weens 'n misdryf ingevolge hierdie Wet veroordeel is en gevonnissen is tot 'n boete van minstens honderd pond of tot gevangenisstraf sonder die keuse van 'n boete;”;
- (b) deur paragraaf (f) van bedoelde subartikel deur die volgende paragraaf te vervang:
- „(f) 'n winsbetrekking onder die Republiek beklee: Met dien verstande dat by die toepassing van hierdie paragraaf, iemand wat ingevolge artikel 2 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (Wet No. 16 van 1963), as vrederechter aangestel is of ingevolge die bepalings van daardie Wet geag word as vrederechter aangestel te gewees het, geag word nie 'n winsbetrekking onder die Republiek te beklee nie;”.
- Wysiging van artikel 65 van Wet 30 van 1928, soos gewysig deur artikel 17 van Wet 41 van 1934 en artikel 46 van Wet 88 van 1963.
17. Artikel 66 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
- „(a) die houer is van 'n kantienlisensie of 'n restaurantdranklisensie of 'n hotel drank-lisensie of 'n wyn- en bier-lisensie;”;
- (b) deur in bedoelde subartikel na paragraaf (a) die volgende paragraaf in te voeg:
- „(aA) die houer is van 'n magtiging wat ingevolge artikel 100bis of 100sex verleen of vernuwe is vir die verkoop van drank vir verbruik binne die in die magtiging omskrewe gebou;”;
- (c) deur paragraaf (d) van bedoelde subartikel deur die volgende paragraaf te vervang:
- „(d) die houer van 'n klub-dranklisensie of 'n sportgronde-dranklisensie is wat die magistraat aan wie die aanvraag om die lisensie gerig is, oortuig het dat die tydelike dranklisensie aangevra word
- Wysiging van artikel 66 van Wet 30 van 1928, soos gewysig deur artikel 18 van Wet 41 van 1934 en artikel 6 van Wet 85 van 1964.

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required for a *bona fide* public function on the premises or the playing-fields of the club or on the sports ground in respect of which he is licensed—

- (i) connected with any game, match, competition or social event forming part of the activities normally and habitually pursued on such premises or playing-fields or sports ground; or
 - (ii) for which suitable facilities are not reasonably available elsewhere than at the premises or playing-fields of a club or at a sports ground within the district.”;
- (d) by the substitution for subsection (5) of the following subsection:
- “(5) A late hours occasional licence shall not be granted to any person other than the holder of an hotel liquor licence, a wine and malt liquor licence, a club liquor licence or a restaurant liquor licence.”; and
- (e) by the substitution for subsection (6) of the following subsection:
- “(6) A wine farmer’s licence shall only be granted—
- (a) to a person who, or an association of persons which, is engaged in viticulture; and
 - (b) in respect of premises situated at a place other than the place where the wine in question is being produced or manufactured.”.

Amendment of section 69 of Act 30 of 1928, as amended by section 49 of Act 88 of 1963, section 7 of Act 85 of 1964 and section 3 of Act 98 of 1965.

18. Section 69 of the principal Act is hereby amended—

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

“(b) a bottle liquor licence may be granted or renewed 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, cooler bags, articles declared by the Minister by notice in the *Gazette* to be articles normally used in conjunction or in connection with the serving of liquor, and Bantu beer under the provisions of section 11 of the Bantu Beer Act, 1962 (Act No. 63 of 1962), packed or bottled in the manner prescribed by regulation made under the provisions of section 15 of that Act;”;
- (b) by the deletion of the word “or” at the end of paragraph (a), and paragraph (b) of subsection (3).

Amendment of section 71bis of Act 30 of 1928, as inserted by section 53 of Act 88 of 1963 and amended by section 8 of Act 85 of 1964 and section 35 of Act 70 of 1965.

19. Section 71bis of the principal Act is hereby amended—

- (a) by the substitution for subsections (6), (7) and (8) of the following subsections:

“(6) The Minister or any person acting under his directions may at any time require the proprietor or lessee of an accommodation establishment in respect of which a certificate of classification has been issued under subsection (4), to furnish him with such information and documents pertaining to such accommodation establishment, including a description of the premises concerned and a plan thereof, as he may deem fit.

(7) The Minister may—

 - (a) attach to any certificate issued under subsection (4) such conditions or restrictions as he may deem fit;

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vir 'n *bona fide* publieke funksie in die gebou of op die sportterrein van die klub of op die sportgronde ten opsigte waarvan hy gelisensieer is—

- (i) wat in verband staan met 'n spel, wedstryd, kompetisie of sosiale geleentheid wat deel uitmaak van die normale en gewone bedrywighede wat in bedoelde gebou of op bedoelde sportterrein of sportgronde plaasvind; of
 - (ii) waarvoor geskikte geriewe nie redelikerwys elders as in die gebou of op die sportterrein van 'n klub of op sportgronde in die distrik beskikbaar is nie.”;
- (d) deur subartikel (5) deur die volgende subartikel te vervang:
- „(5) 'n Nagtelike geleentheidslisensie mag aan niemand anders as aan die houer van 'n hotel-dranklisensie, 'n wyn- en bier-lisensie, 'n klub-dranklisensie of 'n restaurant-dranklisensie verleen word nie.”; en
- (e) deur subartikel (6) deur die volgende subartikel te vervang:
- „(6) 'n Wynboer-lisensie mag slegs verleen word—
- (a) aan iemand of aan 'n assosiasie van persone wat die wynbou beoefen; en
 - (b) ten opsigte van 'n perseel wat geleë is op 'n ander plek as die plek waar die betrokke wyn geproduseer of vervaardig word.”.

18. Artikel 69 van die Hoofwet word hierby gewysig—

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

„(b) mag 'n bottel-dranklisensie verleen of vernuwe word in verband met 'n gebou waarin die lisensiehouer wettig handel dryf as groothandelaar in drank of handel dryf in brandspiritus, mineraalwaters en ander drankes dan sterke drank in toe bottels, tabak, sigare, sigarette, vuurhoutjies, verkoelsakke, artikels wat die Minister by kennisgewing in die *Staatskoerant* as artikels verklaar het wat gewoonlik tesame of in verband met die bediening van drank gebruik word, en Bantoebier kragtens die bepalings van artikel 11 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962), gepak of gebottel op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel 15 van daardie Wet;”;

- (b) deur die woord „of” aan die end van paragraaf (a) van subartikel (3) en paragraaf (b) van dié subartikel te skrap.

Wysiging van artikel 69 van Wet 30 van 1928, soos gewysig deur artikel 49 van Wet 88 van 1963, artikel 7 van Wet 85 van 1964 en artikel 3 van Wet 98 van 1965.

19. Artikel 71*bis* van die Hoofwet word hierby gewysig—

- (a) deur subartikels (6), (7) en (8) deur die volgende subartikels te vervang:

„(6) Die Minister of iemand wat op sy gesag handel, kan te eniger tyd van die eienaar of huurder van 'n akkommodasie-inrigting ten opsigte waarvan 'n klassifikasiesertifikaat ingevolge subartikel (4) uitgereik is, vereis om hom van dié inligting en dokumente met betrekking tot sodanige akkommodasie-inrigting, met inbegrip van 'n beskrywing van die betrokke gebou en 'n plan daarvan, wat hy goedgevind, te voorsien.

(7) Die Minister mag—

- (a) aan 'n sertifikaat uitgereik kragtens subartikel (4) die voorwaardes of beperkings heg wat hy goedgevind;

Wysiging van artikel 71*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 53 van Wet 88 van 1963 en gewysig deur artikel 8 van Wet 85 van 1964 en artikel 35 van Wet 70 van 1965.

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- (b) at any time amend or delete any such condition or restriction or attach any further condition or restriction to any such certificate as he may deem fit; and
- (c) notwithstanding anything in any law contained, authorize the holder of the licence issued in respect of the accommodation establishment concerned—
 - (i) to sell, subject to such conditions or restrictions as the Minister may deem fit to impose, liquor under that licence for consumption off the licensed premises, in any place approved of by the Minister and situated, if such accommodation establishment is situate within an urban area, at any place within such urban area approved of by the Minister, or, if such accommodation establishment is situate in a rural area, at any place within the district within which such accommodation establishment is situate, approved of by the Minister: Provided that if such first-mentioned place does not form part of the premises in respect of which such licence is held, such place shall for all purposes be deemed to form part of the licensed premises;
 - (ii) to sell and deliver, subject to such conditions or restrictions as the Minister may deem fit to impose, liquor in any specified restricted portion of his premises, for consumption in such restricted portion of his premises, on any specified closed day between the hours of twelve midday and half-past two in the afternoon and between six and nine o'clock in the evening to—
 - (a) any person contemplated in section 75 (3); and
 - (b) any lodger at the accommodation establishment and his *bona fide* guest, but subject to the provisions of the proviso to section 75 (4);
 - (iii) to permit, subject to such conditions or restrictions as the Minister may deem fit to impose, females of the age of eighteen years or more or such females as well as persons under the age of eighteen years to be in any specified restricted portion of his premises;
 - (iv) to employ, subject to such conditions or restrictions as the Minister may deem fit to impose, in or in connection with the sale of liquor in any restricted portion of his premises specified under subparagraph (iii), females of the age of eighteen years or more.
- (8) Any condition or restriction attached and any authority granted under subsection (7) shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned.”; and
- (b) by the addition of the following subsection:

“(9) An authority granted under subsection (7) (a) (i) shall be of no force and effect unless there has been paid to the receiver of revenue concerned in respect thereof an amount equal to one half of the amount payable in respect of a renewal of the licence concerned: Provided that whenever any such authority is granted after the thirty-first day of January in any year, the amount so payable in respect thereof shall be reduced by one-twelfth in respect of each completed calendar month which has passed from the preceding thirty-first day of December to the date upon which such authority has been endorsed under subsection (8) on the licence concerned.”.

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- (b) te eniger tyd so 'n voorwaarde of beperking wysig of skrap of enige bykomende voorwaarde of beperking aan so 'n sertifikaat heg, al na hy goedvind; en
- (c) ondanks andersluidende wetsbepalings die houër van die lisensie uitgereik in verband met die betrokke akkommodasie-inrigting magtig om, behoudens die voorwaardes of beperkings wat die Minister na goeddunke ople—
- (i) kragtens daardie lisensie drank vir gebruik buite die gelisensieerde gebou te verkoop in enige plek wat die Minister goedkeur en wat geleë is, indien daardie akkommodasie-inrigting binne 'n stadsgebied geleë is, op enige plek binne daardie stadsgebied wat die Minister goedkeur, of, indien daardie akkommodasie-inrigting binne 'n plattelandse gebied geleë is, op enige plek binne die distrik waarbinne daardie akkommodasie-inrigting geleë is, wat die Minister goedkeur: Met dien verstande dat indien eersbedoelde plek nie deel uitmaak van die gebou in verband waarmee daardie lisensie gehou word nie, bedoelde plek vir alle doeleindes geag word deel uit te maak van die gelisensieerde gebou;
 - (ii) drank in enige bepaalde beperkte gedeelte van sy gebou vir gebruik in sodanige beperkte gedeelte van sy gebou op enige bepaalde geslote dag tussen twaalfuur middag en halfdrie-uur in die namiddag en tussen sesuur en nege-uur in die aand te verkoop en af te lewer aan—
 - (a) 'n in artikel 75 (3) bedoelde persoon; en
 - (b) 'n loseerder by die akkommodasie-inrigting en sy *bona fide*-gas, maar behoudens die bepaling van die voorbehoudsbepaling van artikel 75 (4);
 - (iii) vrouspersone van die ouderdom van agtien jaar of ouer of sodanige vrouspersone sowel as persone onder die ouderdom van agtien jaar toe te laat om in enige bepaalde beperkte gedeelte van sy gebou te wees;
 - (iv) by of in verband met die verkoop van drank in 'n ingevolge subparagraaf (iii) bepaalde beperkte gedeelte van sy gebou vrouspersone van die ouderdom van agtien jaar of ouer in diens te hê.
- (8) Enige voorwaarde of beperking en enige magtiging ingevolge subartikel (7) aangeheg of verleen, word deur die voorsitter van die betrokke lisensieraad op die lisensie wat die betrokke persoon hou, aangeteken.”; en
- (b) deur die volgende subartikel by te voeg:
- „(9) 'n Magtiging wat ingevolge subartikel (7) (a) (i) verleen is, is nie van krag nie tensy 'n bedrag gelyk aan 'n helfte van die bedrag wat ten opsigte van 'n vernuwing van die betrokke lisensie betaalbaar is, aan die betrokke ontvanger van inkomste ten opsigte van sodanige magtiging betaal is: Met dien verstande dat wanneer so 'n magtiging na die een-en-dertigste dag van Januarie van enige jaar verleen word, die bedrag wat aldus ten opsigte daarvan betaalbaar is, verminder word met 'n twaalfde vir elke voltooide kalendermaand wat verstreke is tussen die voorafgaande een-en-dertigste dag van Desember en die dag waarop sodanige magtiging ingevolge subartikel (8) op die betrokke lisensie aangeteken is.”.

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Amendment of
section 73 of
Act 30 of 1928,
as amended by
section 55 of
Act 88 of 1963.

20. Section 73 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(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, a wine and malt 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.”.

Amendment of
section 75 of
Act 30 of 1928,
as substituted
by section 58
of Act 88 of 1963
and amended by
section 10 of
Act 85 of 1964
and section 4 of
Act 70 of 1968.

21. Section 75 of the principal Act is hereby amended—

(a) by the substitution for paragraph (j) of subsection (2) of the following paragraph:

“(j) 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 one on which the place of the public function, recreation or public amusement in respect of which it is granted, is open to the public, and then only during such hours as may be determined by the authority granting the licence, which hours shall only be between the hours at which such place is opened and closed to the public, being not earlier than ten o'clock in the morning or later than twelve o'clock midnight or, if any day following any day in respect of which such licence is granted is not a closed day, not later than two o'clock in the morning of such following day; and”; and

(b) by the addition of the following subsections:

“(6) Notwithstanding anything to the contrary in any law contained, including section 181 of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), the holder of an on-consumption licence granted or renewed in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the white group, may, on any closed day which is a polling day fixed under the firstmentioned Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), for the election of members of the Coloured Persons Representative Council of the Republic of South Africa, sell or deliver liquor to any member of such group for consumption on such premises.

(7) Notwithstanding anything to the contrary in any law contained, including section 181 of the Electoral Consolidation Act, 1946, the holder of an on-consumption licence granted or renewed in respect of premises situated in an area declared under the provisions of the Group Areas Act, 1966, to be an area for occupation by members of the coloured group, the Malay group, the Indian group or the Chinese group, who supplies liquor solely to any such members, may, on any closed day which is a polling day fixed under the firstmentioned Act, sell or deliver liquor to any Coloured or Asiatic person for consumption on such premises.

(8) Notwithstanding anything to the contrary in any law contained, including section 181 of the Electoral Consolidation Act, 1946, the holder of any on-consumption licence may, on any closed day which is a polling day fixed under the said Act, or that Act as read with the Coloured Persons Representative Council Act, 1964, sell or deliver liquor between the hours of

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20. Artikel 73 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 73 van Wet 30 van 1928, soos gewysig deur artikel 55 van Wet 88 van 1963.

„(1) 'n Nagtelike geleentheidslisensie mag slegs verleen word in verband met 'n gebou ten opsigte waarvan 'n restaurant-dranklisensie, 'n wyn- en bier-lisensie, '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 daarin sal plaasvind.”.

21. Artikel 75 van die Hoofwet word hierby gewysig—

Wysiging van artikel 75 van Wet 30 van 1928, soos vervang deur artikel 58 van Wet 88 van 1963 en gewysig deur artikel 10 van Wet 85 van 1964 en artikel 4 van Wet 70 van 1968.

(a) deur paragraaf (j) van subartikel (2) deur die volgende paragraaf te vervang:

„(j) mag 'n tydelike dranklisensie nie die verkoop of verstrekking van drank vir 'n langer tydperk veroorloof nie dan ses dae of op 'n ander dag dan 'n dag waarop die plek van die publieke funksie, ontspanning of publieke vermaak in verband waarmee dit verleen is, aan die publiek toeganklik is, en dan slegs gedurende die ure wat die gesag wat die lisensie verleen, bepaal, welke ure slegs tussen die uur van opening en die uur van sluiting van daardie plek vir die publiek mag wees, synde nie vroeër nie dan tienuur in die môre of later nie dan twaalfuur middernag of, indien 'n dag wat volg op 'n dag ten opsigte waarvan sodanige lisensie verleen is nie 'n geslote dag is nie, later nie dan twee-uur in die môre van sodanige volgende dag; en”; en

(b) deur die volgende subartikels by te voeg:

„(6) Ondanks andersluidende wetsbepalings, met inbegrip van artikel 181 van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), mag die houer van 'n binneverbruik-lisensie wat verleen of vernuwe is ten opsigte van 'n gebou geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, op 'n geslote dag wat 'n stemdag is wat ingevolge eersgenoemde Wet, soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), bepaal is vir die verkiesing van lede van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika, drank aan 'n lid van bedoelde groep vir verbruik in bedoelde gebou verkoop of aflewer.

(7) Ondanks andersluidende wetsbepalings, met inbegrip van artikel 181 van die Wet tot Konsolidasie van die Kieswette, 1946, kan die houer van 'n binneverbruik-lisensie wat verleen of vernuwe is ten opsigte van 'n gebou geleë in 'n gebied wat kragtens die bepaling van die Wet op Groepsgebiede, 1966, verklaar is as 'n gebied vir okkupasie deur lede van die gekleurde groep, die Maleiergroep, die Indiërgroep of die Chinese groep, wat drank uitsluitlik aan enige sodanige lede voorsien, op 'n geslote dag wat 'n stemdag is wat ingevolge eersgenoemde Wet bepaal is, drank aan 'n Kleurling of Asiaat vir verbruik in bedoelde gebou verkoop of aflewer.

(8) Ondanks andersluidende wetsbepalings, met inbegrip van artikel 181 van die Wet tot Konsolidasie van die Kieswette, 1946, kan die houer van 'n binneverbruik-lisensie op 'n geslote dag wat 'n stemdag is wat ingevolge bedoelde Wet, of daardie Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964, bepaal is, drank tussen nege-uur in

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nine o'clock at night and half-past eleven o'clock at night for consumption on the licensed premises.

(9) The provisions of subsections (1) and (2) (b) shall not apply to the sale and delivery of liquor by the holder of a wholesale liquor licence to the master of a ship about to sail from any port, if permission for such sale and delivery has been granted in writing by the magistrate of the district in which the sale takes place or any person acting under his authority."

Amendment of section 76 of Act 30 of 1928, as amended by section 59 of Act 88 of 1963 and section 11 of Act 85 of 1964.

22. Section 76 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to any one customer other than a licensee or holder of an authority under section 100*bis* or 100*sex* or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (d)*bis*, or (d)*ter* at any one time, shall not be less than two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), or to any one licensee or holder of an authority under section 100*bis* or 100*sex* or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (d)*bis* or (d)*ter* at any one time, shall not be less than one quart, in a receptacle or receptacles properly and securely corked or stoppered: Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than 14 per cent of alcohol by volume, such table wine need not be of the same description or brand."

Insertion of section 76A in Act 30 of 1928.

23. The following section is hereby inserted in the principal Act after section 76:

"Dealing directly with public by holder of wholesale liquor licence.

76A. (1) It shall be a condition of every wholesale liquor licence granted after the first day of January, 1965, that the holder thereof shall not deal directly with the public, unless the Minister has, upon application made to him in the prescribed manner after the giving of the prescribed notice, and upon the recommendation of the National Liquor Board, authorized the holder of such licence to do so.

(2) No holder of a wholesale liquor licence granted before the first day of January, 1965, shall, after the expiration of a period of three months after the commencement of this section, deal directly with the public unless—

(a) he adduces, before the expiration of the said period of three months, proof under oath to the satisfaction of the chairman of the liquor licensing board in whose liquor licensing area the licensed premises are situate, that prior to the first day of January, 1965, liquor was sold regularly under that licence directly to the public and his licence has, upon the authority of such chairman, been endorsed to that

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die namiddag en halfwaalf-uur in die namiddag verkoop of aflewer vir verbruik in die gelisensieerde gebou.

(9) Die bepalings van subartikels (1) en (2) (b) is nie van toepassing nie op die verkoop en aflewering van drank deur die houer van 'n groothandelaarsdranklisensie aan die gesagvoerder van 'n skip wat op die punt staan om uit 'n hawe te vertrek, indien verlof vir sodanige verkoop en aflewering skriftelik verleen is deur die magistraat van die distrik waarin die verkoop plaasvind of iemand wat op sy gesag handel."

22. Artikel 76 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 76 van Wet 30 van 1928, soos gewysig deur artikel 59 van Wet 88 van 1963 en artikel 11 van Wet 85 van 1964.

„(a) Die hoeveelheid drank wat die houer van 'n groothandelaarsdranklisensie ineens aan één klant, behalwe 'n lisensiehouer of houer van 'n magtiging kragtens artikel 100*bis* of 100*sex* of 'n persoon wat drank kragtens 'n in artikel 6 (1) (a), (b), (c), (d)*bis* of (d)*ter* bedoelde magtiging verkoop, mag verkoop of aflewer, mag nie minder bedra nie dan twee gallon (waarvan minstens een gallon van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees), of ineens aan één lisensiehouer of houer van 'n magtiging kragtens artikel 100*bis* of 100*sex* of 'n persoon wat drank kragtens 'n in artikel 6 (1) (a), (b), (c), (d)*bis* of (d)*ter* bedoelde magtiging verkoop, mag verkoop of aflewer, mag nie minder bedra nie dan een kwart, in 'n houer of houters wat behoorlik en dig gekurk of geprop moet wees: Met dien verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of afgelewer word nie minder nie dan een gallon tafelwyn insluit wat uitsluitend die produk is van die alkoholiese gisting van die sap van vars druiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk hoof te wees nie."

23. Die volgende artikel word hierby in die Hoofwet na artikel 76 ingevoeg:

Invoeging van artikel 76A in Wet 30 van 1928.

„Regstreekse handeldryf met publiek deur houer van groot-handelaarsdranklisensie. 76A. (1) Iedere groothandelaarsdranklisensie wat na die eerste dag van Januarie 1965 verleen is, is onderworpe aan die voorwaarde dat die houer daarvan nie regstreeks met die publiek handel dryf nie, tensy die Minister op aanvraag by hom op die voorgeskrewe wyse gedoen na die voorgeskrewe kennisgewing, en op aanbeveling van die Nasionale Drankraad, die houer van sodanige lisensie gemagtig het om dit te doen.

(2) Geen houer van 'n groothandelaarsdranklisensie wat voor die eerste dag van Januarie 1965 verleen is, mag na die verstryking van 'n tydperk van drie maande na die inwerkingtreding van hierdie artikel regstreeks met die publiek handel dryf nie, tensy—

(a) hy voor verstryking van bedoelde tydperk van drie maande bewys onder eed lewer tot bevrediging van die voorsitter van die dranklisensieraad in wie se dranklisensiegebied die gelisensieerde gebou geleë is, dat drank gereeld voor die eerste dag van Januarie 1965 kragtens daardie lisensie regstreeks aan die publiek verkoop is, en sy lisensie, met die magtiging van sodanige voorsitter, te dien effekte geëndosseer is deur die ontvanger van inkomste

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effect by the receiver of revenue of the district in which the licensed premises are situate; or
 (b) the Minister has, upon application made to him in the prescribed manner after the giving of the prescribed notice, and upon the recommendation of the National Liquor Board, authorized such holder to do so.

(3) Any authority granted by the Minister under subsection (1) or (2) (b) shall be endorsed on the licence concerned by the receiver of revenue of the district in which the licensed premises are situate.”.

Amendment of section 77 of Act 30 of 1928.

24. Section 77 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Save in the case of a wholesale liquor licence, a foreign liquor licence and a brewer’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.”.

Amendment of section 79 of Act 30 of 1928, as amended by section 30 of Act 61 of 1956 and section 61 of Act 88 of 1963.

25. Section 79 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of subsection (1), no structural alteration or addition to any licensed premises shall be carried out without the written authority of the chairman of the licensing board: Provided that, in the case of major structural alterations or additions no such authority shall be granted except after consultation by such chairman with the commissioned officer of police designated in terms of section 136.”.

Amendment of section 79ter of Act 30 of 1928, as inserted by section 5 of Act 35 of 1956 and amended by section 63 of Act 88 of 1963 and section 12 of Act 85 of 1964.

26. Section 79ter of the principal Act is hereby amended by the substitution for the second proviso to subsection (2) of the following proviso:

“Provided further that the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who is not the master of a ship or his agent or who does not hold a licence for the sale of liquor under this Act or an authority referred to in section 100bis or 100sex or who is not a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (d)bis or (d)ter:”.

Insertion of section 83A in Act 30 of 1928.

27. The following section is hereby inserted in the principal Act after section 83:

“Special conditions of certain temporary liquor licences. 83A. It shall be a special condition of a temporary liquor licence granted under section 66 (4) (aA) that no liquor shall be sold or supplied thereunder to any person who is not a member of a class of persons to whom the holder of such licence is authorized under an authority granted or renewed under section 100bis or 100sex to sell or supply liquor.”.

Amendment of section 86 of Act 30 of 1928, as amended by section 67 of Act 88 of 1963 and section 13 of Act 85 of 1964.

28. Section 86 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs:

“(a) that no liquor other than wine as defined in section 6A (5) of this Act or in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), other fermented beverages and malt liquor shall be sold thereunder; and

(b) that no such wine or any other fermented beverages or malt liquor shall be sold thereunder which has not been produced or brewed in the Republic or the territory of South West Africa.”.

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van die distrik waarin die gelisensieerde gebou geleë is; of

- (b) die Minister, op aanvraag by hom op die voorgeskrewe wyse gedoen na die voorgeskrewe kennisgewing, en op aanbeveling van die Nasionale Drankraad, sodanige houer gemagtig het om dit te doen.

(3) 'n Magtiging deur die Minister kragtens subartikel (1) of (2) (b) verleen, word deur die ontvanger van inkomste van die distrik waarin die gelisensieerde gebou geleë is, op die betrokke lisensie geëndosseer."

24. Artikel 77 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 77 van Wet 30 van 1928.

„(1) Behalwe in die geval van 'n groothandelaarsdranklisensie, 'n buitelandse dranklisensie en 'n bierbrouerslisensie 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 sy lisensie mag aanwys."

25. Artikel 79 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 79 van Wet 30 van 1928, soos gewysig deur artikel 30 van Wet 61 van 1956 en artikel 61 van Wet 88 van 1963.

„(2) Behoudens die bepalings van subartikel (1), word geen verbouing van of aanbouing aan 'n gelisensieerde gebou uitgevoer nie sonder die skriftelike magtiging van die voorsitter van die lisensieraad: Met dien verstande dat in die geval van groot verbouings of aanbouings geen sodanige magtiging verleen word nie behalwe na oorleg deur bedoelde voorsitter met die ingevolge artikel 136 aangewese polisie-offisier."

26. Artikel 79ter van die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling van subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

Wysiging van artikel 79ter van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 35 van 1956 en gewysig deur artikel 63 van Wet 88 van 1963 en artikel 12 van Wet 85 van 1964.

„Met dien verstande voorts dat die houer van 'n groothandelaarsdranklisensie geen drank by of vanuit daardie plek mag verkoop of aflewer aan iemand wat nie die gesagvoerder van 'n skip of sy verteenwoordiger is nie of wat nie 'n lisensie vir die verkoop van drank ingevolge hierdie Wet of 'n in artikel 100bis of 100sex bedoelde magtiging hou nie of wat nie iemand is wat drank kragtens 'n in artikel 6 (1) (a), (b), (c), (d)bis of (d)ter bedoelde magtiging verkoop nie."

27. Die volgende artikel word hierby in die Hoofwet na artikel 83 ingevoeg:

Invoeging van artikel 83A in Wet 30 van 1928.

„Besondere voorwaardes van sekere tydelike drank-lisensies. 83A. 'n Tydelike dranklisensie verleen kragtens artikel 66 (4) (aA), is onderhewig aan die besondere voorwaarde dat geen drank daarkragtens verkoop of verstrekk mag word aan iemand wat nie 'n lid is nie van 'n klas persone ten opsigte van wie die houer van so 'n lisensie kragtens 'n magtiging, verleen of vernuwe kragtens artikel 100bis of 100sex, gemagtig is om drank aan hulle te verkoop of te verstrekk nie."

28. Artikel 86 van die Hoofwet word hierby gewysig deur paragrawe (a) en (b) deur die volgende paragrawe te vervang:

Wysiging van artikel 86 van Wet 30 van 1928, soos gewysig deur artikel 67 van Wet 88 van 1963 en artikel 13 van Wet 85 van 1964.

„(a) geen ander drank dan wyn soos omskryf in artikel 6A (5) van hierdie Wet of in artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), ander gegiste drank en bier verkoop mag word; en

(b) geen sodanige wyn of ander gegiste drank of bier verkoop mag word wat nie in die Republiek of die gebied Suidwes-Afrika vervaardig of gebrou is nie."

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Insertion of
sections 87ter
and 87quat in
Act 30 of 1928.

29. The principal Act is hereby amended—

(a) by the insertion after section 87bis of the following superscription:

“(G) *General conditions and restrictions.*”;

(b) by the insertion after the said superscription as inserted by paragraph (a) of this section of the following sections:

“Minister may impose conditions or restrictions in respect of certain classes of licences.

87ter. (1) The Minister may, on the recommendation of the National Liquor Board, by notice in the *Gazette* impose in respect of any class of licences specified in the notice such conditions or restrictions as he may deem fit, and thereupon every licence of such class shall, as from a date so specified or, if such licence is granted after that date, as from the date of the granting thereof, be deemed to have been granted or renewed, as the case may be, subject to those conditions or restrictions.

(2) The Minister or any person acting under his directions may, on the application of any licensee in writing and on good cause shown, suspend, for such period as he may deem fit, the operation of any such condition or restriction in so far as such condition or restriction affects any licence held under this Act by such licensee.

Prohibitions, conditions or restrictions imposed by Minister not to be suspended, amended or deleted without his consent.

87quat. Notwithstanding anything to the contrary in this Act contained—

(a) no prohibition, condition or restriction imposed under the said Act by the Minister in respect of any licence granted or renewed thereunder shall, without the consent of the Minister or any person acting under his authority, be suspended, amended or deleted by a licensing board or the chairman of a licensing board or a magistrate;

(b) no licensing board or magistrate shall impose in respect of any licence granted or renewed under the said Act any condition or restriction which is inconsistent with any prohibition, condition or restriction imposed under the said Act by the Minister in respect of such licence or the class of licences to which such licence belongs, and any condition or restriction imposed by a licensing board or magistrate which is inconsistent with any such prohibition, condition or restriction imposed by the Minister shall be null and void.”.

Amendment of section 88 of Act 30 of 1928, as substituted by section 14 of Act 85 of 1964.

30. Section 88 of the principal Act is hereby amended by the substitution for paragraph (a) of the proviso to the said section of the following paragraph:

“(a) the foregoing provisions of this section shall not apply in respect of the sale or disposal of—

(i) liquor by the holder of a wine farmer's licence in terms of such licence; or

(ii) wine or other fermented beverages by the holder of a written authority granted under section 6A (4) in terms of such authority;”.

Repeal of section 90 of Act 30 of 1928.

31. Section 90 of the principal Act is hereby repealed.

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29. Die Hoofwet word hierby gewysig—

Invoeging van
artikels 87ter en
87quat in
Wet 30 van 1928.

- (a) deur na artikel 87bis die volgende opskrif in te voeg:
„(G) *Algemene voorwaardes en beperkings.*”;
- (b) deur na bedoelde opskrif soos deur paragraaf (a) van hierdie artikel ingevoeg die volgende artikels in te voeg:

„Minister
kan voor-
waardes of
beperkings
ten opsigte
van sekere
klasse
lisensies
oplê.

87ter. (1) Die Minister kan, op aanbeveling van die Nasionale Drankraad, by kennisgewing in die *Staatskoerant* ten opsigte van 'n in die kennisgewing bepaalde klas lisensies die voorwaardes of beperkings oplê wat hy goedvind, en daarop word iedere lisensie van bedoelde klas vanaf 'n aldus bepaalde datum of, indien so 'n lisensie na dié datum verleen word, vanaf die datum van verlening daarvan, geag verleen of vernuwe te gewees het, na gelang van die geval, onderworpe aan daardie voorwaardes of beperkings.

(2) Die Minister of iemand wat op sy gesag handel, kan op die skriftelike aansoek van 'n lisensiehouer en by aanvoering van goeie gronde, die werking van so 'n voorwaarde of beperking vir die tydperk wat hy goedvind, opskort vir sover so 'n voorwaarde of beperking 'n lisensie raak wat deur bedoelde lisensiehouer kragtens hierdie Wet gehou word.

Verbiedinge,
voorwaardes
of beper-
kings deur
Minister
opgelê, word
nie sonder
sy toe-
stemming
opgeskort,
gewysig of
geskrap nie.

87quat. Ondanks andersluidende bepalings van hierdie Wet—

- (a) word geen verbod, voorwaarde of beperking wat ingevolge genoemde Wet deur die Minister ten opsigte van 'n daarkragtens verleende of vernude lisensie opgelê is, sonder die toestemming van die Minister of iemand wat op sy gesag handel deur 'n lisensieraad of die voorsitter van 'n lisensieraad of 'n magistraat opgeskort, gewysig of geskrap nie;

- (b) lê geen lisensieraad of magistraat enige voorwaarde of beperking ten opsigte van 'n kragtens genoemde Wet verleende of vernude lisensie op nie wat in stryd is met 'n verbod, voorwaarde of beperking wat ingevolge bedoelde Wet deur die Minister opgelê is ten opsigte van sodanige lisensie of die klas lisensies waaronder sodanige lisensie val, en is 'n deur 'n lisensieraad of magistraat opgelegde voorwaarde of beperking wat strydig is met so 'n verbod, voorwaarde of beperking wat deur die Minister opgelê is, niétig.”.

30. Artikel 88 van die Hoofwet word hierby gewysig deur paragraaf (a) van die voorbehoudsbepaling van bedoelde artikel deur die volgende paragraaf te vervang:

Wysiging van
artikel 88 van
Wet 30 van 1928,
soos vervang deur
artikel 14 van
Wet 85 van 1964.

- „(a) die voorafgaande bepalings van hierdie artikel nie van toepassing is nie ten opsigte van die verkoop of van diehandsit van—

- (i) drank deur die houer van 'n wynboer-lisensie ooreenkomstig bedoelde lisensie; of
- (ii) wyn of ander gegiste drank deur die houer van 'n kragtens artikel 6A (4) verleende skriftelike magtiging ooreenkomstig bedoelde magtiging;”.

31. Artikel 90 van die Hoofwet word hierby herroep.

Herroeping van
artikel 90 van
Wet 30 van 1928.

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Amendment of section 100*bis* of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961 and amended by section 2 of Act 89 of 1962 and section 75 of Act 88 of 1963.

32. Section 100*bis* of the principal Act is hereby amended—

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

“(b) any association of persons, including the investment corporation or any development corporation as defined in section 1 of the Promotion of the Economic Development of Bantu Homelands Act, 1968 (Act No. 46 of 1968),”;

- (b) by the insertion after subsection (5) of the following subsections:

“(5A) Notwithstanding anything to the contrary contained in the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), the Minister or any person acting under his directions may, in granting or renewing any authority under subsection (1) or (2) for the sale of liquor for consumption on the premises described in such authority, subject to such conditions or restrictions whatsoever as he may deem fit to impose, authorize the holder of such authority to sell liquor on any closed day which is a polling day fixed under the said Act or under the said Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964).

(5B) Any authority granted and any condition or restriction imposed under subsection (5A) may at any time be amended or withdrawn by the Minister or any person acting under his directions.”; and

- (c) by the substitution for subsection (13) of the following subsection:

“(13) Within two weeks after the commencement of an ordinary session of Parliament the Minister shall lay upon the Table in the Senate and in the House of Assembly a report of all authorities granted under subsection (1) during the preceding calendar year stating the manner in which the profits shall be dealt with in terms of each authority.”.

Amendment of section 100*sex* of Act 30 of 1928, as inserted by section 5 of Act 89 of 1962 and amended by section 6 of Act 98 of 1965.

33. (1) Section 100*sex* of the principal Act is hereby amended—

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

“(1) The Minister or any person acting under his directions may, subject to such conditions or restrictions whatsoever as he may deem fit to impose, grant written authority to the nominee of—

- (a) any association of Coloured or Asiatic persons having not less than twenty shareholders or members; or

- (b) any company in which the Coloured Development Corporation, Limited, established under section 2 of the Coloured Development Corporation Act, 1962 (Act No. 4 of 1962), is the sole shareholder or in which the said Coloured Development Corporation, Limited, and one or more Coloured persons are the sole shareholders,

to sell liquor, or such kinds of liquor as he may determine, for consumption on or off such premises as may be described in such authority: Provided that no authority for the sale of liquor for consumption off the premises shall be granted unless such nominee is also the holder of an authority to sell liquor for consumption on the same premises.”;

- (b) by the insertion after subsection (2) of the following subsections:

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32. Artikel 100*bis* van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- „(b) 'n assosiasie van persone, met inbegrip van die beleggingskorporasie of 'n ontwikkelingskorporasie soos omskryf in artikel 1 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968 (Wet No. 46 van 1968),”;
- (b) deur na subartikel (5) die volgende subartikels in te voeg:
- „(5A) Ondanks andersluidende bepalings van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), kan die Minister of iemand wat op sy gesag handel, by verlening of vernuwing van 'n magtiging kragtens subartikel (1) of (2) vir die verkoop van drank vir gebruik in die gebou in die magtiging omskryf, onderworpe aan watter voorwaardes of beperkings ook al wat hy goedvind om op te lê, die houer van so 'n magtiging magtig om drank te verkoop op 'n geslote dag wat 'n stemdag is wat ingevolge bedoelde Wet of ingevolge bedoelde Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), bepaal is.
- (5B) Die Minister of iemand wat op sy gesag handel, kan te eniger tyd 'n ingevolge subartikel (5A) verleende magtiging of opgelegde voorwaarde of beperking wysig of intrek.”; en
- (c) deur subartikel (13) deur die volgende subartikel te vervang:
- „(13) Binne twee weke na die aanvang van 'n gewone sessie van die Parlement lê die Minister in die Senaat en in die Volksraad 'n verslag ter Tafel van alle magtigings ingevolge subartikel (1) gedurende die voorafgaande kalenderjaar verleen, met vermelding van die wyse waarop daar ingevolge elke magtiging oor die winste beskik moet word.”.
33. (1) Artikel 100*sex* van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Die Minister of iemand wat op sy gesag handel, mag, onderworpe aan watter voorwaardes of beperkings ook wat hy wenslik ag om op te lê, skriftelik magtiging verleen aan die benoemde van—
- (a) 'n assosiasie van kleurlinge of Asiate wat minstens twintig aandeelhouders of lede het; of
- (b) 'n maatskappy waarin die Kleurling-ontwikkelingskorporasie, Beperk, ingestel kragtens artikel 2 van die Wet op die Kleurling-ontwikkelingskorporasie, 1962 (Wet No. 4 van 1962), die enigste aandeelhouer is of waarin bedoelde Kleurling-ontwikkelingskorporasie, Beperk, en een of meer Kleurlinge die enigste aandeelhouders is,
- om drank of die soorte drank wat hy bepaal, te verkoop vir gebruik binne of buite die gebou wat in daardie magtiging beskryf word: Met dien verstande dat geen magtiging vir die verkoop van drank vir gebruik buite die gebou verleen word nie tensy die benoemde ook die houer is van 'n magtiging om drank te verkoop vir gebruik binne dieselfde gebou.”;
- (b) deur na subartikel (2) die volgende subartikels in te voeg:

Wysiging van artikel 100*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en gewysig deur artikel 2 van Wet 89 van 1962 en artikel 75 van Wet 88 van 1963.

Wysiging van artikel 100*sex* van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 89 van 1962 en gewysig deur artikel 6 van Wet 98 van 1965.

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“(2A) No authority shall be granted or renewed under this section, unless every shareholder in or member of the company or association of persons concerned permanently resides within the Republic.

- (2B) (a) If any shareholder in or member of a company or association of persons of which a nominee is the holder of an authority granted or renewed under this section, permanently departs from the Republic, the directors of such company or the committee or body of persons governing or controlling the business or undertaking of such association of persons shall, notwithstanding the provisions, to the contrary, of any law or of any memorandum or articles of association or of any agreement of association or of any other agreement whatsoever, cause any shares or financial interest held by such shareholder or member in such company or in the capital of such association of persons or in any business or undertaking conducted under such authority by or on behalf of such company or association of persons to be valued by a public accountant as defined in the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and shall, within a period of thirty days from such valuation or within such further period as the Minister or any person acting under his directions may, in his discretion, direct, dispose of such shares or financial interest, at a price which is not less than the amount at which such shares or financial interest, as the case may be, is so valued, to some other person permanently residing within the Republic and approved of by the Minister or any person acting under his directions.
- (b) Any shareholder or member whose shares have or whose financial interest has been so disposed of shall cease to be a shareholder in or member of the company or association of persons concerned and shall immediately be informed in writing by the directors, committee or body of persons concerned that he has so ceased to be a shareholder in or member of such company or association of persons, but shall, notwithstanding such disposal, remain liable to pay to such company or association of persons, as the case may be, all moneys which, immediately before such disposal, were payable by him to such company or association of persons, in respect of the shares or financial interest so held by him immediately before such disposal.
- (c) Notwithstanding the provisions, to the contrary, of any law or of any memorandum or articles of association or of any agreement of association or of any other agreement whatsoever, any statement in writing made on oath or affirmation by any director of such company or by a member of the committee or body of persons governing or controlling such association of persons to the effect that any share or financial interest mentioned therein has been disposed of in terms of paragraph (a) shall, against any person claiming to be entitled

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„(2A) Geen magtiging word kragtens hierdie artikel verleen of vernuwe nie, tensy iedere aandeelhouer in of lid van die betrokke maatskappy of assosiasie van persone permanent in die Republiek woonagtig is.

(2B) (a) Indien 'n aandeelhouer in of 'n lid van 'n maatskappy of assosiasie van persone waarvan 'n benoemde die houer is van 'n kragtens hierdie artikel verleende of vernude magtiging, die Republiek permanent verlaat, moet die direkteure van sodanige maatskappy of die komitee of liggaam van persone wat die besigheid of onderneming van sodanige assosiasie van persone bestuur of beheer, ondanks andersluidende wetsbepalings of die bepalinge van enige akte van oprigting of statute of van enige genootskap-ooreenkoms of van enige ander ooreenkoms hoegenaamd, enige aandele of finansiële belang wat bedoelde aandeelhouer of lid besit in bedoelde maatskappy of in die kapitaal van bedoelde assosiasie van persone of in 'n besigheid of onderneming wat ingevolge sodanige magtiging deur of ten behoeve van sodanige maatskappy of assosiasie van persone gedryf word, deur 'n openbare rekenmeester, soos omskryf in die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), laat waardeer, en moet hulle, binne 'n tydperk van dertig dae vanaf sodanige waardering of binne die verdere tydperk wat die Minister of iemand wat op sy gesag handel na goedgekeurde bepaal, bedoelde aandele of finansiële belang teen 'n prys wat nie laer is nie as die bedrag waarteen bedoelde aandele of finansiële belang, na gelang van die geval, aldus gewaardeer is, van die hand sit aan iemand anders wat permanent in die Republiek woonagtig is en deur die Minister of iemand wat op sy gesag handel, goedgekeur is.

(b) 'n Aandeelhouer of lid wie se aandele of finansiële belang aldus van die hand gesit is, hou op om 'n aandeelhouer in of lid van die betrokke maatskappy of assosiasie van persone te wees en word onmiddellik skriftelik deur die betrokke direkteure, komitee of liggaam van persone in kennis gestel dat hy aldus opgehou het om 'n aandeelhouer in of lid van bedoelde maatskappy of assosiasie van persone te wees maar bly, ondanks sodanige vandiehandsitting, aanspreeklik om aan bedoelde maatskappy of assosiasie van persone, na gelang van die geval, alle gelde te betaal wat onmiddellik voor sodanige vandiehandsitting deur hom aan bedoelde maatskappy of assosiasie van persone betaalbaar was ten opsigte van die aandele of finansiële belang wat onmiddellik voor sodanige vandiehandsitting aldus deur hom besit was.

(c) Ondanks andersluidende wetsbepalings of die bepalinge van enige akte van oprigting of statute of van enige genootskap-ooreenkoms of van enige ander ooreenkoms hoegenaamd, is 'n skriftelike verklaring wat onder eed of bevestiging afgelê is deur 'n direkteur van bedoelde maatskappy of deur 'n lid van die komitee of liggaam van persone wat bedoelde assosiasie van persone bestuur of beheer, ten effekte dat 'n daarin vermelde aandeel of finansiële belang ingevolge paragraaf (a) van die hand gesit is, afdoende bewys teen 'n persoon wat daarop aanspraak

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to any such share or financial interest, be conclusive evidence of the facts therein stated, and the receipt of the company or association of persons concerned for the amount paid for such share or financial interest at such disposal shall confer a good and valid title to such share or financial interest, as the case may be, and the person to whom such share or financial interest is so disposed of shall be registered by the company or association of persons concerned as the holder of such share or financial interest, as the case may be.

- (d) The rights of any person to whom any share or financial interest has been disposed of in terms of paragraph (a) shall not be affected by any irregularity relating to the valuation or disposal of such share or financial interest or to any statement referred to in paragraph (c).
- (e) The proceeds of the disposal of any share or financial interest in terms of paragraph (a) shall be applied to the payment of the costs of the valuation and disposal of such share or financial interest in terms of the said paragraph and to the payment of any amount referred to in paragraph (b), if any, and the residue, if any, shall be paid to the person who was the lawful holder of such share or financial interest immediately before such disposal.
- (f) For the purposes of this subsection, any shareholder or member referred to in paragraph (a) shall be deemed to have departed from the Republic permanently if it appears from a certificate given under the hand of the chairman of the National Liquor Board that the National Liquor Board has reason to believe that such shareholder or member, as the case may be, has departed from the Republic, has been absent therefrom for a period exceeding six months without the consent of the Minister or of a person acting under his directions and has no *bona fide* intention of returning thereto for permanent residence therein.”;
- (c) by the insertion after subsection (5) of the following subsection:
 - “(5A) (a) Notwithstanding anything to the contrary contained in the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), the Minister or any person acting under his directions may, in granting or renewing any authority under subsection (1) or (2) for the sale of liquor for consumption on the premises described in such authority, subject to such conditions or restrictions whatsoever as he may deem fit to impose, authorize the holder of such authority to sell liquor on any closed day which is a polling day fixed under the said Act.
 - (b) Any authority, condition or restriction granted or imposed under paragraph (a) may at any time be amended or withdrawn by the Minister or any person acting under his directions.”;
- (d) by the substitution for subsection (8) of the following subsection:
 - “(8) The person to whom an authority is granted or in whose name it is renewed under this section shall pay to the receiver of revenue for the benefit

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maak dat hy op bedoelde aandeel of finansiële belang geregtig is, van die daarin vermelde feite, en verleen 'n kwitansie van die betrokke maatskappy of assosiasie van persone vir die bedrag wat vir bedoelde aandeel of finansiële belang by sodanige vandiehandsitting betaal is, 'n geldige titel op bedoelde aandeel of finansiële belang, na gelang van die geval, en word die persoon aan wie bedoelde aandeel of finansiële belang aldus van die hand gesit is, deur die betrokke maatskappy of assosiasie van persone as die houer van bedoelde aandeel of finansiële belang, na gelang van die geval, geregistreer.

- (d) Die regte van 'n persoon aan wie 'n aandeel of finansiële belang ingevolge paragraaf (a) van die hand gesit is, word nie deur enige onreëlmatigheid met betrekking tot die waardering of vandiehandsitting van bedoelde aandeel of finansiële belang of tot 'n in paragraaf (c) bedoelde verklaring geraak nie.
- (e) Die opbrengs van die vandiehandsitting van 'n aandeel of finansiële belang ingevolge paragraaf (a) word aangewend ter betaling van die koste van die waardering en van die vandiehandsitting van bedoelde aandeel of finansiële belang ingevolge bedoelde paragraaf en ter betaling van enige in paragraaf (b) bedoelde bedrag, as daar is, en die oorskot, as daar is, word aan die persoon wat onmiddellik voor sodanige vandiehandsitting die wettige houer van bedoelde aandeel of finansiële belang was, betaal.
- (f) By die toepassing van hierdie subartikel, word 'n in paragraaf (a) bedoelde aandeelhouer of lid geag die Republiek permanent te verlaat het indien dit uit 'n deur die voorsitter van die Nasionale Drankraad ondertekende sertifikaat blyk dat die Nasionale Drankraad rede het om te vermoed dat bedoelde aandeelhouer of lid, na gelang van die geval, die Republiek verlaat het, vir 'n langer tydperk as ses maande sonder die toestemming van die Minister of iemand wat op sy gesag handel, daaruit afwesig was en nie te goeder trou van voorneme is om daarheen vir permanente verblyf daarin terug te keer nie.”;
- (c) deur na subartikel (5) die volgende subartikel in te voeg:
 - „(5A) (a) Ondanks andersluidende bepalings van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), kan die Minister of iemand wat op sy gesag handel, by verlening of vernuwning van 'n magtiging kragtens subartikel (1) of (2) vir die verkoop van drank vir gebruik in die gebou omskryf in die magtiging, onderworpe aan watter voorwaardes of beperkings ook al wat hy goedgevind om op te lê, die houer van so 'n magtiging magtig om drank te verkoop op 'n geslote dag wat 'n stemdag is wat ingevolge bedoelde Wet bepaal is.
 - (b) Enige magtiging, voorwaarde of beperking wat kragtens paragraaf (a) verleen of opgelê is, kan te eniger tyd deur die Minister of iemand wat op sy gesag handel, gewysig of ingetrek word.”;
- (d) deur subartikel (8) deur die volgende subartikel te vervang:
 - „(8) Die persoon aan wie 'n magtiging verleen word of op wie se naam dit vernuwe word kragtens hierdie artikel, moet aan die ontvanger van inkomste ten

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of the Consolidated Revenue Fund, such fee, not exceeding three hundred pounds, as the Minister after consultation with the Minister of Finance, may in each case determine.”;

- (e) by the substitution in paragraph (b) of subsection (9) for all the words preceding subparagraph (i) of the following words:

„(b) if, save in the case of a company referred to in subsection (1) (b), no single shareholder in or member of the company or other association concerned—”; and

- (f) by the substitution for subsection (11) of the following subsection:

“(11) Within two weeks after the commencement of an ordinary session of Parliament the Minister shall lay upon the Table in the Senate and in the House of Assembly a report of all authorities granted under subsection (1) during the preceding calendar year.”.

(2) The provisions of subsection (1) (b) of this section shall be deemed to have come into operation on the date of commencement of section 5 of the Liquor Amendment Act, 1962 (Act No. 89 of 1962).

Amendment of section 102 of Act 30 of 1928, as amended by section 24 of Act 41 of 1934, section 10 of Act 72 of 1961, section 79 of Act 88 of 1963 and section 15 of Act 85 of 1964.

34. Section 102 of the principal Act is hereby amended—

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

“(1) No holder of an on-consumption licence shall employ in or in connection with the sale of liquor, or during the hours when liquor may be sold or supplied by him in any restricted portion of his premises, any female or any person under the age of eighteen years, unless he is authorized by or under this Act so to employ such female or person.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(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 restricted portion or other portion of his premises from which liquor is supplied—

- (a) any person to whom individually the sale or supply of liquor is totally prohibited;

- (b) any person who, to his knowledge, has within the preceding two 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 fifty pounds.”; and

- (c) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) the wife or a member of the family of the licence holder or of the proprietor or manager of the licensed business.”.

Amendment of section 103 of Act 30 of 1928, as amended by section 11 of Act 72 of 1961.

35. Section 103 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

- “(a) any person for the purpose of the performance by him thereon of any service upon which he may lawfully be employed;”.

Insertion of section 103A in Act 30 of 1928.

36. The following section is hereby inserted in the principal Act after section 103:

“Presence of women and children in certain restricted

103A. (1) The Minister may, after consideration of a written application made in the prescribed manner and upon recommendation of the National Liquor Board, authorize the holder of a club liquor licence or a restaurant liquor licence, subject to

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- voordele van die Gekonsolideerde Inkomstefonds die fooi, wat nie driehonderd pond te bowe gaan nie, betaal wat die Minister, na oorlegpleging met die Minister van Finansies, in iedere geval vasstel.”;
- (e) deur in paragraaf (b) van subartikel (9) al die woorde wat subparagraaf (i) voorafgaan, deur die volgende woorde te vervang:
- „(b) indien, behalwe in die geval van ’n in subartikel (1) (b) bedoelde maatskappy, geen enkele aandeelhouer in of lid van die betrokke maatskappy of ander assosiasie—”; en
- (f) deur subartikel (11) deur die volgende subartikel te vervang:
- „(11) Binne twee weke na die aanvang van ’n gewone sessie van die Parlement lê die Minister in die Senaat en in die Volksraad ’n verslag ter Tafel van alle magtigings ingevolge subartikel (1) gedurende die voorafgaande kalenderjaar verleen.”.
- (2) Die bepalings van subartikel (1) (b) van hierdie artikel word geag op die datum van inwerkingtreding van artikel 5 van die Drankwysigingswet, 1962 (Wet No. 89 van 1962), in werking te getree het.

34. Artikel 102 van die Hoofwet word hierby gewysig—

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

„(1) Geen houer van ’n binneverbruiklisensie mag by of in verband met die verkoop van drank of, gedurende die ure wanneer hy drank mag verkoop of verstrek, in ’n beperkte gedeelte van sy gebou ’n vrouspersoon of iemand onder agtien jaar oud in diens stel nie, tensy hy deur of kragtens hierdie Wet gemagtig is om so ’n vrouspersoon of persoon aldus in diens te stel.”;

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

„(2) Geen houer van ’n botteldranklisensie of van ’n binneverbruiklisensie mag by of in verband met die verkoop van drank of, gedurende die ure wanneer hy drank mag verkoop of verstrek, in ’n beperkte gedeelte of ander gedeelte van sy gebou waaruit drank verstrek word, in diens stel—

- (a) iemand aan wie persoonlik hoegenaamd geen drank verkoop of verstrek mag word nie;

- (b) iemand van wie hy weet dat hy binne die voorafgaande twee jaar weens ’n oortreding van ’n wet op drank-verstreking veroordeel is tot gevangenisstraf sonder die keuse van ’n boete of tot ’n boete van meer dan vyftig pond.”; en

- (c) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

„(c) op die eggenote of ’n lid van die gesin van die lisensiehouer of van die eienaar of bestuurder van die gelisensieerde besigheid.”.

Wysiging van artikel 102 van Wet 30 van 1928, soos gewysig deur artikel 24 van Wet 41 van 1934, artikel 10 van Wet 72 van 1961, artikel 79 van Wet 88 van 1963 en artikel 15 van Wet 85 van 1964.

35. Artikel 103 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

- „(a) ’n persoon vir die doel om daar enige werk te doen waarvoor hy wettig in diens geneem mag word.”.

Wysiging van artikel 103 van Wet 30 van 1928, soos gewysig deur artikel 11 van Wet 72 van 1961.

36. Die volgende artikel word hierby in die Hoofwet na artikel 103 ingevoeg:

„Teenwoordigheid van vrouspersone en kinders in 103A. (1) Die Minister mag, na oorweging van ’n skriftelike aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Nasionale Drankraad, die houer van ’n klub-dranklisensie of ’n restaurant-dranklisensie magtig om, onderworpe

Invoeging van artikel 103A in Wet 30 van 1928.

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portions of licensed premises of clubs and restaurants. such conditions or restrictions as he may deem fit to impose, to permit females of the age of eighteen years or more or such females as well as persons under the age of eighteen years to be in any specified restricted portion of the licensed premises.

(2) Any authority granted under subsection (1) and any condition or restriction attached thereto shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned.”.

Substitution of section 104 of Act 30 of 1928, as amended by section 80 of Act 88 of 1963.

37. The following section is hereby substituted for section 104 of the principal Act:

“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, unless he is authorized by or under this Act to permit females or such persons to be in such restricted portion of his licensed premises.

(2) Nothing in subsection (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 of the proprietor or manager of the licensed business or a member of the family of such licensee, proprietor or manager, 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 any restricted portion 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 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.”.

Amendment of section 105 of Act 30 of 1928, as substituted by section 81 of Act 88 of 1963.

38. Section 105 of the principal Act is hereby amended by the addition of the following subsection:

“(3) The Minister may by notice under his hand delivered or tendered to the holder of an off-consumption licence or a licensee who has in terms of section 64 or 71*bis* been granted authority to sell liquor for consumption off the licensed premises, require such holder or licensee to keep such additional records as may be specified in such notice of all liquor sold or disposed of by him during the period so specified.”.

Amendment of section 116 of Act 30 of 1928, as substituted by section 89 of Act 88 of 1963.

39. Section 116 of the principal Act is hereby amended by the substitution for all the words preceding paragraph (a) of the following words:

“No licensee, not being a company, shall without the written authority of the chairman of the licensing board granted after consultation with the other members thereof and with the commissioned officer of police designated in terms of section 136—”.

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sekere
beperkte
gedeeltes
van gelisen-
sieerde
geboue van
klubs en
restourante.

aan die voorwaardes of beperkings wat hy goedvind om op te lê, vrouspersone van die ouderdom van agtien jaar of ouer of sodanige vrouspersone sowel as persone onder die ouderdom van agtien jaar toe te laat om in enige bepaalde beperkte gedeelte van die gelisensieerde gebou te wees.

(2) Enige magtiging ingevolge subartikel (1) verleen en enige voorwaarde of beperking daaraan geheg word deur die voorsitter van die betrokke lisensieraad op die lisensie deur die betrokke persoon gehou, aangeteken.”.

37. Artikel 104 van die Hoofwet word hierby deur die volgende artikel vervang:

„Teen-
woordigheid
van vrouens
en kinders
in gelisen-
sieerde
gebou.

104. (1) 'n Lisensiehouer mag geen vrouspersoon en niemand wat onder agtien jaar oud is te eniger tyd in 'n beperkte gedeelte van sy gelisensieerde gebou toelaat nie, tensy hy deur of kragtens hierdie Wet gemagtig is om vrouspersone of sodanige persone toe te laat om in sodanige beperkte gedeelte van sy gelisensieerde gebou te wees.

(2) Die bepalings van subartikel (1) is nie van toepassing nie—

(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 van die eienaar of bestuurder van die gelisensieerde besigheid, of 'n lid van die gesin van so 'n lisensiehouer, eienaar of bestuurder, 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 'n beperkte gedeelte 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 proviandering ondergaan het of ondergaan en wat in die gebou is van 'n lisensiehouer by wie hy behoorlik in die leer is, in enige hoedanigheid in verband met die bestuur van die gelisensieerde besigheid.”.

Vervanging van
artikel 104 van
Wet 30 van 1928,
soos gewysig deur
artikel 80 van
Wet 88 van 1963.

38. Artikel 105 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(3) Die Minister kan by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan die houer van 'n buiteverbruiklisensie of 'n lisensiehouer aan wie ingevolge artikel 64 of 71*bis* magtiging verleen is om drank vir verbruik buite die gelisensieerde gebou te verkoop, bedoelde houer of lisensiehouer gelas om die in die kennisgewing bepaalde bykomende aantekeninge te hou van alle drank wat gedurende die aldus bepaalde tydperk deur hom verkoop of van die hand gesit is.”.

Wysiging van
artikel 105 van
Wet 30 van 1928,
soos vervang deur
artikel 81 van
Wet 88 van 1963.

39. Artikel 116 van die Hoofwet word hierby gewysig deur al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„Geen lisensiehouer wat nie 'n maatskappy is nie, mag sonder die skriftelike magtiging van die voorsitter van die lisensieraad, verleen na oorleg met die ander lede daarvan en die ingevolge artikel 136 aangewese polisie-offisier—”.

Wysiging van
artikel 116 van
Wet 30 van 1928,
soos vervang deur
artikel 89 van
Wet 88 van 1963.

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Insertion of section 117A in Act 30 of 1928.

40. The following section is hereby inserted in the principal Act after section 117:

"Restriction of the sale or supply of liquor to liquor contained in bottles or receptacles labelled in the prescribed manner. 117A. (1) Notwithstanding anything to the contrary in this Act contained, the Minister may—
(a) by notice in the *Gazette* restrict the sale or supply of liquor under any class of off-consumption licence specified in the notice or under any off-consumption licence granted or renewed in respect of any premises situate in any area so specified, to the sale or supply of liquor contained in bottles or other receptacles labelled in the manner so specified;
(b) by notice under his hand addressed and delivered or tendered to the holder of any off-consumption licence restrict the sale or supply of liquor under such off-consumption licence to the sale or supply of liquor contained in bottles or other receptacles labelled in the manner specified in such notice.

(2) Different manners for the labelling of bottles or other receptacles in which liquor may be sold or supplied may in terms of subsection (1) (a) be specified in respect of different classes of off-consumption licences or different areas.

(3) In this section 'off-consumption licence' includes any authority granted under section 64 or 71bis to sell liquor for consumption off the licensed premises."

Substitution of section 122 of Act 30 of 1928, as substituted by section 92 of Act 88 of 1963.

41. The following section is hereby substituted for section 122 of the principal Act:

"Concoctions or drinks totally prohibited. 122. No person shall make, be in possession or custody of, use, drink, give or supply to any person—
(a) any concoction made from the fermentation of treacle, sugar or other substances and known as isityimiyana, hopana, qediviki, skokiaan, uhali, or barberton;
(b) any concoction which, though called by another name, is similar or substantially similar to any of the concoctions named in paragraph (a);
(c) any concoction (other than Bantu beer as defined in section 1 of the Bantu Beer Act, 1962 (Act No. 63 of 1962)), produced by the fermentation of any substance, the consumption of which would, in the opinion of the Minister, be prejudicial to the health and well-being of the people, and which he may specify by notice in the *Gazette*; or
(d) any drink produced by the distillation of any concoction referred to in paragraph (a), (b) or (c)."

Amendment of section 135 of Act 30 of 1928, as amended by section 9 of Act 35 of 1956, section 14 of Act 72 of 1961, section 7 of Act 89 of 1962 and section 97 of Act 88 of 1963.

42. Section 135 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(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 liquor from any vehicle or receptacle, unless before the liquor has been despatched it has been ordered and an invoice in the prescribed form has been made out in respect of such order, the original of which shall be kept on the premises from which the liquor is despatched; or

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40. Die volgende artikel word hierby in die Hoofwet na artikel 117 ingevoeg:

Invoeging van artikel 117A in Wet 30 van 1928.

„Beperking van die verkoop of verstrekking van drank tot drank bevat in bottels of houers wat op die voorgeskrewe wyse geëtiketteer is.

117A. (1) Ondanks andersluidende bepalings van hierdie Wet kan die Minister—

(a) by kennisgewing in die *Staatskoerant* die verkoop of verstrekking van drank ingevolge 'n in die kennisgewing bepaalde klas buiteverbruik-lisensie of ingevolge 'n buiteverbruik-lisensie wat verleen of vernuwe is ten opsigte van 'n gebou wat in 'n aldus bepaalde gebied geleë is, beperk tot die verkoop of verstrekking van drank wat bevat is in bottels of ander houers wat op 'n aldus bepaalde wyse geëtiketteer is;

(b) by wyse van 'n deur hom ondertekende kennisgewing gerig en oorhandig of aangebied aan die houer van 'n buiteverbruik-lisensie die verkoop of verstrekking van drank ingevolge bedoelde buiteverbruik-lisensie beperk tot die verkoop of verstrekking van drank wat bevat is in bottels of ander houers wat op 'n in die kennisgewing bepaalde wyse geëtiketteer is.

(2) Verskillende wyses vir die etikettering van bottels of ander houers waarin drank verkoop of verstrekk mag word, kan ingevolge subartikel (1) (a) bepaal word ten opsigte van verskillende klasse buiteverbruik-lisensies of verskillende gebiede.

(3) In hierdie artikel beteken „buiteverbruik-lisensie” ook 'n magtiging wat ingevolge artikel 64 of 71bis verleen is om drank vir verbruik buite die gelisensieerde gebou te verkoop.”.

41. Artikel 122 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 122 van Wet 30 van 1928, soos vervang deur artikel 92 van Wet 88 van 1963.

„Heeltemal verbode brouels of drankes.

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

(a) enige brousel vervaardig deur die gisting van stroop, suiker of ander stowwe en wat bekend staan as isityimiyana, hopana, qediviki, skokiaan, uhali, of barberton;

(b) enige brousel wat, alhoewel anders genoem, soortgelyk is aan of wesentlik soortgelyk is aan enige van die brouels in paragraaf (a) genoem;

(c) enige brousel (behalwe Bantoebier soos omskryf in artikel 1 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962)), vervaardig deur die gisting van enige stof, waarvan die gebruik, volgens oordeel van die Minister, tot nadeel van die gesondheid en welsyn van die volk strek en wat hy by kennisgewing in die *Staatskoerant* vermeld; of

(d) enige drank vervaardig deur die distillering van enige in paragraaf (a), (b) of (c) bedoelde brousel.”.

42. Artikel 135 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 135 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 35 van 1956, artikel 14 van Wet 72 van 1961, artikel 7 van Wet 89 van 1962 en artikel 97 van Wet 88 van 1963.

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

(a) enige drank uit 'n voertuig of houer verstrekk, uitgee of aflewer, of iemand anders beweeg om dit te doen nie, tensy, voor die versending van die drank, dit bestel is en 'n faktuur in die voorgeskrewe vorm ten opsigte van bedoelde bestelling uitgemaak is, waarvan die oorspronklike gehou moet word in die gebou waaruit die drank gestuur word; of

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- (b) carry or convey in any vehicle or receptacle, while in use for the distribution or delivery of liquor, any liquor unless he or, if he carries or conveys such liquor by a servant or agent, such servant or agent is in possession of a copy of an invoice referred to in paragraph (a) in respect of that liquor; or
- (c) distribute or deliver any liquor at any address not specified in such invoice; or
- (d) refuse to allow any member of the police to examine such vehicle or receptacle, or such invoice or copy thereof.”.

Substitution of section 137 of Act 30 of 1928, as amended by section 40 of Act 61 of 1956.

43. The following section is hereby substituted for section 137 of the principal Act:

“Report by police of failure of licensee to carry out conditions.

137. (1) The commissioned officer of police designated in terms of section 136 shall report to the chairman of the licensing board concerned—

- (a) any failure by a licensee, other than a licensee referred to in section 137A (1), to comply with any condition whatsoever imposed upon him by the Minister or the licensing board, as the case may be; and
- (b) any contravention by such a licensee of the provisions of section 79 (2).

(2) The chairman of the board receiving any such report may, if he thinks fit, convene an interim meeting of the licensing board in terms of section 21 for the consideration of the matter, and if he does so he shall give the notices therein prescribed.”.

Insertion of section 137A in Act 30 of 1928.

44. The following section is hereby inserted in the principal Act after section 137:

“Report by police of failure of holder of foreign liquor licence or wine farmer's licence to carry out conditions.

137A. (1) The commissioned officer of police designated in terms of section 136 shall report to the magistrate of the district concerned any failure by the holder of a foreign liquor licence or a wine farmer's licence to comply with any condition whatsoever imposed upon him by the Minister or the magistrate, as the case may be.

(2) The magistrate receiving any such report may, if he is satisfied that any condition referred to in subsection (1) has not been fully complied with, forthwith cancel such licence or suspend it for such period as he may deem fit or impose such restriction or condition in respect of any such licence as may have been imposed in terms of section 32bis (4): Provided that no such licence shall be so cancelled or suspended and no restriction or condition shall be so imposed unless the magistrate has brought such report to the notice of the holder of such licence and called upon him to show cause, within a specified period of not less than fourteen days, why such licence shall not be cancelled or suspended or such restriction or condition shall not be imposed: Provided further that no wine farmer's licence granted or renewed by the Minister under section 32bis (7) shall, without his consent, be cancelled or suspended by any magistrate.”.

Amendment of section 138 of Act 30 of 1928, as amended by section 29 of Act 41 of 1934, section 41 of Act 61 of 1956 and section 99 of Act 88 of 1963.

45. Section 138 of the principal Act is hereby amended by the substitution in subsection (1) for all the words following paragraph (b) of the following words:

“he shall report the circumstances of the offence and conviction to the chairman of the licensing board concerned and request that an interim meeting of the board be convened for the purpose of considering the cancellation of the licence in question.”.

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- (b) terwyl 'n voertuig of houer gebruik word om drank uit te gee of af te lewer, enige drank daarin vervoer tensy hy, of indien hy daardie drank deur 'n bediende of agent vervoer, dié bediende of agent, in besit is van 'n afskrif van 'n in paragraaf (a) bedoelde faktuur ten opsigte van daardie drank; of
- (c) enige drank uitgee of aflewer aan 'n adres wat nie in daardie faktuur vermeld word nie; of
- (d) 'n lid van die polisiemag die besigtiging van so 'n voertuig of houer of so 'n faktuur of afskrif daarvan ontsê nie."

43. Artikel 137 van die Hoofwet word hierby deur die volgende artikel vervang:

„Polisie-rapport omtrent lisensiehouer se versuim om aan voorwaardes te voldoen.

137. (1) Die ingevolge artikel 136 aangewese polisie-offisier rapporteer aan die voorsitter van die betrokke lisensieraad—

- (a) enige versuim deur 'n lisensiehouer, uitgesonderd 'n lisensiehouer bedoel in artikel 137A (1), om aan enige voorwaarde hoegenaamd wat aan hom deur die Minister of die lisensieraad, na gelang van die geval opgelê is, te voldoen; en
- (b) enige oortreding deur so 'n lisensiehouer van die bepalings van artikel 79 (2).

(2) Die voorsitter van die raad wat so 'n rapport ontvang, mag, as hy dit wenslik ag, kragtens artikel 21 'n tussentydse vergadering van die lisensieraad belê om die saak te oorweeg, en as hy dit doen, moet hy die daarin voorgeskrewe kennisgewings uitstuur."

Vervanging van artikel 137 van Wet 30 van 1928, soos gewysig deur artikel 40 van Wet 61 van 1956.

44. Die volgende artikel word hierby in die Hoofwet na artikel 137 ingevoeg:

„Rapport deur polisie van houer van buitelandse drank-lisensie of wynboer-lisensie se versuim om aan voorwaardes te voldoen.

137A. (1) Die ingevolge artikel 136 aangewese polisie-offisier rapporteer aan die magistraat van die betrokke distrik enige versuim deur die houer van 'n buitelandse dranklisensie of 'n wynboer-lisensie om aan enige voorwaarde hoegenaamd te voldoen wat hom deur die Minister of die magistraat, na gelang van die geval, opgelê is.

(2) Die magistraat wat so 'n rapport ontvang, mag, indien hy oortuig is dat 'n in subartikel (1) bedoelde voorwaarde nie ten volle nagekom is nie, onverwyld sodanige lisensie intrek of opskort vir die tydperk wat hy goetvind of 'n beperking of voorwaarde ten opsigte van sodanige lisensie opel wat ingevolge artikel 32bis (4) opgelê sou kon word: Met dien verstande dat geen sodanige lisensie aldus ingetrek of opgeskort word en geen beperking of voorwaarde aldus opgelê word nie tensy die magistraat sodanige rapport onder die aandag van die houer van sodanige lisensie gebring het en hom aangesê het om, binne 'n vermelde tydperk van nie minder as veertien dae nie, redes aan te voer waarom sodanige lisensie nie ingetrek of opgeskort sal word of sodanige beperking of voorwaarde nie opgelê sal word nie: Met dien verstande verder dat geen wynboerlisensie wat kragtens artikel 32bis (7) deur die Minister verleen of vernuwe is, sonder sy toestemming deur 'n magistraat ingetrek of opgeskort word nie."

Invoeging van artikel 137A in Wet 30 van 1928.

45. Artikel 138 van die Hoofwet word hierby gewysig deur in subartikel (1) al die woorde wat op paragraaf (b) volg, deur die volgende woorde te vervang:

„dan moet hy die omstandighede van die misdryf en veroordeling aan die voorsitter van die betrokke lisensieraad meedeel en versoek dat 'n tussentydse vergadering van die raad belê word om die intrekking van die betrokke lisensie te oorweeg."

Wysiging van artikel 138 van Wet 30 van 1928, soos gewysig deur artikel 29 van Wet 41 van 1934, artikel 41 van Wet 61 van 1956 en artikel 99 van Wet 88 van 1963.

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Amendment of section 139 of Act 30 of 1928, as substituted by section 8 of Act 98 of 1965.

46. Section 139 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(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 or any place concerned referred to in section 79ter (2) where liquor is stored and may take stock of all liquor found in or upon such premises or place;”.

Insertion of section 151A in Act 30 of 1928.

47. The following section is hereby inserted in the principal Act after section 151:

“When liquid presumed to be prohibited concoction or drink. 151A. If in any prosecution for an offence under section 166 (q) it is proved that the accused made, had in his custody or possession or used, drank or gave or supplied to any other person any liquid which had or has the appearance of a concoction or drink referred to in section 122 and mentioned in the charge, it shall be presumed that such liquid was or is such a concoction or drink unless the contrary is proved.”.

Amendment of section 161 of Act 30 of 1928, as amended by section 9 of Act 89 of 1962.

48. Section 161 of the principal Act is hereby amended—
(a) by the insertion after paragraph (j) of the following paragraph:

“(jA) fails to comply with any condition or restriction imposed by or under this Act upon him or in respect of any licence held by him or any class of licence to which such licence belongs, and the failure to comply with such condition or restriction is not an offence under any other provision of the said Act;” and

(b) by the insertion after paragraph (o) of the following paragraph:

“(oA) in contravention of section 79 (2), carries out any structural alteration or addition to his licensed premises without the written authority of the chairman of the licensing board;”.

Amendment of section 162 of Act 30 of 1928, as amended by section 15 of Act 72 of 1961, section 102 of Act 88 of 1963 and section 9 of Act 70 of 1968.

49. Section 162 of the principal Act is hereby amended by the insertion after paragraph (b)ter of subsection (1) of the following paragraph:

“(b)quat sells or supplies liquor in contravention of a notice issued under section 117A;”.

Amendment of section 164 of Act 30 of 1928, as amended by section 16 of Act 72 of 1961, section 104 of Act 88 of 1963 and section 11 of Act 70 of 1968.

50. Section 164 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) sells, deals in or disposes of any liquor without the necessary licence issued by the receiver of revenue in terms of section 11 (3), save as in this Act excepted;”.

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957,

51. Section 166 of the principal Act is hereby amended—
(a) by the substitution for paragraph (i)bis of the following paragraph:

“(i)bis consumes any liquor in any street, road, lane or other public thoroughfare or on vacant land adjoining any street, road, lane or other public

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46. Artikel 139 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- „(a) gedurende die ure wanneer 'n gebou, ingevolge hierdie Wet gelisensieer, vir die verkoop van drank oop is, elke kamer of enige ander deel van daardie gebou of 'n in artikel 79ter (2) bedoelde betrokke plek waar drank opgeberg word, binnegaan en besigtig en kan voorraad neem van al die drank wat in of by sodanige gebou of plek gevind word;”.
- Wysiging van artikel 139 van Wet 30 van 1928, soos vervang deur artikel 8 van Wet 98 van 1965.
47. Die volgende artikel word hierby in die Hoofwet na artikel 151 ingevoeg:
- „Wanneer vloestof vermoed word verbode brousel of drank te wees.
- 151A. Indien daar by 'n vervolging weens 'n misdryf ingevolge artikel 166 (q) bewys word dat die beskuldigde 'n vloestof wat die voorkoms van 'n in artikel 122 bedoelde en in die aanklag vermelde brousel of drank gehad het of het, gemaak het, in sy bewaring of besit gehad het of gebruik, gedrink of aan enige ander persoon gegee of verstrekket, word vermoed dat sodanige vloestof so 'n brousel of drank was of is, tensy die teendeel bewys word.”
- Invoeging van artikel 151A in Wet 30 van 1928.
48. Artikel 161 van die Hoofwet word hierby gewysig—
- (a) deur na paragraaf (j) die volgende paragraaf in te voeg:
- „(jA) in gebreke bly om aan 'n voorwaarde of beperking te voldoen wat deur of ingevolge hierdie Wet aan hom of ten opsigte van 'n lisensie deur hom gehou of 'n klas lisensie waaronder sodanige lisensie val, opgelê is, en die versuim om aan bedoelde voorwaarde of beperking te voldoen nie 'n misdryf ingevolge 'n ander bepaling van hierdie Wet is nie;”;
- (b) deur na paragraaf (o) die volgende paragraaf in te voeg:
- „(oA) in stryd met artikel 79 (2), enige verbouing van of aanbouing aan sy gelisensieerde gebou sonder die skriftelike magtiging van die voorsitter van die lisensieraad uitvoer;”.
- Wysiging van artikel 161 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 89 van 1962.
49. Artikel 162 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (b)ter van subartikel (1) in te voeg:
- „(b)quat in stryd met 'n kragtens artikel 117A uitgereikte kennisgewing, drank verkoop of verstrekket;”.
- Wysiging van artikel 162 van Wet 30 van 1928, soos gewysig deur artikel 15 van Wet 72 van 1961, artikel 102 van Wet 88 van 1963 en artikel 9 van Wet 70 van 1968.
50. Artikel 164 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:
- „(a) drank verkoop, daarin handel dryf of van die hand sit sonder die nodige lisensie, deur die ontvanger van inkomste ingevolge artikel 11 (3) uitgereik, tensy hierdie Wet 'n uitsondering maak;”.
- Wysiging van artikel 164 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 72 van 1961, artikel 104 van Wet 88 van 1963 en artikel 11 van Wet 70 van 1968.
51. Artikel 166 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (i)bis deur die volgende paragraaf te vervang:
- „(i)bis drank gebruik in 'n straat, pad, steeg of ander publieke deurgang, of op oop grond wat grens aan 'n straat, pad, steeg of ander publieke deur-
- Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956,

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section 17 of
Act 72 of 1961,
section 20 of
Act 63 of 1962,
section 10 of
Act 89 of 1962,
section 106 of
Act 88 of 1963,
section 18 of
Act 85 of 1964,
section 36 of
Act 70 of 1965,
section 10 of
Act 98 of 1965
and section 12
of Act 70 of
1968.

thoroughfare, in any urban area or other area subdivided into erven or plots and in streets bounded by such erven or plots: Provided that the provisions of this paragraph shall not apply in relation to—

- (i) the consumption of liquor on such vacant land if it has been sold and supplied on such land under an on-consumption licence; or
- (ii) any entertainment provided on such vacant land by any person who owns or otherwise lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof;”;

(b) by the insertion after paragraph (n) of the following paragraph:

“(nA) removes from the licensed premises of the holder of an on-consumption licence or from the premises described in an authority granted or renewed under section 100*bis* or 100*sex* for the sale of liquor for consumption on such lastmentioned premises any liquor which has been sold for consumption on the premises;”;

(c) by the substitution for paragraph (u) of the following paragraph:

“(u) leaves licensed premises (other than licensed premises registered as an hotel in terms of the Hotels Act, 1965 (Act No. 70 of 1965)), without paying his account for board and lodging and meals supplied to himself or to any other person at his request, unless he has made arrangements with the licensee, his agent or servant that such account could be paid later;”;

(d) by the substitution in paragraph (v) for all the words preceding the proviso of the following words:

“(v) being a producer or manufacturer as defined in section 114*bis* or a brewer, or a person who has a controlling interest (as defined in section 114*bis*) in a company which is such a producer or manufacturer or a brewer without the consent of the Minister (which consent may be given subject to such conditions as the Minister may deem fit to impose), directly or indirectly acquires, except in accordance with the proviso to section 114*ter* (1) (a), any financial interest in a business in respect of which a liquor licence has been issued under this Act, other than a business in respect of which a wholesale liquor licence or a brewer's licence has been so issued to himself or an hotel liquor licence has been so issued to himself or to any other person:”.

Amendment of
section 167 of
Act 30 of 1928,
as amended by
section 11 of
Act 35 of 1956,
section 11 of

52. Section 167 of the principal Act is hereby amended—

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

“(b) if the contravention is of a provision of section 161 (c), (h), (i), (j) or (oA) or of a provision

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gang, in 'n stadsgebied of ander gebied wat onder-verdeel is in erwe of persele en in strate wat begrens word deur sodanige erwe of persele; Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie met betrekking tot—

artikel 10 van Wet 58 van 1957, artikel 17 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 10 van Wet 89 van 1962, artikel 106 van Wet 88 van 1963, artikel 18 van Wet 85 van 1964, artikel 36 van Wet 70 van 1965, artikel 10 van Wet 98 van 1965 en artikel 12 van Wet 70 van 1968.

(i) die gebruik van drank op sodanige oop grond indien dit op bedoelde grond kragtens 'n binneverbruik-lisensie verkoop en verstrekk is; of

(ii) enige onthaal wat op enige sodanige oop grond verskaf word deur iemand aan wie daardie grond behoort of wat dit wettig okkupeer, of met betrekking tot die gebruik van enige sodanige grond deur so iemand in die gewone loop van sy okkupasie daarvan;";

(b) deur na paragraaf (n) die volgende paragraaf in te voeg:

„(nA) van die gelisensieerde gebou van die houer van 'n binneverbruik-lisensie of van die gebou omskryf in 'n magtiging wat kragtens artikel 100bis of 100sex verleen of vernuwe is vir die verkoop van drank vir gebruik in laasgenoemde gebou, drank wat vir gebruik in dié gebou verkoop is, verwyder;";

(c) deur paragraaf (u) deur die volgende paragraaf te vervang:

„(u) 'n gelisensieerde gebou (behalwe 'n gelisensieerde gebou wat ingevolge die Wet op Hotelle, 1965 (Wet No. 70 van 1965), as 'n hotel geregistreer is) verlaat sonder om sy rekening vir losies en inwoning en maaltye wat aan hom of iemand anders op sy versoek verskaf is, te betaal tensy hy 'n reëling met die lisensiehouer, sy agent of bediende getref het dat daardie rekening later betaal kan word;"; en

(d) deur in paragraaf (v) al die woorde wat die voorbehoudsbepaling voorafgaan, deur die volgende woorde te vervang:

„(v) in die geval van 'n produsent of vervaardiger soos in artikel 114bis omskryf of 'n bierbrouer of 'n persoon wat 'n beheersende belang (soos in artikel 114bis omskryf) besit in 'n maatskappy wat so 'n produsent of vervaardiger of 'n bierbrouer is, regstreeks of onregstreeks, behalwe ooreenkomstig die voorbehoudsbepaling by artikel 114ter (1) (a), sonder die toestemming van die Minister (welke toestemming gegee mag word onderworpe aan die voorwaardes wat die Minister goedvind om op te lê) 'n geldelike belang verkry in 'n besigheid ten opsigte waarvan 'n dranklisensie ingevolge hierdie Wet uitgereik is, behalwe 'n besigheid ten opsigte waarvan 'n groothandelaarsdranklisensie of 'n bierbrouerslisensie aldus aan hom of 'n hotel-dranklisensie aldus aan hom of iemand anders uitgereik is;".

52. Artikel 167 van die Hoofwet word hierby gewysig—

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

„(b) as dit 'n oortreding is van 'n bepaling in artikel 161 (c), (h), (i), (j) of (oA) of van 'n bepaling

Wysiging van artikel 167 van Wet 30 van 1928 soos gewysig deur artikel 11 van Wet 35 van 1956,

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Act 89 of 1962
and section 107
of Act 88 of
1963.

- of section 162 or 163, to a fine not exceeding one hundred pounds;"; and
- (b) by the addition to the said subsection of the following paragraph:
- "(d) if the contravention is of a provision of section 161 (jA), to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months."

Amendment of
section 168 of
Act 30 of 1928,
as amended by
section 34 of
Act 41 of 1934,
section 12 of
Act 35 of 1956,
section 43 of
Act 61 of 1956,
section 18 of
Act 72 of 1961,
section 20 of
Act 63 of 1962,
section 12 of
Act 89 of 1962,
section 108 of
Act 88 of 1963
and section 13
of Act 70 of
1968.

53. Section 168 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (aA) of subsection (1) of the following paragraph:
- "(aA) if the contravention is of a provision of section 164 (c) or of section 166 (nA), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding six months;";
- (b) by the substitution for paragraph (c) of the said subsection of the following paragraph:
- "(c) if the contravention is of a provision of section 164 (b) or (h) or section 166 (m), (n), (s), (t) or (v), to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment;"; and
- (c) by the insertion after paragraph (c) of the said subsection of the following paragraph:
- "(cA) if the contravention is of a provision of section 164 (a), and it is a first conviction, to a fine of not less than fifty pounds but not exceeding five hundred pounds or to imprisonment for a period of not less than three months but not exceeding five years or to both such fine and such imprisonment, and if it is a second or subsequent conviction, to imprisonment for a period of not less than six months but not exceeding five years and a fine not exceeding five hundred pounds or to such imprisonment only, or, if the accused satisfies the court that at the time of the commission of the offence he was the holder of a valid certificate referred to in section 11 (1) and authorizing the issue of the necessary licence and that he has in the meantime obtained such licence, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;";

Amendment of
section 173 of
Act 30 of 1928,
as amended by
section 44 of
Act 61 of 1956,
section 19 of
Act 72 of 1961,
section 13 of
Act 89 of 1962,
section 111 of
Act 88 of 1963
and section 37
of Act 70 of 1965.

54. Section 173 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (b) of the following paragraph:
- "(b) applications and publication of applications for—
- (i) the grant, renewal, transfer and removal of licences under this Act, and of authorities under sections 6A, 100bis and 100sex; and
- (ii) the classification of accommodation establishments in terms of section 71bis and, after consultation with the Minister of Finance, the fee payable in respect of any such application;";
- (b) by the substitution for paragraph (b)bis of the following paragraph:
- "(b)bis the submission of documents, information, objections, reports and representations in regard to any application referred to in paragraph (b);";
- (c) by the deletion of paragraph (b)quat; and
- (d) by the insertion after paragraph (c)bis of the following paragraphs:

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- in artikel 162 of 163, met 'n boete van hoogstens honderd pond;"; en
- (b) deur die volgende paragraaf by bedoelde subartikel te voeg:
- „(d) as dit 'n oortreding is van 'n bepaling van artikel 161 (jA), met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.”.

artikel 11 van
Wet 89 van 1962
en artikel 107 van
Wet 88 van 1963.

53. Artikel 168 van die Hoofwet word hierby gewysig—

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

„(aA) as dit 'n oortreding is van 'n bepaling van artikel 164 (c) of van artikel 166 (nA), met 'n boete van hoogstens tweehonderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande;";

- (b) deur paragraaf (c) van bedoelde subartikel deur die volgende paragraaf te vervang:

„(c) as dit 'n oortreding is van 'n bepaling van artikel 164 (b) of (h) of van artikel 166 (m), (n), (s), (t) of (v), met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf;"; en

- (c) deur na paragraaf (c) van bedoelde subartikel die volgende paragraaf in te voeg:

„(cA) as dit 'n oortreding is van 'n bepaling van artikel 164 (a), en dit 'n eerste veroordeling is, met 'n boete van minstens vyftig pond maar hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van minstens drie maande maar hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf, en as dit 'n tweede of daaropvolgende veroordeling is, met gevangenisstraf vir 'n tydperk van minstens ses maande maar hoogstens vyf jaar en 'n boete van hoogstens vyfhonderd pond, of met slegs sodanige gevangenisstraf, of, indien die beskuldigde die Hof oortuig dat hy ten tyde van die pleging van die misdryf die houer was van 'n geldige sertifikaat bedoel in artikel 11 (1) waarin die uitreiking van die nodige lisensie gemagtig word, en dat hy intussen sodanige lisensie verkry het, met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met dié boete sowel as dié gevangenisstraf;".

Wysiging van
artikel 168 van
Wet 30 van 1928,
soos gewysig deur
artikel 34 van
Wet 41 van 1934,
artikel 12 van
Wet 35 van 1956,
artikel 43 van
Wet 61 van 1956,
artikel 18 van
Wet 72 van 1961,
artikel 20 van
Wet 63 van 1962,
artikel 12 van
Wet 89 van 1962,
artikel 108 van
Wet 88 van 1963
en artikel 13 van
Wet 70 van 1968.

54. Artikel 173 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) aanvrae en bekendmaking van aanvrae om—

- (i) die verlening, vernuwing, oordrag en verplasing van lisensies kragtens hierdie Wet, en van magtigings kragtens artikels 6A, 100bis en 100sex; en
- (ii) die klassifikasie van akkommodasie-inrigtings ingevolge artikel 71bis en, na oorlegpleging met die Minister van Finansies, die gelde betaalbaar ten opsigte van so 'n aanvraag;";

- (b) deur paragraaf (b)bis deur die volgende paragraaf te vervang:

„(b)bis die voorlegging van dokumente, inligting, besware, rapporte en verstoë met betrekking tot 'n in paragraaf (b) bedoelde aanvraag;";

- (c) deur paragraaf (b)quat te skrap; en

- (d) deur na paragraaf (c)bis die volgende paragraawe in te voeg:

Wysiging van
artikel 173 van
Wet 30 van 1928,
soos gewysig deur
artikel 44 van
Wet 61 van 1956,
artikel 19 van
Wet 72 van 1961,
artikel 13 van
Wet 89 van 1962,
artikel 111 van
Wet 88 van 1963
en artikel 37 van
Wet 70 van 1965.

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“(c)ter the labelling of bottles or other receptacles for the purposes of section 117A;

(c)quat the form of the invoice referred to in section 135 (1) and the preservation and destruction of the original of any such invoice;”.

Amendment of section 175 of Act 30 of 1928, as amended by section 36 of Act 41 of 1934, section 2 of Act 14 of 1951, section 7 of Act 5 of 1952, section 45 of Act 61 of 1956, section 20 of Act 63 of 1962 and section 113 of Act 88 of 1963.

55. Section 175 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (e) of the definition of “closed days” of the following paragraph:

“(e) any polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or that Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), but subject to the provisions of section 181 of the firstmentioned Act;”;

(b) by the deletion in the said subsection of paragraph (g) of the definition of “closed days”;

(c) by the substitution in the said subsection for paragraph (a) of the definition of “intoxicating liquor” of the following paragraph:

“(a) any spirit (other than methylated spirit), wine, liqueur, malt liquor and hop beer;”;

(d) by the insertion in the said subsection after paragraph (b) of the definition of “intoxicating liquor” of the following paragraph:

“(bA) any sweet containing more than two per cent alcohol by weight;”;

(e) by the substitution in the said subsection for paragraph (c) of the definition of “intoxicating liquor” of the following paragraph:

“(c) any drink, substance or concoction which the Minister may from time to time declare by notice in the *Gazette* to be included in this definition; and”;

(f) by the insertion in the said subsection after the definition of “ordinary meal” of the following definition:

“‘other fermented beverage’ means any beverage produced or manufactured from fruit, other than grapes, and containing more than two per cent by volume of alcohol and complying with the requirements prescribed by or under the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), in respect of other fermented beverages referred to in that Act, and includes any alcoholic beverage the sale of which is permitted by a notice issued under section 7 (2) (a) (ii) of the said Act;”;

(g) by the substitution in the said subsection for the definition of “restricted portion” of the following definition:

“‘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 or the Minister;”;

(h) by the substitution in the said subsection for paragraph (e) of the definition of “Transkeian territories” of the following paragraph:

“(e) East Griqualand excluding the districts of Maclear, Mount Currie and Elliot;”.

Amendment of the Third Schedule to Act 30 of 1928,

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

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

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„(c)ter die etikettering van bottels of ander houers vir die doeleindes van artikel 117A;

(c)quat die vorm van die in artikel 135 (1) bedoelde faktuur en die bewaring en vernietiging van die oorspronklike van so 'n faktuur;”.

55. Artikel 175 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragraaf (e) van die omskrywing van „geslote dae” deur die volgende paragraaf te vervang:

„(e) stembag vasgestel ingevolge die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of daardie Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), dog behoudens die bepalinge van artikel 181 van eersgenoemde Wet;”;

(b) deur in bedoelde subartikel paragraaf (g) van die omskrywing van „geslote dae” te skrap;

(c) deur in bedoelde subartikel paragraaf (a) van die omskrywing van „sterke drank” deur die volgende paragraaf te vervang:

„(a) enige spiritualieë (behalwe brandspiritus), wyn, likeur, bier en hobbier;”;

(d) deur in bedoelde subartikel na paragraaf (b) van die omskrywing van „sterke drank” die volgende paragraaf in te voeg:

„(bA) enige lekker wat meer as twee persent alkohol volgens gewig bevat;”;

(e) deur in bedoelde subartikel paragraaf (c) van die omskrywing van „sterke drank” deur die volgende paragraaf te vervang:

„(c) enige drank, stof of brousel waarvan die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* mag verklaar dat dit onder hierdie bepaling val; en”;

(f) deur in bedoelde subartikel na die omskrywing van „gewone maaltyd” die volgende omskrywing in te voeg:

„ander gegiste drank” beteken enige drank gemaak of vervaardig van ander vrugte as druiwe en wat meer alkohol as twee persent van sy volume bevat en wat voldoen aan die vereistes, voorgeskryf deur of ingevolge die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), ten opsigte van die in daardie Wet bedoelde ander gegiste drank, en ook enige alkoholiese drank waarvan die verkoop deur 'n kragtens artikel 7 (2) (a) (ii) van daardie Wet uitgereikte kennisgewing toegelaat word;”;

(g) deur in bedoelde subartikel die omskrywing van „beperkte gedeelte” deur die volgende omskrywing te vervang:

„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 of die Minister bepaal mag word;” en

(h) deur in bedoelde subartikel paragraaf (e) van die omskrywing van „Transkeise gebied” deur die volgende paragraaf te vervang:

„(e) Oos-Griekwaland, met uitsondering van die distrikte Maclear, Mount Currie en Elliot;”.

Wysiging van artikel 175 van Wet 30 van 1928, soos gewysig deur artikel 36 van Wet 41 van 1934 artikel 2 van Wet 14 van 1951, artikel 7 van Wet 5 van 1952, artikel 45 van Wet 61 van 1956, artikel 20 van Wet 63 van 1962 en artikel 113 van Wet 88 van 1963.

56. Die Derde Bylae van die Hoofwet word hierby gewysig—

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

Wysiging van Derde Bylae by Wet 30 van 1928

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as substituted
by section 114
of Act 88 of
1963.

“(a) Whenever in terms of section 64 or 71*bis*, 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.”; and

(b) by the addition of the following paragraph:

“(b) In the case of a transfer of a licence from an employee of a company, society, partnership or other association of persons to another employee of that company, society, partnership or other association of persons, the amount payable for the transfer of that licence shall be reduced by eighty per cent.”.

Amendment of
section 53 of
Act 88 of 1963,
as amended by
section 20 of
Act 62 of 1966.

57. Section 53 of the Liquor Amendment Act, 1963, is hereby amended—

(a) by the substitution, with effect from the first day of January, 1964, for subsection (3) of the following subsection:

“(3) If no certificate of classification has in terms of section 71*bis* of the principal Act been issued on or before the thirty-first day of December, 1968, in respect of an accommodation establishment conducted under an hotel liquor licence granted before the coming into operation of subsection (1) of this section, and such licence is renewed under that Act for the year 1969, such renewal shall be deemed to have been granted in respect of a wine and malt liquor licence in respect of the premises concerned, and if a special right of off-sale under such hotel liquor licence has been authorized in terms of section 64 of the said Act, such right shall as from the first day of January, 1969, be deemed to be confined to the sale of such liquor only as may, in terms of section 86 of the said Act, be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and subject to such conditions as he may deem fit, the provisions of this subsection shall not apply in respect of such hotel liquor licence or such right.”; and

(b) by the addition of the following subsection:

“(4) If no certificate of classification has in terms of section 71*bis* of the principal Act been issued on or before the thirty-first day of December, 1974, in respect of an accommodation establishment situated in the district of Mount Currie and conducted under an hotel liquor licence granted before the commencement of section 55 (*h*) of the Liquor Amendment Act, 1969, and such licence is renewed under the principal Act for the year 1975, such renewal shall be deemed to have been granted in respect of a wine and malt liquor licence in respect of the premises concerned, and if a special right of off-sale under such hotel liquor licence has been authorized in terms of section 64 of the latter Act, such right shall as from the first day of January, 1975, be deemed to be confined to the sale of such liquor only as may, in terms of section 86 of the latter Act, be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and subject to such conditions as he

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- „(a) Wanneer ingevolge artikel 64 of 71*bis* aan die houer van 'n binneverbruik-lisensie magtiging verleen word om drank te verkoop vir gebruik buite die gelisensieerde gebou, word die bedrag wat vir 'n vernuwing van daardie lisensie verskuldig is, met een helfte vermeerder.”; en
- (b) deur die volgende paragraaf by te voeg:
- „(b) In die geval van 'n oordrag van 'n lisensie van 'n dienaar van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone aan 'n ander dienaar van daardie maatskappy, vereniging, vennootskap of ander assosiasie van persone, word die bedrag wat vir die oordrag van daardie lisensie betaalbaar is, met 80 persent verminder.”.

soos vervang deur artikel 114 van Wet 88 van 1963.

57. Artikel 53 van die Drankwysigingswet, 1963, word hierby gewysig—

- (a) deur subartikel (3) met ingang van die eerste dag van Januarie 1964 deur die volgende subartikel te vervang:
- „(3) Indien geen klassifikasiesertifikaat op of voor die een-en-dertigste dag van Desember 1968 ingevolge artikel 71*bis* van die Hoofwet uitgereik word nie ten opsigte van 'n akkommodasie-inrigting wat bestuur word kragtens 'n hotel-dranklisensie wat voor die inwerkingtreding van subartikel (1) van hierdie artikel verleen is, en daardie lisensie vir die jaar 1969 kragtens daardie Wet vernuwe word, word die vernuwing geag verleen te gewees het ten opsigte van 'n wyn- en bier-lisensie in verband met die betrokke gebou, en indien 'n spesiale reg van buiteverbruik-verkoop kragtens daardie hotel-dranklisensie ingevolge artikel 64 van genoemde Wet gemagtig is, word daardie reg vanaf die eerste dag van Januarie 1969 geag beperk te wees tot die verkoop van alleen die drank wat ingevolge artikel 86 van genoemde Wet deur die houer van 'n wyn- en bier-lisensie verkoop mag word: Met dien verstande dat die Minister in enige besondere geval, op 'n skriftelike aanvraag en om gegronde en voldoende redes aangevoer, kan gelas dat, vir die tydperk en behoudens die voorwaardes wat hy goedvind, die bepalinge van hierdie subartikel nie ten opsigte van bedoelde hotel-dranklisensie of bedoelde reg van toepassing is nie.”; en
- (b) deur die volgende subartikel by te voeg:

Wysiging van artikel 53 van Wet 88 van 1963, soos gewysig deur artikel 20 van Wet 62 van 1966.

„(4) Indien geen klassifikasiesertifikaat op of voor die een-en-dertigste dag van Desember 1974 ingevolge artikel 71*bis* van die Hoofwet uitgereik word nie ten opsigte van 'n akkommodasie-inrigting wat in die distrik Mount Currie geleë is en wat bestuur word kragtens 'n hotel-dranklisensie wat voor die inwerkingtreding van artikel 55 (h) van die Drankwysigingswet, 1969, verleen is, en daardie lisensie vir die jaar 1975 kragtens die Hoofwet vernuwe word, word die vernuwing geag verleen te gewees het ten opsigte van 'n wyn- en bier-lisensie in verband met die betrokke gebou, en indien 'n spesiale reg van buiteverbruik-verkoop kragtens daardie hotel-dranklisensie ingevolge artikel 64 van laasgenoemde Wet gemagtig is, word daardie reg vanaf die eerste dag van Januarie 1975 geag beperk te wees tot die verkoop van alleen die drank wat ingevolge artikel 86 van laasgenoemde Wet deur die houer van 'n wyn- en bier-lisensie verkoop mag word: Met dien verstande dat die Minister in enige besondere geval, op 'n skriftelike aanvraag en om gegronde en voldoende redes aangevoer, kan gelas dat, vir die tydperk en behoudens die voor-

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may deem fit, the provisions of this subsection shall not apply in respect of such hotel liquor licence or such right.”.

Amendment of
Proclamation
No. 333 of
1949.

58. Proclamation No. 333 of 1949 is hereby amended by the substitution for paragraph 5 of Annexure A of the following paragraph:

“5. East Griqualand, excluding the districts of Elliot, Maclear and Mount Currie.”.

Savings.

59. Any licence, other than a police canteen licence or a regimental canteen licence, or letter of exemption, permit, authority, order, consent, declaration or prohibition granted, renewed, made, given, issued or imposed under any provision of Proclamation No. 333 of 1949, to or in respect of any person resident in the district of Mount Currie or in respect of any premises situated in the said district and in force immediately before the commencement of section 55 (*h*) of this Act shall, subject to such restrictions, directions or conditions as may apply thereto, be deemed to have been granted, renewed, made, given, issued or imposed under the corresponding provision of the principal Act.

Short title
and
commencement.

60. This Act shall be called the Liquor Amendment Act, 1969, and shall, subject to the provisions of sections 33 (2) and 57 (*a*), come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the several provisions thereof.

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waardes wat hy goedvind, die bepalings van hierdie subartikel nie ten opsigte van bedoelde hotel-drank-lisensie of bedoelde reg van toepassing is nie.”.

58. Proklamasie No. 333 van 1949 word hierby gewysig deur Wysiging van paragraaf 5 van Aanhangsel A deur die volgende paragraaf Proklamasie No. 333 van 1949. te vervang:

„5. Griekwaland-Oos, maar nie ook die distrikte Elliot, Maclear en Mount Currie nie.”.

59. Enige lisensie, behalwe 'n polisiekantien-lisensie of 'n Voorbehoude. regimentskantien-lisensie, of vrystellingsbrief, permit, magtiging, bevel, toestemming, verklaring of verbod toegeken, hernuwe, uitgevaardig, verleen, uitgereik of opgelê ingevolge 'n bepaling van Proklamasie No. 333 van 1949, aan of ten opsigte van 'n persoon in die distrik Mount Currie woonagtig of in verband met enige gebou in daardie distrik geleë, en onmiddellik voor die inwerkingtreding van artikel 55 (h) van hierdie Wet van krag, word, behoudens die beperkings, voor-skrifte of voorwaardes wat daarop van toepassing is, geag ingevolge die ooreenstemmende bepaling van die Hoofwet toegeken, hernuwe, uitgevaardig, verleen, uitgereik of opgelê te gewees het.

60. Hierdie Wet heet die Drankwysigingswet, 1969, en tree, Kort titel en behoudens die bepalings van artikels 33 (2) en 57 (a), in wer- inwerkingtreding. king op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van die onderskeie bepalings daarvan aldus bepaal kan word.

