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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

No. 1204. 18 June 1975.

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

No. 56 of 1975: Second Liquor Amendment Act, 1975.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1204. 18 Junie 1975.

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

No. 56 van 1975: Tweede Drankwysigingswet, 1975.

Act No. 56, 1975

SECOND LIQUOR AMENDMENT ACT, 1975.

ACT

To amend the Liquor Act, 1928, so as to further regulate the supply and sale of liquor.

(English text signed by the State President.)

(Assented to 12 June 1975.)

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, section 1 of Act 12 of 1965, section 1 of Act 23 of 1969 and section 5 of Act 83 of 1969.

1. Section 5 of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the addition to subsection (1) of the following paragraphs:

- “(f) the sale of liquor in any refreshment room in premises in which the Coloured Persons Representative Council of the Republic of South Africa, established under the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), is held, if sold under the permission of the Council or of any committee thereof;
- (g) the sale of liquor in any refreshment room in premises in which the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), is held, if sold under the permission of the Council or of any committee thereof;
- (h) any *bona fide* manufacturer of sweets who sells any sweet containing more than two per cent of alcohol by mass which is manufactured by him in the Republic, to any licensee, holder of an authority under section 100*bis* or 100*sex* or person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)*bis*, (d)*ter*, (d)*quat*, (d)*quin*, (d)*sex*, or (d)*sept* or under the provisions of paragraphs (d), (e), (f) or (g) of this subsection.”.

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

2. Section 6 of the principal Act is hereby amended by the insertion after paragraph (d)*sex* of subsection (1) of the following paragraph:

- “(d)*sept* any person who on behalf of the principal of any college for advanced technical education established or deemed to have been established under the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), and in a restaurant utilized for the training

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WET

Tot wysiging van die Drankwet, 1928, ten einde die verstrekking en verkoop van drank verder te reël.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1975.)

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 deur die volgende paragrawe by subartikel (1) te voeg:

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, artikel 1 van Wet 12 van 1965, artikel 1 van Wet 23 van 1969 en artikel 5 van Wet 83 van 1969.

- „(f) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika wat kragtens die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), ingestel is, sitting hou, indien verkoop met toestemming van die Raad of 'n komitee daarvan;
- (g) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin die Suid-Afrikaanse Indiërraad wat by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), ingestel is, sitting hou, indien verkoop met toestemming van die Raad of 'n komitee daarvan;
- (h) 'n *bona fide*-vervaardiger van lekkers wat enige lekker wat meer as twee persent alkohol volgens massa bevat en deur hom in die Republiek vervaardig is, verkoop aan 'n lisensiehouer, die houer van 'n magtiging kragtens artikel 100*bis* of 100*sex* of iemand wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex* of (d*sept* bedoelde magtiging of kragtens die bepalinge van paragrawe (d), (e), (f) of (g) van hierdie subartikel.”

2. Artikel 6 van die Hoofwet word hierby gewysig deur na paragraaf (d)*sex* van subartikel (1) die volgende paragraaf in te voeg:

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

- „(d)*sept* iemand wat namens die hoof van 'n kollege vir gevorderde tegniese onderwys wat kragtens die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967), ingestel is of wat geag word daarkragtens ingestel te gewees het en in 'n restaurant wat aangewend word

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section 2 of
Act 88 of 1963,
section 1 of
Act 85 of 1964,
section 1 of
Act 98 of 1965,
section 1 of
Act 62 of 1966,
section 2 of
Act 23 of 1969,
section 1 of
Act 17 of 1970,
section 10 of
Act 80 of 1971,
section 1 of
Act 102 of 1972
and section 7 of
Act 94 of 1974.

Amendment of
section 6A of
Act 30 of 1928,
as inserted by
section 3 of
Act 23 of 1969
and amended by
section 8 of
Act 94 of 1974.

of hotel-personnel in catering services and which is on premises controlled and maintained by such college, sells, for consumption in such restaurant, any liquor under the authority of the Minister and subject to such conditions or restrictions imposed by him;".

3. Section 6A of the principal Act is hereby amended—

- (a) by the deletion of paragraph (c) of subsection (4); and
- (b) by the insertion after the said subsection (4) of the following subsections:

"(4A) (a) Any holder of an authority granted under subsection (4) may apply in the prescribed manner to the Minister through the magistrate of the district for the transfer of such authority to any other person or association, and the Minister or any person acting under his directions may, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act, grant the application for such transfer.

- (b) Any person to whom or association to which an authority has been transferred, shall possess all the rights and be subject to all the duties, obligations and penalties of the original holder of the authority.

(4B) Any authority granted under subsection (4) or transferred under subsection (4A) may at any time be withdrawn by the Minister without giving any reason therefor."

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,
section 12 of
Act 88 of 1963
and section 6 of
Act 23 of 1969.

4. 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—

- (i) 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; or
- (ii) was at such meeting found not to have complied with the prescribed requirements and was for that reason not considered by the board at such meeting,

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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vir die opleiding van hotelpersoneel in spyseniersdienste en wat in 'n gebou is wat deur bedoelde kollege beheer en in stand gehou word, drank op gesag van die Minister en behoudens die voorwaardes of beperkings deur hom opgelê, verkoop vir verbruik in bedoelde restaurant;”.

artikel 2 van Wet 88 van 1963, artikel 1 van Wet 85 van 1964, artikel 1 van Wet 98 van 1965, artikel 1 van Wet 62 van 1966, artikel 2 van Wet 23 van 1969, artikel 1 van Wet 17 van 1970, artikel 10 van Wet 80 van 1971, artikel 1 van Wet 102 van 1972 en artikel 7 van Wet 94 van 1974.

3. Artikel 6A van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (4) te skrap; en
- (b) deur na genoemde subartikel (4) die volgende subartikels in te voeg:

Wysiging van artikel 6A van Wet 30 van 1928, soos ingevoeg deur artikel 3 van Wet 23 van 1969 en gewysig deur artikel 8 van Wet 94 van 1974.

„(4A) (a) 'n Houer van 'n magtiging kragtens subartikel (4) verleen, mag op die voorgeskrewe wyse by die Minister deur bemiddeling van die magistraat van die distrik aanvraag doen om die oordrag van die magtiging aan 'n ander persoon of vereniging, en die Minister of iemand wat op sy gesag handel, mag na oorweging van alle relevante dokumente, inligting, besware, polisierapporte en vertoë wat kragtens hierdie Wet aan hom voorgelê is, die aanvraag om die oordrag toestaan.

- (b) Enige persoon aan wie of vereniging waaraan 'n magtiging oorgedra is, besit al die regte en is onderworpe aan al die pligte, verpligtings en strawwe van die oorspronklike houer van die magtiging.

(4B) 'n Magtiging kragtens subartikel (4) verleen of kragtens subartikel (4A) oorgedra, kan te eniger tyd deur die Minister, sonder verskaffing van enige rede daarvoor, ingetrek word.”.

4. Artikel 22 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

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, artikel 12 van Wet 88 van 1963 en artikel 6 van Wet 23 van 1969.

- „(b) Indien 'n aanvraag by die voorsitter van 'n lisensieraad ingedien om die vernuwing van 'n lisensie—

- (i) 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 die aanvraag op daardie vergadering te maak, volgens die oordeel van die voorsitter sodanig is dat dit billik is dat verligting verleen moet word; of

- (ii) op daardie vergadering bevind is nie aan die voorgeskrewe vereistes te voldoen het nie en om daardie rede nie deur die raad op daardie vergadering ooreweeg is nie,

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 die aanvraag, maar sodanige vergaderings word nie meer dikwels as een maal in 'n kalendermaand belê nie.”.

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Substitution of section 32*ter* of Act 30 of 1928, as inserted by section 17 of Act 88 of 1963.

5. The following section is hereby substituted for section 32*ter* of the principal Act:

"Application for grant of a temporary liquor or late hours occasional licence.

32*ter*. Any person desiring the grant of a temporary liquor licence or a late hours occasional licence, shall make application therefor in the prescribed manner to the magistrate, additional magistrate or assistant magistrate of the district in which the premises concerned are situate who may, subject to the provisions of this Act, in his discretion, grant such application subject to such conditions or restrictions as he may deem fit to impose."

Amendment of section 47 of Act 30 of 1928, as amended by section 12 of Act 41 of 1934, section 24 of Act 61 of 1956 and section 31 of Act 88 of 1963.

6. Section 47 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

"Provided that—

- (i) the chairman of the licensing board or, in the case of a licence which may be granted or renewed by a magistrate, the magistrate of the district, may, pending the appointment of such executor, curator or trustee, as the case may be, and if no specific provision for the circumstances is made in this Act, authorize any person whom he thinks fit in writing to carry on such business until such executor, curator or trustee is appointed but not for a longer period than four months;
- (ii) no such authority for a period in excess of one month shall be granted unless reasonable notice to the satisfaction of such chairman or magistrate, as the case may be, has been given of the proposal to every person who is financially interested in the business."

Amendment of section 66 of Act 30 of 1928, as amended by section 18 of Act 41 of 1934, section 6 of Act 85 of 1964 and section 17 of Act 23 of 1969.

7. Section 66 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) Subject to the provisions of section 73, a late hours occasional licence shall not be granted to any person other than—

- (a) the holder of an hotel liquor licence, a wine and malt liquor licence, a club liquor licence or a restaurant liquor licence; or
- (b) 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."

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, section 3 of Act 98 of 1965 and section 18 of Act 23 of 1969.

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

- (a) by the addition to paragraph (a) of subsection (1) of the following words:

"or authorized by the chairman of the licensing board concerned at any time during the year on application made to him in writing and after consultation with the other members of such board and subject to such conditions or restrictions as he may deem fit to impose;" and

- (b) by the substitution for subsection (4) of the following subsection:

"(4) Notwithstanding anything in subsection (3) contained, any two portions of any premises separated from each other by a wall or walls, may be regarded as being separate premises for the purposes of the grant or renewal of—

- (a) a restaurant liquor licence in respect of one portion and a theatre liquor licence in respect of the other; or

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5. Artikel 32^{ter} van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanvraag om verlening van 'n tydelike drank- of nagtelike geleentheids-lisensie. 32^{ter}. Iemand wat die verlening van 'n tydelike dranklisensie of 'n nagtelike geleentheids-lisensie verlang, moet op die voorgeskrewe wyse daarom aanvraag maak by die magistraat, addisionele magistraat of assistent-magistraat van die distrik waarin die betrokke gebou geleë is, wat, behoudens die bepalings van hierdie Wet, na goeë dunde die aanvraag mag toestaan onderworpe aan die voorwaardes of beperkings wat hy na goeë vinde opleë.”.

Vervanging van artikel 32^{ter} van Wet 30 van 1928, soos ingevoeg deur artikel 17 van Wet 88 van 1963.

6. Artikel 47 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat—

- (i) die voorsitter van die lisensieraad of, in die geval van 'n lisensie wat deur 'n magistraat verleen of vernuwe mag word, die magistraat van die distrik, hangende die aanstelling van bedoelde eksekuteur of kurator, na gelang van die geval, en as hierdie Wet nie uitdruklik in die omstandighede voorsien nie, iemand wat hy geskik ag, skriftelik mag magtig om die besigheid voort te set totdat bedoelde eksekuteur of kurator aangestel word maar nie vir 'n langer tydperk as vier maande nie;
- (ii) so 'n magtiging vir 'n tydperk van meer as een maand nie verleen mag word nie tensy van die voorstel redelike kennis gegee is, tot tevreëdenheid van bedoelde voorsitter of magistraat, na gelang van die geval, aan elkeen wat in die besigheid geldelike belang het.”.

Wysiging van artikel 47 van Wet 30 van 1928, soos gewysig deur artikel 12 van Wet 41 van 1934, artikel 24 van Wet 61 van 1956 en artikel 31 van Wet 88 van 1963.

7. Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Behoudens die bepalings van artikel 73 mag 'n nagtelike geleentheids-lisensie aan niemand anders verleen word nie as aan—

- (a) die houer van 'n hotel-dranklisensie, 'n wyn- en bier-lisensie, 'n klub-dranklisensie, of 'n restourant-dranklisensie; of
- (b) die houer 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.”.

Wysiging van artikel 66 van Wet 30 van 1928, soos gewysig deur artikel 18 van Wet 41 van 1934, artikel 6 van Wet 85 van 1964 en artikel 17 van Wet 23 van 1969.

8. Artikel 69 van die Hoofwet word hierby gewysig—

- (a) deur die volgende woorde by paragraaf (a) van subartikel (1) te voeg:

„of wat die voorsitter van die betrokke lisensieraad te eniger tyd gedurende die loop van die jaar op skriftelike aanvraag by hom gedoen en na oorlegpleging met die ander lede van dié raad veroorloof behoudens die voorwaardes of beperkings wat hy na goeë vinde opleë;”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Ondanks die bepalings van subartikel (3), kan twee gedeeltes van 'n gebou wat deur 'n muur of mure van mekaar geskei word, as afsonderlike geboue beskou word by die verlening of vernuwing van—

- (a) 'n restourant-dranklisensie ten opsigte van een gedeelte en 'n teater-dranklisensie ten opsigte van die ander; of

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, artikel 3 van Wet 98 van 1965 en artikel 18 van Wet 23 van 1969.

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- (b) an on-consumption licence in respect of one portion providing residential accommodation for guests, if the other is used for the garaging of motor vehicles,

even though the two portions are connected by a door or other means of communication.”.

Amendment of section 71 of Act 30 of 1928, as amended by section 52 of Act 88 of 1963.

9. Section 71 of the principal Act is hereby amended—

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

“(a) that the premises in respect of which the application is made afford reasonable residential accommodation for guests, including not less than ten bedrooms where the premises are situated within an area under the jurisdiction of a municipal council or borough council or five bedrooms where the premises are situated elsewhere;” and

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

“(3) Whenever, by the constitution, or extension of the boundaries of the area under the jurisdiction, of a municipal council or borough council, premises in respect of which an hotel liquor licence is held which were previously situated outside such an area become included in such an area, the provisions of subsection (1) requiring that such premises shall contain not less than ten bedrooms shall not apply until the expiration of twelve months from the date when the premises become so included.”.

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, section 35 of Act 70 of 1965 and section 19 of Act 23 of 1969.

10. (1) Section 71bis of the principal Act is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (c) of subsection (7) of the following subparagraph:

“(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, within such urban area and within the district within which such accommodation establishment is situate, or, if such accommodation establishment is situate in a rural area, within the district within which such accommodation establishment is situate: Provided that if such 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;” and

- (b) by the deletion of subparagraphs (iii) and (iv) of the said paragraph (c).

(2) Any authority granted under the said subparagraphs (iii) and (iv) prior to their repeal by this section, shall be deemed to have been granted respectively under sections 103A and 102A (1) (a) of the principal Act as substituted by this Act, and any condition or restriction imposed under the said subparagraphs, shall be deemed to have been imposed under the said section 103A or 102A, as the case may be.

(3) Any authority, condition or restriction referred to in subsection (2) and endorsed on any licence in terms of section 71bis (8) of the principal Act, shall be deemed to have been endorsed on such licence in terms of the said section 103A or 102A, as the case may be.

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- (b) 'n binneverbruik-lisensie ten opsigte van een gedeelte wat woonakkommodasie vir gaste voorsien, indien die ander aangewend word vir die stalling van motorvoertuie,

selfs al word die twee gedeeltes deur 'n deur of ander verkeersweg verbind."

9. Artikel 71 van die Hoofwet word hierby gewysig—

Wysiging van artikel 71 van Wet 30 van 1928, soos gewysig deur artikel 52 van Wet 88 van 1963.

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

„(a) dat die gebou in verband waarmee die aanvraag gemaak word, redelike woonakkommodasie vir gaste bevat met minstens tien slaapkamers as die gebou in 'n gebied onder die beheer van 'n munisipale raad of stadsraad geleë is, of vyf slaapkamers as die gebou elders geleë is;” en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Wanneer 'n gebou ten opsigte waarvan 'n hotel dranklisensie gehou word, wat voorheen buite 'n gebied onder die beheer van 'n munisipale raad of stadsraad geleë was, deur stigting van so 'n raad of grensuitbreiding van so 'n gebied in so 'n gebied opgeneem word, dan is die vereiste van subartikel (1) dat daardie gebou minstens tien slaapkamers moet bevat nie van toepassing nie, totdat twaalf maande verloop het vanaf die dag waarop daardie gebou aldus opgeneem is."

10. (1) Artikel 71bis van die Hoofwet word hierby gewysig—

Wysiging van artikel 71bis 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, artikel 35 van Wet 70 van 1965 en artikel 19 van Wet 23 van 1969.

- (a) deur subparagraaf (i) van paragraaf (c) van subartikel (7) deur die volgende subparagraaf te vervang:

„(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, binne daardie stadsgebied en binne die distrik waarbinne daardie akkommodasie-inrigting geleë is, of, indien daardie akkommodasie-inrigting binne 'n plattelandse gebied geleë is, binne die distrik waarbinne daardie akkommodasie-inrigting geleë is: Met dien verstande dat indien bedoelde 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;” en

- (b) deur subparagrafe (iii) en (iv) van genoemde paragraaf (c) te skrap.

(2) Enige magtiging kragtens genoemde subparagrafe (iii) en (iv) verleen voor die herroeping daarvan deur hierdie artikel, word geag onderskeidelik kragtens artikels 103A en 102A (1) (a) van die Hoofwet soos deur hierdie Wet vervang, verleen te gewees het, en enige voorwaarde of beperking kragtens bedoelde subparagrafe opgelê, word geag kragtens genoemde artikel 103A of 102A, na gelang van die geval, opgelê te gewees het.

(3) Enige in subartikel (2) bedoelde magtiging, voorwaarde of beperking wat ingevolge artikel 71bis (8) van die Hoofwet op 'n lisensie aangeteken is, word geag ingevolge genoemde artikel 103A of 102A, na gelang van die geval, op dié lisensie aangeteken te gewees het.

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Amendment of section 73 of Act 30 of 1928, as amended by section 55 of Act 88 of 1963 and section 20 of Act 23 of 1969.

11. 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—

- (a) there has been issued a restaurant liquor licence, a wine and malt liquor licence, an hotel liquor licence, or a club liquor licence; or
- (b) there has been granted or renewed an authority referred to in section 66 (5) (b); 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, section 4 of Act 70 of 1968, section 21 of Act 23 of 1969, section 2 of Act 17 of 1970 and section 14 of Act 94 of 1974.

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

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

“(a) the holder of a wholesale liquor licence who does not deal directly with the public and the holder of a brewer's licence—

- (i) shall not sell or deliver liquor earlier than seven o'clock in the morning or later than eight o'clock in the evening; and

- (ii) may, notwithstanding anything to the contrary in any law contained, on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant convey liquor from his licensed premises or place of storage approved of in terms of section 79ter (2) for delivery—

(aa) at any place of storage approved of in terms of section 79ter (2);

(bb) to any licensee, holder of an authority under section 100bis or 100sex, or person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex, or (d)sept or under the provisions of section 5 (1) (d), (e), (f) or (g); or

(cc) at any place on the railway system controlled by the Railway Administration for transport by rail to any such licensee, holder or person;”;

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

“(f) the holder of a bar licence or an hotel liquor licence shall not sell or deliver liquor earlier than ten o'clock in the morning or later than half-past eleven o'clock at night: Provided that—

- (i) if a certificate of classification has been issued under section 71bis in respect of the licensed premises, the holder of the hotel liquor licence concerned may sell and deliver liquor until such hour, including such hour in the morning of the following day, as the Minister may determine;

- (ii) the holder of a bar licence may sell or deliver liquor until such later hour as the Minister may, upon application and on the recommendation of the National Liquor Board, authorize in writing;

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11. 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 en artikel 20 van Wet 23 van 1969.

„(1) 'n Nagtelike geleentheidslisensie mag slegs verleen word in verband met 'n gebou ten opsigte waarvan—

(a) 'n restaurant-dranklisensie, 'n wyn- en bier-lisensie, 'n hotel-dranklisensie, of 'n klub-dranklisensie uitgereik is; of

(b) 'n in artikel 66 (5) (b) bedoelde magtiging verleen of vernuwe is;

en as dit tot bevrediging van die magistraat, by wie die lisensie aangevra word, bewys word dat by die geleentheid waarvoor die lisensie aangevra word, 'n *bona fide*-gesellige byeenkoms daarin sal plaasvind.”.

12. 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, artikel 4 van Wet 70 van 1968, artikel 21 van Wet 23 van 1969, artikel 2 van Wet 17 van 1970 en artikel 14 van Wet 94 van 1974.

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

„(a) mag die houer van 'n groothandelaars-dranklisensie wat nie regstreeks met die publiek handel dryf nie en die houer van 'n bierbrouerslisensie—

(i) nie drank voor sewenuur in die môre of na agtuur in die aand verkoop of aflewer nie; en

(ii) mag hy, ondanks andersluidende wetsbepalings op enige geslote dag behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag drank vanaf sy gelisensieerde gebou of opbergplek wat ingevolge artikel 79ter (2) goedgekeur is, vervoer vir aflewering—

(aa) by enige opbergplek wat ingevolge artikel 79ter (2) goedgekeur is;

(bb) aan 'n lisensiehouer, houer van 'n magtiging kragtens artikel 100bis of 100sex of iemand wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex of (d)sept bedoelde magtiging of kragtens die bepaling van artikel 5 (1) (d), (e), (f) of (g); of

(cc) op enige plek aan die spoorwegnetwerk beheer deur die Spoorwegadministrasie, vir vervoer per spoor na so 'n lisensiehouer, houer of persoon;”;

(b) deur paragraaf (f) van genoemde subartikel (2) deur die volgende paragraaf te vervang:

„(f) mag die houer van 'n kantien-lisensie of 'n hotel-dranklisensie nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand drank verkoop of aflewer nie: Met die verstande dat—

(i) indien 'n klassifikasiesertifikaat ingevolge artikel 71bis ten opsigte van die gelisensieerde gebou uitgereik is, die houer van die betrokke hotel-dranklisensie drank mag verkoop en aflewer tot die uur, ook die uur in die môre van die volgende dag, wat die Minister bepaal;

(ii) die houer van 'n kantien-lisensie drank mag verkoop of aflewer tot die later tydstop wat die Minister op aanvraag en op aanbeveling van die Nasionale Drankraad skriftelik magtig;

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- (iii) If a condition has been imposed under section 78 (1) (b) (i) in respect of the supply of liquor to any particular class of persons under a bar licence or an hotel liquor licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may, on the recommendation of the National Liquor Board, made after enquiry in terms of section 118ter, direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;";
- (c) by the insertion after the said paragraph (f) of the following paragraphs, the existing paragraph (fA) becoming paragraph (fC):
- “(fA) the holder of a wine and malt liquor licence granted prior to 15 July 1964 in respect of any premises or granted or renewed at any time in respect of premises providing residential accommodation for guests, shall not sell or deliver liquor earlier than ten o'clock in the morning or later than half-past eleven o'clock at night: Provided that if a condition has been imposed under section 78 (1) (b) (i) in respect of the supply of liquor to any particular class of persons under such licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may on the recommendation of the National Liquor Board, made after enquiry in terms of section 118ter, direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;
- (fB) the holder of a wine and malt liquor licence granted after 14 July 1964 in respect of premises not providing residential accommodation for guests, shall only sell or deliver liquor between the hours of twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock in the evening and half-past eleven o'clock at night, unless the Minister, upon application made in the prescribed manner and upon the recommendation of the National Liquor Board, in writing determines other hours, which shall not be earlier than ten o'clock in the morning or later than half-past eleven o'clock at night;";
- (d) by the substitution for paragraph (k) of the said subsection (2) of the following paragraph:
- “(k) a late hours occasional licence shall not authorize the sale or supply of liquor save upon the one day mentioned in such licence or at any other times than between the hour of closing of the licensed or authorized premises in respect of which such late hours occasional licence is granted and such

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- (iii) indien 'n voorwaarde kragtens artikel 78 (1) (b) (i) opgelê is ten opsigte van die verstrekking van drank aan 'n bepaalde klas persone kragtens 'n kantien-lisensie of 'n hotel-drank-lisensie 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, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en afgelewer word slegs gedurende die tye (wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand is nie) wat die Minister, op aanbeveling van die Nasionale Drankraad gedoen na ondersoek ingevolge artikel 118ter, gelas of, indien die Minister nie aldus gelas nie, wat vasgestel word deur die gesag wat die lisensie verleen of vernuwe;";
- (c) deur na genoemde paragraaf (f) die volgende paragraaf in te voeg terwyl die bestaande paragraaf (fA) paragraaf (fC) word:
- „(fA) mag die houer van 'n wyn- en bier-lisensie wat voor 15 Julie 1964 ten opsigte van enige gebou verleen is of wat te eniger tyd verleen of vernuwe is ten opsigte van 'n gebou wat woonakkommodasie vir gaste voorsien, nie vroeër as tienuur in die more of later as half-twaalfuur in die aand drank verkoop of aflewer nie: Met dien verstande dat indien 'n voorwaarde kragtens artikel 78 (1) (b) (i) opgelê is ten opsigte van die verstrekking van drank aan 'n bepaalde klas persone kragtens bedoelde lisensie 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, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en afgelewer word slegs gedurende die tye (wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand is nie) wat die Minister op aanbeveling van die Nasionale Drankraad, gedoen na ondersoek ingevolge artikel 118ter, gelas of, indien die Minister nie aldus gelas nie, wat vasgestel word deur die gesag wat die lisensie verleen of vernuwe;
- (fB) mag die houer van 'n wyn- en bier-lisensie wat ná 14 Julie 1964 verleen is ten opsigte van 'n gebou wat nie woonakkommodasie vir gaste voorsien nie, slegs tussen twaalfuur middag en half-drieuur in die namiddag en tussen sesuur en half-twaalfuur in die aand drank verkoop of aflewer, tensy die Minister op aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Nasionale Drankraad ander ure skriftelik bepaal, wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand mag wees nie;";
- (d) deur paragraaf (k) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
- „(k) mag 'n nagtelike geleentheidslisensie nie die verkoop of verstrekking van drank veroorloof nie, behalwe op die een dag wat in die lisensie genoem word, of op enige ander tye dan tussen die sluitingsuur van die gelisensieerde of gemagtigde gebou in verband waarmee die nagtelike geleentheidslisensie verleen is, en die uur, synde nie

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hour, not being later than two o'clock in the morning of the following day, not being a closed day, as the authority granting the licence may determine."; and

- (e) by the substitution for subsection (9) of the following subsection:

"(9) The provisions of subsections (1) and (2) (a) and (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, section 11 of Act 85 of 1964, section 22 of Act 23 of 1969, section 3 of Act 17 of 1970, section 2 of Act 102 of 1972 and section 15 of Act 94 of 1974.

13. Section 76 of the principal Act is hereby amended—

- (a) 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—

- (i) 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), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex* or (d*sept* or under the provisions of section 5 (1) (d), (e), (f) or (g), at any one time shall not be less than—

(aa) two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), in a receptacle or receptacles properly and securely corked or stoppered; or

(bb) in the case of sweets containing more than two per cent of alcohol by mass, 10 pounds in a receptacle or receptacles properly and securely sealed; or

- (ii) 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), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex* or (d*sept* or under the provisions of section 5 (1) (d), (e), (f) or (g), at any one time shall not be less than—

(cc) one quart, in a receptacle or receptacles properly and securely corked or stoppered; or

(dd) in the case of such sweets, one pound in a receptacle properly and securely sealed:

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.";

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later nie dan twee-uur in die môre van die volgende dag, wat nie 'n geslote dag is nie, wat die gesag wat die lisensie verleen, bepaal.”; en

- (e) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Die bepalings van subartikels (1) en (2) (a) en (b) is nie van toepassing nie op die verkoop en aflewering van drank deur die houer van 'n groothandelaars-dranklisensie aan die gesagvoerder van 'n skip wat op die punt staan om uit 'n hawe te vertrek, indien verlot 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.”.

13. Artikel 76 van die Hoofwet word hierby gewysig—

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

„(a) Die hoeveelheid drank wat die houer van 'n groothandelaars-dranklisensie ineens aan—

- (i) één klant, behalwe 'n lisensiehouer of houer van 'n magtiging kragtens artikel 100*bis* of 100*sex* of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)*bis*, (d)*ter*, (d)*quat*, (d)*quin*, (d)*sex* of (d)*sept* bedoelde magtiging of kragtens die bepalings van artikel 5 (1) (d), (e), (f) of (g), mag verkoop of aflewer, mag nie minder bedra nie dan—

(aa) twee gallon (waarvan minstens een gallon van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees), in 'n houer of houers wat behoorlik en dig gekurk of geprop moet wees; of

(bb) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 10 pond in 'n houer of houers wat behoorlik en dig verseël moet wees; of

- (ii) één lisensiehouer of houer van 'n magtiging kragtens artikel 100*bis* of 100*sex* of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)*bis*, (d)*ter*, (d)*quat*, (d)*quin*, (d)*sex* of (d)*sept* bedoelde magtiging of kragtens die bepalings van artikel 5 (1) (d), (e), (f) of (g), mag verkoop of aflewer, mag nie minder bedra nie dan—

(cc) een kwart, in 'n houer of houers wat behoorlik en dig gekurk of geprop moet wees; of

(dd) in die geval van bedoelde lekkers, een pond in 'n houer wat behoorlik en dig verseël moet wees:

Wysiging van artikel 76 van Wet 30 van 1928, soos gewysig deur artikel 59 van Wet 88 van 1963, artikel 11 van Wet 85 van 1964, artikel 22 van Wet 23 van 1969, artikel 3 van Wet 17 van 1970, artikel 2 van Wet 102 van 1972 en artikel 15 van Wet 94 van 1974.

Met dien verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of afgelewer word nie minder nie dan een gallon tafelvyn 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 tafelvyn nie van dieselfde beskrywing of merk hoof te wees nie.”;

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

“(2)*bis* The quantity of liquor to be sold or delivered by the holder of a foreign liquor licence to any one customer at any one time shall not be less than—

- (i) two gallons in a receptacle or receptacles properly and securely corked or stoppered; or
 - (ii) in the case of sweets containing more than two per cent of alcohol by mass, 10 pounds in a receptacle or receptacles properly and securely sealed.”; and
- (c) by the substitution for subsection (4) of the following subsection:

“(4) The quantity of liquor to be sold or delivered by the holder of a bottle liquor licence or a grocer's wine licence to any one customer at any one time shall not be less than one half pint in a bottle or receptacle properly and securely corked or stoppered or, in the case of the sale or delivery by the holder of a bottle liquor licence of sweets containing more than two per cent of alcohol by mass, not be less than one half pound in a receptacle or receptacles properly and securely sealed.”.

Insertion of section 76A in Act 30 of 1928, and repeal of section 23 of Act 23 of 1969.

14. (1) 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 that the holder of such a licence shall not after a period of three months from the date of commencement of this section, deal directly with the public unless the Minister has, upon application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorized such holder to do so subject to such conditions or restrictions as the Minister may deem fit to impose.

(2) Any authority granted by the Minister under subsection (1) shall be endorsed on the licence concerned by the chairman of the liquor licensing board in whose liquor licensing area the licensed premises are situated.

(3) For the purposes of this section the holder of a licence shall not be considered to ‘deal directly with the public’ if he sells, supplies or delivers liquor to—

- (a) any person *bona fide* employed by him in connection with the conduct of the licensed business;
- (b) any person referred to in item 602.00 of Schedule No. 6 to the Customs and Excise Act, 1964 (Act No. 91 of 1964); or
- (c) any person who supplies grapes or wine in bulk to such holder for purposes of processing or blending.”.

- (2) Section 23 of the Liquor Amendment Act, 1969 (Act No. 23 of 1969), is hereby repealed.

Substitution 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, section 12 of Act 85 of 1964,

15. The following section is hereby substituted for section 79ter of the principal Act:

“Storing of liquor.

79ter. (1) In granting any application for the grant, renewal or removal of any licence or when issuing a conditional authority for a licence, or when granting authority under section 79 (2), the competent authority shall determine a place in which

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

„(2)*bis* Die hoeveelheid drank wat die houer van 'n buitelandse dranklisensie ineens aan een klant mag verkoop of aflewer, mag nie minder bedra nie dan—

- (i) twee gallon in 'n houer of houters wat behoorlik en dig gekurk of geprop moet wees; of
- (ii) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 10 pond in 'n houer of houters wat behoorlik en dig verseël moet wees.”; en

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie of 'n kruideniers-wynlisensie ineens aan 'n klant mag verkoop of aflewer, mag nie minder bedra nie dan een halfpint in 'n bottel of houer wat behoorlik en dig gekurk of geprop moet wees of, in die geval van die verkoop of aflewering deur die houer van 'n bottel-dranklisensie van lekkers wat meer as twee persent alkohol volgens massa bevat, dan een halfpond in 'n houer of houters wat behoorlik en dig verseël moet wees.”

14. (1) Die volgende artikel word hierby in die Hoofwet na artikel 76 ingevoeg:

„Regstreekse handeldryf met publiek deur houer van groothandelaars-dranklisensie.

76A. (1) Iedere groothandelaars-dranklisensie is onderworpe aan die voorwaarde dat die houer van die lisensie nie na 'n tydperk van drie maande vanaf die datum van die inwerkingtreding van hierdie artikel, regstreeks met die publiek handel dryf nie, tensy die Minister op aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Nasionale Drankraad, sodanige houer gemagtig het om dit te doen behoudens die voorwaardes of beperkings wat die Minister na goedvinde opleë.

(2) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, word deur die voorsitter van die dranklisensieraad in wie se dranklisensiegebied die gelisensieerde gebou geleë is, op die betrokke lisensie aangeteken.

(3) Vir die doeleindes van hierdie artikel word dit beskou dat 'n lisensiehouer nie „regstreeks met die publiek handel dryf” nie indien hy drank verkoop, verstreke of aflewer aan—

- (a) enige persoon wat *bona fide* deur hom in diens gestel is in verband met die dryf van die gelisensieerde besigheid;
- (b) enige persoon bedoel in item 602.00 van Bylae No. 6 by die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964); of
- (c) enige persoon wat druiwe of wyn in grootmaat aan sodanige houer lewer vir verwerking of versnyding.”

- (2) Artikel 23 van die Drankwysigingswet, 1969 (Wet No. 23 van 1969), word hierby herroep.

15. Artikel 79*ter* van die Hoofwet word hierby deur die volgende artikel vervang:

„Opberging van drank.

79*ter*. (1) By die toestaan van 'n aansoek om die verlening, hernuwing of verplasing van 'n lisensie of wanneer 'n voorwaardelike magtiging vir 'n lisensie verleen word, of wanneer magtiging ingevolge artikel 79 (2) verleen word, moet die bevoegde gesag 'n plek bepaal waarin die lisensiehouer sy drank moet op-

Invoeging van artikel 76A in Wet 30 van 1928, en herroeping van artikel 23 van Wet 23 van 1969.

Vervanging van artikel 79*ter* 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, artikel 12 van Wet 85 van 1964,

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section 26 of
Act 23 of 1969,
section 4 of
Act 17 of 1970,
section 3 of
Act 102 of 1972
and section 16 of
Act 94 of 1974.

the licensee shall store his liquor: Provided that the chairman of the licensing board may at any other time upon application and after consultation with the commissioned officer of police designated in terms of section 136, determine another or an additional place in which the licensee shall store his liquor.

(2) A licensee shall store all liquor received or manufactured by him and not immediately required for sale in the place so determined: Provided that—

- (i) the holder of a wholesale liquor licence or a brewer's licence may store such liquor also in a place which the magistrate of the district in which such place is situate, may, on application made in the prescribed manner by such licensee, approve subject to such conditions or restrictions as he may deem fit to impose;
- (ii) 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 100*bis* or 100*sex* or who is not a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex* or (d*sept* or who is not a person selling liquor under the provisions of section 5 (1) (d), (e), (f) or (g); and
- (iii) the holder of such licence shall keep at such place a daily record in one of the official languages of all liquor brought into that place and all liquor removed, sold or delivered therefrom, showing the place to which or the name and address of the person to whom it was so removed, delivered or sold."

Substitution of
section 80 of
Act 30 of 1928,
as amended by
section 64 of
Act 88 of 1963.

16. The following section is hereby substituted for section 80 of the principal Act:

"Conditions
of licences
as to place
of con-
sumption
of liquor.

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

(2) Subject to the provisions of section 64, 64*ter* or 71*bis* it shall be a condition of every on-consumption licence that no part of the liquor sold shall be consumed elsewhere than upon the licensed premises.

(3) Notwithstanding anything to the contrary in this Act contained, the holder of a wholesale liquor licence who does not deal directly with the public and the holder of a brewer's licence, may, upon application, be authorized in writing by the Minister or any person acting under his directions to supply, subject to such conditions or restrictions as he may impose, any liquor free of charge to a *bona fide* visitor to the licensed premises, to a *bona fide* guest or to a person *bona fide* employed in connec-

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berg: Met dien verstande dat die voorsitter van die lisensieraad te enige ander tyd op aanvraag en na oorleg met die ingevolge artikel 136 aangewese polisie-offisier, 'n ander of 'n bykomende plek kan bepaal waarin die lisensiehouer sy drank moet opberg.

artikel 26 van
Wet 23 van 1969,
artikel 4 van
Wet 17 van 1970,
artikel 3 van
Wet 102 van 1972
en artikel 16 van
Wet 94 van 1974.

(2) 'n Lisensiehouer moet alle drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop benodig is nie, in die aldus bepaalde plek opberg: Met die verstande dat—

- (i) die houer van 'n groothandelaars-dranklisensie of 'n bierbrouerslisensie sodanige drank ook kan opberg in 'n plek wat die magistraat van die distrik waarin genoemde plek geleë is, op aansoek, op die voorgeskrewe wyse gedoen deur die lisensiehouer, goedkeur onderworpe aan die voorwaardes of beperkings wat hy na goedvinde oplê;
- (ii) die houer van 'n groothandelaars-dranklisensie 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 100*bis* of 100*sex* bedoelde magtiging hou nie of wat nie iemand is wat drank kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex* of (d*sept*) bedoelde magtiging verkoop nie of wat nie iemand is wat drank kragtens die bepalinge van artikel (5) (1) (d), (e), (f) of (g) verkoop nie; en
- (iii) die houer van so 'n lisensie 'n daaglikse aantekening in een van die amptelike tale in daardie plek moet hou van alle drank wat in daardie plek gebring word en alle drank wat daaruit verwyder, verkoop of afgelewer word, wat die plek aantoon waarheen of die naam en adres van die persoon na wie dit aldus verwyder is of aan wie dit aldus afgelewer of verkoop is."

16. Artikel 80 van die Hoofwet word hierby deur die volgende artikel vervang:

„Voorwaarde in lisensie omtrent plek van drankgebruik.

80. (1) Elke buiteverbruik-lisensie is onderworpe aan die voorwaarde dat geen drank deur 'n klant gebruik mag word nie in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of digby geleë is en wat die lisensiehouer besit of beheer.

(2) Met inagneming van die bepalinge van artikel 64, 64*ter* of 71*bis* is elke binneverbruik-lisensie onderworpe aan die voorwaarde dat geen deel van die verkoopte drank êrens anders gebruik mag word nie dan in die gelisensieerde gebou.

(3) Ondanks andersluidende bepalinge van hierdie Wet, kan die houer van 'n groothandelaars-dranklisensie wat nie regstreeks met die publiek handel dryf nie en die houer van 'n bierbrouerslisensie, op aanvraag, skriftelik deur die Minister of iemand wat op sy gesag handel, gemagtig word om, behoudens die voorwaardes of beperkings wat hy oplê, enige drank kosteloos te verstrek aan 'n *bona fide*-besoeker aan die gelisensieerde gebou, aan 'n *bona fide*-gas of aan 'n persoon wat te goeder trou

Vervanging van
artikel 80 van
Wet 30 van 1928,
soos gewysig deur
artikel 64 van
Wet 88 van 1963.

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tion with the conduct of the licensed business, for consumption on the licensed premises or in any premises or place adjoining or near the licensed premises in a room or other place specially set aside for that purpose and approved by the Minister or any person acting under his directions.”.

Amendment of section 87*bis* of Act 30 of 1928, as inserted by section 69 of Act 88 of 1963.

17. Section 87*bis* of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) It shall be a condition of a meal time wine and malt licence that no liquor other than malt liquor, table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than 14 per cent of alcohol by volume and other fermented beverages, shall be sold thereunder.”.

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, section 75 of Act 88 of 1963 and section 32 of Act 23 of 1969.

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

- (a) by the deletion of the proviso to subsection (12); and
- (b) by the deletion of subsection (13).

Amendment of section 100*quin* of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961, and substituted by section 5 of Act 98 of 1965 and amended by section 1 of Act 92 of 1970.

19. Section 100*quin* of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) (a) Notwithstanding the provisions of subsection (1), the Minister may, after having obtained a report and recommendation of the National Liquor Board, made after an enquiry under section 118*ter*, by notice under his hand delivered or tendered to any holder of an off-consumption licence or any holder of a licence who has been authorized under section 64 or 71*bis* to sell liquor for consumption off the licensed premises, prohibit such holder as from a date specified in the notice from selling any liquor, or any liquor of a specified kind, or any liquor other than liquor of a specified kind, or any liquor of any kind in excess of any specified quantity, to any member of any specified class of persons for consumption off the licensed premises.

(b) Any prohibition referred to in paragraph (a)—

(i) may be imposed—

(aa) for an indefinite period;

(bb) in respect of such hours or such days or such period as the Minister may specify in the notice concerned; or

(cc) until the conditions or requirements specified by the Minister in the notice concerned, have been fulfilled or complied with to the satisfaction of the Minister;

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in verband met die dryf van die gelisensieerde besigheid in diens gestel is, vir verbruik in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of digby geleë is, in 'n vertrek of ander plek wat spesiaal vir daardie doel opsygesit is en wat deur die Minister of iemand wat op sy gesag handel, goedgekeur is.”.

17. Artikel 87*bis* van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 87*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 69 van Wet 23 van 1963.

„(2) Dit is 'n voorwaarde van 'n maaltyd-wyn- en -bier-lisensie dat geen ander drank dan bier, tafelwyn wat uitsluitend die produk is van die alkoholiese gisting van die sap van vars duiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume en ander gegiste drank daarkragtens verkoop mag word nie.”.

18. Artikel 100*bis* van die Hoofwet word hierby gewysig—

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, artikel 75 van Wet 88 van 1963 en artikel 32 van Wet 32 van 1969.

- (a) deur die voorbehoudbepaling by subartikel (12) te skrap; en
(b) deur subartikel (13) te skrap.

19. Artikel 100*quin* van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 100*quin* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en vervang deur artikel 5 van Wet 98 van 1965 en gewysig deur artikel 1 van Wet 92 van 1970.

„(2) (a) Ondanks die bepalings van subartikel (1), mag die Minister, nadat hy 'n verslag en aanbeveling van die Nasionale Drankraad, gedoen na ondersoek kragtens artikel 118*ter*, verkry het, by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan enige houer van 'n buiteverbruik-lisensie of enige lisensiehouer wat kragtens artikel 64 of 71*bis* gemagtig is om drank vir gebruik buite die gelisensieerde gebou te verkoop, daardie lisensiehouer verbied om, vanaf 'n in die kennisgewing bepaalde datum, enige drank, of enige drank van 'n vermelde soort, of enige drank behalwe drank van 'n vermelde soort, of 'n groter hoeveelheid van enige soort drank as 'n vermelde hoeveelheid, aan enige lid van 'n vermelde klas van persone vir gebruik buite die gelisensieerde gebou verkoop.

- (b) Enige verbod in paragraaf (a) bedoel—

(i) kan opgelê word—

(aa) vir 'n onbepaalde tydperk;

(bb) ten opsigte van die ure of die dae of die tydperk wat die Minister in die betrokke kennisgewing vermeld; of

(cc) totdat ten genoeë van die Minister aan die voorwaardes of vereistes wat hy in die betrokke kennisgewing vermeld, voldoen is of hulle nagekom is;

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- (ii) may be withdrawn by the Minister in the circumstances contemplated in subparagraph (i) (cc) or in any other circumstances that he may deem fit.”.

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 and section 33 of Act 23 of 1969.

20. Section 100~~sex~~ of the principal Act is hereby amended by the deletion of subsection (11).

Substitution of section 102A of Act 30 of 1928, as inserted by section 18 of Act 94 of 1974.

21. (1) The following section is hereby substituted for section 102A of the principal Act:

“Employment of women in specified restricted and other portions of premises licensed for on-consumption.

102A. (1) The Minister may, after consideration of a written application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorize the holder of any on-consumption licence (other than a temporary liquor licence) to employ, subject to such conditions or restrictions as the Minister may deem fit to impose, females of the age of eighteen years or more in or in connection with the sale of liquor—

- (a) in any specified restricted portion of his premises; or
- (b) in any other portion of his premises which is not a restricted portion.

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

(2) Any authority granted under the said section 102A prior to its substitution by this section, shall be deemed to have been granted under subsection (1) (a) thereof as so substituted.

Substitution of section 103A of Act 30 of 1928, as inserted by section 36 of Act 23 of 1969 and substituted by section 19 of Act 94 of 1974.

22. The following section is hereby substituted for section 103A of the principal Act:

“Presence of women and children in certain restricted portions of premises licensed for on-consumption.

103A. (1) The Minister may, after consideration of a written application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorize the holder of any on-consumption licence (other than a temporary liquor licence), subject to 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 by virtue of the provisions of the said subsection (1),

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- (ii) kan deur die Minister opgehef word onder die omstandighede beoog in subparagraaf (i) (cc) of onder enige ander omstandighede wat hy goedvind.”.

20. Artikel 100^{sex} van die Hoofwet word hierby gewysig deur subartikel (11) te skrap.

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 en artikel 33 van Wet 23 van 1969.

21. (1) Artikel 102A van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 102A van Wet 30 van 1928, soos ingevoeg deur artikel 18 van Wet 94 van 1974.

„Indiens-
stelling van
vroue in
bepaalde
beperkte en
ander
gedeeltes
van geboue
wat vir
binnever-
bruik
gelisensieer
is.

102A. (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 enige binne-verbruiklisensie (behalwe ’n tydelike dranklisensie) magtig om, onderworpe aan die voorwaardes of beperkings wat die Minister na goeë dunde ople, vrouspersone van die ouderdom van agtien jaar of ouer in diens te hê by of in verband met die verkoop van drank—

- (a) in enige bepaalde beperkte gedeelte van sy gebou, of
(b) in enige ander gedeelte van sy gebou wat nie ’n beperkte gedeelte is nie.

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

(2) Enige magtiging kragtens bedoelde artikel 102A verleen voor die vervanging daarvan deur hierdie artikel, word geag kragtens subartikel (1) (a) daarvan, soos aldus vervang, verleen te gewees het.

22. Artikel 103A van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 103A van Wet 30 van 1928, soos ingevoeg deur artikel 36 van Wet 23 van 1969 en vervang deur artikel 19 van Wet 94 van 1974.

„Teenwoor-
digheid van
vrouspersone
en kinders
in sekere
beperkte
gedeeltes
van geboue
wat vir
binne-
verbruik
gelisensieer
is.

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 enige binne-verbruiklisensie (behalwe ’n tydelike dranklisensie) magtig om, onderworpe 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 uit hoofde van die bepalinge van genoemde sub-

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shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned.”.

Amendment of section 104 of Act 30 of 1928, as substituted by section 37 of Act 23 of 1969.

23. Section 104 of the principal Act is hereby amended—

- (a) by the deletion of the word “or” at the end of paragraph (a) of subsection (2); and
- (b) by the addition to the said subsection (2) of the following paragraph:
 - “(c) any female or person under the age of eighteen years who is in any portion of premises in respect of which there has been issued a temporary liquor licence to the secretary of a *bona fide* agricultural show for the sale of wine as defined in section 6A.”.

Amendment of section 109 of Act 30 of 1928, as amended by section 83 of Act 88 of 1963.

24. Section 109 of the principal Act is hereby amended—

- (a) by the substitution for the proviso to subsection (1) of the following proviso:
 - “Provided that this provision shall not be deemed to be contravened if—
 - (i) the liquor is supplied for consumption with or immediately before or after an ordinary meal and is so consumed, and the price of the liquor is paid together with the price of such meal;
 - (ii) *bona fide* arrangements have been made for the payment by some person for the liquor supplied through any credit card system lawfully established, an account in respect of the liquor supplied has been furnished to such person, particulars of his membership of any body for the purposes of that system have been recorded on a copy of that account, and he has signed such copy;
 - (iii) the liquor is supplied for consumption during the course of a *bona fide* function held on the premises to persons present thereat; or
 - (iv) the liquor is supplied in moderate quantity to the order of any person actually boarding or lodging therein.”; and
- (b) by the addition of the following subsection:
 - “(3) The licensee concerned shall keep on his licensed premises for a period of not less than six months the copy of an account signed for the purposes of paragraph (ii) of the proviso to subsection (1).”.

Amendment of section 114bis of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 6 of Act 58 of 1957, section 6 of Act 89 of 1962, section 87 of Act 88 of 1963 and section 2 of Act 62 of 1966.

25. Section 114bis of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

- “(a) if any wine is sold or kept for sale on the licensed premises, wine of at least eight different persons each of whom shall either be the holder of a wine farmer’s licence or the holder of an authority under section 6A or a producer or manufacturer of wine, and, in the case of such a producer or manufacturer, be an independent producer or manufacturer in relation to the holder of the licence referred to in subsection (1), and to every other such producer or manufacturer taken into account for the purpose of calculating that number of persons.”.

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artikel (1), word deur die voorsitter van die betrokke lisensieraad op die lisensie deur die betrokke persoon gehou, aangeteken.”

23. Artikel 104 van die Hoofwet word hierby gewysig—

Wysiging van artikel 104 van Wet 30 van 1928, soos vervang deur artikel 37 van Wet 23 van 1969.

(a) deur die woord „of” aan die end van paragraaf (a) van subartikel (2) te skrap; en

(b) deur die volgende paragraaf by genoemde subartikel (2) te voeg:

„(c) op ’n vrouspersoon of ’n persoon wat onder agtien jaar oud is wat in enige gedeelte van ’n gebou verkeer ten opsigte waarvan ’n tydelike drank-lisensie aan die sekretaris van ’n *bona fide*-land-boutentoonstelling uitgereik is vir die verkoop van wyn soos omskryf in artikel 6A.”

24. Artikel 109 van die Hoofwet word hierby gewysig—

Wysiging van artikel 109 van Wet 30 van 1928, soos gewysig deur artikel 83 van Wet 88 van 1963.

(a) deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met die verstande dat dit nie as ’n oortreding van hierdie bepaling beskou word nie as—

(i) die drank verstrek word vir gebruik met of onmiddellik voor of ná ’n gewone maaltyd en aldus gebruik word, en die prys van die drank tegelyk met die prys van daardie maaltyd betaal word;

(ii) reëlins te goeder trou getref is vir die betaling vir die verstrekte drank deur iemand deur middel van die een of ander wettig ingestelde krediet-kaartstelsel, ’n rekening ten opsigte van die verstrekte drank aan hom gelewer is, besonderhede van sy lidmaatskap van die een of ander liggaam vir die doeleindes van daardie stelsel op ’n afskrif van daardie rekening aangeteken is, en hy dié afskrif onderteken het;

(iii) die drank verstrek word vir gebruik tydens ’n funksie wat te goeder trou in die gebou gehou word, aan persone wat daarby teenwoordig is; of

(iv) die drank in matige hoeveelhede verstrek word op bestelling van ’n werklike kosganger of loseergas daarin.”; en

(b) deur die volgende subartikel by te voeg:

„(3) Die betrokke lisensiehouer moet die afskrif van ’n rekening wat vir die doeleindes van paragraaf (ii) van die voorbehoudsbepaling by subartikel (1) onderteken is, in sy gelisensieerde gebou vir ’n tydperk van minstens ses maande bewaar.”

25. Artikel 114bis van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 114bis van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956 en gewysig deur artikel 6 van Wet 58 van 1957, artikel 6 van Wet 89 van 1962, artikel 87 van Wet 88 van 1963 en artikel 2 van Wet 62 van 1966.

„(a) indien wyn in die gelisensieerde gebou verkoop of vir verkoop aangehou word, wyn van minstens agt verskillende persone elk van wie of die houer van ’n wynboer-lisensie of die houer van ’n magtiging kragtens artikel 6A of ’n produsent of vervaardiger van wyn moet wees, en, in die geval van so ’n produsent of vervaardiger, ’n onafhanklike produsent of vervaardiger moet wees met betrekking tot die houer van die lisensie bedoel in subartikel (1), en iedere ander sodanige produsent of vervaardiger wat vir die doeleindes van die berekening van daardie getal persone in aanmerking geneem word.”

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Amendment of
section 117 of
Act 30 of 1928.

26. Section 117 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Nothing in this section contained shall be deemed to prohibit—

- (a) the advertising of liquor for sale at any licensed premises;
- (b) the soliciting, taking, accepting or receiving of orders or offers for the sale or purchase of liquor where the transaction is between licensees, distillers, brewers or persons authorized under this Act to sell liquor without a licence; or
- (c) the taking, accepting or receiving of orders or offers for the sale or purchase of wine as defined in section 6A and which has been produced or manufactured by the holder of a written authority granted in terms of that section, where the transaction takes place at premises in respect of which the secretary of a *bona fide* agricultural show holds a temporary liquor licence under which such wine may be sold.”.

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,
section 97 of
Act 88 of 1963
and section 42 of
Act 23 of 1969

27. Section 135 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Nothing in subsection (1) shall apply to the supply, distribution, or delivery of intoxicating liquor in the ordinary course of business to a licensee, the holder of an authority granted or renewed under section 100*bis* or 100*sex* or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex*) or (d*sept*) or under the provisions of section 5 (1) (d), (e), (f) or (g).”.

Amendment of
section 139 of
Act 30 of 1928,
as substituted by
section 8 of
Act 98 of 1965
and amended by
section 46 of
Act 23 of 1969.

28. Section 139 of the principal Act is hereby amended—

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

“(b) at all times enter and search any premises, room or place, whether licensed under this Act or not, or any vehicle, or search any person or any receptacle, object or thing of whatever nature, whether found in or upon such premises, room, place or vehicle or not, if—

- (i) there are reasonable grounds to suspect that any contravention of a provision of this Act is taking place in or upon such premises, room, place or vehicle or is being committed by such person or by means of such vehicle, receptacle, object or thing or that it is being used in connection with the commission of any contravention of any such provision;
- (ii) there are reasonable grounds to suspect that—
 - (aa) such person has in his possession any liquor, vehicle, receptacle, object or thing;
 - (bb) any liquor, vehicle, receptacle, object or thing is kept in or upon such premises, room or place;

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26. Artikel 117 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 117 van Wet 30 van 1928.

„(2) Die bepalings van hierdie artikel belet nie dat—

- (a) drank vir verkoop in 'n gelisensieerde gebou geadverteer word;
- (b) bestellings of aanbiedings van verkoop of koop van drank versoek, geneem, aangeneem of ontvang word, as dit 'n transaksie is tussen lisensiehouers, drankstokers, bierbrouers of persone wat kragtens hierdie Wet sonder 'n lisensie drank mag verkoop; of
- (c) bestellings of aanbiedings van verkoop of koop van wyn soos omskryf in artikel 6A en wat geproduseer of vervaardig is deur die houer van 'n skriftelike magtiging verleen ingevolge daardie artikel, geneem, aangeneem of ontvang word, as die transaksie plaasvind by 'n gebou ten opsigte waarvan die sekretaris van 'n *bona fide*-landboutentoonstelling 'n tydelike drank-lisensie hou waarkragtens sodanige wyn verkoop mag word.”.

27. Artikel 135 van die Hoofwet word hierby gewysig deur subartikel (2) 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, artikel 97 van Wet 88 van 1963 en artikel 42 van Wet 23 van 1969.

„(2) Subartikel (1) is nie van toepassing nie op die verstreking, uitgifte of aflewering van sterke drank as 'n gewone besigheidstransaksie aan 'n lisensiehouer, die houer van 'n magtiging kragtens artikel 100*bis* of 100*sex* verleen of vernuwe of iemand wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d*bis*), (d*ter*), (d*quat*), (d*quin*), (d*sex* of (d*sept*) bedoelde magtiging of kragtens die bepalings van artikel 5 (1) (d), (e), (f), of (g).”.

28. Artikel 139 van die Hoofwet word hierby gewysig—

Wysiging van artikel 139 van Wet 30 van 1928, soos vervang deur artikel 8 van Wet 98 van 1965 en gewysig deur artikel 46 van Wet 23 van 1969.

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

„(b) te eniger tyd enige gebou, kamer of plek, hetsy ingevolge hierdie Wet gelisensieer al dan nie, of enige voertuig binnegaan en visenteer of enigemand of enige houer, voorwerp of ding van watter aard ook al, hetsy in of by so 'n gebou, kamer, plek of voertuig gevind al dan nie, visenteer, indien—

- (i) daar gegronde redes bestaan om te vermoed dat 'n oortreding van 'n bepaling van hierdie Wet in of by so 'n gebou, kamer, plek of voertuig plaasvind of deur so 'n persoon of deur middel van so 'n voertuig, houer, voorwerp of ding gepleeg word of dat dit in verband met die pleging van 'n oortreding van so 'n bepaling gebruik word;
- (ii) daar gegronde redes bestaan om te vermoed dat—
 - (aa) so 'n persoon enige drank, voertuig, houer, voorwerp of ding in sy besit het;
 - (bb) enige drank, voertuig, houer, voorwerp of ding in of by so 'n gebou, kamer, of plek gehou word;

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(cc) any liquor is kept in any such vehicle, receptacle, object or thing;

(dd) any receptacle, object or thing is kept in any such vehicle; or

(ee) any object or thing is kept in any such receptacle,

in contravention or in connection with a contravention of any provision of this Act; or

(iii) there are reasonable grounds to believe that—

(aa) such person has in his possession any liquor, vehicle, receptacle object or thing;

(bb) there is in or upon such premises, room or place any liquor, vehicle, receptacle, object or thing;

(cc) there is in any such vehicle any liquor, receptacle, object or thing;

(dd) there is in any such receptacle any liquor, object or thing; or

(ee) there is in any such object or thing any liquor,

intended to be used for the purpose of committing, or in connection with the commission of, any offence under this Act;” and

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

“(2) Any member of the police holding a rank or post so designated shall seize and remove any liquor, vehicle, receptacle, object or thing in possession of the person so searched or in or upon the premises, room, place, vehicle or receptacle so entered or searched if, in his opinion, the possession thereof by such person or the keeping, possession or use thereof in or upon such premises, room, place, vehicle or receptacle is unlawful, or if he suspects that any offence has been committed in respect or by means thereof or if he has reason to believe that such liquor, vehicle, receptacle, object or thing is intended to be used for the purpose of committing or in connection with the commission of any offence under this Act.”.

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, section 9 of Act 70 of 1968 and section 49 of Act 23 of 1969.

29. Section 162 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) sells, supplies or delivers to any person any liquor other than in a cask, jar, bottle or other receptacle securely corked or stoppered or any sweets containing more than two per cent of alcohol by mass other than in a receptacle or receptacles properly and securely sealed;”.

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(cc) enige drank in so 'n voertuig, houer, voorwerp of ding gehou word;

(dd) enige houer, voorwerp of ding in so 'n voertuig gehou word; of

(ee) enige voorwerp of ding in so 'n houer gehou word,

in stryd met of in verband met 'n oortreding van 'n bepaling van hierdie Wet; of

(iii) daar redelike gronde bestaan om te dink dat—

(aa) so 'n persoon enige drank, voertuig, houer, voorwerp of ding in sy besit het;

(bb) in of by so 'n gebou, kamer of plek enige drank, voertuig, houer, voorwerp of ding is;

(cc) in so 'n voertuig enige drank, houer, voorwerp of ding is;

(dd) in so 'n houer enige drank, voorwerp of ding is; of

(ee) in so 'n voorwerp of ding enige drank is, wat bestem is om vir die doel van die pleeg of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik te word;"; en

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

„(2) 'n Lid van die polisiemag wat 'n aldus aangewese rang of pos bekleed, moet enige drank, voertuig, houer, voorwerp of ding wat in besit is van die persoon wat aldus gevisenteer word, of wat in of by die gebou, kamer, plek, voertuig of houer is wat aldus binnegegaan of gevisenteer word, in beslag neem en verwyder indien, na sy oordeel, die besit daarvan deur dié persoon of die hou, besit of gebruik daarvan in of by sodanige gebou, kamer, plek, voertuig of houer onwettig is, of indien hy vermoed dat 'n misdryf ingevolge hierdie Wet ten opsigte of deur middel daarvan gepleeg is, of indien hy rede het om te dink dat bedoelde drank, voertuig, houer, voorwerp of ding bestem is om vir die doel van die pleeg of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik te word.”.

29. Artikel 162 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) enige drank behalwe in 'n vat, kruik, bottel of ander dig gekurkte of gepropte houer, of enige lekkers wat meer as twee persent alkohol volgens massa bevat, behalwe in 'n houer of houers wat behoorlik en dig verseël is, aan iemand verkoop, verstrek of aflewer;”.

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, artikel 9 van Wet 70 van 1968 en artikel 49 van Wet 23 van 1969.

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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, 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, section 12 of Act 70 of 1968 and section 51 of Act 23 of 1969.

30. Section 166 of the principal Act is hereby amended by the insertion after paragraph (h) of the following paragraph:

“(hA) introduces into, possesses or consumes any liquor in any portion of a sportsground to which members of the public have or are granted access on payment of an admission fee, other than such portion of licensed premises on such sportsground as may be indicated in the licence concerned as a place where liquor may be delivered;”.

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, section 13 of Act 70 of 1968 and section 53 of Act 23 of 1969.

31. Section 168 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) if the contravention is of the provisions of section 100bis (8) or section 100sex (7) or of a provision of section 166 (d), (f) (hA), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) or (u), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months;”.

Substitution of section 171 of Act 30 of 1928, as amended by section 115 of Act 46 of 1935 and section 110 of Act 88 of 1963.

32. The following section is hereby substituted for section 171 of the principal Act:

“Forfeiture of seized liquor, etc.

171. (1) Any liquor, vehicle, receptacle, object or thing seized under the authority of this Act or of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or any amendment thereof, shall, together with any vessels in which any such liquor, receptacle, object or thing is contained, be forfeited unless—

- (a) in the case where such liquor, vehicle, receptacle, object or thing forms the subject of the prosecution of the person in whose possession it was seized, the court finds that the liquor, vehicle, receptacle, object, or thing was not possessed or used by him in contravention or in connection with a contravention of any provision of this Act or any other law; or
- (b) in any other case, the person from whom such liquor, vehicle, receptacle, object or thing was taken submits, through the Secretary for Justice, within thirty days of the seizure, proof in writing, to the satisfaction of the Minister, that

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30. Artikel 166 van die Hoofwet word hierby gewysig deur na paragraaf (h) die volgende paragraaf in te voeg:

„(hA) drank inbring, besit of verbruik in enige gedeelte van 'n sportgrond waartoe lede van die publiek by betaling van 'n toegangsgeld toegang het of verleen word, ander dan die gedeelte van 'n gelisensieerde gebou in so 'n sportgrond wat in die betrokke lisensie aangewys mag wees as 'n plek waar drank gelewer kan word;”.

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, 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, artikel 12 van Wet 70 van 1968 en artikel 51 van Wet 23 van 1969.

31. Artikel 168 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) as dit 'n oortreding is van die bepalings van artikel 100bis (8) of artikel 100sex (7) of van 'n bepaling in artikel 166 (d), (f), (hA), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) of (u), met 'n boete van hoogstens twee honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande;”.

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, artikel 13 van Wet 70 van 1968 en artikel 53 van Wet 23 van 1969.

32. Artikel 171 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbeuring van drank, ens., wat in beslag geneem is.

171. (1) Enige drank, voertuig, houer, voorwerp of ding wat kragtens hierdie Wet of die Strafproweswet, 1955 (Wet No. 56 van 1955), of 'n wysiging daarvan in beslag geneem is, word met die houters waarin enige sodanige drank, houer, voorwerp of ding bevat is, verbeur, tensy—

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

(b) in enige ander geval die persoon van wie die drank, voertuig, houer, voorwerp of ding weggeneem is binne dertig dae na die inbeslag-neming, die Minister deur skriftelike bewyse, voorgelê deur bemiddeling van die Sekretaris

Vervanging van artikel 171 van Wet 30 van 1928, soos gewysig deur artikel 115 van Wet 46 van 1935 en artikel 110 van Wet 88 van 1963.

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the possession or use thereof by himself or any other person was not for or in connection with an unlawful purpose.

(2) Any liquor, vehicle, receptacle, object or thing or vessels so forfeited may be sold or destroyed, and shall be sold or destroyed or be dealt with in some other manner, if the Minister so directs.

(3) The provisions of subsections (1) and (2), in so far as they relate to a vehicle, shall not affect the rights which any person (other than the person from whom it was taken) may have to such vehicle, if he submits, through the Secretary for Justice, within thirty days of the seizure, proof in writing, to the satisfaction of the Minister, that he did not know that the vehicle was used or would be used for an unlawful purpose or in connection with such purpose or that he could not prevent such use."

Short title and
commencement.

33. This Act shall be called the Second Liquor Amendment Act, 1975, and the provisions of sections 3, 5, 7, 10 (1) (b), 10 (2), 10 (3), 11, 12 (b), 12 (c), 12 (d), 14, 15, 21 and 22 shall 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 different such provisions.

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van Justisie, oortuig dat die besit of gebruik van die drank, voertuig, houer, voorwerp of ding deur homself of iemand anders nie vir of in verband met 'n onwettige doel was nie.

(2) Enige aldus verbeurde drank, voertuig, voorwerp, houters of ding mag verkoop of vernietig word, en moet verkoop of vernietig of op 'n ander wyse oor beskik word, indien die Minister aldus gelas.

(3) In sover die bepalings van subartikels (1) en (2) op 'n voertuig betrekking het, raak hulle geen regte wat iemand (anders dan die persoon van wie dit weggeneem is) op bedoelde voertuig het nie, indien by binne dertig dae na die inbeslagneming die Minister deur skriftelike bewyse, voorgelê deur bemiddeling van die Sekretaris van Justisie, oortuig dat hy nie geweet het dat die voertuig vir 'n onwettige doel of in verband daarmee gebruik was of sou word nie of dat hy sodanige gebruik nie kon verhoed nie."

33. Hierdie Wet heet die Tweede Drankwysigingswet, 1975, Kort titel en inwerkingtreding.
en die bepalings van artikels 3, 5, 7, 10 (1) (b), 10 (2), 10 (3), 11, 12 (b), 12 (c), 12 (d), 14, 15, 21 en 22 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van verskillende sodanige bepalings aldus bepaal kan word.

