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GOVERNMENT GAZETTE

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KAAPSTAD, 27 APRIL 1977

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 675.

27 April 1977.

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

No. 44 of 1977: Liquor Amendment Act, 1977.

No. 675.

27 April 1977.

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

No. 44 van 1977: Drankwysigingswet, 1977.

Act No. 44, 1977

LIQUOR AMENDMENT ACT, 1977.

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 14 April 1977.)

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

Repeal of
section 2 of
Act 30 of 1928.

1. Section 2 of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby repealed.

Repeal of
section 3 of
Act 30 of 1928,
as amended by
section 37 of
Act 41 of 1934.

2. Section 3 of the principal Act is hereby repealed.

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,
section 5 of
Act 83 of 1969
and section 1 of
Act 56 of 1975.

3. Section 5 of the principal Act is hereby amended—
(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
“(a) any person selling any spirituous or distilled perfume or perfumery or medicated spirit, if such perfume, perfumery or spirit is not methylated spirit;”;
(b) by the substitution for subparagraph (ii) of paragraph (b) of the said subsection (1) of the following subparagraph:
“(ii) any pharmacist selling not more than 250 millilitres of rectified spirits or absolute alcohol for *bona fide* medicinal use; or” and
(c) by the substitution for paragraph (h) of the said subsection (1) of the following paragraph:
“(h) any *bona fide* manufacturer of sweets who sells any sweet containing more than two per cent of alcohol by mass which has been manufactured by him in the Republic, to any licensee or a person authorized under this Act to sell liquor without a licence.”.

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,
section 2 of
Act 88 of 1963,
section 1 of
Act 85 of 1964,

4. Section 6 of the principal Act is hereby amended—
(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
“(b) any person selling, under the authority of the responsible Minister concerned and subject to such conditions or restrictions as he may impose, liquor in a canteen or buffet where liquor is supplied solely to, and for consumption on the premises by—
(i) members of the Police Force; or
(ii) members of the Department of Prisons; or
(iii) officers of the Bureau for State Security;
and their *bona fide* guests;”;

WET

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

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 April 1977.)

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

1. Artikel 2 van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby herroep. Herroeping van artikel 2 van Wet 30 van 1928.
2. Artikel 3 van die Hoofwet word hierby herroep. Herroeping van artikel 3 van Wet 30 van 1928, soos gewysig deur artikel 37 van Wet 41 van 1934.
3. Artikel 5 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) iemand wat alkoholiese of gedistilleerde laventel of reukwerk of met medisyne gemengde spiritus verkoop, as daardie laventel, reukwerk of spiritus nie brandspiritus is nie;”;
 - (b) deur subparagraaf (ii) van paragraaf (b) van genoemde subartikel (1) deur die volgende subparagraaf te vervang:

„(ii) 'n apteker wat hoogstens 250 milliliter gerektifiseerde spiritus of suiwer alkohol vir *bona fide*-gebruik as geneesmiddel verkoop; of” en
 - (c) deur paragraaf (h) van genoemde subartikel (1) deur die volgende paragraaf te vervang:

„(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 of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop.”.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, artikel 5 van Wet 83 van 1969 en artikel 1 van Wet 56 van 1975.
4. Artikel 6 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) iemand wat op gesag van die betrokke verantwoordelike Minister en onderworpe aan die voorwaardes of beperkings wat hy oplê, drank verkoop in 'n kantien of buffet waar drank verskaf word alleen aan en vir die gebruik op die perseel van—

 - (i) lede van die Polisiemag; of
 - (ii) lede van die Departement van Gevangenis; of
 - (iii) beamptes van die Buro vir Staatsveiligheid; en hulle *bona fide*-gaste;”;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, artikel 2 van Wet 88 van 1963, artikel 1 van Wet 85 van 1964,

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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,
section 7 of
Act 94 of 1974
and section 2 of
Act 56 of 1975.

- (b) by the deletion of paragraphs (c) and (cA) of the said subsection;
- (c) by the substitution for paragraph (f) of the said subsection of the following paragraph:
 - “(f) any duly licensed auctioneer selling by auction, upon the licensed premises of the holder of any wholesale liquor licence or of any licensee authorized by any provision of this Act to dispose of his stock of liquor by auction, liquor belonging to such a licensee or selling by auction at a place approved of by the magistrate of the district in which the sale takes place, any liquor belonging to the estate of a deceased person or to an insolvent estate;”;
- (d) by the substitution for paragraph (h) of the said subsection of the following paragraph:
 - “(h) the master of a vessel in any dock or harbour in the Republic or within the territorial waters of the Republic in respect of the sale on board such vessel to any passenger therein of liquor taken from duty paid stores released by the Department of Customs and Excise, provided that such vessel ordinarily plies between places situate not less than one hundred kilometres apart;”;
- (e) by the substitution for paragraph (i) of the said subsection of the following paragraph:
 - “(i) the holder of any written authority under section 6A (4), 100bis or 100sex, acting under such authority; or”;
- (f) by the deletion of paragraph (j) of the said subsection;
- (g) by the substitution for paragraph (k) of the said subsection of the following paragraph:
 - “(k) any person selling or supplying under the written authority of the Minister or a person acting under his directions and subject to such conditions as he may deem fit to impose, wine at a wine tasting function for consumption on the premises specified in such authority, by persons *bona fide* attending such function.”;
- (h) by the insertion after subsection (1) of the following subsections:
 - “(1A) The Minister may, in addition to imposing any condition or restriction under any other provision of this section, state in the authority concerned or in a notice addressed to the holder of any such authority that such provisions of this Act as are set forth in such authority or notice, shall *mutatis mutandis* be applicable to the person selling or supplying liquor under such authority and to or in respect of the premises concerned.
 - (1B) Any condition or restriction imposed by the Minister under this section may at any time be amended or withdrawn by him, and he may at any time in relation to any authority referred to in this section impose any condition or restriction or any further condition or restriction, as he may deem fit.”;
- (i) by the substitution for the words following upon paragraph (b) of subsection (2) of the following words:
 - “Provided that—
 - (i) the sale, delivery or disposal of such wine or brandy is to a lawful manufacturer of vinegar or to a person who holds a licence under this Act or who is authorized under this Act to sell liquor without a licence, and to no other person;

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- (b) deur paragrawe (c) en (cA) van genoemde subartikel te skrap;
- (c) deur paragraaf (f) van genoemde subartikel deur die volgende paragraaf te vervang:
- „(f) 'n behoorlik gelisensieerde vendu-afslaer wat by opveiling op die gelisensieerde perseel van die houer van 'n groothandelaars-dranklisensie, of van 'n lisensiehouer wat kragtens 'n bepaling van hierdie Wet sy drankvoorraad by opveiling van die hand mag sit, drank, wat aan so 'n lisensiehouer behoort, verkoop of wat by opveiling op 'n plek, goedgekeur deur die landdros van die distrik waarin die verkoop plaasvind, drank verkoop wat behoort aan die boedel van 'n oorlede persoon of aan 'n insolvente boedel;”;
- (d) deur paragraaf (h) van genoemde subartikel deur die volgende paragraaf te vervang:
- „(h) die gesagvoerder van 'n vaartuig in 'n dok of hawe in die Republiek of in die territoriale waters van die Republiek met betrekking tot die verkoop aan boord van daardie vaartuig, aan 'n passasier daarop, van drank geneem uit 'n voorraad waarop invoerregte betaal is en wat deur die Departement van Doeane en Aksyns vrygestel is, mits daardie vaartuig gewoonlik heen en weer vaar tussen plekke wat nie minder as eenhonderd kilometer van mekaar geleë is nie;”;
- (e) deur paragraaf (i) van genoemde subartikel deur die volgende paragraaf te vervang:
- „(i) die houer van 'n skriftelike magtiging kragtens artikel 6A (4), 100bis of 100sex, wat kragtens dié magtiging handel; of”;
- (f) deur paragraaf (j) van genoemde subartikel te skrap;
- (g) deur paragraaf (k) van genoemde subartikel deur die volgende paragraaf te vervang:
- „(k) 'n persoon wat kragtens die skriftelike magtiging van die Minister of iemand wat op sy gesag handel, en behoudens die voorwaardes wat hy na sy goëddunke oplê, wyn by 'n wynproebyeenkoms verkoop of verskaf vir gebruik op die in die magtiging vermelde perseel deur persone wat daardie byeenkoms te goeder trou bywoon.”;
- (h) deur na subartikel (1) die volgende subartikels in te voeg:
- „(1A) Die Minister kan benewens 'n voorwaarde of beperking kragtens 'n ander bepaling van hierdie artikel op te lê, in die betrokke magtiging of in 'n kennisgewing gerig aan die houer van so 'n magtiging, verklaar dat die bepalings van hierdie Wet wat in dié magtiging of kennisgewing uiteengesit word, *mutatis mutandis* van toepassing is op die persoon wat drank kragtens dié magtiging verkoop of verskaf en op of ten opsigte van die betrokke perseel.
- (1B) 'n Voorwaarde of beperking deur die Minister kragtens hierdie artikel opgelê, kan te eniger tyd deur hom gewysig of ingetrek word, en hy kan met betrekking tot 'n magtiging bedoel in hierdie artikel te eniger tyd na sy goëddunke enige voorwaarde of beperking of enige verdere voorwaarde of beperking oplê.”;
- (i) deur die woorde wat op paragraaf (b) van subartikel (2) volg, deur die volgende woorde te vervang:
- „Mits—
- (i) daardie wyn of brandewyn verkoop, gelewer of van die hand gesit word aan 'n wettige fabrikant van asyn of aan iemand wat 'n lisensie hou kragtens hierdie Wet, of wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, en aan niemand anders nie;

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- (ii) the sale, delivery or disposal is in quantities of not less than 18 litres contained in one or more receptacles securely sealed;
 - (iii) save in the case of a sale to or order by the holder of a wholesale liquor licence, such wine or brandy is sold or ordered before being removed from the cellar of the owner or occupier;
 - (iv) such person or association of persons keeps a record, which is at all reasonable times open to the inspection of any member of the police, showing particulars in one of the official languages of the quantity and description of the wine or brandy manufactured and sold.”; and
- (j) by the addition of the following subsection:
- “(3) Any proclamation issued under any provision repealed by subsection (1) of section 2 of the Liquor Amendment Act, 1969 (Act No. 23 of 1969), which was in force immediately before the commencement of that subsection shall, notwithstanding such repeal, remain of full force and effect: Provided that the Minister may at any time by notice in the *Gazette* amend any such proclamation in any respect in which the State President could have amended it prior to such repeal, or withdraw any such proclamation.”.

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 and section 3 of Act 56 of 1975.

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

- (a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:
- “Subject to the provisions of subsection (2) and of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and any regulation made thereunder, any person or association of persons (hereafter in this section referred to as an association) *bona fide* engaged in viticulture or the production or manufacture of any other fermented beverage, may under and in accordance with a written authority issued under subsection (4), sell or dispose of—”;
- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) (i) The sale or disposal of such wine or other fermented beverage shall, subject to the provisions of subparagraph (ii), be in quantities of not less than 9 litres contained in one or more receptacles securely sealed or in a securely closed case containing not less than 4,5 litres of such wine or other fermented beverage in not less than four receptacles.
- (ii) The provisions of subparagraph (i) shall not apply to the sale or disposal of wine—
- (aa) by a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), to any of its members under an authority issued under subsection (4);
- (bb) to a *bona fide* visitor to any premises referred to in subsection (4) (a) if it is a sale or disposal of a quantity of not less than 375 millilitres and such wine is contained in one or more receptacles of a capacity of not less than 375 millilitres securely sealed.”;
- (c) by the substitution for paragraph (b) of the said subsection (2) of the following paragraph:
- “(b) Such wine or other fermented beverage may only be sold, disposed of or, unless it is dispatched by

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- (ii) hoeveelhede van nie minder as 18 liter in een of meer dig verseelde houers aldus verkoop, gelewer of van die hand gesit word;
- (iii) daardie wyn of brandewyn, behalwe in die geval van 'n verkoop aan of 'n bestelling deur die houer van 'n groothandelaars-dranklisensie, verkoop of bestel word voordat dit uit die eienaar of besitter se kelder verwyder word;
- (iv) daardie persoon of vereniging aantekening hou wat te alle redelike tye ter insae van enige lid van die polisiemag beskikbaar is, en wat in een van die amptelike tale besonderhede aangee omtrent die hoeveelheid en soort wyn of brandewyn wat gemaak en verkoop word.”; en
- (j) deur die volgende subartikel by te voeg:

„(3) 'n Proklamasie uitgereik kragtens 'n bepaling deur subartikel (1) van artikel 2 van die Drankwysigingswet, 1969 (Wet No. 23 van 1969), herroep wat onmiddellik voor die inwerkingtreding van dié subartikel van krag was, bly, ondanks sodanige herroeping, van krag: Met dien verstande dat die Minister te eniger tyd so 'n proklamasie by kennisgewing in die *Staatskoerant* kan wysig in 'n opsig waarin die Staatspresident dit voor sodanige herroeping kon gewysig het, of herroep.”.

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

- (a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„Behoudens die bepalings van subartikel (2) en van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), en enige regulasie daarkragtens uitgevaardig, kan enige persoon of vereniging van persone (hieronder in hierdie artikel 'n vereniging genoem) wat hom te goeder trou op die wynbou of die produksie of vervaardiging van ander gegiste drank toelê, kragtens en ooreenkomstig 'n skriftelike magtiging ingevolge subartikel (4) uitgereik—”;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
 - „(a) (i) Die verkoop of vandiehandsitting van sodanige wyn of ander gegiste drank geskied, behoudens die bepalings van subparagraaf (ii), in hoeveelhede van minstens 9 liter vervat in een of meer houers wat dig verseël is of in 'n dig toegemaakte kis is wat minstens 4,5 liter van sodanige wyn of ander gegiste drank in minstens vier houers bevat.
 - (ii) Die bepalings van subparagraaf (i) is nie van toepassing nie op die verkoop of vandiehandsitting van wyn—
 - (aa) deur 'n koöperatiewe vereniging, soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), aan enige van sy lede kragtens 'n kragtens subartikel (4) uitgereikte magtiging;
 - (bb) aan 'n *bona fide*-besoeker aan 'n in subartikel (4) (a) bedoelde perseel, indien dit 'n verkoop of vandiehandsitting van 'n hoeveelheid van nie minder nie as 375 milliliter is, en daardie wyn vervat is in een of meer houers met 'n inhoudsvermoë van nie minder nie as 375 milliliter, wat dig verseël is.”;
- (c) deur paragraaf (b) van genoemde subartikel (2) deur die volgende paragraaf te vervang:

„(b) Sodanige wyn of ander gegiste drank kan slegs op of by sodanige grond, kelder, fabriek of brouery,

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 en artikel 3 van Wet 56 van 1975.

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- rail to the purchaser thereof or the person acquiring it, delivered upon or at such land, cellar, factory or brewery.”;
- (d) by the substitution for paragraph (c) of the said subsection (2) of the following paragraph:
“(c) No such wine or other fermented beverage shall be sold or disposed of on a closed day or before seven o'clock in the morning or after six o'clock in the evening on any open day.”;
- (e) by the substitution for subsection (3) of the following subsection:
“(3) Any owner or lawful occupier of land or any person or association *bona fide* engaged in viticulture or the production or manufacture of any other fermented beverage and desiring a written authority referred to in subsection (1), shall make application therefor in the prescribed manner to the Minister through the magistrate of the district in which such wine or other fermented beverage is being or will be produced or manufactured”;
- (f) by the substitution for paragraph (a) of subsection (4) of the following subsection:
“(a) The Minister may in his discretion, after having obtained the recommendation of the Liquor Board made after consideration of the application and such other information as the said board may deem necessary, grant written authority to the applicant to sell or dispose of such wine or other fermented beverage for consumption off such premises as may be described in such authority, subject to such conditions or restrictions as he may, upon the recommendation of the said board and notwithstanding anything to the contrary in subsection (2) contained, deem fit to impose.”;
- (g) by the insertion in the said subsection (4) after paragraph (a) of the following paragraph:
“(aA) If the Minister grants an application for such authority, a person acting under his directions shall issue to the applicant an appropriate written authority in the prescribed form.”;
- (h) by the substitution for paragraph (b) of the said subsection (4) of the following paragraph:
“(b) No such authority shall authorize the sale or disposal of wine or other fermented beverage at premises other than premises situated on the land upon which such wine or other fermented beverage has been produced or manufactured.”;
- (i) by the substitution for paragraph (a) of subsection (4A) of the following paragraph:
“(a) Any holder of an authority issued 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 a person acting under his directions may, after considering all relevant documents, information, objections, replies thereto, police reports and representations submitted to him under this Act, grant the application for such transfer.”;
- (j) by the substitution for subsection (4B) of the following subsection:
“(4B) Any authority issued under subsection (4) or transferred under subsection (4A) may at any time be withdrawn by the Minister without giving any reason therefor.”; and
- (k) by the insertion after the said subsection (4B) of the following subsections:
“(4C) (a) The Minister may, in addition to imposing any condition or restriction under any other provision of this section, determine that such provisions

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verkoop, van die hand gesit of, tensy dit per spoor versend word aan die koper of verkryger daarvan, afgelewer word.”;

- (d) deur paragraaf (c) van genoemde subartikel (2) deur die volgende paragraaf te vervang:

„(c) Geen sodanige wyn of ander gegiste drank word verkoop of van die hand gesit op 'n geslote dag of voor sewe-uur in die môre of na sesuur in die aand op 'n ope dag nie.”;

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

„(3) 'n Eienaar of wettige besitter van grond of enige persoon of vereniging wat hom te goeder trou op die wynbou of die produksie of vervaardiging van ander gegiste drank toelê en wat 'n in subartikel (1) bedoelde skriftelike magtiging verlang, moet op die voorgeskrewe wyse by die Minister deur bemiddeling van die landdros van die distrik waarin sodanige wyn of ander gegiste drank geproduseer of vervaardig word of sal word, daarom aanvraag doen”;

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

„(a) Die Minister kan na goeddunke, nadat hy die aanbeveling van die Drankraad, gedoen na oorweging van die aanvraag en sodanige ander inligting as wat bedoelde raad nodig ag, verkry het, skriftelike magtiging aan die aanvraer verleen om sodanige wyn of ander gegiste drank vir gebruik buite die in die magtiging omskrewe perseel te verkoop of van die hand te sit, behoudens die voorwaardes of beperkings wat hy, op aanbeveling van genoemde raad en ondanks andersluidende bepalinge van subartikel (2), na sy goeddunke oplê.”;

- (g) deur in genoemde subartikel (4) na paragraaf (a) die volgende paragraaf in te voeg:

„(aA) Indien die Minister 'n aanvraag om sodanige magtiging verleen, reik iemand wat op sy gesag handel aan die aanvraer 'n gepaste skriftelike magtiging in die voorgeskrewe vorm uit.”;

- (h) deur paragraaf (b) van genoemde subartikel (4) deur die volgende paragraaf te vervang:

„(b) Geen sodanige magtiging is magtiging vir die verkoop of vandiehandsitting van wyn of ander gegiste drank op 'n ander perseel as 'n perseel wat op die grond geleë is waar sodanige wyn of ander gegiste drank geproduseer of vervaardig is nie.”;

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

„(a) 'n Houer van 'n magtiging kragtens subartikel (4) uitgereik, kan op die voorgeskrewe wyse by die Minister deur bemiddeling van die landdros 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, kan na oorweging van alle relevante stukke, inligting, besware, antwoorde daarop, polisie-rapporte en vertoë wat kragtens hierdie Wet aan hom voorgelê is, die aanvraag om die oordrag toestaan.”;

- (j) deur subartikel (4B) deur die volgende subartikel te vervang:

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

- (k) deur na genoemde subartikel (4B) die volgende subartikels in te voeg:

„(4C) (a) Die Minister kan benewens 'n voorwaarde of beperking kragtens 'n ander bepaling van hierdie artikel op te lê, bepaal dat die bepalinge van

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of this Act as he may deem fit, shall *mutatis mutandis* be applicable to the holder of such authority and to or in respect of the premises in respect of which it is held.

(b) Any such provision shall be specified in the authority concerned.

(4D) Any condition or restriction imposed under this section may at any time be amended or withdrawn by the Minister, and he may at any time in relation to any authority issued or transferred under this section, impose any condition or restriction or any further condition or restriction, as he may deem fit."

Amendment of section 7 of Act 30 of 1928, as substituted by section 1 of Act 58 of 1975.

6. Section 7 of the principal Act is hereby amended by the substitution for all the words preceding paragraph (a) of the following words:

"No provision of, or condition imposed under the authority of, this Act which differentially affects any Bantu, Asian or coloured person shall apply to—".

Amendment of section 8 of Act 30 of 1928, as amended by section 3 of Act 88 of 1963 and section 9 of Act 94 of 1974.

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

(a) by the substitution for all the words preceding paragraph (a) of subsection (1) of the following words:

"The licences which may be granted under this Act are of the several descriptions following—";

(b) by the substitution for subparagraph (iii) of paragraph (b) of the said subsection of the following subparagraph:

"(iii) sports ground liquor licences;";

(c) by the substitution for subparagraph (vi) of paragraph (b) of the said subsection of the following subparagraph:

"(vi) theatre liquor licences;";

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

"(2) (a) No licence shall be issued or transferred to any person, to whom, or any association referred to in section 67 to which, in terms of any provision of this Act, it may not be issued or transferred, and no licence shall be granted in respect of or removed to any premises for which in terms of any such provision it may not be held.

(b) The grant, issue, transfer or removal of any licence in contravention of this subsection shall be null and void.

(c) Any such person or any such association holding any such licence shall be deemed not to be licensed, and the premises in respect of which such licence was issued, transferred or granted or to which it was removed may be closed for the sale or supply of liquor by order of the Minister or a person acting under his directions."

Substitution of section 9 of Act 30 of 1928, as amended by section 37 of Act 41 of 1934.

8. The following section is hereby substituted for section 9 of the principal Act:

"Duration of licences, rights, privileges and restrictions. 9. (1) Save as otherwise expressly provided in this Act and subject to the provisions of subsections (2) and (5), every licence shall be and remain of force and effect from the date of its issue.

(2) Subject to the provisions of this Act every licence shall lapse and become null and void—

(a) whenever it is cancelled in terms of this Act;

(b) subject to the provisions of subsection (4), as from the first day of any year in respect of which the annual licence fee prescribed under section 12 was not paid on or before 31 December of the preceding year (hereafter in this section referred to as the due date).

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hierdie Wet wat hy goëddink, *mutatis mutandis* van toepassing is op die houer van sodanige magtiging en op of ten opsigte van die perseel in verband waarmee dit gehou word.

- (b) So 'n bepaling word in die betrokke magtiging vermeld.

(4D) 'n Voorwaarde of beperking wat kragtens hierdie artikel opgelê is, kan te eniger tyd deur die Minister gewysig of ingetrek word, en hy kan met betrekking tot 'n magtiging wat kragtens hierdie artikel uitgereik of oorgedra is, enige voorwaarde of beperking of enige verdere voorwaarde of beperking te eniger tyd na sy goëddunke oplê."

6. Artikel 7 van die Hoofwet word hierby gewysig deur al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„Geen bepaling van, of voorwaarde gestel kragtens, hierdie Wet, wat 'n onderskeid maak ten opsigte van Bantoes, Asiërs of kleurlinge, is van toepassing nie op—”.

Wysiging van artikel 7 van Wet 30 van 1928, soos vervang deur artikel 1 van Wet 58 van 1975.

7. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur al die woorde wat paragraaf (a) van subartikel (1) voorafgaan, deur die volgende woorde te vervang:

„Die lisensies wat kragtens hierdie Wet verleen kan word, is van die volgende onderskeie soorte—”;

- (b) deur subparagraaf (iii) van paragraaf (b) van genoemde subartikel deur die volgende subparagraaf te vervang:

„(iii) sportgronde-dranklisensies;”;

- (c) deur subparagraaf (vi) van paragraaf (b) van genoemde subartikel deur die volgende subparagraaf te vervang:

„(vi) teater-dranklisensies;”;

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

„(2) (a) Geen lisensie mag uitgereik of oorgedra word nie aan iemand aan wie, of 'n assosiasie in artikel 67 bedoel, waaraan kragtens 'n bepaling van hierdie Wet dit nie uitgereik of oorgedra mag word nie, en geen lisensie mag verleen word ten opsigte van of verplaas word nie na 'n perseel met betrekking waartoe dit kragtens so 'n bepaling nie gehou mag word nie.

- (b) Die verlening, uitreiking, oordrag of verplasing van 'n lisensie in stryd met hierdie subartikel is ongeldig.

- (c) So iemand of so 'n assosiasie wat so 'n lisensie hou, word as ongelisensieër beskou, en die perseel ten opsigte waarvan so 'n lisensie uitgereik, oorgedra of verleen is of waarheen dit verplaas is, kan op bevel van die Minister of iemand wat op sy gesag handel, vir die verkoop of verstrekking van drank gesluit word.”.

Wysiging van artikel 8 van Wet 30 van 1928, soos gewysig deur artikel 3 van Wet 88 van 1963 en artikel 9 van Wet 94 van 1974.

8. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

„Duur van lisensies, regte, voorregte en beperkings.

9. (1) Behalwe waar hierdie Wet uitdruklik anders bepaal en behoudens die bepalinge van subartikels (2) en (5) is en bly elke lisensie van krag van die datum van uitreiking daarvan.

- (2) Behoudens die bepalinge van hierdie Wet vervel elke lisensie en word dit ongeldig—

- (a) wanneer ook al dit ingevolge hierdie Wet ingetrek word;

- (b) behoudens die bepalinge van subartikel (4), van die eerste dag van 'n jaar ten opsigte waarvan die by artikel 12 voorgeskrewe jaarlikse lisensiegeld nie betaal is nie op of voor 31 Desember van die voorafgaande jaar (hieronder in hierdie artikel die vervaldag genoem).

Vervanging van artikel 9 van Wet 30 van 1928, soos gewysig deur artikel 37 van Wet 41 van 1934.

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- (3) Every right, privilege, condition or restriction pertaining or attached to or imposed in respect of any licence shall be and remain of force and effect until—
- (a) the licence concerned lapses and becomes null and void in terms of subsection (2);
 - (b) it is cancelled in terms of this Act.

- (4) (a) If the Liquor Board, upon consideration of an application in the prescribed manner and received by such Board before 31 March of any year in respect of which the prescribed annual licence fee was not paid, is of the opinion that the failure to pay such fee on or before the due date was due to circumstances beyond the control of the licensee concerned, or that the circumstances relating to such failure are such as to render it just that relief should be granted, it may condone any such failure and may in its discretion impose in respect thereof an additional fee not exceeding five hundred rand.
- (b) Subject to the provisions of section 12 (3), no receiver of revenue shall accept payment of any prescribed annual licence fee after the due date unless—
- (i) there is produced to him a certificate signed by the Secretary of the Liquor Board and indicating that the failure to pay such licence fee on or before the due date has been condoned by such Board and indicating the additional fee, if any, imposed; and
 - (ii) such additional fee and licence fee are paid simultaneously.
- (c) A licence in respect of which paragraphs (a) and (b) have been applied, every right or privilege pertaining or attached thereto and every condition or restriction imposed in respect thereof, shall upon payment of the licence fee due and the additional fee, if any, *ipso facto* again become of full force and effect.

- (5) (a) Subject to the provisions of this Act, a person acting under the directions of the Minister may—
- (i) at any time, in the prescribed form, substitute for any licence held under this Act, another licence of the same class and description in respect of the premises concerned;
 - (ii) in so replacing a licence, also replace any authority pertaining to such licence and replace, amend or delete any condition or restriction imposed in respect of such licence.
- (b) The replacement of any such licence or authority shall not affect any right or privilege pertaining thereto which does not arise from any such condition or restriction.
- (c) The provisions of subsections (2) and (3) shall *mutatis mutandis* apply in respect of any licence, condition or restriction substituted in terms of paragraph (a) for any other one.

- (6) A person acting under the directions of the Minister shall, on application made in the prescribed manner and upon payment of the prescribed fee, issue to any licensee or holder of an authority under this Act, a copy of the licence or authority held by him and any annexures thereto.”

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(3) Elke reg, voorreg, voorwaarde of beperking wat betrekking het op of verbonde is aan of opgelê is ten opsigte van 'n lisensie, is en bly van krag totdat—

(a) die betrokke lisensie kragtens subartikel (2) verval en ongeldig word;

(b) dit ingevolge hierdie Wet ingetrek word.

(4) (a) Indien die Drankraad by oorweging van 'n aanvraag op die voorgeskrewe wyse en deur bedoelde gesag ontvang voor 31 Maart van die een of ander jaar ten opsigte waarvan die voorgeskrewe jaarlikse lisensiegeld nie betaal is nie, van mening is dat die versuim om bedoelde geld op of voor die vervaldag te betaal, te wyte is aan omstandighede buite die beheer van die betrokke lisensiehouer of dat die omstandighede in verband met daardie versuim sodanig is dat dit billik is dat verligting verleen moet word, kan hy bedoelde versuim kondoneer en na sy goeddunke 'n bykomende geld van hoogstens vyfhonderd rand ten opsigte daarvan oplê.

(b) Behoudens die bepalinge van artikel 12 (3), aanvaar geen ontvanger van inkomste betaling van enige voorgeskrewe jaarlikse lisensiegeld na die vervaldag nie, tensy—

(i) 'n sertifikaat aan hom voorgelê word wat deur die Sekretaris van die Drankraad onderteken is en waarin aangedui word dat die versuim om bedoelde lisensiegeld op of voor die vervaldag te betaal deur dié Raad gekondoneer is en waarin die opgelegde bykomende geld, indien daar is, aangedui word; en

(ii) bedoelde bykomende geld en lisensiegeld gelyktydig betaal word.

(c) 'n Lisensie ten opsigte waarvan paragrafe (a) en (b) toegepas is, elke reg of voorreg wat daarop betrekking het of daaraan verbonde is en elke voorwaarde of beperking wat ten opsigte daarvan opgelê is, word by betaling van die verskuldigde lisensiegeld en die bykomende geld, indien daar is, vanself weer ten volle van krag.

(5) (a) Behoudens die bepalinge van hierdie Wet, kan iemand wat op gesag van die Minister handel—

(i) te eniger tyd 'n lisensie wat kragtens hierdie Wet gehou word, deur 'n ander lisensie van dieselfde klas en soort ten opsigte van die betrokke perseel, in die voorgeskrewe vorm vervang;

(ii) by sodanige vervanging van 'n lisensie, ook enige magtiging verbonde aan dié lisensie vervang en enige voorwaarde of beperking wat ten opsigte van dié lisensie opgelê is, vervang, wysig of skrap.

(b) Die vervanging van so 'n lisensie of magtiging raak nie enige reg of voorreg wat daarop betrekking het en wat nie uit so 'n voorwaarde of beperking voortspruit nie.

(c) Die bepalinge van subartikels (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van enige lisensie, voorwaarde of beperking wat ingevolge paragraaf (a) in die plek van 'n ander gestel is.

(6) Iemand wat op gesag van die Minister handel, reik op aanvraag op die voorgeskrewe wyse gedoen en teen betaling van die voorgeskrewe geld, aan 'n lisensiehouer of houer van 'n magtiging kragtens hierdie Wet, 'n afskrif uit van die lisensie of magtiging deur hom gehou en enige aanhangsels daarby.”

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Amendment of section 10 of Act 30 of 1928, as amended by section 1 of Act 35 of 1956 and section 4 of Act 88 of 1963.

9. Section 10 of the principal Act is hereby amended by the deletion of subsections (2) and (3).

Substitution of section 11 of Act 30 of 1928, as amended by section 5 of Act 88 of 1963 and section 4 of Act 23 of 1969.

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

"Issue, transfer and removal of licences.

11. (1) If an application for any licence (other than a temporary liquor licence or a late hours occasional licence) or for the transfer or removal of any such licence, is granted under this Act, the relevant licence shall, subject to the provisions of section 31 (5) and (6), be issued, transferred or removed in the prescribed manner by the person acting under the directions of the Minister.

(2) No licence issued, transferred or removed shall be of force and effect unless the prescribed fee has been paid in respect of the issue, transfer or removal thereof to the receiver of revenue of the district in which the relevant premises are situated.

(3) If the prescribed fee has not been paid in respect of the issue, transfer or removal of any such licence within a period of sixty days after the date of issue, transfer or removal thereof, such licence, transfer or removal shall lapse and become null and void, and the relevant application for the licence or for the transfer or removal thereof, shall in such event be deemed not to have been granted.

(4) (a) If any application for a temporary liquor licence or late hours occasional licence is granted, the competent authority granting such application shall issue a certificate in the prescribed form indicating that the issue of such licence has been authorized under this Act.

(b) Every temporary liquor licence or late hours occasional licence authorized to be issued under this Act, shall be issued in the prescribed manner by the receiver of revenue of the district in which the licensed premises are situate."

Amendment of section 12 of Act 30 of 1928, as amended by section 4 of Act 41 of 1934, section 32 of Act 38 of 1945, section 2 of Act 35 of 1956 and section 6 of Act 88 of 1963.

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

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

"(1) Save as otherwise provided in this section—

(a) upon the issue of any new licence, or upon the transfer or removal of a licence under this Act, there shall be paid in respect of such issue, transfer or removal the relevant fee set out in Part A of the Third Schedule;

(b) there shall for the year succeeding the year during which section 11 (a) of the Liquor Amendment Act, 1977, comes into operation and for every calendar year thereafter, be paid in respect of each licence held under this Act (except a temporary liquor licence, a late hours occasional licence and a licence deemed to be held under section 5) the relevant annual licence fee set out in Part B of the Third Schedule."

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

"(2) (a) The annual licence fee referred to in subsection (1) (b) shall be paid on or before 31

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9. Artikel 10 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) te skrap.

Wysiging van artikel 10 van Wet 30 van 1928, soos gewysig deur artikel 1 van Wet 35 van 1956 en artikel 4 van Wet 88 van 1963.

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

„Uitreiking, oordrag en verplasing van lisensies.

11. (1) Indien 'n aanvraag om 'n lisensie (behalwe 'n tydelike dranklisensie of nagtelike geleentheidslisensie) of om die oordrag of verplasing van so 'n lisensie kragtens hierdie Wet toegestaan word, word die betrokke lisensie, behoudens die bepalings van artikel 31 (5) en (6), op die voorgeskrewe wyse uitgereik, oorgedra of verplaas deur die persoon wat op gesag van die Minister handel.

Vervanging van artikel 11 van Wet 30 van 1928, soos gewysig deur artikel 5 van Wet 88 van 1963 en artikel 4 van Wet 23 van 1969.

(2) Geen lisensie wat uitgereik, oorgedra of verplaas is, is van krag tensy die voorgeskrewe geld ten opsigte van die uitreiking, oordrag of verplasing daarvan aan die ontvanger van inkomste van die distrik waarin die betrokke perseel geleë is, betaal is nie.

(3) Indien die voorgeskrewe geld nie ten opsigte van die uitreiking, oordrag of verplasing van so 'n lisensie binne 'n tydperk van sestig dae na die datum van uitreiking, oordrag of verplasing daarvan betaal is nie, verval bedoelde lisensie, oordrag of verplasing en word dit ongeldig, en die betrokke aanvraag om die lisensie of om die oordrag of verplasing daarvan, word in so 'n geval geag nie toegestaan te gewees het nie.

(4) (a) Indien 'n aanvraag om 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie toegestaan word, reik die bevoegde gesag wat so 'n aanvraag goedkeur, 'n sertifikaat in die voorgeskrewe vorm uit waarin aangedui word dat die uitreiking van bedoelde lisensie kragtens hierdie Wet gemagtig is.

(b) Elke tydelike dranklisensie of nagtelike geleentheidslisensie waarvan die uitreiking kragtens hierdie Wet gemagtig is, word op die voorgeskrewe wyse uitgereik deur die ontvanger van inkomste van die distrik waarin die gelisensieerde perseel geleë is.”.

11. Artikel 12 van die Hoofwet word hierby gewysig—

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

„(1) Tensy hierdie artikel anders bepaal,—

(a) word by die uitreiking van 'n nuwe lisensie of by die oordrag of verplasing van 'n lisensie ingevolge hierdie Wet, ten opsigte van dié uitreiking, oordrag of verplasing die tersaaklike geld betaal wat in Deel A van die Derde Bylae uiteengesit word;

Wysiging van artikel 12 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 41 van 1934, artikel 32 van Wet 38 van 1945, artikel 2 van Wet 35 van 1956 en artikel 6 van Wet 88 van 1963.

(b) word vir die jaar wat volg op die jaar waarin artikel 11 (a) van die Drankwysigingswet, 1977, in werking tree en vir elke daaropvolgende Kalenderjaar, ten opsigte van elke lisensie wat kragtens hierdie Wet gehou word (behalwe 'n tydelike dranklisensie, 'n nagtelike geleentheidslisensie en 'n lisensie wat geag word kragtens artikel 5 gehou te word), die tersaaklike jaarlikse lisensiegeld betaal wat in Deel B van die Derde Bylae uiteengesit word.”;

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

„(2) (a) Die jaarlikse lisensiegeld bedoel in subartikel (1) (b) word voor of op 31 Desember van

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December of each year to the receiver of revenue of the district indicated in the advice referred to in paragraph (b) (ii).

- (b) For purposes of paragraph (a) and other relevant provisions of this Act, a person acting under the directions of the Minister shall—
 - (i) save in the case of a temporary liquor licence or a late hours occasional licence, keep a register in suitable form of all licensed premises in the Republic as well as such particulars in respect of each such premises as he may deem fit;
 - (ii) before 30 September of the year during which section 11 (b) of the Liquor Amendment Act, 1977, comes into operation and thereafter before that day of each succeeding year, issue to every holder of such a licence an advice in the prescribed form indicating the annual licence fee which is to be paid in respect of the licence held by him: Provided that the non-receipt by a licensee of such an advice, shall not absolve him from the obligation to pay the relevant annual licence fee timeously.
- (c) No receiver of revenue shall, subject to the provisions of section 9 (4), accept payment of any such licence fee unless the relevant advice is produced to him.”;
- (c) by the substitution for subsection (2)*bis* of the following subsection:

“(2)*bis* The fee payable in terms of the Third Schedule in respect of the issue of a temporary liquor licence shall be reduced to five rand per *diem* in respect of each bar or other point of sale authorized under the licence, if it is issued to the secretary of an exhibition or agricultural show conducted by an association or institution whose members will not share in any profit derived from such exhibition or show.”;
- (d) by the substitution for subsection (3) of the following subsection:

“(3) Whenever after 31 January in any year a licence other than a temporary liquor licence or a late hours occasional licence, is issued under this Act, the amount payable in terms of Part A of the Third Schedule in respect of the issue of such a licence shall be reduced by one twelfth in respect of each completed calendar month which has passed from the preceding 31 December to the date of the actual issue of the licence, and if such licence is issued after 30 June of any year, the prescribed annual licence fee in respect of such licence for the following year shall be paid at the same time as the said reduced fee.”;
- (e) by the substitution for subsection (4) of the following subsection:

“(4) The State President may from time to time proclaim any area to be one in which no new bottle liquor licence shall be issued save upon payment, in addition to the fees payable in terms of subsection (1), of a sum to be specified by the State President in such proclamation, and which shall not exceed ten thousand rand.”;

and
- (f) by the deletion of subsection (6).

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elke jaar betaal aan die ontvanger van inkomste van die distrik aangedui in die advies in paragraaf (b) (ii) genoem.

- (b) Vir die doeleindes van paragraaf (a) en ander tersaaklike bepalings van hierdie Wet, moet iemand wat op die gesag van die Minister handel—

(i) behalwe in die geval van 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie, 'n geskikte register hou van alle gelisensieerde persele in die Republiek tesame met sodanige besonderhede ten opsigte van elke sodanige perseel as wat hy goeddink;

(ii) voor 30 September van die jaar waarin artikel 11 (b) van die Drankwysigingswet, 1977, in werking tree en daarna, voor bedoelde dag van elke daaropvolgende jaar, aan elke houer van so 'n lisensie 'n advies in die voorgeskrewe vorm uitreik waarin die jaarlikse lisensiegeld aangedui word wat ten opsigte van die lisensie wat deur hom gehou word, betaalbaar is: Met dien verstande dat nie-ontvangs deur 'n lisensiehouer van so 'n advies, hom nie onthef van die verpligting om die betrokke jaarlikse lisensiegeld betyds te betaal nie.

- (c) Behoudens die bepalings van artikel 9 (4), ontvang geen ontvanger van inkomste betaling van sodanige lisensiegeld tensy die betrokke advies aan hom voorgelê word nie.”;

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

„(2)*bis* Die geld wat ingevolge die Derde Bylae betaalbaar is by uitreiking van 'n tydelike dranklisensie word verminder tot vyf rand per dag vir elke kroeg of ander verkooppunt wat kragtens die lisensie gemagtig word, as dit uitgereik word aan die sekretaris van 'n tentoonstelling of landbouskou wat gedryf word deur 'n vereniging of inrigting wie se lede nie sal deel in enige wins wat sodanige tentoonstelling of skou mag oplewer nie.”;

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

„(3) Wanneer 'n lisensie behalwe 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie na 31 Januarie van enige jaar kragtens hierdie Wet uitgereik word, dan word die bedrag, ingevolge Deel A van die Derde Bylae betaalbaar, vir die uitreiking van bedoelde lisensie, verminder met een-twaalfde vir elke voltooide kalendermaand wat verstryk het tussen die voorafgaande 31 Desember en die dag waarop die lisensie werklik uitgereik word, en indien so 'n lisensie na 30 Junie van enige jaar uitgereik word, moet die voorgeskrewe jaarlikse lisensiegeld ten opsigte van bedoelde lisensie vir die volgende jaar tegelykertyd met genoemde verminderde geld betaal word.”;

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

„(4) Die Staatspresident mag van tyd tot tyd enige gebied proklameer tot 'n gebied waarin geen nuwe bottel-dranklisensie uitgereik mag word nie dan teen betaling (buiten die gelde wat kragtens subartikel (1) verskuldig is), van 'n deur die Staatspresident in daardie proklamasie vasgestelde bedrag wat nie meer as tienduisend rand mag bedra nie.”;

en

- (f) deur subartikel (6) te skrap.

12. Hoofstuk III van die Hoofwet word hierby deur die volgende Hoofstuk vervang:

Vervanging van
Hoofstuk III van
Wet 30 van 1928.

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"CHAPTER III

Meetings of Liquor Board and incidental matters.

Annual
meetings
of Liquor
Board.

13. (1) The Liquor Board shall meet annually during each of the under-mentioned periods on such dates and at such places as may be determined by the chairman thereof for the consideration of—

- (a) applications for licences under section 31;
- (b) applications for written authorities under sections 100*bis* and 100*sex*;
- (c) applications under section 78 (2) (a); and
- (d) any other matter which under any provision of this Act it is authorized or required to consider, which emanate from the province indicated opposite the relevant period:

<i>Period</i>	<i>Province</i>
January and February ...	The Cape of Good Hope
March and April	The Orange Free State
June and July	Natal
August and September .	The Transvaal:

Provided that any such meeting may, if the Board is of the opinion that circumstances warrant it, be adjourned and resumed at such place and on such date as it may in its discretion determine.

(2) The chairman of the Liquor Board or a person acting under his directions shall not less than thirty days before any such annual meeting, give notice in the *Gazette* in the prescribed form of such meeting, stating the date, time and place thereof.

Special
meetings of
Liquor
Board.

14. (1) (a) The chairman of the Liquor Board may on application made in the prescribed manner, convene a special meeting of the Board for the consideration of any application lodged with the magistrate of any district—

- (i) for a licence under section 31;
 - (ii) for a written authority under section 100*bis* or 100*sex*; or
 - (iii) for an authority under section 78 (2) (a).
- (b) Any such meeting may be held at such place and on such date as the chairman of the Liquor Board may determine and may, if the Board is of the opinion that circumstances warrant it, be adjourned and resumed at such place and on such date as it may in its discretion determine.
- (c) If an application is granted under paragraph (a) for the holding of a special meeting, the applicant shall give notice in the prescribed manner of such meeting, the place and date thereof and the matter to be dealt with thereat.

(2) The Liquor Board shall, at any such meeting, have power to deal with any application under subsection (1) (a) as if it were an application being dealt with at an annual meeting.

(3) (a) A special meeting of the Liquor Board may be held at any time upon the order made under section 25 (2) or otherwise, by a division of the Supreme Court having jurisdiction: Provided that no such division shall have power to order the holding of such a special meeting if the chairman of the Liquor Board has in terms of subsection (1) (a) refused to convene such a meeting.

(b) Subject to any order made by a division of the Supreme Court, the provisions of subsection (2) shall apply *mutatis mutandis* in relation to any

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„HOOFSTUK III

Vergaderings van Drankraad en aanverwante aangeleenthede.

Jaarlikse vergaderings van Drankraad.

13. (1) Die Drankraad vergader jaarliks gedurende elk van die ondervermelde tydperke op die datums en plekke wat die voorsitter daarvan bepaal ter oorweging van—

- (a) aanvrae om lisensies kragtens artikel 31;
- (b) aanvrae om skriftelike magtigings kragtens artikels 100*bis* en 100*sex*;
- (c) aanvrae kragtens artikel 78 (2) (a); en
- (d) enige ander aangeleentheid wat die Raad kragtens 'n bepaling van hierdie Wet kan of moet oorweeg.

wat afkomstig is uit die provinsie aangedui teenoor die tersaaklike tydperk:

Tydperk	Provinsie
Januarie en Februarie ..	Die Kaap die Goeie Hoop
Maart en April	Die Oranje-Vrystaat
Junie en Julie	Natal
Augustus en September	Transvaal:

Met dien verstande dat so 'n vergadering, indien die Raad van mening is dat omstandighede dit regverdig, verdaag en hervat kan word op enige plek en datum wat hy na sy goëddunke bepaal.

(2) Die voorsitter van die Drankraad of iemand wat op sy gesag handel, moet minstens dertig dae voor so 'n jaarlikse vergadering, kennis daarvan in die voorgeskrewe vorm in die *Staatskoerant* gee met vermelding van die datum, tyd en plek daarvan.

Spesiale vergaderings van Drankraad.

14. (1) (a) Die voorsitter van die Drankraad kan op aanvraag op die voorgeskrewe wyse gedoen, 'n spesiale vergadering van die Raad belê vir die oorweging van enige aanvraag wat by die landdros van 'n distrik ingedien is—

- (i) om 'n lisensie kragtens artikel 31;
 - (ii) om 'n skriftelike magtiging kragtens artikel 100*bis* of 100*sex*; of
 - (iii) om 'n magtiging kragtens artikel 78 (2) (a).
- (b) So 'n vergadering kan gehou word op enige plek en datum wat die voorsitter van die Drankraad bepaal en kan, indien die Raad van mening is dat omstandighede dit regverdig, verdaag en hervat word op enige plek en datum wat hy na sy goëddunke bepaal.
- (c) Indien 'n aanvraag om die hou van 'n spesiale vergadering kragtens paragraaf (a) toegestaan word, moet die aanvraer kennis op die voorgeskrewe wyse gee van die vergadering, die plek en datum daarvan en die aangeleentheid wat daarop behandel sal word.

(2) Die Drankraad is bevoeg om op so 'n vergadering met enige aanvraag kragtens subartikel (1) (a) te handel asof dit 'n aanvraag was waarmee op 'n jaarlikse vergadering gehandel word.

(3) (a) 'n Spesiale vergadering van die Drankraad kan te eniger tyd gehou word ingevolge 'n bevel deur 'n bevoegde afdeling van die Hooggeregshof kragtens artikel 25 (2) of andersins: Met dien verstande dat geen sodanige afdeling bevoeg is om die hou van so 'n spesiale vergadering te gelas nie, indien die voorsitter van die Drankraad ingevolge subartikel (1) (a) geweier het om so 'n vergadering te belê.

(b) Behoudens enige bevel deur 'n afdeling van die Hooggeregshof, is die bepalings van subartikel (2) *mutatis mutandis* van toepassing met betrekking tot enige aangeleentheid waarmee op so 'n

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matter dealt with at such meeting in terms of any order made by the said division.

- (c) Save where otherwise specified in such order, notice of such meeting shall be given as provided in subsection (1) (c).

Interim
meeting of
Liquor
Board.

15. (1) The chairman of the Liquor Board may, if he thinks fit, refer any application made to him in terms of this Act to an interim meeting of the Board for consideration by the Board.

(2) Subject to the provisions of this Act, an interim meeting of the Liquor Board may at any time be convened by the chairman thereof for the purposes of considering—

- (a) any application referred to the Board in terms of subsection (1);
- (b) any report submitted to such chairman by a designated police officer in terms of section 137 or 138;
- (c) any written request referred to in section 38;
- (d) any application made by a licensee or holder of a written authority under section 100*bis* or 100*sex* whose licence or written authority or of whom any right or privilege pertaining to such licence or authority has been cancelled, withdrawn or suspended pursuant to a report referred to in paragraph (b), for the restoration of such licence, written authority, right or privilege on the ground that the conviction which gave rise to that cancellation, withdrawal or suspension has been reversed or set aside by a competent court on review or appeal or that in respect of such conviction a free pardon has been granted;
- (e) any application in terms of section 9 (4) (a), 100*bis* (2) (b) or 100*sex* (2) (b) by a licensee or holder of a written authority under section 100*bis* or 100*sex* for the condonation of his failure to pay the prescribed annual fee timeously;
- (f) any other application, excluding an application referred to in section 13 or 81 (3), which in terms of any provision of this Act the Board is required to consider.

(3) (a) In respect of any application referred to in subsection (2) (a) the Liquor Board shall, notwithstanding anything to the contrary in this Act contained, have power to dispose of such application in such manner as the chairman of such Board could have done in terms of this Act.

(b) In respect of any licence, written authority, right or privilege which is the subject of an application, a report or written request referred to in subsection (2) (b), (c) or (d) the Liquor Board shall at such interim meeting have power—

- (i) in the case of a report or written request referred to in subsection (2) (b) or (c), to cancel or withdraw, or suspend for such period as it may deem fit, from a date specified, such licence, written authority, right or privilege or to impose such additional prohibition, restriction or condition as it may deem fit;
- (ii) in the case of an application under subsection (2) (d), forthwith to restore such licence, written authority, right or privilege

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vergadering gehandel word ooreenkomstig 'n bevel deur genoemde afdeling verleen.

- (c) Behalwe waar anders in so 'n bevel vermeld, moet kennis van so 'n vergadering gegee word soos in subartikel (1) (c) bepaal.

Tussentydse
vergadering
van Drank-
raad.

15. (1) Die voorsitter van die Drankraad kan, indien hy dit goedvind, enige aanvraag wat by hom ingevolge hierdie Wet gedoen word, na 'n tussentydse vergadering van die Raad verwys vir oorweging deur die Raad.

(2) Behoudens die bepalings van hierdie Wet kan 'n tussentydse vergadering van die Drankraad te eniger tyd deur die voorsitter daarvan belê word vir die oorweging van—

- (a) 'n aanvraag wat na die Raad verwys is ingevolge subartikel (1);
 - (b) 'n verslag wat deur 'n aangewese polisie-offisier aan genoemde voorsitter ingevolge artikel 137 of 138 uitgebring is;
 - (c) 'n skriftelike versoek in artikel 38 vermeld;
 - (d) 'n aanvraag deur 'n lisensiehouer of die houer van 'n skriftelike magtiging kragtens artikel 100*bis* of 100*sex* wie se lisensie of skriftelike magtiging of van wie 'n reg of voorreg wat betrekking het op bedoelde lisensie of magtiging, uit hoofde van 'n verslag bedoel in paragraaf (b) ingetrek, teruggetrek of opgeskort is, om die herstel van bedoelde lisensie, skriftelike magtiging, reg of voorreg op grond daarvan dat die veroordeling wat aanleiding tot bedoelde intrekking, terugtrekking of opskorting gegee het, deur 'n bevoegde hof by hersiening of appèl omvergoerp of tersyde gestel is of dat algehele grasië ten opsigte van dié veroordeling verleen is;
 - (e) 'n aanvraag ingevolge artikel 9 (4) (a), 100*bis* (2) (b) of 100*sex* (2) (b) deur 'n lisensiehouer of houer van 'n skriftelike magtiging kragtens artikel 100*bis* of 100*sex* vir die kondonasië van sy versuim om die voorgeskrewe jaarlikse geld betyds te betaal;
 - (f) enige ander aanvraag, uitgesonderd 'n aanvraag in artikel 13 of 81 (3) bedoel, wat die Raad ingevolge enige bepaling van hierdie Wet moet oorweeg.
- (3) (a) Ten opsigte van 'n aanvraag in subartikel (2) (a) bedoel, het die Drankraad, ondanks andersluidende bepalings van hierdie Wet, die bevoegdheid om bedoelde aanvraag af te handel op die wyse waarop die voorsitter van bedoelde Raad dit ingevolge hierdie Wet sou kon gedoen het.
- (b) Ten opsigte van 'n lisensie, skriftelike magtiging, reg of voorreg wat die onderwerp is van 'n aanvraag, verslag of skriftelike versoek in subartikel (2) (b), (c) of (d) bedoel, het die Drankraad die bevoegdheid om op so 'n tussentydse vergadering—
- (i) in die geval van 'n verslag of skriftelike versoek in subartikel (2) (b) of (c) bedoel, sodanige lisensie, skriftelike magtiging, reg of voorreg, vanaf 'n bepaalde datum in te trek, terug te trek of op te skort vir 'n tydperk wat hy goedvind, of om sodanige bykomstige verbod, beperking of voorwaarde op te lê as wat hy goedvind;
 - (ii) in die geval van 'n aanvraag kragtens subartikel (2) (d), sodanige lisensie, skriftelike magtiging, reg of voorreg onverwyld te

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subject to such prohibition, restriction or condition as it may deem fit.

(4) Any person or association of persons aggrieved by a decision of the Liquor Board to cancel, withdraw or suspend any licence, written authority, right or privilege in terms of subsection (3) or to impose any prohibition, restriction or condition thereunder, may by notice delivered to the secretary of such Board, within a period of fourteen days of the date of notification of such decision, and upon payment of such fee as may be prescribed to the magistrate of the district in which the licensed or authorized premises concerned are situated, appeal to the Minister against such decision.

(5) The chairman of the Liquor Board shall, within thirty days after the receipt by such secretary of a notice in terms of subsection (4), transmit it to the Minister, together with all relevant documents, a copy of the record of the Board's proceedings and the Board's reasons for its decision.

(6) The Minister may confirm, reverse or amend any such decision of the Liquor Board.

(7) An interim meeting convened in terms of subsection (2) shall be held at such place and on such date as the chairman of the Liquor Board may determine and may, if the Board is of the opinion that circumstances warrant it, be adjourned and resumed at such place and on such date as it may in its discretion determine.

(8) (a) If the matter to be considered at an interim meeting is an application referred to in subsection (2) (a), (d), (e) or (f) the applicant shall, if required to do so in writing by the chairman of the Liquor Board or a person acting under his directions, appear before the Board, either personally or by counsel or attorney or, in the case of an association of persons, by a person deputed by it in writing.

(b) If the matter to be considered at an interim meeting is a report or written request referred to in subsection (2) (b) or (c)—

(i) the chairman of the Board shall—

(aa) cause the licensee, authority holder or manager of the premises concerned or his principal, to be notified in such form and manner as he may deem fit, of such meeting informing him of the date, time and place thereof and the matters to be dealt with thereat; and

(bb) cause such licensee, authority holder, manager or principal, to be furnished with a copy of the report or written request concerned;

(ii) such licensee, authority holder or manager shall, subject to the provisions of section 20, appear before the Board either personally or by counsel or attorney or, in the case of an association of persons, a person deputed by it in writing.

(c) The designated police officer who signed any report referred to in subsection (2) (b) may be called as a witness by the licensee or authority holder concerned or by his counsel or attorney, for the purpose of cross-examination on such

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herstel onderworpe aan sodanige verbod, beperking of voorwaarde as wat hy goedvind.

(4) Enige persoon of assosiasie van persone wat veronreg voel deur 'n beslissing van die Drankraad om 'n lisensie, skriftelike magtiging, reg of voorreg ingevolge subartikel (3) in te trek, terug te trek of op te skort of om 'n verbod, beperking of voorwaarde daarkragtens op te lê, kan by kennisgewing aan die sekretaris van bedoelde Raad gelewer binne 'n tydperk van veertien dae van kennisgewing van sodanige beslissing, en teen betaling by die landdros van die distrik waarin die gelisensieerde of gemagtigde perseel geleë is, van die geld wat voorgeskryf mag word, by die Minister teen daardie beslissing appelleer.

(5) Die voorsitter van die Drankraad moet binne dertig dae na ontvangs deur bedoelde sekretaris van 'n kennisgewing ingevolge subartikel (4), dit aan die Minister stuur tesame met al die tersaaklike stukke, 'n afskrif van die notule van die verrigtinge van die Raad en die Raad se redes vir sy beslissing.

(6) Die Minister kan enige sodanige beslissing van die Drankraad bekragtig, tersyde stel of wysig.

(7) 'n Tussentydse vergadering ingevolge subartikel (2) belê, word gehou op die plek en datum wat die voorsitter van die Drankraad bepaal en kan, indien die Raad van mening is dat omstandighede dit regverdig, verdaag en hervat word op enige plek en datum wat hy na sy goëddunke bepaal.

(8) (a) Indien die aangeleentheid wat op 'n tussentydse vergadering oorweeg moet word, 'n aanvraag is soos in subartikel (2) (a), (d), (e) of (f) bedoel, moet die aanvrager, indien hy deur die voorsitter van die Drankraad of iemand wat op sy gesag handel, skriftelik aangesê word om dit te doen, persoonlik of deur 'n advokaat of prokureur of, in die geval van 'n assosiasie van persone, deur iemand deur hom skriftelik gemagtig, voor die Raad verskyn.

(b) Indien die aangeleentheid wat op 'n tussentydse vergadering oorweeg moet word 'n verslag of skriftelike versoek is soos in subartikel (2) (b) of (c) bedoel, moet—

(i) die voorsitter van die Raad—

(aa) die lisensiehouer, houer van die magtiging of bestuurder van die betrokke perseel of sy prinsipaal, in die vorm en op die wyse wat hy goëdvind, in kennis laat stel van bedoelde vergadering en van die datum, tyd en plek daarvan en van die aangeleenthede wat daarop behandel sal word; en

(bb) bedoelde lisensiehouer, houer van die magtiging, bestuurder of prinsipaal van 'n afskrif van die betrokke verslag of skriftelik versoek laat voorsien;

(ii) bedoelde lisensiehouer, houer van die magtiging of bestuurder, behoudens die bepalinge van artikel 20, persoonlik of deur 'n advokaat of prokureur of, in die geval van 'n assosiasie van persone, deur iemand deur hom skriftelik gemagtig, voor die Raad verskyn.

(c) Die aangewese polisie-offisier wat 'n verslag soos bedoel in subartikel (2) (b) onderteken het, kan as 'n getuie deur die betrokke lisensiehouer of houer van die magtiging of sy advokaat of prokureur geroep word om in kruisverhoor

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report, and such officer, whether so called or not, or any other member of the police shall have the right to call evidence or present arguments in support of that report.

Hearing of applicants and objectors at annual and special meetings.

16. (1) In the consideration of any application at an annual or special meeting of the Liquor Board held in terms of section 13 or 14 the applicant shall, subject to the provisions of section 20, appear before the Board either personally or by counsel or attorney or, in the case of an association of persons, a person deputed by it in writing.

(2) Any person who or any local authority or association of persons which has lodged an objection in the prescribed manner to any such application may appear before the Board, personally or by counsel or attorney or by some other person deputed by him or it in writing, to object to the granting of the application against which he or it has lodged an objection.

(3) The Board may in its discretion hear any objection to such an application made by any local authority within, or person resident within, the district concerned, notwithstanding that notice of such objection has not been given in the prescribed manner, but in the event of its doing so, it shall allow the applicant a reasonable opportunity of replying to the objection so made, and shall, if necessary, adjourn the meeting for that purpose.

(4) The designated police officer who has in terms of section 136 signed any report relating to any such application may, upon having been given written notice, be called as a witness by the applicant concerned for the purpose of cross-examination on such report, and such officer, whether so called or not, or any other member of the police shall have the right to call evidence or present arguments in support of that report.

Power of Liquor Board to take objection to certain applications.

17. (1) The Liquor Board may, of its own motion, take notice of any matter or thing whatsoever which in its opinion, could be a ground for objection to the grant of any application considered at an annual or special meeting or of an application referred to in section 15 (2) (a), although no objection has been made thereto by any person.

(2) The Board shall inform the applicant of such matter or thing, and shall adjourn the further consideration of the application, should the applicant so request, for such period as it may deem fit in order that the applicant may have an opportunity of stating his case in connection therewith.

General address to Liquor Board at annual or special meetings.

18. (1) Subject to the provisions of subsection (2), any person, including any person representing an association of persons, may at any annual or special meeting of the Liquor Board address the Board generally on the distribution and the control over the distribution of liquor.

(2) No address referred to in subsection (1) shall be received unless at least seven days before such meeting of the Board there has been lodged with the secretary thereof a notice in writing stating the person by whom, or the association of persons on behalf of which, the address will be made, and the nature of the

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geneem te word in verband met bedoelde verslag, en daardie offisier, of hy aldus geroep word al dan nie, of enige ander lid van die polisie is geregtig om getuies te roep of argumente aan te voer ter ondersteuning van daardie verslag.

Aanhoor
van aan-
vraers en
beswaar-
makers op
jaarlikse en
spesiale ver-
gaderings.

16. (1) By die oorweging van 'n aanvraag op 'n jaarlikse of spesiale vergadering van die Drankraad ingevolge artikel 13 of 14 en behoudens die bepalings van artikel 20, moet die aanvrager persoonlik of deur 'n advokaat of prokureur of, in die geval van 'n assosiasie van persone, deur iemand deur hom skriftelik gemagtig, voor die Raad verskyn.

(2) Enige persoon of 'n plaaslike bestuur of assosiasie van persone wat op die voorgeskrewe wyse 'n beswaarskrif teen so 'n aanvraag ingedien het, kan persoonlik of deur 'n advokaat of prokureur of deur iemand deur hom skriftelik gemagtig voor die Raad verskyn om beswaar te maak teen die toestaan van die aanvraag waarteen hy 'n beswaarskrif ingedien het.

(3) Die Raad kan na goeddunke enige beswaar teen so 'n aanvraag aanhoor wat gemaak word deur 'n plaaslike owerheid in of iemand woonagtig in die betrokke distrik, niesteenstaande dat kennis van sodanige beswaar nie op die voorgeskrewe wyse gegee is nie, maar ingeval hy dit doen, moet hy aan die aanvrager 'n redelike geleentheid bied om op die beswaar aldus gemaak, te antwoord en moet hy, indien nodig, die vergadering vir daardie doel verdaag.

(4) Die aangewese polisie-offisier wat ingevolge artikel 136 'n verslag aangaande enige sodanige aanvraag onderteken het, kan na skriftelike kennisgewing aan hom deur die betrokke aanvrager as getuie geroep word om in kruisverhoor geneem te word in verband met bedoelde verslag, en daardie offisier, of hy aldus geroep word al dan nie, of enige ander lid van die polisie is geregtig om getuies te roep of argumente aan te voer ter ondersteuning van daardie verslag.

Bevoegd-
heid van
Drankraad
om beswaar
te opper
teen
sekere
aanvrae.

17. (1) Die Drankraad kan uit eie beweging kennis neem van enige aangeleentheid of feit van watter aard ook al wat, na sy oordeel, 'n grond vir beswaar sou kon wees teen die toestaan van 'n aanvraag wat op 'n jaarlikse of spesiale vergadering oorweeg word of van 'n aanvraag in artikel 15 (2) (a) bedoel, alhoewel geen beswaar daarteen deur iemand gemaak is nie.

(2) Die Raad moet die aanvrager inlig omtrent daardie aangeleentheid of feit en moet, indien die aanvrager dit versoek, die verdere oorweging van die aanvraag uitstel vir die tydperk wat hy goetvind, sodat die aanvrager 'n geleentheid sal hê om sy saak in verband daarmee te stel.

Algemene
vertoë voor
Drankraad
op jaarlikse
of spesiale ver-
gaderings.

18. (1) Behoudens die bepalings van subartikel (2), kan iemand, met inbegrip van 'n verteenwoordiger van 'n assosiasie van persone, op 'n jaarlikse of spesiale vergadering van die Drankraad in algemene terme 'n betoog voor die Raad lewer aangaande die verspreiding en die beheer oor die verspreiding van drank.

(2) Geen betoog soos in subartikel (1) bedoel, word toegelaat nie tensy minstens sewe dae voor bedoelde vergadering van die Raad 'n skriftelike kennisgewing by die sekretaris daarvan ingedien is waarin vermeld word die persoon deur wie, of die assosiasie van persone namens wie, die betoog gelewer sal word, en

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general representations which will in the course thereof be addressed to the Board.

(3) The chairman of the Liquor Board may refuse to allow the hearing of such general address or the continuance of such address on the ground that—

- (a) the provisions of subsection (2) have not been complied with; or
- (b) any contemplated representation is irrelevant or a repetition of representations already addressed to the Board.

(4) The Board may, if it thinks fit, permit any applicant or his representative or any other person to reply to any address made to the Board in terms of subsection (1).

General provisions in respect of annual, special and interim meetings of the Liquor Board.

19. The provisions of section 118*ter* (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) and (13) shall *mutatis mutandis* apply in respect of any annual, special or interim meeting of the Liquor Board referred to in this Chapter.

Meetings of Liquor Board open to public.

20. Any annual, special or interim meeting of the Liquor Board referred to in this Chapter shall be open to the public: Provided that, if the Board so determines, the deliberation and voting upon any matter considered at any such meeting shall be in private.

Record of Liquor Board's proceedings.

21. (1) A record of the proceedings in public at every annual, special or interim meeting of the Liquor Board referred to in this Chapter shall be kept, shall be filed in the office of the Secretary for Justice and may be inspected and copies thereof obtained upon like conditions and upon payment of the same fees as if they were civil records of a magistrate's court.

(2) A separate record shall be kept of the proceedings in private of the Board, and such record shall, save by order of any division of the Supreme Court, not be disclosed to any person other than the Minister, members of the Liquor Board and officers in the Department of Justice who are entrusted with the handling of matters pertaining to the administration of this Act.

Secretariat of Liquor Board.

22. The chairman of the Liquor Board may designate one or more officers in the Department of Justice to perform secretarial duties for the Board.

Special disqualification of members of Liquor Board.

23. (1) No member of the Liquor Board shall take part in the consideration of any application which it is, in terms of any provision of this Act, required to consider, if he or his spouse or child—

- (a) is an owner, mortgagee, lessor or lessee of the premises in respect of which the application is made;
- (b) is a partner, agent or employee of the applicant or of any objector or petitioner against or of any petitioner or person who has made representations in support of such application;
- (c) is a director, manager or other officer, employee or agent of any association of persons by whom the application is made;
- (d) has a direct financial interest in the business in respect of which the application is made.

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die aard van die algemene vertoë wat in die loop daarvan tot die Raad gerig sal word.

(3) Die voorsitter van die Drankraad kan weier om die aanhoor van so 'n algemene betoog of die voortsetting daarvan toe te laat op grond daarvan dat—

- (a) die bepalings van subartikel (2) nie nagekom is nie; of
- (b) enige beoogde vertoë nie ter sake is nie of 'n herhaling is van vertoë wat alreeds tot die Raad gerig is.

(4) Die Raad kan, indien hy dit goedvind, 'n aanvrager of sy verteenwoordiger of enige ander persoon toelaat om te antwoord op enige betoog wat voor die Raad ingevolge subartikel (1) gelewer is.

Algemene bepalings ten opsigte van jaarlikse, spesiale en tussentydse vergaderings van die Drankraad.

19. Die bepalings van artikel 118ter (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) en (13) is *mutatis mutandis* van toepassing ten opsigte van 'n jaarlikse, spesiale of tussentydse vergadering van die Drankraad bedoel in hierdie Hoofstuk.

Vergaderings van Drankraad moet vir publiek toeganklik wees.

20. 'n Jaarlikse, spesiale of tussentydse vergadering van die Drankraad bedoel in hierdie Hoofstuk is vir die publiek toeganklik: Met dien verstande dat indien die Raad aldus besluit, die beraadslaging en stemming oor enige aangeleentheid wat by so 'n vergadering oorweeg word, agter geslote deure geskied.

Notule van Drankraad se verrigtings.

21. (1) Notule van die openbare verrigtings op elke jaarlikse, spesiale of tussentydse vergadering van die Drankraad bedoel in hierdie Hoofstuk, moet gehou en in die kantoor van die Sekretaris van Justisie bewaar word en insae daarin en afskrifte daarvan kan verkry word op dieselfde voorwaardes en teen betaling van dieselfde gelde asof dit siviele notule van 'n landdroshof is.

(2) Die verrigtings van die Raad agter geslote deure moet afsonderlik genotuleer word, en daardie notule mag, behalwe op bevel deur 'n afdeling van die Hooggeregshof, nie openbaar word nie aan iemand anders as die Minister, lede van die Drankraad en beamptes van die Departement van Justisie wat belas is met die hantering van aangeleenthede wat met die administrasie van hierdie Wet verband hou.

Sekretariaat van Drankraad.

22. Die voorsitter van die Drankraad kan een of meer beamptes van die Departement van Justisie aanwys om sekretariële pligte vir die Raad te verrig.

Spesiale onbevoegdheid van lede van Drankraad.

23. (1) Geen lid van die Drankraad mag deelneem nie aan die oorweging van enige aanvrage wat die Raad ingevolge die een of ander bepaling van hierdie Wet moet oorweeg, indien hy of sy gade of kind—

- (a) 'n eienaar, verbandhouer, verhuurder of huurder is van die perseel ten opsigte waarvan aanvrage gedoen word;
- (b) 'n vennoot, agent of werknemer is van die aanvrager of van enige beswaarmaker of petitionaris teen of van enige petitionaris of persoon wat vertoë gerig het ter ondersteuning van so 'n aanvrage;
- (c) 'n direkteur, bestuurder of ander beampte, werknemer of agent is van 'n assosiasie van persone deur wie die aanvrage gedoen word;
- (d) 'n regstreekse geldelike belang het in die besigheid ten opsigte waarvan die aanvrage gedoen word.

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(2) The provisions of subsection (1) shall *mutatis mutandis* apply in respect of any other matter which such Board is required to consider in terms of this Act.

Reasons for decisions.

24. (1) Except when the Liquor Board—

- (a) gives a decision on a question of law; or
 - (b) cancels, withdraws or suspends any licence or written authority or any right or privilege pertaining to any licence or written authority,
- it shall not be required to give any reasons for its decision.

(2) Unless otherwise provided in this Act, the provisions of subsection (1) shall *mutatis mutandis* apply also in respect of any matter which is, in terms of this Act, required to be considered by the Minister or the chairman of the Liquor Board.

Review of proceedings.

25. (1) Any proceedings of the Liquor Board may be reviewed by any division of the Supreme Court having jurisdiction, on notice of motion by any applicant or objector, if it appears to the court that—

- (a) in the proceedings in question the Board exceeded its powers, or refused to exercise powers which it was obliged to exercise, or exercised its powers in an arbitrary or *mala fide* or grossly unreasonable manner; or
- (b) a member who was disqualified from taking any part in the proceedings in question, took part therein.

(2) If on review of any proceedings of the Liquor Board the court finds that the allegations of the applicant for the review have been proved, it may set aside the proceedings in question and make such order as it deems fit, including an order that a special meeting of the Board be convened for the rehearing or reconsideration of the matter: Provided that no proceedings shall be set aside—

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

(3) Save as provided in this section there shall be no review of the proceedings of the Liquor Board.

(4) The provisions of subsections (1), (2) and (3) shall *mutatis mutandis* also apply in respect of any matter which is in terms of this Act required to be considered by the chairman of the Liquor Board.

When appeal lies.

26. (1) In respect of any question of law decided by the Liquor Board, an appeal shall lie at the instance of any person aggrieved thereby.

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

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

(4) Unless otherwise provided in this Act, the provisions of subsections (1), (2) and (3) shall *mutatis mutandis* also apply in respect of any matter which is in terms of this Act required to be considered by the chairman of the Liquor Board.

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(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van enige ander aangeleentheid wat bedoelde Raad ingevolge hierdie Wet moet oorweeg.

Redes vir
beslissings.

24. (1) Behalwe wanneer die Drankraad—

- (a) 'n beslissing oor 'n regspunt gee; of
- (b) 'n lisensie of skriftelike magtiging of 'n reg of voorreg wat op 'n lisensie of skriftelike magtiging betrekking het, intrek, terugtrek of opskort, is hy nie verplig om redes vir sy beslissing te gee nie.

(2) Tensy in hierdie Wet anders bepaal word, is die bepalings van subartikel (1) *mutatis mutandis* ook van toepassing ten opsigte van enige aangeleentheid wat die Minister of die voorsitter van die Drankraad ingevolge hierdie Wet moet oorweeg.

Hersiening
van verrig-
tings.

25. (1) 'n Bevoegde afdeling van die Hooggeregshof kan die verrigtings van die Drankraad in hersiening neem na kennisgewing van mosie deur 'n aanvrager of beswaarmaker, as aan die hof blyk dat—

- (a) die Raad by die betrokke verrigtings sy bevoegdheid oorskry het of geweier het om bevoegdhede uit te oefen wat hy verplig was om uit te oefen, of sy bevoegdhede willekeurig of *mala fide* of uiters onbillik uitgeoefen het; of
- (b) 'n lid wat onbevoeg was om aan die betrokke verrigtings deel te neem, daaraan deelgeneem het.

(2) As die hof, by hersiening van verrigtings van die Drankraad, bevind dat die bewerings van die aansoeker om hersiening bewys is, kan hy die betrokke verrigtings tersyde stel en sodanige bevel uitreik as wat hy goedvind, met inbegrip van 'n bevel dat 'n spesiale vergadering van die Raad belê word om die aangeleentheid opnuut te verhoor of te oorweeg: Met dien verstande dat geen verrigtings tersyde gestel mag word nie—

- (a) slegs weens 'n formele of tegniese gebrek in enige van die verrigtings wat volgens oordeel van die hof nie 'n wesenlike onreg ten gevolg gehad het nie; of
- (b) in enige ander geval, tensy die hersieningshof oortuig is dat die bewese feite die aansoeker of iemand anders wesenlik benadeel het of sou kon benadeel het.

(3) Behalwe soos in hierdie artikel bepaal, is die verrigtings van die Drankraad nie aan hersiening onderworpe nie.

(4) Die bepalings van subartikels (1), (2) en (3) is *mutatis mutandis* ook van toepassing ten opsigte van enige aangeleentheid wat die voorsitter van die Drankraad ingevolge hierdie Wet moet oorweeg.

Wanneer
appèl ge-
oorloof is.

26. (1) Wanneer die Drankraad oor 'n regspunt beslis het, kan enige persoon wat daardeur veronreg voel, daarteen appelleer.

(2) So 'n appèl word aangeteken en voortgesit asof dit 'n appèl is teen 'n vonnis van 'n landdroshof in 'n siviele saak, en alle reëls wat op laasgenoemde appèl van toepassing is, hetsy ten opsigte van die verhoor daarvan of die bekragtiging of die tersydestelling van die verrigtings waarteen geappelleer word, of andersins, is *mutatis mutandis* van toepassing op 'n appèl kragtens hierdie artikel.

(3) Behalwe soos in hierdie artikel bepaal, is daar geen appèl teen 'n beslissing deur die Drankraad nie.

(4) Tensy in hierdie Wet anders bepaal, is die bepalings van subartikels (1), (2) en (3) *mutatis mutandis* ook van toepassing ten opsigte van enige aangeleentheid wat die voorsitter van die Drankraad ingevolge hierdie Wet moet oorweeg.

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Legal proceedings by or against Liquor Board or members thereof.

27. (1) (a) In any legal proceedings instituted against the Liquor Board in its official capacity, service of any process on the chairman thereof and on the State Attorney at Pretoria shall, subject to the provisions of subsection (2), be deemed to be sufficient service on the Board.

(b) No action shall be taken by the Board in any such proceedings and no legal proceedings shall be instituted by the Board save through the State Attorney.

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

(3) The cost incurred by members of the Liquor Board in connection with proceedings instituted by or against them in their official capacity shall, unless the court before which the proceedings are taken orders the costs to be borne by the opposite party or by the said members *de bonis propriis*, be paid out of the State Revenue Fund.

(4) The provisions of subsections (1), (2) and (3) shall *mutatis mutandis* also apply in respect of any legal proceedings instituted by or against the chairman of the Liquor Board in his official capacity."

Substitution of section 31 of Act 30 of 1928, as substituted by section 15 of Act 88 of 1963 and amended by section 2 of Act 85 of 1964 and section 8 of Act 23 of 1969.

13. The following section is hereby substituted for section 31 of the principal Act:

"Application for licence other than temporary or late hours occasional licence.

31. (1) Any person, including an association referred to in section 67, desiring a licence under this Act (other than a temporary liquor licence or a late hours occasional licence) may make application therefor to the Minister through the magistrate of the district in which the premises concerned are or will be situate.

(2) Every such application shall be in the prescribed form, shall be accompanied by the prescribed documents and information and, unless it is to be considered at a special meeting of the Liquor Board convened in terms of section 14, shall be lodged with such magistrate at least two months but not more than three months before the first day of the period in which it is in terms of section 13 (1) to be considered by the Liquor Board.

(3) The magistrate shall as soon as possible after receiving the police report on such an application, transmit it to the Liquor Board, together with such report and all other relevant documents, information, written objections, replies thereto and representations submitted under this Act.

(4) (a) The Minister may, after having obtained the recommendation of the Liquor Board made after consideration of the application, the police report and all relevant documents, information, written objections, replies thereto and representations transmitted to the Liquor Board in terms of subsection (3), and with due regard to—

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Regsgedinge
deur of teen
Drankraad
of lede daar-
van.

27. (1) (a) In enige regsgeding ingestel teen die Drankraad in sy amptelike hoedanigheid, word betekening van prosesstukke aan die voorsitter van genoemde Raad en aan die Staatsprokureur in Pretoria, behoudens die bepalings van subartikel (2), geag voldoende betekening aan die Raad te wees.

(b) Geen stappe word in enige sodanige geding deur die Raad gedoen nie en geen regsgeding word deur die Raad ingestel nie, behalwe deur bemiddeling van die Staatsprokureur.

(2) Behalwe in die geval waar die hof waaruit die dagvaarding afkomstig is of waarin die verhoor van die aansoek sal plaasvind, uitdruklik anders magtig, is die toelaatbare termyn vir die aantekening van verskyning op 'n dagvaarding uitgereik in 'n regsgeding bedoel in subartikel (1), minstens een maand na betekening van die dagvaarding aan die voorsitter van die Raad en die Staatsprokureur, en by aansoeke by wyse van kennisgewing van mosie, is die toelaatbare termyn vir die verhoor van die aansoek of vir die keerdatum van 'n bevel *nisi*, minstens veertien dae na die betekening van die kennisgewing van mosie of bevel *nisi*, na gelang van die geval, aan die voorsitter van die Raad en die Staatsprokureur.

(3) Die koste aangegaan deur lede van die Drankraad in verband met 'n regsgeding deur of teen hulle in hul amptelike hoedanigheid ingestel, word uit die Staatsinkomstefonds betaal tensy die hof waarin die geding aanhangig is, gelas dat die koste deur die teenparty of deur genoemde lede *de bonis propriis* gedra moet word.

(4) Die bepalings van subartikels (1), (2) en (3) is *mutatis mutandis* ook van toepassing ten opsigte van 'n regsgeding wat deur of teen die voorsitter van die Drankraad in sy amptelike hoedanigheid ingestel word."

13. Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanvraag
om ander
lisensie as
tydelike of
nagtelijke
geleentheids-
lisensie.

31. (1) Iemand, met inbegrip van 'n assosiasie in artikel 67 bedoel, wat 'n lisensie ingevolge hierdie Wet verlang (behalwe 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie), kan by die Minister, deur die landdros van die distrik waarin die betrokke perseel geleë is of geleë sal wees, daarom aanvraag maak.

(2) Elke sodanige aanvraag moet in die voorgeskrewe vorm wees, moet vergesel wees van die voorgeskrewe dokumente en inligting en, tensy dit oorweeg moet word op 'n spesiale vergadering van die Drankraad wat ingevolge artikel 14 belê is, moet dit minstens twee maande maar nie meer nie as drie maande voor die eerste dag van die tydperk waarin dit ingevolge artikel 13 (1) deur die Drankraad oorweeg moet word, by bedoelde landdros ingedien word.

(3) So spoedig moontlik na ontvangs van die polisieverslag oor so 'n aanvraag stuur die landdros dit aan die Drankraad tesame met bedoelde verslag en alle ander relevante stukke, inligting, skriftelike besware, antwoorde daarop en vertoë wat kragtens hierdie Wet voorgelê is.

(4) (a) Die Minister kan, nadat hy die aanbeveling van die Drankraad, gedoen na oorweging van die aanvraag, die polisieverslag en alle relevante stukke, inligting, skriftelike besware, antwoorde daarop en vertoë wat ingevolge subartikel (3) aan die Drankraad gestuur is, verkry het, en met behoorlike inagneming van—

Vervanging van
artikel 31 van
Wet 30 van 1928,
soos vervang deur
artikel 15 van
Wet 88 van 1963
en gewysig deur
artikel 2 van
Wet 85 van 1964
en artikel 8 van
Wet 23 van 1969.

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- (i) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof;
 - (ii) the total number of liquor licences and authorities under sections 100*bis* and 100*sex* existing in the district in which the premises are or will be situate and the number of persons served by such licences and authorities; and
 - (iii) generally, any other matter which, in the opinion of the Minister, is one proper to be taken into account in the consideration of the application,
- grant a licence, subject to such conditions and restrictions as he may, in addition to any condition or restriction imposed under section 87*ter* (1), deem fit to impose, but no such licence shall be granted unless the Liquor Board has so recommended.
- (b) Before the Minister decides not to grant a licence on account of the possibility of a monopolistic condition arising or being aggravated, he shall afford the applicant an opportunity to make representations to him within such period as he may determine.
 - (c) The decision of the Minister on any application under this Act for a licence shall be final.
- (5) If the Minister grants an application for a licence in respect of premises which are not erected, or which, if already erected, require additions or alterations to make them suitable for the purposes of the proposed business, a person acting under the directions of the Minister shall issue to the applicant a conditional authority in the prescribed form and endorse thereon such conditions or requirements as the Minister may deem fit to impose and the period determined by the Minister within which the premises concerned shall be erected or altered: Provided that such period shall not be longer than twenty-four months or, in the case of premises which are not yet erected, such longer period not exceeding a further twelve months as such person may on application determine, if he is satisfied that a substantial portion of the premises has been erected since the issue of the conditional authority concerned.
- (6) (a) If a person acting under the directions of the Minister is satisfied that the premises in respect of which a conditional authority under subsection (5) has been issued, have been completed in accordance with the plans thereof approved by the Minister or such person and any condition or requirement which may have been imposed by the Minister, and are suitable for occupation in relation to the nature of the business to be conducted therein, he shall issue the necessary licence in accordance with section 11 (1).
 - (b) If the necessary licence is not issued within sixty days after the expiration of the period determined in terms of subsection (5), the conditional authority concerned shall lapse and become null and void and the relevant application for the licence shall in such event be deemed not to have been granted."

Repeal of
section 32 of
Act 30 of 1928,
as substituted
by section 16 of
Act 88 of 1963
and amended
by section 9 of
Act 23 of 1969.

14. Section 32 of the principal Act is hereby repealed.

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- (i) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger word;
 - (ii) die totale getal dranklisensies en magtigings kragtens artikels 100*bis* en 100*sex* wat in die distrik bestaan waarin die perseel geleë is of geleë sal wees en die getal persone wat deur daardie lisensies en magtigings bedien word; en
 - (iii) oor die algemeen, enige ander aangeleentheid wat volgens oordeel van die Minister by die oorweging van die aanvraag in aanmerking geneem behoort te word,
- 'n lisensie verleen, onderworpe aan die voorwaardes en beperkings wat hy, benewens enige kragtens artikel 87*ter* (1) opgelegde voorwaarde of beperking, goedvind om op te lê, maar geen sodanige lisensie word verleen nie tensy die Drankraad aldus aanbeveel het.
- (b) Voordat die Minister besluit om 'n lisensie nie te verleen nie vanweë die moontlikheid dat 'n monopolistiese toestand kan ontstaan of vererger word, gee hy die applikant geleentheid om vertoë tot hom te rig binne die tydperk wat hy bepaal.
 - (c) Die besluit van die Minister oor 'n aanvraag om 'n lisensie kragtens hierdie Wet is afdoende.

(5) Indien die Minister 'n aanvraag om 'n lisensie toestaan met betrekking tot 'n perseel wat nie opgerig is nie, of waaraan, as dit reeds opgerig is, aangebou of verander moet word om dit vir die doeleindes van die beoogde besigheid geskik te maak, reik iemand wat op gesag van die Minister handel 'n voorwaardelike magtiging in die voorgeskrewe vorm aan die aanvrager uit en teken hy daarop aan die voorwaardes of vereistes wat die Minister goedvind om op te lê en die tydperk deur die Minister bepaal waarin die betrokke perseel opgerig of verander moet word: Met dien verstande dat sodanige tydperk nie langer mag wees nie as vier-en-twintig maande of, in die geval van 'n perseel wat nog nie opgerig is nie, sodanige langer tydperk van hoogstens 'n verdere twaalf maande as wat bedoelde persoon op aanvraag bepaal, indien hy oortuig is dat 'n aansienlike gedeelte van die perseel opgerig is sedert die uitreiking van die betrokke voorwaardelike magtiging.

- (6) (a) Indien iemand wat op gesag van die Minister handel, oortuig is dat die perseel met betrekking waartoe 'n voorwaardelike magtiging ingevolge subartikel (5) uitgereik is, ooreenkomstig die deur die Minister of bedoelde persoon goedgekeurde planne daarvan en enige voorwaarde of vereiste wat deur die Minister opgelê is, voltooi en geskik is vir okkupasie met betrekking tot die soort besigheid wat daarin gedryf gaan word, reik hy die nodige lisensie ooreenkomstig artikel 11 (1) uit.
- (b) Indien die nodige lisensie nie binne sestig dae na verstryking van die ingevolge subartikel (5) bepaalde tydperk uitgereik word nie, verval die betrokke voorwaardelike magtiging en word dit ongeldig, en die betrokke aanvraag om die lisensie word in so 'n geval geag nie toegestaan te gewees het nie."

14. Artikel 32 van die Hoofwet word hierby herroep.

Herroeping van artikel 32 van Wet 30 van 1928, soos vervang deur artikel 16 van Wet 88 van 1963 en gewysig deur artikel 9 van Wet 23 van 1969.

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Repeal of section 32*bis* of Act 30 of 1928, as inserted by section 17 of Act 88 of 1963, and amended by section 2 of Act 98 of 1965 and section 10 of Act 23 of 1969.

15. Section 32*bis* of the principal Act is hereby repealed.

Substitution of section 32*ter* of Act 30 of 1928, as inserted by section 17 of Act 88 of 1963 and amended by section 5 of Act 56 of 1975.

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

“Applica-
tion for
a temporary
liquor
licence or
late hours
occasional
licence.

32*ter*. Any person, including an association referred to in section 67, desiring 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, grant such licence subject to such conditions or restrictions as he may deem fit to impose.”.

Substitution of section 33 of Act 30 of 1928, as substituted by section 11 of Act 23 of 1969 and amended by section 2 of Act 58 of 1975.

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

“Applica-
tion fees.

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

- (a) two hundred rand in respect of any application for the holding of a special meeting referred to in section 14 (1);
- (b) one hundred rand in respect of any application to be considered at a special meeting to be held in pursuance of an order, other than an order under section 25 (2), made by any division of the Supreme Court for the consideration of the matter specified in such order;
- (c) one hundred rand in respect of any application made to the Minister for a licence or a written authority under section 100*bis* or 100*sex*;
- (d) one hundred rand in respect of any application under section 81 (3) or 121 (1);
- (e) fifty rand in respect of any application for the transfer or for the temporary or permanent removal of a licence or a written authority under section 100*bis* or 100*sex* or for authority to exercise an off-sale privilege authorized under section 71*bis* or deemed to have been authorized under section 71*bis* in a place other than the place already approved of by the Minister.

(2) No application made to the Minister for a licence shall be considered at a special meeting of the Liquor Board convened under section 14 (1) for the consideration of such application unless there is paid to the magistrate of the district, in addition to any amount payable under subsection (1) (a) of this section in respect of that special meeting, the relevant amount prescribed by subsection (1) (c) of this section in respect of the application to be considered at such special meeting.

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

- (a) in the case of an amount paid under paragraph (a) of the said subsection, seventy-five per cent of the amount so paid, shall be refunded if the application for the holding of the special meeting has been refused;

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15. Artikel 32bis van die Hoofwet word hierby herroep.

Herroeping van artikel 32bis van Wet 30 van 1928, soos ingevoeg deur artikel 17 van Wet 88 van 1963 en gewysig deur artikel 2 van Wet 98 van 1965 en artikel 10 van Wet 23 van 1969.

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

„Aanvraag om 'n tydelike drank- of nagtelike geleentheids-lisensie.

32ter. Iemand, met inbegrip van 'n assosiasie in artikel 67 bedoel, wat 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie verlang, moet op die voorgeskrewe wyse daarom aanvraag doen by die landdros, addisionele landdros of assistent-landdros van die distrik waarin die betrokke perseel geleë is, wat, behoudens die bepalings van hierdie Wet, die lisensie kan verleen onderworpe aan die voorwaardes of beperkings wat hy na goedvinde oplê.”.

Vervanging van artikel 32ter van Wet 30 van 1928, soos ingevoeg deur artikel 17 van Wet 88 van 1963 en gewysig deur artikel 5 van Wet 56 van 1975.

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

„Aanvraag-gelde.

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

- (a) tweehonderd rand ten opsigte van 'n aanvraag om die hou van 'n in artikel 14 (1) bedoelde spesiale vergadering;
- (b) honderd rand ten opsigte van 'n aanvraag wat oorweeg moet word op 'n spesiale vergadering wat gehou moet word ingevolge 'n bevel, behalwe 'n bevel kragtens artikel 25 (2), uitgereik deur 'n afdeling van die Hooggeregshof vir die oorweging van enige aangeleentheid in die bevel vermeld;
- (c) honderd rand ten opsigte van 'n aanvraag by die Minister gedoen om 'n lisensie of 'n skriftelike magtiging kragtens artikel 100bis of 100sex;
- (d) honderd rand ten opsigte van 'n aanvraag ingevolge artikel 81 (3) of 121 (1);
- (e) vyftig rand ten opsigte van 'n aanvraag om die oordrag of om die tydelike of permanente verplasing van 'n lisensie of 'n skriftelike magtiging kragtens artikel 100bis of 100sex of om magtiging om 'n voorreg van buiteverbruik-verkoop kragtens artikel 71bis gemagtig of geag kragtens artikel 71bis gemagtig te wees, uit te oefen in 'n ander plek as die plek alreeds deur die Minister goedgekeur.

(2) Geen aanvraag by die Minister gedoen om 'n lisensie word op 'n spesiale vergadering van die Drankraad wat kragtens artikel 14 (1) vir die oorweging van so 'n aanvraag belê is, oorweeg nie tensy daar aan die landdros van die distrik, benewens enige bedrag wat ingevolge subartikel (1) (a) van hierdie artikel ten opsigte van daardie spesiale vergadering betaalbaar is, die by subartikel (1) (c) van hierdie artikel toepaslike voorgeskrewe bedrag betaal is, ten opsigte van die aanvraag wat by sodanige spesiale vergadering oorweeg moet word.

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

- (a) in die geval van 'n bedrag wat ingevolge paragraaf (a) van genoemde subartikel betaal is, vyf-en-sewentig persent van die bedrag wat aldus betaal is, terugbetaal word indien die aanvraag om die hou van die spesiale vergadering geweier is;

Vervanging van artikel 33 van Wet 30 van 1928, soos vervang deur artikel 11 van Wet 23 van 1969 en gewysig deur artikel 2 van Wet 58 van 1975.

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- (b) any amount paid by virtue of the provisions of subsection (2) in respect of an application referred to in subsection (1) (c) shall be refunded if the application for the holding of a special meeting for the consideration of such first-mentioned application has been refused.”.

Repeal of section 34 of Act 30 of 1928, as substituted by section 19 of Act 88 of 1963.

18. Section 34 of the principal Act is hereby repealed.

Substitution of section 35 of Act 30 of 1928, as substituted by section 20 of Act 88 of 1963.

19. The following section is hereby substituted for section 35 of the principal Act:

“Notice of application for a licence.

35. (1) Notice of any application for a licence or for the transfer or removal of a licence and information concerning such application shall be given in the prescribed manner.

(2) The validity of a licence issued, transferred or removed shall not be affected merely by reason of the fact that any notice required to be published in terms of subsection (1) was not duly published.”.

Substitution of section 38 of Act 30 of 1928.

20. The following section is hereby substituted for section 38 of the principal Act:

“Objection to licence or written authority.

38. (1) Any person ordinarily resident within the district in which premises are situate in respect of which a licence or written authority under section 100bis or 100sex is held, may either alone or jointly with other persons so resident, and any holder of a licence or of such a written authority in respect of other premises situate in the same district, may either alone or jointly with other such holders, and any local authority within such district, may, during the month of August of any year, lodge with the secretary of the Liquor Board a written request to such Board for the cancellation, withdrawal or suspension of such licence, written authority or any right or privilege pertaining thereto.

(2) Every such request shall be lodged in the prescribed manner.

(3) Upon receipt of any such request the chairman of the Liquor Board may, after consultation with the other members thereof, convene an interim meeting of the Board in terms of section 15 for the consideration of the matter.”.

Repeal of section 39 of Act 30 of 1928, as amended by section 23 of Act 88 of 1963.

21. Section 39 of the principal Act is hereby repealed.

Repeal of section 40 of Act 30 of 1928, as amended by section 19 of Act 61 of 1956 and section 24 of Act 88 of 1963.

22. Section 40 of the principal Act is hereby repealed.

Substitution of section 41 of Act 30 of 1928, as amended by section 20 of Act 61 of 1956 and section 25 of Act 88 of 1963.

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

“Death or disability of applicant

41. (1) If any person applies for the grant, transfer or removal of a licence and on or before the day appointed for considering such application, dies or becomes insolvent, or is declared incapable of managing his own affairs, then, subject to any law relating to deceased estates, insolvency or mental health, as the case may be—

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- (b) enige bedrag wat uit hoofde van die bepalings van subartikel (2) ten opsigte van 'n in subartikel (1) (c) bedoelde aanvraag betaal is, terugbetaal word indien die aanvraag om die hou van 'n spesiale vergadering vir oorweging van eersgenoemde aanvraag geweier is."

18. Artikel 34 van die Hoofwet word hierby herroep.

Herroeping van artikel 34 van Wet 30 van 1928, soos vervang deur artikel 19 van Wet 88 van 1963.

19. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kennisgewing van aanvraag om 'n lisensie.

35. (1) Kennis van 'n aanvraag om 'n lisensie of om die oordrag of verplasing van 'n lisensie en inligting met betrekking tot so 'n aanvraag word op die voorgeskrewe wyse gegee.

(2) Die geldigheid van 'n lisensie uitgereik, oorgedra of verplaas, word nie geraak bloot omdat 'n kennisgewing wat ingevolge subartikel (1) gepubliseer moet word, nie behoorlik gepubliseer is nie."

Vervanging van artikel 35 van Wet 30 van 1928, soos vervang deur artikel 20 van Wet 88 van 1963.

20. Artikel 38 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beswaar teen lisensie of skriftelike magtiging.

38. (1) Iemand wat gewoonlik woonagtig is in die distrik waarin 'n perseel geleë is ten opsigte waarvan 'n lisensie of skriftelike magtiging kragtens artikel 100bis of 100sex gehou word, kan of alleen of gesamentlik met ander sodanige inwoners, en enige houder van 'n lisensie of van so 'n skriftelike magtiging ten opsigte van 'n ander perseel geleë in dieselfde distrik, kan of alleen of tesame met ander sodanige houters, en enige plaaslike bestuur in bedoelde distrik, kan gedurende die maand Augustus van enige jaar by die sekretaris van die Drankraad 'n skriftelike versoek aan genoemde Raad indien om die intrekking, terugtrekking of opskorting van bedoelde lisensie, skriftelike magtiging of enige reg of voorreg wat daarop betrekking het.

(2) Elke bedoelde versoek word op die voorgeskrewe wyse ingedien.

(3) By ontvangs van so 'n versoek, kan die voorsitter van die Drankraad, na oorlegpleging met die ander lede daarvan, 'n tussentydse vergadering van die Raad ingevolge artikel 15 belê vir oorweging van die aangeleentheid."

Vervanging van artikel 38 van Wet 30 van 1928.

21. Artikel 39 van die Hoofwet word hierby herroep.

Herroeping van artikel 39 van Wet 30 van 1928, soos gewysig deur artikel 23 van Wet 88 van 1963.

22. Artikel 40 van die Hoofwet word hierby herroep.

Herroeping van artikel 40 van Wet 30 van 1928, soos gewysig deur artikel 19 van Wet 61 van 1956 en artikel 24 van Wet 88 van 1963.

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

„Dood of onbekwaamheid van aanvrager.

41. (1) As iemand die verlening, oordrag of verplasing van 'n lisensie aanvaar en op of voor die dag bepaal vir die oorweging van die aanvraag, sterf of insolvent raak of onbekwaam verklaar word om sy eie sake te beheer, dan, behoudens die regsbepalings op boedels van oorlede persone, insolvensie of geestesgesondheid, na gelang van die geval—

Vervanging van artikel 41 van Wet 30 van 1928, soos gewysig deur artikel 20 van Wet 61 van 1956 en artikel 25 van Wet 88 van 1963.

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- (a) his executor, trustee or curator and, in the event of there being no executor, trustee or curator, or of the holder of any such office being unable or unwilling to act, any member of his family authorized thereto by the competent authority considering such application, shall have, and may exercise, all such rights as the applicant would have had, and would have been entitled to exercise, but for his death, insolvency or disability; and
- (b) the competent authority may, if it thinks fit and subject to the provisions of this Act, grant the application in favour of the executor, trustee or curator or any member of the family of such applicant.

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

Substitution of section 42 of Act 30 of 1928, as substituted by section 26 of Act 88 of 1963 and amended by section 3 of Act 85 of 1964 and section 12 of Act 23 of 1969.

24. The following section is hereby substituted for section 42 of the principal Act:

"Transfer of licence.

42. (1) The holder of a licence desiring to transfer his licence to any other person, including an association referred to in section 67, shall apply in the prescribed manner to the Minister through the magistrate of the district in which the licensed premises are situate, for such transfer, and the Minister or a person acting under his directions may, after considering the application, the police report and all relevant documents, representations, objections, replies thereto and information submitted to him under this Act and with due regard to—

- (i) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof; and
- (ii) generally any other matter which, in the opinion of the Minister or such person, is one proper to be taken into account in the consideration of the application,

grant the application for such transfer: Provided that no such application shall be refused on the grounds that the transfer of the licence might give rise to or aggravate a monopolistic condition detrimental to the public interest in the liquor trade or any branch thereof, unless the Minister or such person has afforded the applicant an opportunity to make representations thereanent to him within such period as he may determine.

(2) If the Minister or a person acting under his directions grants an application under subsection (1), the licence concerned shall be transferred in accordance with section 11 (1).

(3) The transfer of a licence under this section may also include the transfer of any billiard table licence or bagatelle table licence held in respect of any table upon the same premises as the premises in respect whereof such first-mentioned licence is held, and in such a case the provisions of any law governing the matter shall not apply to or in respect of any such transfer of the billiard table licence or bagatelle table licence."

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- (a) het sy eksekuteur of kurator en, by ontstentenis van 'n eksekuteur of kurator of as die bekleër van so 'n amp nie kan of wil optree nie, enige lid van sy familie wat die bevoegde gesag wat bedoelde aanvraag oorweeg, daartoe magtig, al die regte, en mag hy al die regte uitoefen, wat die aanvraer sou gehad het en sou kon uitoefen het as hy nie gesterf het, insolvent geraak het of onbekwaam verklaar was nie; en
- (b) mag die bevoegde gesag, as hy dit goetvind, en behoudens die bepalinge van hierdie Wet, die aanvraag toestaan ten gunste van die aanvraer se eksekuteur of kurator, of 'n lid van die aanvraer se familie.
- (2) As 'n maatskappy of 'n koöperatiewe vereniging of maatskappy wat die verlening, oordrag of verplasing van 'n lisensie aangevra het, gelikwedeer word op of voor die dag wanneer die aanvraag oorweeg moet word, het die likwidateur, onderworpe aan enige wet op maatskappye of koöperatiewe verenigings of maatskappye, na gelang van die geval, al die bevoegdhede en regte ten opsigte van die aanvraag wat 'n kurator ingevolge subartikel (1) sou hê wanneer die boedel van 'n aanvraer kragtens enige wet op insolvensie gesekwestreer word."

24. Artikel 42 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oordrag van lisensie.

42. (1) Die houër van 'n lisensie wat verlang om sy lisensie na 'n ander persoon, met inbegrip van 'n assosiasie in artikel 67 bedoel, oor te dra, moet op die voorgeskrewe wyse by die Minister deur die landdros van die distrik waarin die gelisensieerde perseel geleë is, aanvraag doen om bedoelde oordrag, en die Minister of iemand wat op sy gesag handel kan, na oorweging van die aanvraag, die polisieverslag en al die relevante stukke, verhoë, besware, antwoorde daarop en inligting wat kragtens hierdie Wet aan hom voorgelê is, en met behoorlike inagneming van—

- (i) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger word; en
- (ii) oor die algemeen, enige ander aangeleentheid wat, volgens die oordeel van die Minister of bedoelde persoon, by die oorweging van die aanvraag in aanmerking geneem behoort te word, die aanvraag om oordrag toestaan: Met dien verstande dat geen sodanige aanvraag geweier word nie op grond daarvan dat die oordrag van die lisensie 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of laat vererger, tensy die Minister of bedoelde persoon die aanvraer 'n geleentheid gebied het om verhoë daaromtrent tot hom te rig binne die tydperk wat hy bepaal.

(2) Indien die Minister of iemand wat op sy gesag handel, 'n aanvraag kragtens subartikel (1) toestaan, word die betrokke lisensie ooreenkomstig artikel 11 (1) oorgedra.

(3) Die oordrag van 'n lisensie kragtens hierdie artikel kan ook die oordrag van 'n biljarttafel-lisensie of bagateltafel-lisensie insluit wat gehou word ten opsigte van 'n tafel op dieselfde perseel as die perseel in verband waarmee eersbedoelde lisensie gehou word, en in so 'n geval is die bepalinge van die een of ander wet wat die aangeleentheid reël, nie op of ten opsigte van so 'n oordrag van die biljarttafel-lisensie of bagateltafel-lisensie van toepassing nie."

Vervanging van artikel 42 van Wet 30 van 1928, soos vervang deur artikel 26 van Wet 88 van 1963 en gewysig deur artikel 3 van Wet 85 van 1964 en artikel 12 van Wet 23 van 1969.

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Amendment of section 43 of Act 30 of 1928, as substituted by section 27 of Act 88 of 1963 and amended by section 13 of Act 23 of 1969.

25. Section 43 of the principal Act is hereby amended—

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

“(1) The holder of a licence who may desire to remove his licence, whether permanently or temporarily, from the licensed premises to any other premises in the same district, shall apply in the prescribed manner to the chairman of the Liquor Board, through the magistrate of the district, for such removal, and such chairman may, after considering the police report and all relevant documents, information, objections, replies thereto and representations submitted to him under this Act and after consultation with the other members of the Liquor Board, grant the application for such removal, subject to such conditions or restrictions as he may deem fit to impose.”; and

(b) by the deletion of subsections (3), (4), (5) and (6).

Repeal of section 45 of Act 30 of 1928, as substituted by section 29 of Act 88 of 1963 and amended by section 4 of Act 85 of 1964.

26. Section 45 of the principal Act is hereby repealed.

Repeal of section 45bis of Act 30 of 1928, as inserted by section 5 of Act 85 of 1964 and substituted by section 3 of Act 70 of 1968.

27. Section 45bis of the principal Act is hereby repealed.

Substitution 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, section 31 of Act 88 of 1963 and section 6 of Act 56 of 1975.

28. The following section is hereby substituted for section 47 of the principal Act:

“Carrying on of business under certain circumstances.

47. (1) If a licensee or person in whose favour a conditional authority has been issued under section 31 (5), dies, or is declared by any court to be incapable of managing his own affairs or a prodigal, or is detained under a reception order or an order of court issued under the Mental Health Act, 1973 (Act No. 18 of 1973), or if the estate of any licensee or of any such person is sequestrated, his licence or authority, as the case may be, shall enure for the benefit of his executor, curator or trustee, as the case may be, who may, subject to any law relating to mental health, deceased estates or insolvency, as the case may be, without formal transfer carry on the business either personally or by some agent approved by writing under the hand of a person acting under the directions of the Minister for such period not exceeding eighteen months as such person may deem fit to determine: Provided that—

- (i) the person acting under the directions of the Minister 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 person has been given of the proposal to every person who is financially interested in the business.

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25. Artikel 43 van die Hoofwet word hierby gewysig—

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

„(1) Die houer van 'n lisensie wat verlang om sy lisensie, hetsy permanent of tydelik, te verplaas vanaf die gelisensieerde perseel na 'n ander perseel in dieselfde distrik, moet op die voorgeskrewe wyse aanvraag om so 'n verplasing doen by die voorsitter van die Drankraad, deur die landdros van die distrik, en die voorsitter mag, na oorweging van die polisieverslag en alle relevante stukke, inligting, besware, antwoorde daarop en verhoë wat ingevolge hierdie Wet aan hom voorgelê is, en na oorlegpleging met die ander lede van die Drankraad, die aanvraag om sodanige verplasing toestaan, onderworpe aan die voorwaardes of beperkings wat hy goedvind om op te lê.”; en

- (b) deur subartikels (3), (4), (5) en (6) te skrap.

Wysiging van artikel 43 van Wet 30 van 1928, soos vervang deur artikel 27 van Wet 88 van 1963 en gewysig deur artikel 13 van Wet 23 van 1969.

26. Artikel 45 van die Hoofwet word hierby herroep.

Herroeping van artikel 45 van Wet 30 van 1928, soos vervang deur artikel 29 van Wet 88 van 1963 en gewysig deur artikel 4 van Wet 85 van 1964.

27. Artikel 45bis van die Hoofwet word hierby herroep.

Herroeping van artikel 45bis van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 85 van 1964 en vervang deur artikel 3 van Wet 70 van 1968.

28. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

„Voortsetting van besigheid onder sekere omstandighede.

47. (1) Wanneer 'n lisensiehouer of iemand ten gunste van wie 'n voorwaardelike magtiging kragtens artikel 31 (5) uitgereik is, sterf of deur 'n hof onbekwaam om sy eie sake te beheer of tot verkwister verklaar word, of aangehou word kragtens 'n opnemingsbevel of 'n hofbevel, uitgereik kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of as die boedel van 'n lisensiehouer of so iemand gesekwestreer word, dan gaan sy lisensie of magtiging, na gelang van die geval, oor op sy eksekuteur of kurator, na gelang van die geval, wat, met inagneming van die regsbepalings op geestesgesondheid, bestorwe boedels of insolvensies, na gelang van die geval, sonder formele oordrag, die besigheid self of deur 'n agent wat skriftelik goedgekeur is deur iemand wat op gesag van die Minister handel, mag voortsit gedurende die tydperk van nie langer as agtien maande wat bedoelde persoon na goedvinde bepaal: Met dien verstande dat—

Vervanging 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, artikel 31 van Wet 88 van 1963 en artikel 6 van Wet 56 van 1975.

- (i) die persoon wat op gesag van die Minister handel, 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 sit 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 tevredenheid van bedoelde persoon, aan elkeen wat in die besigheid geldelike belang het.

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(2) If the premises in respect of which a licence is held have been attached in execution of a judgment or order of a court, the officer who effected the attachment may, with the approval of a person acting under the directions of the Minister, appoint any person to carry on the licensed business while the premises are under attachment.

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

(4) If during the currency of any licence the licensee absconds without making provision for the carrying on of the licensed business, or if for any other reason such business cannot during such currency be carried on because of the absence or disqualification of any person authorized under this Act to carry it on, or if the licensee of such business is a partnership and the partnership for some reason or other dissolves, a person acting under the directions of the Minister, if no specific provision for the circumstances is made in this Act, may authorize any person whom he thinks fit to carry on such business for any period not exceeding twelve months: Provided that no such authority for a period in excess of one month shall be granted unless reasonable notice to the satisfaction of such person has been given of the proposal to every person who is financially interested in the business.

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

Substitution of section 48 of Act 30 of 1928, as amended by section 32 of Act 88 of 1963.

29. The following section is hereby substituted for section 48 of the principal Act:

"Rights and duties of representative of licensee.

48. Any person to whom or any association referred to in section 67 to which a licence has been transferred or any person who or any such association which is carrying on or conducting the licensed business under the provisions of section 47 or under any authority granted under that section shall, subject to the provisions of section 67 (2), possess all the rights and be subject to all the duties, obligations and penalties of the original holder of the licence."

Repeal of section 49 of Act 30 of 1928, as amended by section 13 of Act 41 of 1934.

30. Section 49 of the principal Act is hereby repealed.

Repeal of section 50 of Act 30 of 1928, as amended by section 33 of Act 88 of 1963.

31. Section 50 of the principal Act is hereby repealed.

Substitution of section 51 of Act 30 of 1928, as amended by section 14 of Act 23 of 1969.

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

"Right of disposal of liquor on cancellation or suspension of licence.

51. (1) Whenever in terms of any law a licence or written authority under section 100bis or 100sex is cancelled by a court, or whenever at any interim meeting, the Liquor Board has cancelled or suspended a licence or such an authority, the licence or authority

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(2) As die perseel in verband waarmee 'n lisensie gehou word, by die tenuitvoerlegging van 'n vonnis of bevel van 'n hof beslag op gelê is, kan die beslagleggende beampte met goedkeuring van iemand wat op gesag van die Minister handel, iemand aanstel om die gelisensieerde besigheid voort te sit terwyl die perseel onder beslag is.

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

(4) As 'n lisensiehouer gedurende die geldigheidsduur van sy lisensie wegloup sonder om voorsiening te maak vir die voortsetting van die gelisensieerde besigheid, of as daardie besigheid om enige ander rede gedurende daardie geldigheidsduur nie voortgesit kan word nie weens afwesigheid of onbevoegdheid van iemand wat kragtens hierdie Wet gemagtig is om dit te dryf, of as die lisensiehouer van so 'n besigheid 'n vennootskap is en die vennootskap om die een of ander rede ontbind, dan mag iemand wat op gesag van die Minister handel, as hierdie Wet nie uitdruklik in die omstandighede voorsien nie, enigeen wat hy geskik ag, magtig om die besigheid voort te sit vir enige tydperk maar hoogstens twaalf maande. Met dien verstande dat 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 tevreidenheid van bedoelde persoon, aan elkeen wat in die besigheid geldelike belang het.

(5) Die bepalings van hierdie artikel doen nie afbreuk nie aan enige reg of aanspraak wat mag toekom aan iemand wat 'n wettige belang in enige betrokke besigheid het."

29. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang:

„Regte en pligte van verteenwoordiger van lisensiehouer.

48. Iemand of 'n in artikel 67 bedoelde assosiasie aan wie 'n lisensie oorgedra is of iemand of so 'n assosiasie wat kragtens die bepalings van artikel 47 of kragtens 'n magtiging ingevolge daardie artikel verleen, die gelisensieerde besigheid voortsit of dryf, besit, behoudens die bepalings van artikel 67 (2), al die regte en is onderworpe aan al die pligte, verpligtings en strawwe van die oorspronklike houer van die lisensie."

Vervanging van artikel 48 van Wet 30 van 1928, soos gewysig deur artikel 32 van Wet 88 van 1963.

30. Artikel 49 van die Hoofwet word hierby herroep.

Herroeping van artikel 49 van Wet 30 van 1928, soos gewysig deur artikel 13 van Wet 41 van 1934.

31. Artikel 50 van die Hoofwet word hierby herroep.

Herroeping van artikel 50 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 88 van 1963.

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

„Reg om drank van die hand te sit by in-trekking of opskorting van lisensie.

51. (1) Wanneer 'n lisensie of skriftelike magtiging kragtens artikel 100*bis* of 100*sex*, ingevolge enige wet deur die hof ingetrek word, of wanneer die Drankraad op 'n tussentydse vergadering 'n lisensie of so 'n magtiging ingetrek of opgeskort het, word die

Vervanging van artikel 51 van Wet 30 van 1928, soos gewysig deur artikel 14 van Wet 23 van 1969.

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concerned shall, in the case of such cancellation, subject to the provisions of section 15 (3) (b), immediately become null and void or, in the case of such suspension, be of no force and effect for the period of such suspension: Provided that the holder of such licence or authority may, within thirty days after such cancellation or suspension, or in the event of any review thereof or of any appeal therefrom, within thirty days after the final confirmation thereof, sell by public auction upon the premises in respect of which the licence or authority was held, through a duly licensed auctioneer, any liquor which was upon his licensed or authorized premises at the date of the cancellation or suspension.

(2) If—

- (a) any cancellation or suspension of any licence or of any such authority is reversed by any competent court on review or appeal or by the Minister in terms of section 15 (6);
 - (b) the period of suspension of any licence or any such authority has expired; or
 - (c) any cancelled or suspended licence or authority is restored by the Liquor Board in terms of section 15 (3) (b) (ii),
- the licence or authority concerned shall *ipso facto* again become of full force and effect.

(3) No portion of the prescribed fee paid in respect of—

- (a) any licence or authority so cancelled or suspended;
- (b) any licence or authority which, by reason of any cancellation or suspension which was reversed by a competent court on review or appeal or by the Minister, was inoperative for any period; or
- (c) any licence or authority which by reason of the cancellation or suspension thereof by the Liquor Board at an interim meeting was, prior to the restoration thereof in terms of section 15 (3) (b) (ii), inoperative for any period,

shall be refunded to the holder or person who or company, society, partnership or other association of persons which was the holder of such licence or authority.”.

Substitution of section 52 of Act 30 of 1928, as amended by section 34 of Act 88 of 1963.

33. The following section is hereby substituted for section 52 of the principal Act:

“Grant of new licence where licence cancelled for personal reasons.

52. (1) Whenever the Liquor Board, for some reason personal to the licensee, cancels any licence at an interim meeting held in terms of section 15 it may, subject to any condition it may then and there impose as to the publication and the giving of notices or otherwise—

- (a) authorize an application for a licence in respect of the same premises to be made to the Minister through it on a date fixed by it, by any other person or association referred to in section 67;
- (b) adjourn the meeting until such date; and
- (c) upon such date, if it is satisfied that the conditions so imposed have been complied with, consider the application.

(2) An application made in terms of subsection (1) shall for all purposes be deemed to be, and shall be dealt with as if it were, an application made under section 31 (1), and the Minister may, notwithstanding the provisions of section 63, grant the application.

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betrokke lisensie of magtigings, in die geval van sodanige intrekking, behoudens die bepalings van artikel 15 (3) (b), onmiddellik ongeldig, of, in die geval van sodanige opskorting, van nul en gener waarde vir die tydperk van sodanige opskorting: Met dien verstande dat die houer van bedoelde lisensie of magtigings binne dertig dae na die intrekking of opskorting, of as dit in hersiening geneem of daarteen geappelleer word, binne dertig dae nadat dit finaal bekragtig is, enige drank wat op die dag van die intrekking of opskorting op sy gelisensieerde of gemagtigde perseel was, by publieke veiling op die perseel ten opsigte waarvan die lisensie of magtigings gehou was, deur 'n behoorlik gelisensieerde venduafslaer mag verkoop.

(2) As—

- (a) 'n intrekking of opskorting van 'n lisensie of van so 'n magtigings deur 'n bevoegde hof op hersiening of appèl of deur die Minister ingevolge artikel 15 (6) tersyde gestel word;
 - (b) die tydperk van opskorting van 'n lisensie of so 'n magtigings verstryk het; of
 - (c) 'n ingetrekke of opgeskorte lisensie of magtigings deur die Drankraad ingevolge artikel 15 (3) (b) (ii) herstel word,
- word die betrokke lisensie of magtigings vanself weer ten volle geldig.

(3) Geen gedeelte van die voorgeskrewe geld betaal ten opsigte van—

- (a) 'n lisensie of magtigings wat aldus ingetrek of opgeskort is;
 - (b) 'n lisensie of magtigings wat 'n tyd lank buite werking was as gevolg van 'n intrekking of opskorting wat op hersiening of appèl deur 'n bevoegde hof, of deur die Minister, tersyde gestel is; of
 - (c) 'n lisensie of magtigings wat as gevolg van die intrekking of opskorting daarvan deur die Drankraad op 'n tussentydse vergadering, voor die herstel daarvan kragtens artikel 15 (3) (b) (ii) 'n tydperk lank buite werking was,
- word terugbetaal aan die houer of persoon, maatskappy, vereniging, vennootskap of ander assosiasie van persone wat die houer was van die lisensie of magtigings nie."

33. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verlening van nuwe lisensie wanneer lisensie om persoonlike redes ingetrek word.

52. (1) Wanneer die Drankraad om 'n rede wat op die lisensiehouer persoonlik steun, 'n lisensie op 'n tussentydse vergadering gehou ingevolge artikel 15 intrek, dan mag hy onderworpe aan enige voorwaarde wat hy dan mag opleë aangaande bekendmaking en kennisgewing of andersins—

- (a) iemand anders of 'n ander assosiasie soos in artikel 67 bedoel, magtig om op 'n deur hom vasgestelde dag by die Minister deur die Raad aanvraag te doen om 'n lisensie ten opsigte van dieselfde perseel;
- (b) die vergadering tot daardie dag verdaag; en
- (c) op daardie dag, as hy oortuig is dat aan die aldus opgelegde voorwaardes voldoen is, die aanvraag oorweeg.

(2) 'n Aanvraag kragtens subartikel (1) gedoen, word vir alle doeleindes geag 'n aanvraag te wees wat, en word behandel asof dit 'n aanvraag is wat, ingevolge artikel 31 (1) gedoen is, en die Minister mag, nieteenstaande die bepalings van artikel 63, die aanvraag toestaan.

Vervanging van artikel 52 van Wet 30 van 1928, soos gewysig deur artikel 34 van Wet 88 van 1963.

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(3) The provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of a written authority under section 100*bis* or 100*sex*.”.

Repeal of
section 53 of
Act 30 of 1928,
as substituted by
section 35 of
Act 88 of 1963.

34. Section 53 of the principal Act is hereby repealed.

Substitution of
section 53*bis*
of Act 30 of 1928,
as inserted by
section 36 of
Act 88 of 1963.

35. The following section is hereby substituted for section 53*bis* of the principal Act:

“Restriction
of grocers’
wine
licences.

53*bis*. (1) No grocer’s wine licence shall be granted or transferred to, a person who is a disqualified person, or to a company which is a disqualified company, in relation to the premises in respect of which the licence is sought.

(2) For the purposes of this section—

(a) ‘disqualified person’ means—

(i) in relation to premises situated in an area declared by proclamation in terms of section 23 (1) (a) of the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the group specified in such proclamation, or in an area declared by proclamation in terms of section 24 (1) (a) of that Act, to be an area for future occupation by members of the group specified in such proclamation, a person who is not a member of the group specified in the relevant proclamation;

(ii) in relation to premises situated in an area set apart under the provisions of the Bantu Land Act, 1913 (Act No. 27 of 1913), or of any other law, for the occupation of Bantu, a person who is not a Bantu;

(b) ‘disqualified company’ means a company in which a controlling interest as defined in the Group Areas Act, 1966 (Act No. 36 of 1966), is held or deemed to be held by or on behalf or in the interest of a person who in relation to the premises in respect of which the licence is sought, is a disqualified person.

(3) No grocer’s wine licence shall be granted in respect of any premises in any district if any objector to the application concerned adduces satisfactory proof upon oath that during the twelve calendar months immediately preceding the date of the application, the total number of litres of table wine referred to in section 87*bis*, sold from licensed and authorized premises within such district for off-consumption by the holders of—

(a) bottle liquor licences;

(b) wholesale liquor licences who deal directly with the public;

(c) on-consumption licences who have in terms of any provision of this Act been authorized, to sell liquor for consumption off the licensed premises; and

(d) authorities under section 100*bis* or 100*sex*, exceeds thirty per cent of the total number of litres of all liquor (including such table wine) sold for consumption off the said licensed and authorized premises during the said twelve calendar months by the said holders.”.

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(3) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n skriftelike magtiging kragtens artikel 100*bis* of 100*sex*."

34. Artikel 53 van die Hoofwet word hierby herroep.

Herroeping van artikel 53 van Wet 30 van 1928, soos vervang deur artikel 35 van Wet 88 van 1963.

35. Artikel 53*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 53*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 36 van Wet 88 van 1963.

„Beperking op kruideniers-wynlisensies.

53*bis*. (1) Geen kruideniers-wynlisensie mag verleen of oorgedra word aan iemand wat 'n onbevoegde persoon is, of aan 'n maatskappy wat 'n onbevoegde maatskappy is, met betrekking tot die perseel in verband waarmee die lisensie verlang word nie.

(2) By die toepassing van hierdie artikel beteken—
(a) „onbevoegde persoon”—

(i) met betrekking tot 'n perseel geleë in 'n gebied wat by proklamasie ingevolge artikel 23 (1) (a) van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), verklaar is 'n gebied te wees vir okkupasie deur lede van die in daardie proklamasie vermelde groep, of in 'n gebied wat by proklamasie ingevolge artikel 24 (1) (a) van daardie Wet verklaar is 'n gebied te wees vir toekomstige okkupasie deur lede van die in daardie proklamasie vermelde groep, iemand wat nie 'n lid van die in die toepaslike proklamasie vermelde groep is nie;

(ii) met betrekking tot 'n perseel geleë in 'n gebied wat kragtens die bepalings van die Bantoe Grond Wet, 1913 (Wet No. 27 van 1913), of van enige ander wet opsygesit is vir okkupasie deur Bantoes, iemand wat nie 'n Bantoe is nie;

(b) „onbevoegde maatskappy” 'n maatskappy waarin 'n beheersende belang soos in die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), omskryf, besit word of geag word besit te word deur of ten behoewe of ten voordele van 'n persoon wat met betrekking tot die perseel in verband waarmee die lisensie verlang word, 'n onbevoegde persoon is.

(3) Geen kruideniers-wynlisensie word in verband met 'n perseel in 'n distrik verleen nie indien 'n beswaarmaker teen die betrokke aanvraag bevredigende bewys onder eed lewer dat gedurende die twaalf kalendermaande wat die datum van die aanvraag onmiddellik voorafgaan, die totale getal liter tafelwyn in artikel 87*bis* bedoel, wat vir buiteverbruik vanuit gelisensieerde en gemagtigde persele in daardie distrik verkoop is deur houters van—

(a) bottel-dranklisensies;

(b) groothandelaars-dranklisensies wat regstreeks met die publiek handel dryf;

(c) binneverbruik-lisensies wat kragtens enige bepaling van hierdie Wet gemagtig is om drank vir die gebruik buite die gelisensieerde gebou te verkoop; en

(d) magtigings kragtens artikel 100*bis* of 100*sex*, meer is as dertig persent van die totale getal liter drank (met inbegrip van sodanige tafelwyn) wat gedurende bedoelde twaalf kalendermaande deur bedoelde houters vir gebruik buite bedoelde gelisensieerde en gemagtigde persele verkoop is."

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Substitution of section 54 of Act 30 of 1928, as substituted by section 37 of Act 88 of 1963.

36. The following section is hereby substituted for section 54 of the principal Act:

“Restriction of licences within rural areas.

54. No bottle liquor licence shall be granted in respect of premises situate at any place within a rural area, and no such licence shall be removed from an urban area to a rural area.”.

Repeal of section 55 of Act 30 of 1928, as amended by section 4 of Act 39 of 1937 and section 9 of Act 12 of 1954.

37. Section 55 of the principal Act is hereby repealed.

Repeal of section 55A of Act 30 of 1928, as inserted by section 38 of Act 88 of 1963 and substituted by section 10 of Act 94 of 1974.

38. Section 55A of the principal Act is hereby repealed.

Amendment of section 56 of Act 30 of 1928, as amended by section 27 of Act 61 of 1956 and section 39 of Act 88 of 1963.

39. Section 56 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) In any restricted area the State President may, in respect of any licence granted by the competent authority under this Act, veto the issue of such licence or impose such conditions or restrictions as he may think fit, and it shall not be competent for any person or receiver of revenue to issue any licence for the sale of liquor in that area until he has received from the Minister or a person acting under his directions an intimation that the State President has decided not to exercise in respect thereof his power of veto or of imposing conditions or restrictions or that the State President has authorized the issue of the licence subject to such conditions or restrictions imposed by such competent authority or under other conditions or restrictions stated in such intimation.”.

Substitution of section 58 of Act 30 of 1928, as amended by section 41 of Act 88 of 1963.

40. The following section is hereby substituted for section 58 of the principal Act:

“Closing of licensed premises during tumult.

58. (1) Whenever any strike or lock-out is in progress, or any riot or tumult occurs or is expected to occur, in any place, the magistrate or, in his absence, an additional or assistant magistrate of the district concerned, or in the absence of any such magistrate a police officer of or above the rank of warrant officer may order any licensed premises, or any other premises in respect of which any person is authorized under this Act to sell liquor without a licence and, in or near such place, to be closed during such time or period as such magistrate, additional magistrate, assistant magistrate, or police officer may deem fit.

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

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

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36. Artikel 54 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking van lisensies in plattelandse gebiede.

54. Geen bottel-dranklisensie mag ten opsigte van 'n perseel geleë op 'n plek binne 'n plattelandse gebied, verleen word nie, en geen sodanige lisensie mag van 'n stadsgebied na 'n plattelandse gebied verplaas word nie.”.

Vervanging van artikel 54 van Wet 30 van 1928, soos vervang deur artikel 37 van Wet 88 van 1963.

37. Artikel 55 van die Hoofwet word hierby herroep.

Herroeping van artikel 55 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 39 van 1937 en artikel 9 van Wet 12 van 1954.

38. Artikel 55A van die Hoofwet word hierby herroep.

Herroeping van artikel 55A van Wet 30 van 1928, soos ingevoeg deur artikel 38 van Wet 88 van 1963 en vervang deur artikel 10 van Wet 94 van 1974.

39. Artikel 56 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) In 'n beperkte streek mag die Staatspresident ten opsigte van 'n lisensie wat die bevoegde gesag ingevolge hierdie Wet verleen het, die uitreiking van die lisensie verbied of sodanige voorwaardes of beperkings stel as wat hy wenslik ag, en geen persoon of ontvanger van inkomste is bevoeg om 'n lisensie vir die verkoop van drank in so 'n streek uit te reik nie, totdat hy van die Minister of iemand wat op sy gesag handel kennis ontvang het dat die Staatspresident besluit het om ten opsigte daarvan nie sy veto-reg uit te oefen of om voorwaardes of beperkings te stel nie, of dat die Staatspresident die uitreiking van die lisensie veroorloof het onderworpe aan die voorwaardes of beperkings wat daardie bevoegde gesag opgelê het of op ander voorwaardes of beperkings in die kennisgewing vermeld.”.

Wysiging van artikel 56 van Wet 30 van 1928, soos gewysig deur artikel 27 van Wet 61 van 1956 en artikel 39 van Wet 88 van 1963.

40. Artikel 58 van die Hoofwet word hierby deur die volgende artikel vervang:

„Sluiting van gelisensieerde persele gedurende oproer.

58. (1) Wanneer op enige plek 'n staking of uitsluiting aan die gang is of 'n oproer of volksoploop plaasvind of verwag word, mag die landdros of by sy afwesigheid, 'n addisionele of assistent-landdros van die betrokke distrik, of by afwesigheid van so 'n landdros, 'n polisie-offisier van die rang van adjudant-offisier of hoër, die sluiting beveel van enige gelisensieerde perseel, of enige ander perseel ten opsigte waarvan 'n persoon kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, op of naby daardie plek gedurende sodanige tye of vir sodanige tydperk as wat daardie landdros, addisionele landdros, assistent-landdros, of polisie-offisier goed-dink.

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

(3) As die landdros van die distrik of die persoon wat die bevel uitgereik het, voor die verstryking van die tyd of tydperk waarvoor die bevel uitgevaardig is, van oordeel is dat die rede vir die voortduur van die bevel nie meer bestaan nie, dan mag hy dit intrek.”.

Vervanging van artikel 58 van Wet 30 van 1928, soos gewysig deur artikel 41 van Wet 88 van 1963.

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Substitution of section 63 of Act 30 of 1928, as substituted by section 43 of Act 88 of 1963.

41. The following section is hereby substituted for section 63 of the principal Act:

“Limitation in urban areas of number of bottle liquor licences.

63. (1) Subject to the provisions of subsection (2), no application for a bottle liquor licence in respect of premises situate within any urban area shall be granted, if thereby the total number of bottle liquor licences and on-consumption licences (excluding winehouse licences) referred to in section 64*bis* with a special right or a privilege of off-sale, within the urban area concerned would be more than one for every two thousand parliamentary voters registered within such area.

(2) The Minister may, subject to the provisions of section 31, grant an application for one or more bottle liquor licences within any urban area where the number of parliamentary voters registered within such area is less than six thousand, if thereby the total number of bottle liquor licences in such area would not be more than three.

(3) (a) The chief electoral officer shall annually, as soon as possible after the last day of—

- (i) August in respect of the Province of the Cape of Good Hope;
- (ii) October in respect of the Province of the Orange Free State;
- (iii) January in respect of the Province of Natal;
- (iv) March in respect of the Province of the Transvaal,

determine, in respect of every urban area within such province, the number of parliamentary voters registered therein on the appropriate date mentioned.

(b) Such officer shall notify the number so determined in the *Gazette* not later than the last day of—

- (i) September in respect of the Province of the Cape of Good Hope;
- (ii) November in respect of the Province of the Orange Free State;
- (iii) February in respect of the Province of Natal;
- (iv) April in respect of the Province of the Transvaal.

(c) The number so notified in respect of any urban area shall, until the next notification in respect of that area, for all purposes of this Act be conclusive proof as to the number of parliamentary voters registered in that area.

(4) For the purposes of this section a proclaimed township within the area under the control of any local area committee established under the provisions of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal, shall be deemed to be a separate urban area, and the number of registered parliamentary voters to be determined and notified in terms of subsection (3) in respect of the area under the control of any such local area committee, shall exclude the number of such voters registered in such proclaimed township.”

Repeal of section 64 of Act 30 of 1928, as amended by section 44 of Act 88 of 1963, section 15 of Act 23 of 1969 and section 3 of Act 62 of 1973.

42. (1) Section 64 of the principal Act is hereby repealed.

(2) Any special right of off-sale authorized under the said section 64 in respect of the year during which this section comes into operation, shall, subject to the provisions of section 9 (3) of the principal Act as substituted by this Act and of section 54 (4) of this Act, remain of full force and effect.

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41. Artikel 63 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking in stadsgebiede van getal bottel-drank-lisensies.

63. (1) Behoudens die bepalings van subartikel (2), mag geen aanvraag om 'n bottel-dranklisensie in verband met 'n perseel geleë in 'n stadsgebied toegestaan word nie as daardeur die totale getal bottel-dranklisensies en die in artikel 64*bis* bedoelde binneverbruik-lisensies (behalwe wynhuis-lisensies) met 'n spesiale reg of 'n voorreg van buiteverbruik-verkoop, binne die betrokke stadsgebied meer sou wees as een vir elke tweeduisend parlementêre kiesers in daardie gebied geregistreer.

(2) Die Minister mag, behoudens die bepalings van artikel 31, 'n aanvraag om een of meer bottel-dranklisensies binne 'n stadsgebied toestaan wanneer die getal parlementêre kiesers in daardie gebied geregistreer minder as sesduisend is, as daardeur die totale getal bottel-dranklisensies in daardie gebied nie meer as drie sal wees nie.

(3) (a) Die hoofverkiesingsbeampte moet jaarliks, so spoedig doenlik na die laaste dag van—

(i) Augustus ten opsigte van die provinsie die Kaap die Goeie Hoop;

(ii) Oktober ten opsigte van die provinsie die Oranje-Vrystaat;

(iii) Januarie ten opsigte van die provinsie Natal;

(iv) Maart ten opsigte van die provinsie Transvaal,

ten opsigte van elke stadsgebied in bedoelde provinsie die getal parlementêre kiesers bepaal wat op die toepaslike genoemde datum daarin geregistreer is.

(b) Bedoelde beampte moet die aldus bepaalde getal in die *Staatskoerant* bekend maak nie later nie dan die laaste dag van—

(i) September ten opsigte van die provinsie die Kaap die Goeie Hoop;

(ii) November ten opsigte van die provinsie die Oranje-Vrystaat;

(iii) Februarie ten opsigte van die provinsie Natal;

(iv) April ten opsigte van die provinsie Transvaal.

(c) Die getal wat aldus ten opsigte van 'n stadsgebied bekend gemaak is, is tot die volgende bekendmaking ten opsigte van daardie gebied, vir alle doeleindes van hierdie Wet afdoende bewys van die getal parlementêre kiesers wat in daardie gebied geregistreer is.

(4) By die toepassing van hierdie artikel word 'n geproklameerde dorp binne die gebied onder die beheer van 'n plaaslike gebiedskomitee ingestel kragtens die bepalings van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal, geag 'n aparte stadsgebied te wees, en die getal geregistreerde parlementêre kiesers wat ingevolge subartikel (3) bepaal en bekend gemaak moet word ten opsigte van die gebied onder die beheer van so 'n plaaslike gebiedskomitee, moet die getal sodanige kiesers wat in daardie geproklameerde dorp geregistreer is, uitsluit.”

Vervanging van artikel 63 van Wet 30 van 1928, soos vervang deur artikel 43 van Wet 88 van 1963.

42. (1) Artikel 64 van die Hoofwet word hierby herroep.

(2) 'n Spesiale reg van buiteverbruik-verkoop wat kragtens genoemde artikel 64 gemagtig is ten opsigte van die jaar waarin hierdie artikel in werking tree, bly, behoudens die bepalings van artikel 9 (3) van die Hoofwet soos deur hierdie Wet vervang en van artikel 54 (4) van hierdie Wet, van krag.

Herroeping van artikel 64 van Wet 30 van 1928, soos gewysig deur artikel 44 van Wet 88 van 1963, artikel 15 van Wet 23 van 1969 en artikel 3 van Wet 62 van 1973.

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Amendment of section 64bis of Act 30 of 1928, as inserted by section 45 of Act 88 of 1963 and amended by section 11 of Act 94 of 1974.

43. Section 64bis of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) All the provisions of this Act relating to sales under a bottle liquor licence, including the hours and days of sale and the quantity of liquor which may be sold, and all the obligations and disabilities of and penalties upon the holders of bottle liquor licences, shall apply in respect of sales of liquor for consumption off the licensed premises under a special right of off-sale referred to in section 42 (2) of the Liquor Amendment Act, 1977, or under an off-sale privilege authorized under section 64ter or 71bis or deemed to have been authorized under section 71bis and in respect of the licensee of such premises, and the competent authority may, in respect of such sales and such licensee, exercise all such powers as it may exercise in respect of a bottle liquor licence.”.

Substitution of section 64ter of Act 30 of 1928, as inserted by section 12 of Act 94 of 1974.

44. (1) The following section is hereby substituted for section 64ter of the principal Act:

“Off-sale privilege in respect of wine house licence.

64ter. (1) The Minister may, on application made in the prescribed manner, when granting a wine house licence or at any time thereafter, authorize the holder of such licence, to sell such wine as may be sold by him in terms of section 86A, under that licence in a place upon the licensed premises set apart for such purposes, for consumption off the licensed premises.

(2) The Minister may—

- (a) grant any such authority subject to such conditions or restrictions, in addition to any condition or restriction imposed under section 87ter, as he may deem fit to impose;
- (b) at any time amend or withdraw any condition or restriction imposed under this section or impose any condition or restriction or any further condition or restriction in respect of any authority held under this section.

(3) Every authority granted under subsection (1) shall be issued in the prescribed form.

(4) An authority issued under this section shall be of no force and effect unless there has been paid to the receiver of revenue concerned in respect thereof an amount equal to one half of the annual licence fee payable in respect of the licence concerned: Provided that whenever any such authority is issued after 31 January in any year, the amount so payable in respect thereof shall be reduced by one-twelfth in respect of each completed calendar month which has passed from the preceding 31 December to the date upon which such authority has been issued in terms of subsection (3).”.

(2) Any authority granted under section 64ter of the principal Act prior to the substitution thereof by this section and endorsed on any licence in terms thereof, shall be deemed to have been issued in the prescribed form.

Amendment of section 65 of Act 30 of 1928, as amended by section 17 of Act 41 of 1934, section 46 of Act 88 of 1963 and section 16 of Act 23 of 1969.

45. Section 65 of the principal Act is hereby amended—

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

“(1) No licence shall be issued under this Act or transferred to or in favour of or be held by any person who—

- (a) within the Republic or elsewhere has within the preceding ten years had a sentence of imprisonment without the option of a fine imposed on him for the commission of some offence unless the competent

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43. Artikel 64*bis* van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 64*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 45 van Wet 88 van 1963 en gewysig deur artikel 11 van Wet 94 van 1974.

„(1) Al die bepalings van hierdie Wet wat betrekking het op verkope kragtens 'n bottel-dranklisensie, met inbegrip van die ure en dae van verkoop en die hoeveelheid drank wat verkoop mag word, en al die verpligtings en onbevoegdheid van die houers van bottel-dranklisensies en al die strawwe waaraan hulle onderworpe is, is van toepassing met betrekking tot die verkoop van drank vir gebruik buite die gelisensieerde perseel kragtens 'n spesiale reg van buiterverbruik-verkoop bedoel in artikel 42 (2) van die Drankwysigingswet, 1977, of kragtens 'n voorreg van buiterverbruik-verkoop kragtens artikel 64*ter* of 71*bis* gemagtig of geag kragtens artikel 71*bis* gemagtig te wees en met betrekking tot die lisensiehouer van daardie perseel, en die bevoegde gesag mag, met betrekking tot bedoelde verkope en daardie lisensiehouer, al die bevoegdheid uitoefen wat hy met betrekking tot 'n bottel-dranklisensie mag uitoefen.”

44. (1) Artikel 64*ter* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 64*ter* van Wet 30 van 1928, soos ingevoeg deur artikel 12 van Wet 94 van 1974.

„Voorreg van buiterverbruik-verkoop ten opsigte van wynhuis-lisensie.

64*ter*. (1) Die Minister mag, op aanvraag op die voorgeskrewe wyse gedoen wanneer hy 'n wynhuis-lisensie verleen of te eniger tyd daarna, die houer van die lisensie magtig om sodanige wyn as wat hy ingevolge artikel 86A mag verkoop, kragtens daardie lisensie in 'n plek op die gelisensieerde perseel wat vir daardie doel afgesonder is, vir verbruik buite die gelisensieerde perseel te verkoop.

(2) Die Minister mag—

- (a) so 'n magtiging verleen onderworpe aan die voorwaardes of beperkings, benewens enige kragtens artikel 87*ter* opgelegde voorwaarde of beperking, wat hy na goedvinde oël;
- (b) te eniger tyd 'n ingevolge hierdie artikel opgelegde voorwaarde of beperking wysig of intrek of 'n voorwaarde of beperking of 'n verdere voorwaarde of beperking ten opsigte van 'n magtiging kragtens hierdie artikel gehou, oël.

(3) Elke magtiging ingevolge subartikel (1) verleen, word in die voorgeskrewe vorm uitgereik.

(4) 'n Magtiging ingevolge hierdie artikel uitgereik, is nie van krag nie tensy 'n bedrag gelyk aan die helfte van die jaarlikse lisensiegeld wat ten opsigte van die betrokke lisensie betaalbaar is, aan die betrokke ontvanger van inkomste ten opsigte van sodanige magtiging betaal is. Met dien verstande dat wanneer so 'n magtiging na 31 Januarie van enige jaar uitgereik word, die bedrag wat aldus ten opsigte daarvan betaalbaar is, verminder word met 'n twaalfde vir elke voltooid kalendermaand wat verloop het tussen die voorafgaande 31 Desember en die dag waarop sodanige magtiging ingevolge subartikel (3) uitgereik is.”

(2) Enige magtiging kragtens artikel 64*ter* van die Hoofwet verleen voor die vervanging daarvan deur hierdie artikel en op 'n lisensie ingevolge daarvan aangeteken, word geag in die voorgeskrewe vorm uitgereik te gewees het.

45. Artikel 65 van die Hoofwet word hierby gewysig—

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

Wysiging van artikel 65 van Wet 30 van 1928, soos gewysig deur artikel 17 van Wet 41 van 1934, artikel 46 van Wet 88 van 1963 en artikel 16 van Wet 23 van 1969.

„(1) Geen lisensie word kragtens hierdie Wet uitgereik of oorgedra aan of ten behoeve van of gehou nie deur iemand wat—

- (a) in die Republiek of elders in die voorafgaande tien jaar veroordeel is tot gevangenisstraf sonder keuse van boete weens die een of ander misdryf, tensy die bevoegde gesag wat die aanvraag om verlening of

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authority considering the application for the grant or transfer of the licence, is of the opinion that such offence was of a nature which does not imply that such person is unsuitable to hold such licence;

- (b) has, within the preceding ten years, been convicted of an offence under this act, and has subsequently within five years after such previous conviction, been convicted of an offence under this Act and sentenced to a fine of not less than two hundred rand or to imprisonment without the option of a fine;
- (c) does not reside within the Republic;
- (d) is an unrehabilitated insolvent;
- (e) is under the age of twenty-one years;
- (f) holds an office of profit under the Republic: Provided that, for the purposes of this paragraph, any person who has been appointed justice of the peace under section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), or is in terms of the provisions of that Act deemed to have been appointed a justice of the peace, shall be deemed not to hold an office of profit under the Republic;
- (g) occupies premises whereon a business licensed under this Act is conducted of which any member of the police is the owner or lessee or in which such member has any interest;
- (h) is the wife of any person disqualified under paragraph (a), (b), (d) or (f), unless the parties are *bona fide* living apart under notarial deed or judicial order of separation; or
- (i) has not, for a period of at least two of the five years preceding the date of his application resided in the Republic: Provided that the provisions of this paragraph shall not apply in the case of a foreign liquor licence.

(2) For the purposes of subsection (1) 'sentence' and 'conviction' shall not include a sentence or a conviction which has been set aside on appeal or review, or in respect of which a free pardon has been granted.';

(b) by the deletion of the existing subsection (2); and

(c) by the addition of the following subsection:

"(3) The provisions of subsections (1) and (2) shall, in so far as they can be applied, *mutatis mutandis* apply in respect of any association referred to in section 67 and in respect of the issue or transfer of any licence to or in favour of such an association."

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, section 17 of Act 23 of 1969 and section 7 of Act 56 of 1975.

46. Section 66 of the principal Act is hereby amended—

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

"(1) (a) A foreign liquor licence shall not authorize the sale of liquor which was manufactured in the Republic and shall not be granted to any person other than the *bona fide* agent of a person who carries on outside the Republic the business of manufacturing or selling liquor.

(b) The provisions of paragraph (a) shall also apply with reference to associations referred to in section 67.';

(b) by the deletion of subsections (2) and (3);

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

"(aA) the holder of an authority in terms of section 100*bis* or 100*sex* for the sale of liquor for consumption on the premises described in such authority';";

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oordrag van die lisensie oorweeg van oordeel is dat daardie misdryf van 'n aard was wat nie impliseer dat bedoelde persoon nie geskik is nie om daardie lisensie te hou nie;

- (b) in die voorafgaande tien jaar, veroordeel is weens 'n misdryf ingevolge hierdie Wet en daarna binne vyf jaar na sodanige vorige veroordeling, weens 'n misdryf ingevolge hierdie Wet veroordeel is en gevonnissen is tot 'n boete van minstens tweehonderd rand of tot gevangenisstraf sonder die keuse van 'n boete;
- (c) nie in die Republiek woonagtig is nie;
- (d) 'n ongerehabiliteerde insolvent is;
- (e) onder een-en-twintig jaar is;
- (f) 'n winsbetrekking onder die Republiek beklee: Met dien verstande dat by die toepassing van hierdie paragraaf, iemand wat ingevolge artikel 2 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (Wet No. 16 van 1963), as vrederegter aangestel is of ingevolge die bepalings van daardie Wet geag word as vrederegter aangestel te gewees het, geag word nie 'n winsbetrekking onder die Republiek te beklee nie;
- (g) 'n perseel okkupeer waarin 'n ingevolge hierdie Wet gelisensieerde besigheid gedryf word waarvan 'n lid van die polisiemag die eienaar of huurder is of waarby so 'n lid enige belang het;
- (h) die vrou is van iemand wat kragtens paragraaf (a), (b), (d) of (f) onbevoeg is, tensy die partye te goeder trou van mekaar geskeie leef kragtens 'n notariële of geregtelike skeiding van tafel en bed; of
- (i) nie gedurende 'n tydperk van minstens twee uit die vyf jaar wat die datum van sy aanvraag voorafgaan, in die Republiek gewoon het nie: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie in die geval van 'n buitelandse dranklisensie.

(2) In subartikel (1) omvat die begrip, 'veroordeling' nie 'n vonnis wat op appèl of hersiening tersyde gestel is of ten opsigte waarvan grasia verleen is nie.';

- (b) deur die bestaande subartikel (2) te skrap; en
- (c) deur die volgende subartikel by te voeg:
„(3) Die bepalings van subartikels (1) en (2) is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing ten opsigte van 'n assosiasie in artikel 67 bedoel en ten opsigte van die uitreiking of oordrag van 'n lisensie aan of ten behoeve van so 'n assosiasie.’’.

46. Artikel 66 van die Hoofwet word hierby gewysig—

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

„(1) (a) 'n Buitelandse dranklisensie veroorloof nie die verkoop van drank wat in die Republiek vervaardig is nie en mag aan niemand anders verleen word nie dan aan die *bona fide*-agent van iemand wat buite die Republiek as 'n besigheid drank vervaardig of verkoop.

- (b) Die bepalings van paragraaf (a) is ook van toepassing met betrekking tot assosiasies bedoel in artikel 67.’’;

- (b) deur subartikels (2) en (3) te skrap;

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

„(aA) die houer is van 'n magtiging ingevolge artikel 100bis of 100sex vir die verkoop van drank vir verbruik binne die in die magtiging omskrewe perseel.’’;

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, artikel 17 van Wet 23 van 1969 en artikel 7 van Wet 56 van 1975.

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- (d) 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 bar licence, a wine and malt liquor licence, a club liquor licence or a restaurant liquor licence; or
 - (b) the holder of an authority in terms of section 100*bis* or 100*sex* for the sale of liquor for consumption on the premises described in such authority.”; and
- (e) by the substitution for subsection (6) of the following subsection:
“(6) A wine farmer's licence shall only be—
 - (a) granted or transferred to a person who, or an association of persons which, is engaged in viticulture; and
 - (b) granted in respect of or removed to premises situated at a place other than the place where the wine in question is being produced or manufactured.”.

Substitution of section 67 of Act 30 of 1928, as amended by section 19 of Act 41 of 1934 and section 47 of Act 88 of 1963.

47. (1) The following section is hereby substituted for section 67 of the principal Act:

“Holder of licence.

67. (1) Subject to the provisions of section 66 (1) a licence shall not be granted or issued under this Act to any person as a nominee of, or on behalf of, a company, society, partnership or other association of persons (hereinafter in this section referred to as an association), but shall in such a case be granted and issued to and in the name of the association itself.

(2) (a) No business shall be conducted under a licence held by an association unless such association in writing nominates and appoints a person who is a director, shareholder, member, partner or employee of or in such association, to manage and be responsible for the conduct of the licensed business: Provided that the nomination and appointment of any person who is disqualified in terms of section 65 (excluding subsection (1) (i) thereof) from holding a licence, shall be null and void.

(b) Save in the case of a temporary liquor licence and a late hours occasional licence, every such association shall upon every such nomination and appointment, and upon the termination of every such nomination and appointment, forthwith notify the Liquor Board and the relevant designated police officer, of such fact in the prescribed manner.”.

(2) Every licence issued under the principal Act for the year during which this section comes into operation and which is held by a nominee of, or a person on behalf of, a company, society, partnership or other association of persons, shall be deemed to have been issued to and be held by the company, society, partnership or other association itself, and every such nominee or person shall be deemed to be a person nominated and appointed in terms of section 67 (2) of the principal Act.

Substitution of section 68 of Act 30 of 1928, as substituted by section 48 of Act 88 of 1963.

48. The following section is hereby substituted for section 68 of the principal Act:

“General suitability of premises.

68. No licence under this Act or authority under section 71*bis* (1) (a), 100*bis* or 100*sex* shall be granted, and no such licence or authority or authority deemed to have been granted under the said section 71*bis* (1) (a), shall be removed, either temporarily or permanently, unless the competent authority considering the application therefor, is satisfied—

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- (d) deur subartikel (5) deur die volgende subartikel te vervang:
- „(5) Behoudens die bepalings van artikel 73, mag 'n nagtelike geleentheidslisensie aan niemand anders verleen word nie as aan—
- (a) die houer van 'n hotel-dranklisensie, 'n kantienlisensie, 'n wyn-en-bier-lisensie, 'n klubdranklisensie of 'n restaurant-dranklisensie; of
- (b) die houer van 'n magtiging ingevolge artikel 100*bis* of 100*sex* vir die verkoop van drank vir verbruik binne die in die magtiging omskrewe perseel.”; en
- (e) deur subartikel (6) deur die volgende subartikel te vervang:
- „(6) 'n Wynboer-lisensie mag slegs—
- (a) verleen of oorgedra word aan iemand of aan 'n assosiasie van persone wat die wynbou beoefen; en
- (b) verleen word ten opsigte van of verplaas word na 'n perseel wat geleë is op 'n ander plek as die plek waar die betrokke wyn geproduseer of vervaardig word.”.

47. (1) Artikel 67 van die Hoofwet word hierby deur die volgende artikel vervang:

„Lisensiehouer.

67. (1) Behoudens die bepalings van artikel 66 (1), word 'n lisensie nie kragtens hierdie Wet verleen of uitgereik nie aan iemand as benoemde van of namens 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone (hieronder in hierdie artikel 'n assosiasie genoem), maar word dit in so 'n geval verleen en uitgereik aan en op naam van die assosiasie self.

(2) (a) Geen besigheid word gedryf kragtens 'n lisensie wat deur 'n assosiasie gehou word nie, tensy bedoelde assosiasie iemand skriftelik benoem en aanstel wat 'n direkteur, aandeelhouer, lid, vennoot of werknemer van of in bedoelde assosiasie is, om die gelisensieerde besigheid te bestuur en vir die dryf daarvan verantwoordelik te wees: Met dien verstande dat die benoeming en aanstelling van iemand wat ingevolge artikel 65 (uitgesonderd subartikel (1) (i) daarvan) onbevoeg is om 'n lisensie te hou, van nul en gener waarde is.

(b) By iedere sodanige benoeming en aanstelling en by beëindiging van iedere sodanige benoeming en aanstelling, stel elke bedoelde assosiasie, behalwe in die geval van 'n tydelike dranklisensie en 'n nagtelike geleentheidslisensie, onverwyld die Drankraad en die betrokke aangewese polisie-offisier daarvan op die voorgeskrewe wyse in kennis.”.

(2) Elke lisensie wat kragtens die Hoofwet uitgereik is vir die jaar waarin hierdie artikel in werking tree en wat gehou word deur 'n benoemde van, of iemand namens, 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone, word geag uitgereik te gewees het aan en gehou te word deur die maatskappy, vereniging, vennootskap of ander assosiasie self, en elke sodanige benoemde of so iemand word geag iemand te wees wat ingevolge artikel 67 (2) van die Hoofwet benoem en aangestel is.

48. Artikel 68 van die Hoofwet word hierby deur die volgende artikel vervang:

„Algemene geskiktheid van persele.

68. Geen lisensie kragtens hierdie Wet of magtiging kragtens artikel 71*bis* (1) (a), 100*bis* of 100*sex* word verleen nie, en geen sodanige lisensie of magtiging of magtiging wat geag word kragtens genoemde artikel 71*bis* (1) (a) verleen te gewees het, word, hetsy tydelik hetsy permanent, verplaas nie tensy die bevoegde gesag wat die aanvraag daarom oorweeg, oortuig is—

Vervanging van artikel 67 van Wet 30 van 1928, soos gewysig deur artikel 19 van Wet 41 van 1934 en artikel 47 van Wet 88 van 1963.

Vervanging van artikel 68 van Wet 30 van 1928, soos vervang deur artikel 48 van Wet 88 van 1963.

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- (i) that the applicant on the date on which such application is considered, has a right entitling him to occupy the premises concerned if and when the relevant licence or authority is issued or removed;
- (ii) that such premises afford or when completed will afford suitable and satisfactory accommodation for all the purposes to which they may lawfully, in terms of the licence or authority, be put; and
- (iii) if the premises are situated in the vicinity of a place of worship, or a school, or a Bantu compound, that the business will be conducted in such a manner as not to prejudice the conduct of such place of worship or school, or prejudice the occupants, or affect the control of such compound."

Substitution 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, section 18 of Act 23 of 1969 and section 8 of Act 56 of 1975.

49. The following section is hereby substituted for section 69 of the principal Act:

"What other business may be carried on on licensed premises.

69. (1) Subject to any condition imposed by the competent authority, an application for or for the removal of—

- (a) any on-consumption licence may be granted in respect of premises upon which any person, company, society, partnership or other association of persons lawfully carries on the business of selling newspapers, tea, coffee, cocoa, cakes, confectionery and other light refreshments (including drinks other than liquor), tobacco, cigars, cigarettes and matches, or any other lawful business specially authorized by the competent authority, and a person acting under the directions of the Minister may at any time on application made to him in writing and subject to such conditions or restrictions as he may deem fit to impose, authorize any other lawful business to be conducted upon the premises in respect of which any such licence is held;
- (b) a bottle liquor licence may be granted in respect of premises in which the licensee lawfully carried on the business of a wholesale liquor licence or of selling methylated spirits, mineral waters and other drinks (not being liquor) in closed receptacles, tobacco, cigars, cigarettes, matches, cooler bags, articles declared by the Minister by notice in the *Gazette* to be articles normally used in conjunction or in connection with the serving of liquor, and Bantu beer under the provisions of section 11 of the Bantu Beer Act, 1962 (Act No. 63 of 1962), packed or bottled in the manner prescribed by regulation made under the provisions of section 15 of that Act;
- (c) a brewer's licence may be granted in respect of premises in which the licensee lawfully carries on the business of brewing any malt liquor, irrespective of whether or not he also brews therein any beer containing less than two per cent by volume of alcohol, provided it is done lawfully;
- (d) a grocer's wine licence may be granted in respect of premises in which the licensee lawfully carries on the business of a general dealer and any other lawful business specially authorized by the competent authority;
- (e) a wine farmer's licence may be granted in respect of premises in which the licensee lawfully carries on the business of selling articles

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- (i) dat die aanvrager op die datum waarop bedoelde aanvraag oorweeg word, 'n reg het wat hom geregtig maak om die betrokke perseel te okkupeer indien en wanneer die tersaaklike lisensie of magtiging uitgereik of verplaas word;
- (ii) dat bedoelde perseel geskikte en bevredigende akkommodasie vir alle doeleindes waarvoor dit, kragtens die lisensie of magtiging wettiglik gebruik mag word, bevat of sal bevat wanneer dit voltooi is; en
- (iii) as die perseel in die nabyheid van 'n plek van openbare erediens, of 'n skool of Bantoekwartiere geleë is, dat die besigheid so gedryf sal word dat die verrigtings op daardie plek van erediens of in daardie skool nie gesteur sal word of die bewoners van daardie kwartiere nie benadeel, en aan die beheer daarvan geen afbreuk gedoen sal word nie."

49. Artikel 69 van die Hoofwet word hierby deur die volgende artikel vervang:

„Watter
ander
besigheid
in gelisen-
siede perseel
gedryf
mag word.

69. (1) Behoudens enige voorwaarde wat die bevoegde gesag mag stel, mag 'n aanvraag om of om die verplasing van—

- (a) 'n binneverbruik-lisensie toegestaan word in verband met 'n perseel waarin enige persoon, maatskappy, vereniging, vennootskap of ander assosiasie van persone wettig as 'n besigheid koerante, tee, koffie, kakao, koek, suikergoed en ander ligte verversings (en ook drank wat nie sterk drank is nie), tabak, sigare, sigarette en vuurhoutjies verkoop of enige ander wettige besigheid dryf wat die bevoegde gesag spesiaal veroorloof het en iemand wat op gesag van die Minister handel, kan te eniger tyd, op skriftelike aanvraag by hom gedoen, en behoudens die voorwaardes of beperkings wat hy na goedvinde oël, veroorloof dat enige ander wettige besigheid voortgesit word op die perseel ten opsigte waarvan so 'n lisensie gehou word;
- (b) 'n bottel-dranklisensie toegestaan word in verband met 'n perseel waarin die lisensiehouer wettig besigheid dryf kragtens 'n groothandelaars-dranklisensie of handel dryf in brandspiritus, mineraalwaters en ander drank dan sterk drank in toe houters, tabak, sigare, sigarette, vuurhoutjies, verkoelsakke, artikels wat die Minister by kennisgewing in die *Staatskoerant* as artikels verklaar het wat gewoonlik tesame of in verband met die bediening van drank gebruik word, en Bantoebier kragtens die bepalings van artikel 11 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962), verpak of gebottel op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel 15 van daardie Wet;
- (c) 'n brouerslisensie toegestaan word in verband met 'n perseel waarin die lisensiehouer wettig as 'n besigheid enige soort bier brou, ongeag of hy daarin ook bier brou wat minder alkohol as twee persent van sy volume bevat, mits dit wettiglik gedoen word;
- (d) 'n kruideniers-wynlisensie toegestaan word in verband met 'n perseel waarin die lisensiehouer wettiglik die besigheid van 'n algemene handelaar en enige ander spesiaal deur die bevoegde gesag gemagtigde wettige besigheid dryf;
- (e) 'n wynboer-lisensie toegestaan word in verband met 'n perseel waarin die lisensiehouer wettig as 'n besigheid artikels verkoop wat die Minister by

Vervanging 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,
artikel 18 van
Wet 23 van 1969
en artikel 8 van
Wet 56 van 1975.

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declared by the Minister by notice in the *Gazette* to be articles normally used in conjunction or in connection with the serving of wine.

(2) Save as provided in subsection (1), and subject to the provisions of sections 72 and 73, no licence other than a wholesale or foreign liquor licence shall be granted in respect of any premises in which any other trade, business or occupation is carried on, including the business of selling liquor under any other licence held under this Act.

(3) For the purposes of this section premises shall not be deemed to be separate if being under the same roof as other premises, they are not completely separated therefrom by a wall or walls having no door, window, aperture or other means of communication with such premises.

(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 of—

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

(5) The provisions of subsection (4) shall *mutatis mutandis* apply in respect of the removal of any licence referred to in that subsection.

(6) Save as provided in this section, no holder of a licence shall carry on his licensed business on any premises on which any other trade, business or occupation whatsoever is conducted or carried on, nor shall any such holder conduct or carry on or permit to be conducted or carried on upon his licensed premises any other trade, business or occupation.”.

Substitution of section 70 of Act 30 of 1928, as amended by section 50 of Act 88 of 1963.

50. The following section is hereby substituted for section 70 of the principal Act:

“Special condition of restaurant liquor licence.

70. It shall be a special condition of a restaurant liquor licence that the holder thereof shall keep upon the licensed premises a *bona fide* restaurant at which ordinary meals are regularly provided for guests and that the premises shall at all times afford facilities of a high standard for persons taking meals therein.”.

Substitution of section 70bis of Act 30 of 1928, as inserted by section 51 of Act 88 of 1963.

51. The following section is hereby substituted for section 70bis of the principal Act:

“Special condition of wine and malt liquor licence and bar licence.

70bis. Save in the case of a licence held in respect of a boat referred to in the definition of ‘premises’, it shall be a special condition of a wine and malt liquor licence and a bar licence that ordinary meals shall regularly be provided on the licensed premises for guests and that the premises shall at all times afford reasonable facilities for persons taking meals thereon.”.

Substitution of section 70ter of Act 30 of 1928, as inserted by section 13 of Act 94 of 1974.

52. The following section is hereby substituted for section 70ter of the principal Act:

“Special condition of wine house licence.

70ter. It shall be a special condition of a wine house licence that the holder thereof shall keep upon the licensed premises a *bona fide* wine house at which ordinary meals are regularly provided for guests and that the premises shall at all times afford reasonable facilities for persons taking meals therein.”.

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kennisgewing in die *Staatskoerant* as artikels verklaar het wat gewoonlik tesame of in verband met die bediening van wyn gebruik word.

(2) Behalwe soos in subartikel (1) bepaal, en met inagneming van die bepalings van artikels 72 en 73 mag geen lisensie ander dan 'n groothandelaars- of buitelandse dranklisensie verleen word nie in verband met 'n perseel waarin enige ander handel, besigheid of beroep uitgeoefen word, met inbegrip van die besigheid om drank te verkoop kragtens 'n ander lisensie ingevolge hierdie Wet gehou.

(3) Vir die doel van hierdie artikel word 'n perseel nie as afsonderlik beskou nie as dit met 'n ander perseel onder dieselfde dak is en nie heeltemal daarvan geskei is nie deur 'n muur of mure waarin geen deur, venster, opening of ander verkeersweg met daardie perseel is nie.

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

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

(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.

(5) Die bepalings van subartikel (4) is *mutatis mutandis* van toepassing ten opsigte van 'n verplasing van 'n lisensie in daardie subartikel bedoel.

(6) Behalwe soos in hierdie artikel bepaal, mag geen lisensiehouer sy gelisensieerde besigheid dryf op 'n perseel waarop enige ander handel, besigheid of beroep van watter aard ook al gedryf of uitgeoefen word nie, en geen sodanige houer mag enige ander handel, besigheid of beroep op sy gelisensieerde perseel dryf of uitoefen of toelaat dat dit daarop gedryf of uitgeoefen word nie."

50. Artikel 70 van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere voorwaarde van restaurant-dranklisensie.

70. Dit is 'n besondere voorwaarde van 'n restaurant-dranklisensie dat die houer daarvan op die gelisensieerde perseel 'n *bona fide*-restaurant in stand moet hou waar gewone maaltye gereeld aan gaste verstrekk word en dat die perseel te alle tye fasiliteite van 'n hoë standaard moet bevat vir mense wat maaltye daarin nuttig."

Vervanging van artikel 70 van Wet 30 van 1928, soos gewysig deur artikel 50 van Wet 88 van 1963.

51. Artikel 70*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere voorwaarde van wyn- en bier- en kantienlisensie.

70*bis*. Behalwe in die geval van 'n lisensie wat gehou word ten opsigte van 'n boot genoem in die omskrywing van 'perseel', is dit 'n besondere voorwaarde van 'n wyn- en bier-lisensie en 'n kantienlisensie dat gewone maaltye gereeld op die gelisensieerde perseel aan gaste verstrekk moet word en dat die perseel te alle tye redelike fasiliteite moet bevat vir mense wat maaltye daarop nuttig."

Vervanging van artikel 70*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 51 van Wet 88 van 1963.

52. Artikel 70*ter* van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere voorwaarde van wynhuis-lisensie.

70*ter*. Dit is 'n besondere voorwaarde van 'n wynhuis-lisensie dat die houer daarvan op die gelisensieerde perseel 'n *bona fide*-wynhuis in stand moet hou waar gewone maaltye gereeld aan gaste verstrekk word en dat die perseel te alle tye redelike fasiliteite moet bevat vir mense wat maaltye daarin nuttig."

Vervanging van artikel 70*ter* van Wet 30 van 1928, soos ingevoeg deur artikel 13 van Wet 94 van 1974.

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Substitution of section 71 of Act 30 of 1928, as amended by section 52 of Act 88 of 1963 and section 9 of Act 56 of 1975.

53. The following section is hereby substituted for section 71 of the principal Act:

“Special conditions of hotel liquor licence.

71. (1) It shall be special conditions of an hotel liquor licence that at all times—

- (a) the premises in respect of which the licence is held, shall afford residential accommodation of a high standard 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;
- (b) adequate and proper sanitary and bathroom facilities shall be provided on the premises;
- (c) a *bona fide* hotel providing such accommodation and facilities shall be conducted by the licensee upon the premises; and
- (d) the licensed premises shall comply with such minimum requirements as the Minister may upon recommendation of the Liquor Board, make known in the *Gazette*: Provided that the Minister or a person acting under his directions may, on the application in writing of the licensee and on good cause shown, suspend for such period as the Minister or such person may deem fit, the operation of any such requirement in so far as it affects the licensed premises of such licensee.

(2) For the purposes of this section no room shall be counted as a bedroom which is ordinarily occupied by—

- (a) the licensee or any member of his family;
- (b) the proprietor or manager of the licensed business, or any member of his family; or
- (c) any other person employed in connection with the conduct of the licensed business.

(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 twenty-four months from the date when the premises became so included.”.

Substitution 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, section 19 of Act 23 of 1969 and section 10 of Act 56 of 1975.

54. (1) Subject to the provisions of subsection (8), the following section is hereby substituted for section 71bis of the principal Act:

“Certain privileges which may be granted in respect of hotel liquor licences.

71bis. (1) Notwithstanding anything in any law contained, the Minister may on application made in the prescribed manner when granting an hotel liquor licence or at any time thereafter, grant authority to the holder of such licence—

- (a) to sell liquor under that license for consumption off the licensed premises, in any place approved of by the Minister and situated, if such licensed premises are situated within an urban area, within such urban area and within the district within which such licensed premises are situate, or, if such licensed premises are situate in a rural area, within the district within which such licensed premises are 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;

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53. Artikel 71 van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere
voorwaardes
van hotel-
drank-
lisensie.

71. (1) Dit is besondere voorwaardes van 'n hotel-dranklisensie dat te alle tye—

- (a) die perseel in verband waarmee die lisensie gehou word, woonakkommodasie van 'n hoë standaard vir gaste moet bevat, met minstens tien slaapkamers as die perseel in 'n gebied onder beheer van 'n munisipale raad of stadsraad geleë is, of vyf slaapkamers as die perseel elders geleë is;
- (b) toereikende en behoorlike sanitêre en badkamergeriewe op die perseel voorsien moet word;
- (c) die lisensiehouer op daardie perseel 'n *bona fide*-hotel met sodanige akkommodasie en geriewe moet bedryf; en
- (d) die gelisensieerde perseel moet voldoen aan die minimum vereistes wat die Minister op aanbeveling van die Drankraad in die *Staatskoerant* bekend maak: Met dien verstande dat die Minister of iemand wat op sy gesag handel, op die skriftelike aanvraag van die lisensiehouer en by aanvoering van goeie gronde, die werking van so 'n vereiste vir die tydperk wat die Minister of so iemand goedgevind, kan opskort vir sover dit die gelisensieerde perseel van dié lisensiehouer raak.

(2) Vir die doel van hierdie artikel word geen vertrek as slaapkamer gereken nie as dit gewoonlik beset is deur—

- (a) die lisensiehouer of 'n lid van sy gesin;
- (b) die eienaar of die bestuurder van die gelisensieerde besigheid, of 'n lid van sy gesin; of
- (c) iemand anders wat in verband met die dryf van die gelisensieerde besigheid in diens is.

(3) Wanneer 'n perseel 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 perseel minstens tien slaapkamers moet bevat nie van toepassing nie, totdat vier-en-twintig maande verloop het vanaf die dag waarop daardie perseel aldus opgeneem is.”

Vervanging van
artikel 71 van
Wet 30 van 1928,
soos gewysig deur
artikel 52 van
Wet 88 van 1963
en artikel 9 van
Wet 56 van 1975.

54. (1) Behoudens die bepalings van subartikel (8) word artikel 71bis van die Hoofwet hierby deur die volgende artikel vervang:

„Sekere
voorregte
wat verleen
mag word
ten opsigte
van hotel-
dranklisen-
sies.

71bis. (1) Ondanks andersluidende bepalings van die een of ander wet, mag die Minister, op aanvraag op die voorgeskrewe wyse gedoen, wanneer hy 'n hotel-dranklisensie verleen of te eniger tyd daarna, magtiging aan die houer van dié lisensie verleen—

- (a) om kragtens daardie lisensie drank vir gebruik buite die gelisensieerde perseel te verkoop in enige plek wat die Minister goedkeur en wat geleë is, indien daardie gelisensieerde perseel binne 'n stadsgebied geleë is, binne daardie stadsgebied en binne die distrik waarin daardie gelisensieerde perseel geleë is, of, indien daardie gelisensieerde perseel binne 'n plattelandse gebied geleë is, binne die distrik waarbinne daardie gelisensieerde perseel geleë is: Met dien verstande dat indien bedoelde plek nie deel uitmaak van die perseel in verband waarmee daardie lisensie gehou word nie, bedoelde plek vir alle doeleindes geag word deel uit te maak van die gelisensieerde perseel;

Vervanging 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,
artikel 19 van
Wet 23 van 1969
en artikel 10 van
Wet 56 van 1975.

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- (b) to sell or supply liquor in any specified restricted portion of his premises, for consumption in such restricted portion on any specified closed day between the hours of twelve midday and half-past two in the afternoon and between six and nine o'clock in the evening to any person contemplated in section 75 (3);
- (c) to sell or supply liquor until such hour, later than the hour contemplated in section 75 (2) (e), and including an hour in the morning of the following day, as the Minister may determine.

(2) The Minister may—

- (a) grant any authority referred to in subsection (1), subject to such conditions or restrictions, in addition to any condition or restriction imposed under section 87*ter* (1), as he may deem fit to impose;
- (b) at any time amend or withdraw any condition or restriction imposed under this section or impose any condition or restriction or any further condition or restriction in respect of any authority granted or deemed to have been granted under subsection (1), as he may deem fit.

(3) Every authority granted under subsection (1) shall be issued in the prescribed form by the person acting under the directions of the Minister.

(4) No authority under subsection (1) (a) shall be of any force and effect unless there has been paid to the receiver of revenue concerned in respect thereof an amount equal to one half of the annual licence fee payable in respect of the licence concerned: Provided that whenever any such authority is issued after 31 January in any year, the amount so payable in respect thereof shall be reduced by one twelfth in respect of each completed calendar month which has passed from the preceding 31 December to the date upon which such authority has been issued in terms of subsection (3)."

(2) Any authority granted and any condition or restriction imposed under section 71*bis* of the principal Act, and any determination made under section 75 (2) (f) (i) of the said Act prior to the substitution thereof by this Act, shall be deemed to have been granted, imposed or made, respectively, under the said section 71*bis* as so substituted.

(3) Any authority referred to in subsection (2) and endorsed on any licence shall be deemed to have been issued in the prescribed form in terms of section 71*bis* (3) of the principal Act as substituted by this Act.

(4) If a special right of off-sale under an hotel liquor licence has been authorized in terms of section 64 of the principal Act and is of full force and effect on the date of commencement of this section, such right shall, subject to the provisions of subsection (6), as from such date be deemed to be an off-sale privilege authorized under section 71*bis* (1) (a) of the principal Act as substituted by this Act.

(5) If a bottle liquor licence had been granted to the holder of an hotel liquor licence under subsection (4)*bis* of section 54 of the principal Act prior to the substitution of the said section by section 37 (1) of the Liquor Amendment Act, 1963 (Act No. 88 of 1963), and such bottle liquor licence has been renewed by virtue of the provisions of section 37 (2) of the said Liquor Amendment Act, 1963, in respect of the year during which this section comes into operation, such bottle liquor licence shall, subject to the provisions of subsection (6), as from the date of such coming into operation be deemed to be an off-sale privilege authorized in respect of the premises concerned under section 71*bis* (1) (a) of the principal Act as substituted by this Act.

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- (b) om drank in enige bepaalde beperkte gedeelte van sy perseel vir gebruik in sodanige beperkte gedeelte op enige bepaalde geslote dag tussen twaalfuur middag en halfdrie-uur in die namiddag en tussen sesuur en nege-uur in die aand te verkoop of te verstrek aan 'n in artikel 75 (3) bedoelde persoon;
- (c) om drank te verkoop of te verstrek tot sodanige uur, later as die uur in artikel 75 (2) (e) bedoel, en ook 'n uur in die môre van die volgende dag, as wat die Minister bepaal.

(2) Die Minister mag—

- (a) enige in subartikel (1) bedoelde magtiging verleen onderworpe aan die voorwaardes of beperkings, benewens enige kragtens artikel 87ter (1) opgelegde voorwaarde of beperking, wat hy na goedvinde oplê;
- (b) te eniger tyd 'n voorwaarde of beperking wat kragtens hierdie artikel opgelê is, wysig of intrek of enige voorwaarde of beperking of verdere voorwaarde of beperking na goeddunke oplê ten opsigte van enige magtiging wat kragtens subartikel (1) verleen is of geag word daarkragtens verleen te gewees het.

(3) Elke magtiging wat kragtens subartikel (1) verleen word, word in die voorgeskrewe vorm uitgereik deur die persoon wat op gesag van die Minister handel.

(4) Geen magtiging kragtens subartikel (1) (a) is van krag nie, tensy ten opsigte daarvan aan die betrokke ontvanger van inkomste 'n bedrag betaal is gelyk aan 'n helfte van die jaarlikse lisensiegeld wat ten opsigte van die betrokke lisensie betaalbaar is: Met dien verstande dat wanneer so 'n magtiging na 31 Januarie van enige jaar uitgereik word, die bedrag wat aldus ten opsigte daarvan betaalbaar is, verminder word met 'n twaalfde ten opsigte van elke voltooide kalendermaand wat verstreke is tussen die voorafgaande 31 Desember en die dag waarop bedoelde magtiging ingevolge subartikel (3) uitgereik word."

(2) 'n Magtiging verleen en 'n voorwaarde of beperking opgelê kragtens artikel 71bis van die Hoofwet, en 'n bepaling gedoen kragtens artikel 75 (2) (f) (i) van genoemde Wet voor die vervanging daarvan deur hierdie Wet, word geag onderskeidelik verleen, opgelê of gedoen te gewees het kragtens genoemde artikel 71bis soos aldus vervang.

(3) 'n In subartikel (2) bedoelde magtiging wat op 'n lisensie aangeteken is, word geag in die voorgeskrewe vorm ingevolge artikel 71bis (3) van die Hoofwet soos deur hierdie Wet vervang, uitgereik te gewees het.

(4) Indien 'n spesiale reg van buiteverbruik-verkoop kragtens 'n hotel-dranklisensie ingevolge artikel 64 van die Hoofwet gemagtig is en op die datum van inwerkingtreding van hierdie artikel van krag is, word bedoelde reg, behoudens die bepaling van subartikel (6), vanaf bedoelde datum geag 'n voorreg van buiteverbruik-verkoop te wees wat kragtens artikel 71bis (1) (a) van die Hoofwet, soos deur hierdie Wet vervang, gemagtig is.

(5) Indien 'n bottel-dranklisensie kragtens subartikel (4)bis van artikel 54 van die Hoofwet, voor die vervanging van genoemde artikel deur artikel 37 (1) van die Drankwysigingswet, 1963 (Wet No. 88 van 1963), aan die houer van 'n hotel-dranklisensie verleen is en uit hoofde van die bepaling van artikel 37 (2) van genoemde Drankwysigingswet, 1963, vernuwe is ten opsigte van die jaar waarin hierdie artikel in werking tree, word bedoelde bottel-dranklisensie, behoudens die bepaling van subartikel (6), vanaf bedoelde datum van inwerkingtreding geag 'n voorreg van buiteverbruik-verkoop te wees wat ten opsigte van die betrokke perseel kragtens artikel 71bis (1) (a) van die Hoofwet, soos vervang deur hierdie Wet, gemagtig is.

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- (6) (a) The provisions of section 71*bis* (4) of the principal Act as substituted by this Act shall not apply in respect of any authority deemed in terms of subsection (4) or (5) to be an authority granted under section 71*bis* (1) (a) of the principal Act as so substituted.
- (b) Every such authority shall be deemed to have been issued in the prescribed form.
- (7) Section 53 of the Liquor Amendment Act, 1963 (Act No. 88 of 1963), is hereby amended—
- (a) by the deletion of subsections (2), (3) and (4); and
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) If no certificate of classification has in terms of section 71*bis* of the principal Act been issued on or before the thirty-first day of December, 1978, in respect of an accommodation establishment situated in the area included in the district of Mount Currie in terms of Government Notice No. 1149 of the thirtieth day of June, 1972, and conducted under an hotel liquor licence granted before the commencement of section 4 of the General Law Amendment Act, 1973, such licence shall as from the first day of January, 1979, be deemed to be a wine and malt liquor licence, and if an off-sale privilege is in terms of section 54 (4) of the Liquor Amendment Act, 1977, deemed to have been authorized in respect of such hotel liquor licence such privilege shall as from the first day of January, 1979, be deemed to be confined to the sale of such liquor only as may, in terms of section 86 of the principal Act be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and subject to such conditions as he may deem fit, the provisions of this subsection shall not apply in respect of such hotel liquor licence or such privilege.”.
- (8) For purposes of section 53 (5) of the said Liquor Amendment Act, 1963, section 71*bis* of the principal Act shall be deemed not to have been replaced by this Act.

Insertion of
section 71*ter*,
71*quat* and 71*quin*
in Act 30 of 1928.

55. The following sections are hereby inserted in the principal Act after section 71*bis*:

“Special
condition of
theatre
liquor
licence.

71*ter*. It shall be a special condition of a theatre liquor licence that at all times a *bona fide* theatre shall be maintained on the premises in respect of which the licence is held at which dramatic performances or plays or concerts are regularly presented, or cinematographic pictures are regularly shown to the public and that the licensed premises shall at all times afford reasonable facilities for persons consuming liquor thereon.

Special
condition of
sports
ground
liquor
licence.

71*quat*. It shall be a special condition of a sports ground liquor licence that *bona fide* public sports meetings shall regularly take place upon the premises in respect of which the licence is held and that the licensed premises shall at all times afford reasonable facilities for persons consuming liquor thereon: Provided that if the Minister is satisfied that the foregoing provisions of this section will cause undue hardship to the holder of such a licence granted prior to the date of coming into operation of this section, he may upon application made in writing exempt such holder from the said provisions as far as the holding of such sports meetings is concerned.

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- (6) (a) Die bepalings van artikel 71bis (4) van die Hoofwet soos deur hierdie Wet vervang, is nie van toepassing nie ten opsigte van 'n magtiging wat ingevolge subartikel (4) of (5) geag word 'n magtiging te wees wat verleen is kragtens artikel 71bis (1) (a) van die Hoofwet, soos aldus vervang.
- (b) Elke sodanige magtiging word geag in die voorgeskrewe vorm uitgereik te gewees het.
- (7) Artikel 53 van die Drankwysigingswet, 1963 (Wet No. 88 van 1963), word hierby gewysig—
- (a) deur subartikels (2), (3) en (4) te skrap; en
- (b) deur subartikel (5) deur die volgende subartikel te vervang:
- „(5) Indien geen klassifikasiesertifikaat op of voor die een-en-dertigste dag van Desember 1978 ingevolge artikel 71bis van die Hoofwet uitgereik word nie ten opsigte van 'n akkommodasie-inrigting wat in die gebied wat ingevolge Goewermentskennisgewing No. 1149 van die dertigste dag van Junie 1972 by die distrik Mount Currie ingelyf is, geleë is, en wat bestuur word kragtens 'n hotel-dranklisensie wat voor die inwerking-treding van artikel 4 van die Algemene Regswysigingswet, 1973, verleen is, word daardie lisensie vanaf die eerste dag van Januarie 1979 geag 'n wyn- en bier-lisensie te wees, en indien 'n voorreg van buiteverbruik-verkoop kragtens artikel 54 (4) van die Drankwysigingswet, 1977, geag word ten opsigte van daardie hotel-dranklisensie gemagtig te gewees het, word daardie voorreg vanaf die eerste dag van Januarie 1979 geag beperk te wees tot die verkoop van alleen die drank wat ingevolge artikel 86 van die Hoofwet deur die houer van 'n wyn- en bier-lisensie verkoop mag word: Met dien verstande dat die Minister in enige besondere geval, op 'n skriftelike aanvraag en om gegronde en voldoende redes aangevoer, kan gelas dat, vir die tydperk en behoudens die voorwaardes wat hy goedvind, die bepalings van hierdie subartikel nie ten opsigte van bedoelde hotel-dranklisensie of bedoelde voorreg van toepassing is nie.”
- (8) Vir die doeleindes van artikel 53 (5) van genoemde Drankwysigingswet, 1963, word artikel 71bis van die Hoofwet geag nie deur hierdie Wet vervang te gewees het nie.

55. Die volgende artikels word hierby in die Hoofwet na artikel 71bis ingevoeg:

Invoeging van artikels 71ter, 71quat en 71quin in Wet 30 van 1928.

„Besondere voorwaarde van teater-dranklisensie.

71ter. Dit is 'n besondere voorwaarde van 'n teater-dranklisensie dat 'n *bona fide*-teater te alle tye op die perseel ten opsigte waarvan die lisensie gehou word, in stand gehou moet word waar toneelopvoerings of -stukke of konserte of rolprente gereeld aan die publiek aangebied of vertoon word en dat die gelisensieerde perseel te alle tye redelike fasiliteite moet bevat vir mense wat drank daarop gebruik.

Besondere voorwaarde van sportgronde-dranklisensie.

71quat. Dit is 'n besondere voorwaarde van 'n sportgronde-dranklisensie dat *bona fide*-publieke sportbyeenkomste gereeld gehou moet word op die perseel ten opsigte waarvan die lisensie gehou word, en dat die gelisensieerde perseel te alle tye redelike fasiliteite moet bevat vir persone wat drank daarop gebruik: Met dien verstande dat indien die Minister oortuig is dat die voorafgaande bepalings van hierdie artikel buitensporige ontbering sal veroorsaak aan die houer van so 'n lisensie wat voor die datum van inwerkingtreding van hierdie artikel verleen is, hy op skriftelike aanvraag bedoelde houer kan vrystel van bedoelde bepalings vir soverre dit die hou van bedoelde sportbyeenkomste betref.

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Special condition of every liquor licence.

71quin. It shall be a special condition of every licence held under this Act that the holder thereof shall, upon request of a person acting under the directions of the Minister, furnish such person with such information and documents pertaining to the licensed business or the licensed premises, including a description and plan thereof, as he may require."

Substitution of section 72 of Act 30 of 1928, as amended by section 20 of Act 41 of 1934 and section 54 of Act 88 of 1963.

56. The following section is hereby substituted for section 72 of the principal Act:

"Premises in respect of which temporary liquor licence may be granted.

72. A temporary liquor licence may be granted only for the purpose of one or more bars or other points of sale, as specified in the licence, in or from which liquor is to be sold or supplied within, or within the grounds of, any exhibition, show, race meeting, or other place of public function, recreation or amusement: Provided that in the case of a sports meeting held at one and the same time within, or within the grounds of, more than one place of public recreation within the same district, one such licence may be issued in respect of one or more such bars or other points of sale, as specified in the licence, within, or within the grounds of, any one or more or all of such places of public recreation."

Amendment of section 73 of Act 30 of 1928, as amended by section 55 of Act 88 of 1963, section 20 of Act 23 of 1969 and section 11 of Act 56 of 1975.

57. 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 is held a restaurant liquor licence, a wine and malt liquor licence, an hotel liquor licence, a bar licence or a club liquor licence; or
- (b) there is held an authority referred to in section 66 (5) (b); and

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 upon such premises."

Substitution of section 73bis of Act 30 of 1928, as inserted by section 56 of Act 88 of 1963.

58. The following section is hereby substituted for section 73bis of the principal Act:

"Special condition of grocer's wine licence.

73bis. It shall be a special condition of a grocer's wine licence that the licensee shall hold a general dealer's licence to deal in groceries and foodstuffs under the provisions of any law, in respect of his premises and that he shall at all times carry on a *bona fide* business of selling groceries and foodstuffs on such premises."

Substitution of section 73ter of Act 30 of 1928, as inserted by section 56 of Act 88 of 1963.

59. The following section is hereby substituted for section 73ter of the principal Act:

"Special condition of mealtime wine and malt licence.

73ter. It shall be a special condition of a meal time wine and malt licence that the holder thereof shall keep upon the licensed premises a *bona fide* lodging-house and that the premises shall at all times afford reasonable residential accommodation for guests."

Substitution of section 74 of Act 30 of 1928, as amended by section 21 of Act 41 of 1934, section 29 of Act 61 of 1956, section 57 of Act 88 of 1963 and section 9 of Act 85 of 1964.

60. The following section is hereby substituted for section 74 of the principal Act:

"Club liquor licence.

74. (1) No club liquor licence shall be granted unless the competent authority is satisfied that the club is a *bona fide* club and one in respect of which a licence may properly be granted.

(2) A copy of the rules of the club certified by the president, chairman or secretary thereof shall be lodged with the application for the grant of a club

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Besondere
voorwaarde
van elke
dranklisensie.

71quin. Dit is 'n besondere voorwaarde van elke lisensie wat kragtens hierdie Wet gehou word, dat die houer daarvan, op versoek van iemand wat op gesag van die Minister handel, aan so iemand die inligting en stukke moet verstrek met betrekking tot die gelisensieerde besigheid of die gelisensieerde perseel wat hy vereis, met inbegrip van 'n beskrywing en plan daarvan."

56. Artikel 72 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vir watter
perseel tyde-
like drank-
lisensie
verleen mag
word.

72. 'n Tydelike dranklisensie mag slegs verleen word vir die doeleindes van een of meer kroë of ander verkooppunte, soos in die lisensie bepaal, waarin of van waar drank verkoop of verstrek gaan word by, of in die gronde van, 'n vertoning, tentoonstelling, wedrenbyeenkoms of ander plek van publieke funksie, ontspanning of vermaak: Met dien verstande dat in die geval van 'n sportbyeenkoms wat op een en dieselfde tyd by, of in die gronde van, meer as een plek van publieke ontspanning in dieselfde distrik gehou word, een sodanige lisensie uitgereik kan word ten opsigte van een of meer sodanige kroë of ander verkooppunte, soos in die lisensie bepaal, by, of in gronde van, een of meer of al sodanige plekke van publieke ontspanning."

Vervanging van
artikel 72 van
Wet 30 van 1928,
soos gewysig deur
artikel 20 van
Wet 41 van 1934
en artikel 54 van
Wet 88 van 1963.

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

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

- (a) 'n restaurant-dranklisensie, 'n wyn- en bier-lisensie, 'n hotel-dranklisensie, 'n kantienlisensie of 'n klubdrank-lisensie gehou word; of
- (b) 'n in artikel 66 (5) (b) bedoelde magtiging gehou word;

en

dit tot bevrediging van die landdros, 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."

Wysiging van
artikel 73 van
Wet 30 van 1928,
soos gewysig deur
artikel 55 van
Wet 88 van 1963,
artikel 20 van
Wet 23 van 1969
en artikel 11 van
Wet 56 van 1975.

58. Artikel 73bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere
voorwaarde
van kruideniers-
wyn-
lisensie.

73bis Dit is 'n besondere voorwaarde van 'n kruideniers-wynlisensie dat die lisensiehouer 'n algemene handelaarslisensie ten opsigte van sy perseel moet hou om met kruideniers- en eetware handel te dryf kragtens die bepalings van enige wet en dat hy te alle tye 'n *bona fide*-handelsaak vir die verkoop van kruideniers- en eetware op bedoelde perseel moet voortsit."

Vervanging van
artikel 73bis van
Wet 30 van 1928,
soos ingevoeg deur
artikel 56 van
Wet 88 van 1963.

59. Artikel 73ter van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere
voorwaarde
van maal-
tyd-wyn-en-
bier-lisensie.

73ter. Dit is 'n besondere voorwaarde van 'n maaltyd-wyn- en -bier-lisensie dat die houer daarvan op sy gelisensieerde perseel 'n *bona fide*-losieshuis moet hou en dat die perseel te alle tye redelike woonakkommodasie vir gaste moet bevat."

Vervanging van
artikel 73ter van
Wet 30 van 1928,
soos ingevoeg deur
artikel 56 van
Wet 88 van 1963.

60. Artikel 74 van die Hoofwet word hierby deur die volgende artikel vervang:

„Klub-
drank-
lisensie.

74. (1) Geen klub-dranklisensie mag verleen word nie tensy die bevoegde gesag oortuig is dat die klub 'n *bona fide*-klub is, en dat 'n lisensie gevoeglik ten opsigte daarvan verleen kan word.

(2) 'n Eksemplaar van die reglement van die klub, gesertifiseer deur sy president, voorsitter of sekretaris moet saam met die aanvraag om die verlening van 'n

Vervanging van
artikel 74 van
Wet 30 van 1928,
soos gewysig deur
artikel 21 van
Wet 41 van 1934,
artikel 29 van
Wet 61 van 1956,
artikel 57 van
Wet 88 van 1963
en artikel 9 van
Wet 85 van 1964.

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liquor licence, and no such licence shall be granted unless the competent authority is satisfied—

- (a) by reference to the rules that:
- (i) the club is managed by a committee of its members;
 - (ii) such committee holds regular meetings of which proper minutes are kept;
 - (iii) only members of the club (including *bona fide* reciprocity members) are permitted to pay for accommodation, liquor or refreshment supplied therein;
 - (iv) no ordinary member of the club is elected less than fourteen days after nomination or without his name having been screened on the club premises for at least seven days;
 - (v) the election of such member is either by the committee or by all members of the club: Provided that the rules of the club may disqualify from voting any member in arrear with any payment due to the club;
 - (vi) no person residing within fifteen kilometres of the club house is eligible as an honorary or temporary or reciprocity member of the club save where—
 - (aa) such eligibility is, in terms of the rules of the club, granted by reason of such person holding some public office or being a *bona fide* candidate for membership or having conferred some special benefit upon the club; or
 - (bb) by resolution of the club committee such person is allowed the privileges of membership while engaged in any match or competition;
 - (vii) a register of members and proper accounts are kept;
 - (viii) the annual subscription for ordinary members is at least twelve rand;
 - (ix) save under any written agreement approved of by the Minister or a person acting under his directions, no profit from the sale of liquor by the club accrues to any individual; and
 - (x) no member who has not paid his subscription within three months after it became due shall be allowed to continue as a member while his subscription is unpaid;
- (b) by evidence under oath that the club consists of at least fifty or, in the circumstances contemplated in subsection (3), at least thirty-five ordinary members.

(3) A club liquor licence may be granted in respect of a club which consists of less than fifty but not less than thirty-five ordinary members if that club is situated at a place in a rural area and if the competent authority is satisfied, by evidence under oath, that a considerable number of persons who qualify for membership of such club is or will in the near future be employed in an industrial undertaking which is not of a merely temporary nature.

(4) It shall be special conditions of a club liquor licence that—

- (a) the rules of the club shall at all times comply with the requirements contemplated in subsection (2) (a); and

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klub-dranklisensie ingedien word, en so 'n lisensie word nie verleen nie tensy die bevoegde gesag oortuig is—

- (a) deur insae in die reglement dat:
 - (i) die klub beheer word deur 'n bestuur uit sy lede;
 - (ii) die bestuur gereelde vergaderings hou, waarvan behoorlik notule gehou word;
 - (iii) net lede van die klub (insluitende *bona fide*-wederkerigheidslede) vir daarin verstrekte akkommodasie, drank of verversings mag betaal;
 - (iv) geen gewone lid van die klub gekies word nie minder dan veertien dae na sy nominasie of sonder dat sy naam gedurende minstens sewe dae op die klubperseel vertoon was;
 - (v) sodanige lid òf deur die bestuur òf deur al die lede van die klub gekies word: Met dien verstande dat die reglement van die klub enige lid wat met 'n verskuldigde betaling aan die klub agterstallig is, van die stemming mag uitsluit;
 - (vi) niemand wat binne vyftien kilometer van die klubgebou woon as erelid of tydelike lid of wederkerigheidslid van die klub verkiesbaar is nie, behalwe wanneer—
 - (aa) daardie verkiesbaarheid ingevolge die reëls van die klub, verleen is omdat bedoelde persoon die een of ander openbare amp beklee of 'n *bona fide*-kandidaat vir lidmaatskap is of 'n besondere voordeel aan die klub verleen het; of
 - (bb) aan daardie persoon by besluit van die klub-komitee, die voorregte van lidmaatskap toegestaan word solank hy aan 'n wedstryd of kompetisie deelneem;
 - (vii) 'n lederegister en behoorlike boeke gehou word;
 - (viii) die jaarlikse subskripsie vir gewone lede minstens twaalf rand bedra;
 - (ix) behalwe kragtens 'n skriftelike ooreenkoms wat deur die Minister of iemand wat op sy gesag handel, goedgekeur is, geen wins uit die verkoop van drank deur die klub aan 'n individu toekom nie; en
 - (x) geen lid, wat sy subskripsie nie binne drie maande na die vervaltyd betaal het nie, toegelaat word om lid te bly nie terwyl sy subskripsie onbetaal is;
 - (b) deur getuienis onder eed dat die klub uit minstens vyftig of, onder die omstandighede beoog in subartikel (3), minstens vyf-en-dertig gewone lede bestaan.
- (3) 'n Klub-dranklisensie mag verleen word ten opsigte van 'n klub wat uit minder dan vyftig maar nie minder nie dan vyf-en-dertig gewone lede bestaan, indien daardie klub op 'n plek in 'n plattelandse gebied geleë is, en indien die bevoegde gesag deur getuienis onder eed oortuig is dat 'n aansienlike getal persone wat vir lidmaatskap van so 'n klub kwalifiseer, in diens is of in die nabye toekoms in diens sal wees van 'n industriële onderneming wat nie slegs van tydelike aard is nie.
- (4) Dit is besondere voorwaardes van 'n klubdranklisensie dat—
- (a) die reglement van die klub te alle tye moet voldoen aan die vereistes beoog in subartikel (2) (a); en

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- (b) the club shall at all times consist of—
- (i) at least thirty-five members if the relevant licence was granted before the date of commencement of section 60 of the Liquor Amendment Act, 1977;
 - (ii) at least fifty ordinary members or, in the case of a club contemplated in subsection (3), at least thirty-five such members, if the relevant licence is granted on or after the said date.”.

Substitution 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, section 14 of Act 94 of 1974 and section 12 of Act 56 of 1975.

61. (1) The following section is hereby substituted for section 75 of the principal Act:

“Days and hours of sale, supply and delivery.

75. (1) Unless specially otherwise provided in this section—

- (a) no liquor shall be sold, supplied or delivered on any closed day by any person holding a licence under this Act: Provided that liquor may be sold, supplied or delivered on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant by any licensee to any other licensee or to any person authorized under this Act to sell liquor without a licence; and
 - (b) the holder of a wholesale liquor licence who is authorized to deal directly with the public and the holder of a bottle liquor licence, a foreign liquor licence or a grocer's wine licence shall not sell, supply or deliver liquor on any day which is a public holiday in terms of the Public Holidays Act, 1952 (Act No. 5 of 1952).
- (2) Subject to the provisions of this Act—
- (a) the holder of a wholesale liquor licence who is not authorized to deal directly with the public and the holder of a brewer's licence—
 - (i) shall not sell, supply or deliver liquor earlier than seven o'clock in the morning or later than nine 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 or person authorized under this Act to sell liquor without a licence; or
 - (cc) at any place on the railway system controlled by the Railway Administration for transport by rail to any such licensee or person;
 - (b) the holder of a wholesale liquor licence who is authorized to deal directly with the public and the holder of a bottle liquor licence, a foreign liquor licence or a grocer's wine licence shall not sell or supply liquor on his licensed premises earlier than nine o'clock in the morning or later than half-past six o'clock in the evening and shall not deliver liquor from such premises before nine o'clock in the morning or after seven o'clock at night: Provided that—
 - (i) notwithstanding anything to the contrary in any other law contained no liquor shall be

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- (b) die klub te alle tye moet bestaan uit—
 - (i) minstens vyf-en-dertig lede indien die betrokke lisensie voor die datum van inwerkingtreding van artikel 60 van die Drankwysigingswet, 1977, verleen is;
 - (ii) minstens vyftig gewone lede of, in die geval van 'n klub in subartikel (3) beoog, minstens vyf-en-dertig sodanige lede, indien die betrokke lisensie op of na gemelde datum verleen word."

61. (1) Artikel 75 van die Hoofwet word hierby deur die volgende artikel vervang:

„Dae en ure van verkoop, verstreking en aflewering.

75. (1) Behalwe vir sover hierdie artikel uitdruklik anders bepaal—

- (a) word geen drank deur iemand wat 'n lisensie kragtens hierdie Wet hou, op 'n geslote dag verkoop, verstrekt of afgelewer nie: Met dien verstande dat drank deur 'n lisensiehouer aan 'n ander lisensiehouer of aan 'n persoon wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, op 'n geslote dag, behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag verkoop, verstrekt of afgelewer mag word; en

- (b) word drank nie deur die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf en die houer van 'n bottel-dranklisensie, 'n buitelandse dranklisensie of 'n kruideniers-wynlisensie verkoop, verstrekt of afgelewer nie op 'n dag wat ingevolge die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), 'n openbare feesdag is.

(2) Behoudens die bepalings van hierdie Wet—

- (a) mag die houer van 'n groothandelaars-dranklisensie wat nie gemagtig is om regstreeks met die publiek handel te dryf nie en die houer van 'n bierbrouers-lisensie—

- (i) nie drank voor sewe-uur in die môre of na nege-uur in die aand verkoop, verstrekt of aflewer nie; en

- (ii) mag hy, ondanks andersluidende bepalings van die een of ander wet, op enige geslote dag, behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag, drank vanaf sy gelisensieerde perseel 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 of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop; of

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

- (b) mag die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf en die houer van 'n bottel-dranklisensie, 'n buitelandse dranklisensie of 'n kruideniers-wynlisensie nie drank op sy gelisensieerde perseel voor nege-uur in die môre of na half-sewe-uur in die aand verkoop of verstrekt nie, of vanaf bedoelde perseel voor nege-uur in die môre of na sewe-uur in die aand aflewer nie: Met dien verstande dat—

- (i) ondanks andersluidende bepalings van die een of ander wet, geen drank op die

Vervanging 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, artikel 14 van Wet 94 van 1974 en artikel 12 van Wet 56 van 1975.

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- sold or supplied on any Saturday on the licensed premises earlier than nine o'clock in the morning or later than one o'clock in the afternoon and no liquor shall be delivered from such premises before nine o'clock in the morning or after five o'clock in the afternoon; and
- (ii) subject to the provisions of subsection (1) of this section and of subparagraph (i) of this proviso, liquor may be sold or supplied on the licensed premises up to eight o'clock in the evening or delivered from the licensed premises up to nine o'clock in the evening upon the twenty-first and thirty-first days of December and on any day between the said days;
- (c) no liquor shall be sold, supplied, disposed of or delivered under a wine farmer's licence before seven o'clock in the morning or after six o'clock in the evening;
- (d) the holder of a restaurant liquor licence may, notwithstanding anything in any other law contained, sell or supply liquor on all days, including closed days, to any person *bona fide* taking or about to take an ordinary meal in the restaurant, which has been purchased thereat and for consumption with or immediately before or after such meal, but not at any other time than between 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 or such later hour as the Minister may upon written application made in the prescribed manner authorize in writing: Provided that no liquor shall be sold after nine o'clock in the evening on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant;
- (e) the holder of a bar licence or an hotel liquor licence shall not sell or supply liquor earlier than ten o'clock in the morning or later than half-past eleven o'clock at night: Provided that—
- (i) the holder of a bar licence may sell or supply liquor until such later hour as the Minister may, upon written application made in the prescribed manner, authorize in writing;
- (ii) if a condition has been imposed under section 78 (1) (b) (i) in respect of the sale or 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 supplied 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 Liquor Board, made after enquiry in terms of section 118ter, determine;
- (f) the holder of a wine and malt liquor licence granted prior to 15 July 1964 in respect of any premises or issued at any time in respect of premises providing residential accommodation

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gelisensieerde perseel voor nege-uur in die môre of na eenuur in die namiddag op 'n Saterdag verkoop of verstrekk mag word nie en geen drank voor nege-uur in die môre of na vyfuur in die namiddag vanaf sodanige perseel afgelewer mag word nie; en

- (ii) behoudens die bepalings van subartikel (1) van hierdie artikel en van subparagraaf (i) van hierdie voorbehoudsbepaling, drank op die gelisensieerde perseel tot agtuur in die aand verkoop of verstrekk mag word of vanaf die gelisensieerde perseel tot nege-uur in die aand afgelewer mag word op die een-en-twintigste en een-en-dertigste dag van Desember, en op enige dag tussen genoemde dae;
- (c) word geen drank kragtens 'n wynboer-lisensie voor sewe-uur in die môre of na sesuur in die aand verkoop, verstrekk, van die hand gesit of afgelewer nie;
- (d) mag die houer van 'n restaurant-dranklisensie, ondanks andersluidende bepalings van die een of ander wet, drank op alle dae, ook geslote dae, verkoop of verstrekk aan iemand wat *bona fide* in die restaurant 'n gewone, daarin gekoopte maaltyd nuttig, of op die punt staan om dit te nuttig, en wel om by of onmiddellik voor of na die maaltyd gebruik te word, maar op geen ander tyd nie dan tussen twaalfuur middag en halfdrie-uur in die namiddag en tussen sesuur in die aand en half-twaalfuur in die aand of sodanige later tydstip as wat die Minister op skriftelike aanvraag op die voorgeskrewe wyse gedoen skriftelik magtig: Met dien verstande dat geen drank na nege-uur in die aand op Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie;
- (e) 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 verstrekk nie: Met dien verstande dat—
 - (i) die houer van 'n kantien-lisensie drank mag verkoop of verstrekk tot die later tydstip wat die Minister op skriftelike aanvraag op die voorgeskrewe wyse gedoen, skriftelik magtig;
 - (ii) indien 'n voorwaarde kragtens artikel 78 (1) (b) (i) opgelê is ten opsigte van die verkoop of verstrekking van drank aan 'n bepaalde klas persone kragtens 'n kantien-lisensie of 'n hotel-dranklisensie ten opsigte van 'n perseel 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 verstrekk 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 Drankraad, gedoen na ondersoek ingevolge artikel 118ter, bepaal;
- (f) mag die houer van 'n wyn- en bier-lisensie wat voor 15 Julie 1964 ten opsigte van enige perseel verleen is of wat te eniger tyd uitgereik is ten opsigte van 'n perseel wat woonakkommoda-

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for guests, shall not sell or supply 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 sale or 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 supplied 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 Liquor Board, made after enquiry in terms of section 118*ter*, determine;

- (g) 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 supply 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 written application made in the prescribed manner, in writing authorizes such holder to sell or supply liquor during other hours, which shall not be earlier than ten o'clock in the morning or later than half-past eleven o'clock at night;
- (h) the holder of a wine house licence may, notwithstanding anything in any other law contained, sell and supply liquor on all days, including closed days, between the hours of ten o'clock in the morning and half-past eleven o'clock at night: Provided that no liquor shall be sold or supplied on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant except between twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock and nine o'clock in the evening, and then only to a person *bona fide* taking or about to take, on the licensed premises, an ordinary meal which has been purchased thereat, and for consumption with or immediately before or after such meal;
- (i) the holder of a meal time wine and malt licence may, notwithstanding anything in any other law contained, sell and supply liquor on all days, including closed days, to any lodger or other person *bona fide* taking an ordinary meal on the licensed premises, and for consumption with such meal, but not at any other time than between twelve o'clock midday and two o'clock in the afternoon and between six o'clock and eight o'clock in the evening;
- (j) the holder of a club liquor licence shall not sell or supply liquor earlier than ten o'clock in the morning or later than half-past eleven o'clock at night;
- (k) liquor may be sold and supplied by the holder of a theatre liquor licence only on those days upon which any public entertainment takes place upon the theatre premises and then only during such hours as may be determined by the authority granting the licence, which hours shall only be from the time of commencement of such entertainment, being not earlier than ten o'clock in the

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sie vir gaste voorsien, nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand drank verkoop of verstrek nie: Met dien verstande dat indien 'n voorwaarde kragtens artikel 78 (1) (b) (i) opgelê is ten opsigte van die verkoop of verstrekking van drank aan 'n bepaalde klas persone kragtens bedoelde lisensie ten opsigte van 'n perseel 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 verstrek 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 Drankraad, gedoen na ondersoek ingevolge artikel 118ter, bepaal;

- (g) mag die houer van 'n wyn- en bier-lisensie wat ná 14 Julie 1964 verleen is ten opsigte van 'n perseel wat nie woonakkommodasie vir gaste voorsien nie, slegs tussen twaalfuur middag en half-drie-uur in die namiddag en tussen sesuur en half-twaalfuur in die aand drank verkoop of verstrek, tensy die Minister op skriftelike aanvraag op die voorgeskrewe wyse gedoen bedoelde houer skriftelik magtig om drank te verkoop of te verstrek gedurende ander ure wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand mag wees nie;
- (h) mag die houer van 'n wynhuis-lisensie, ondanks andersluidende bepalings van die een of ander wet, drank op alle dae, met inbegrip van geslote dae, verkoop en verstrek tussen tienuur in die môre en half-twaalfuur in die aand: Met dien verstande dat geen drank op Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop of verstrek mag word nie behalwe tussen twaalfuur middag en half-drie-uur in die namiddag en tussen sesuur en nege-uur in die aand, en dan slegs aan iemand wat *bona fide* op die gelisensieerde perseel 'n gewone, daarin gekoopte maaltyd nuttig, of op die punt staan om dit daarop aldus te nuttig, en wel om by of onmiddellik voor of na die maaltyd gebruik te word;
- (i) mag die houer van 'n maaltyd-wyn- en-bierlisensie, ondanks andersluidende bepalings van die een of ander wet, drank op alle dae, ook geslote dae, verkoop en verstrek aan 'n loseerder of ander persoon wat *bona fide* op die gelisensieerde perseel 'n gewone maaltyd nuttig, en wel om by die maaltyd gebruik te word, maar op geen ander tyd nie dan tussen twaalfuur middag en twee-uur in die namiddag en tussen sesuur en agtuur in die aand;
- (j) mag die houer van 'n klub-dranklisensie nie drank vroeër as tienuur in die môre of later as half-twaalfuur in die aand verkoop of verstrek nie;
- (k) mag drank deur die houer van 'n teater-dranklisensie verkoop en verstrek word slegs op daardie dae waarop 'n publieke vermaaklikheid op die teaterperseel plaasvind en dan slegs gedurende die ure wat die gesag wat die lisensie verleen, bepaal, welke ure slegs mag wees vanaf die tyd waarop daardie vermaaklikheid begin, synde nie vroeër dan tienuur in die môre nie, tot dertig

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morning, until thirty minutes after the time when any such entertainment ends, being not later than half-past eleven o'clock at night;

- (l) liquor may be sold and supplied by the holder of a sports ground liquor licence only on those days upon which any public sports meeting takes place upon the sports ground concerned and then only during such hours as may be determined by the authority granting the licence, which hours shall only be from the time of commencement of such meeting, being not earlier than ten o'clock in the morning, until thirty minutes after the time when such meeting ends, being not later than half-past eleven o'clock at night: Provided that in the case of the holder of a licence who has been exempted in terms of section 71*quat*, liquor may be sold and supplied by such holder only on such occasions and during such hours as may be determined by the Minister in granting such exemption, which hours shall not be earlier than ten o'clock in the morning and not later than half-past eleven o'clock at night;
- (m) a temporary liquor licence shall not authorize the sale or supply of liquor for any longer period than six consecutive days or upon any day other than one on which the place of the public function, recreation or amusement in respect of which it is granted, is open to the public, and then only during such hours as may be determined by the authority granting the licence, which hours shall only be between the hours at which such place is opened and closed to the public being not earlier than ten o'clock in the morning or later than twelve o'clock midnight or, if any day following any day in respect of which such licence is granted is not a closed day, not later than two o'clock in the morning of such following day: Provided that for purposes of a temporary liquor licence issued to the holder of an authority under section 100*bis* for the sale of liquor for consumption on the premises described in such authority, any polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or under the said Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), shall be deemed to be an open day; and
- (n) 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 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.

(3) The holder of an hotel liquor licence, a bar licence or a wine and malt liquor licence may, notwithstanding anything in any other law contained, sell or supply liquor on any closed day between the hours of twelve midday and half-past two in the afternoon, and between six and nine o'clock in the

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minute na die tyd waarop daardie vermaaklikheid eindig, synde nie later nie dan half-twaalfuur in die aand;

- (l) mag drank deur die houer van 'n sportgronde-dranklisensie verkoop en verstrekk word slegs op daardie dae waarop 'n publieke sportbyeenkoms op die betrokke sportgronde plaasvind en dan slegs gedurende die ure wat die gesag wat die lisensie verleen, bepaal, welke ure slegs mag wees vanaf die tyd waarop die publieke sportbyeenkoms begin, synde nie vroeër as tienuur in die môre nie, tot dertig minute na die tyd waarop daardie byeenkoms eindig, synde nie later nie dan half-twaalfuur in die aand: Met dien verstande dat in die geval van 'n lisensiehouer wat ingevolge artikel 71^{quat} vrygestel is, drank deur genoemde lisensiehouer slegs verkoop en verstrekk mag word by die geleenthede en gedurende die ure wat die Minister by verlening van genoemde vrystelling bepaal, welke ure nie vroeër as tienuur in die môre en nie later as half-twaalfuur in die aand mag wees nie;
 - (m) mag 'n tydelike dranklisensie nie die verkoop of verstrekking van drank vir 'n langer tydperk veroorloof nie dan ses agtereenvolgende dae of op 'n ander dag dan 'n dag waarop die plek van die publieke funksie, gesellige byeenkoms, ontspanning of vermaak in verband waarmee dit verleen is, aan die publiek toeganklik is, en dan slegs gedurende die ure wat die gesag wat die lisensie verleen, bepaal, welke ure slegs tussen die uur van opening en die uur van sluiting van daardie plek vir die publiek mag wees, synde nie vroeër nie dan tienuur in die môre of later nie dan twaalfuur middernag of, indien 'n dag wat volg op 'n dag ten opsigte waarvan sodanige lisensie verleen is, nie 'n geslote dag is nie, later nie dan twee-uur in die môre van sodanige volgende dag: Met dien verstande dat vir die doeleindes van 'n tydelike dranklisensie wat uitgereik word aan die houer van 'n magtiging kragtens artikel 100^{bis} vir die verkoop van drank vir verbruik op die in die magtiging omskrewe perseel, 'n stemdag vasgestel kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of kragtens daardie Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of kragtens 'n wet wat die verkiesing reël van lede van die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), geag word 'n ope dag te wees; en
 - (n) 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 perseel in verband waarmee die nagtelike geleentheidslisensie verleen is, en die uur, synde nie 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.
- (3) Die houer van 'n hotel-dranklisensie, 'n kantien-lisensie of 'n wyn- en bier-lisensie mag, ondanks andersluidende bepalings van die een of ander wet, drank verkoop of verstrekk op 'n geslote dag tussen twaalfuur middag en half-drie-uur in die namiddag en tussen ses-uur en nege-uur in die aand, aan iemand

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evening, to any person *bona fide* taking or about to take an ordinary meal on the licensed premises which has been purchased thereat and for consumption with or immediately before or after such meal in a room or place other than a restricted portion of his licensed premises.

(4) Notwithstanding anything in any other law contained, the holder of an hotel liquor licence may on any day, including a closed day, and at any time, sell or supply liquor on his licensed premises to any lodger at the hotel for consumption on such premises elsewhere than in the restricted portion thereof by such lodger or his guest: Provided that no liquor shall be sold or supplied under the provisions of this subsection to such a lodger for consumption by his guest, unless the name and address of such guest and the name of such lodger have been clearly and indelibly recorded by such lodger in a register in the prescribed form to be kept by the licensee for the purpose.

(5) Notwithstanding anything in any other law contained, the competent authority may in granting an application for a club liquor licence and subject to such conditions or restrictions as it may deem fit to impose, authorize the holder of such licence on any day, including a closed day, and at any time, to sell or supply liquor on the licensed premises in question to any member of the club for consumption by such member or his guest: Provided that—

- (i) where such sale or supply takes place outside the hours of sale defined in paragraph (j) of subsection (2), such liquor shall be consumed elsewhere than in the restricted portion of the premises;
- (ii) no liquor shall be sold or supplied under the provisions of this subsection to a member for consumption by his guest, unless the name and address of such guest and the name of such member have been clearly and indelibly recorded by such member in a register in the prescribed form to be kept by the licensee for the purpose.

(6) The Minister may, upon application made in writing by a licensee contemplated in subsection (2) (d), (e), (f), (g), (k) or (l) or (5) and on the recommendation of the Liquor Board, amend any determination or authority contemplated therein as he deems fit.

(7) Notwithstanding anything to the contrary in any law contained, the holder of an on-consumption licence issued in respect of premises intended for occupation by or the convenience of white persons may, on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), for the election of members of the Coloured Persons Representative Council of the Republic of South Africa, or under any law for the election of members of the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), sell or supply liquor to any white person, or to any person who is not a white person but to whom liquor may, in terms of a written authority under section 81 (3), be sold or supplied on such premises, for consumption on such premises.

(8) Notwithstanding anything to the contrary in any law contained, the holder of an on-consumption

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wat *bona fide* op die gelisensieerde perseel 'n gewone daarin gekoopte maaltyd nuttig of op die punt staan om dit aldus te nuttig, om by of onmiddellik voor of na daardie maaltyd gebruik te word in 'n vertrek of op 'n plek wat nie 'n beperkte gedeelte van sy gelisensieerde perseel is nie.

(4) Ondanks andersluidende bepalings van die een of ander wet mag die houer van 'n hotel-dranklisensie op enige dag, ook 'n geslote dag, en te eniger tyd, op sy gelisensieerde perseel drank verkoop of verstrek aan enige loseerder by die hotel om op daardie perseel elders dan in die beperkte gedeelte daarvan gebruik te word deur daardie loseerder of sy gas: Met dien verstande dat geen drank kragtens die bepalings van hierdie subartikel aan so 'n loseerder vir gebruik deur sy gas verkoop of verstrek mag word nie, tensy die naam en adres van die gas en die naam van daardie loseerder duidelik en onuitwisbaar aangeteken is deur daardie loseerder in 'n register in die voorgeskrewe vorm wat die lisensiehouer vir die doel moet hou.

(5) Ondanks andersluidende bepalings van die een of ander wet, mag die bevoegde gesag wanneer hy 'n aanvraag om 'n klub-dranklisensie toestaan en onderworpe aan die voorwaardes of beperkings wat hy na goedvinde oplê, die houer van bedoelde lisensie magtig om op enige dag, ook 'n geslote dag, en te eniger tyd, op die betrokke gelisensieerde perseel drank te verkoop of te verstrek aan 'n lid van die klub vir gebruik deur daardie lid of sy gas: Met dien verstande dat—

(i) waar bedoelde verkoop of verstrekking plaasvind buite die ure van verkoop in paragraaf (j) van subartikel (2) omskryf, daardie drank elders dan in die beperkte gedeelte van die perseel gebruik moet word;

(ii) geen drank kragtens die bepalings van hierdie subartikel aan 'n lid vir gebruik deur sy gas verkoop of verstrek mag word nie, tensy die naam en adres van daardie gas en die naam van daardie lid duidelik en onuitwisbaar aangeteken is deur daardie lid in 'n register in die voorgeskrewe vorm wat die lisensiehouer vir die doel moet hou.

(6) Die Minister kan, op skriftelike aanvraag deur 'n lisensiehouer bedoel in subartikel (2) (d), (e), (f), (g), (k) of (l) of (5) en op aanbeveling van die Drankraad, 'n bepaling of magtiging daarin bedoel na goeddunke wysig.

(7) Ondanks andersluidende bepalings van die een of ander wet, mag die houer van 'n binneverbruiklisensie wat uitgereik is ten opsigte van 'n perseel wat bedoel is vir besetting deur, of die gerief van blankes, op 'n geslote dag wat 'n stemdag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), vir die verkiesing van lede van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika, of kragtens 'n Wet vir die verkiesing van lede van die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), drank aan 'n blanke, of aan iemand wat nie 'n blanke is nie maar aan wie drank ingevolge 'n skriftelike magtiging kragtens artikel 81 (3) op bedoelde perseel verkoop of verstrek mag word, vir verbruik op bedoelde perseel verkoop of verstrek.

(8) Ondanks andersluidende bepalings van die een of ander wet, kan die houer van 'n binneverbruik-

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licence issued in respect of premises intended for occupation by or the convenience of persons who are not whites, may, on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946 sell or supply liquor to any person who is not a white person for consumption on such premises.

(9) Notwithstanding anything to the contrary in any law contained, the holder of any on-consumption licence may, on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946, or under that Act as read with the Coloured Persons Representative Council Act, 1964, or under any law which regulates the election of members of the South African Indian Council, established by the South African Indian Council Act, 1968, sell or supply liquor between the hours of nine o'clock in the evening and half-past eleven o'clock at night for consumption on the licensed premises.

(10) The provisions of subsections (1) and (2) (a) and (b) shall not apply to the sale, supply and delivery of liquor by the holder of a wholesale liquor licence to the master of a ship about to sail from any port."

(2) The hours determined or authorized in terms of any provisions of section 75 (2) (e), (f), (fA), (fB) or (i) or (5) of the principal Act, prior to the substitution thereof by subsection (1) of this section, for the sale and supply of liquor by a licensee referred to therein, shall be deemed to be the hours determined or authorized in terms of such provision as so substituted for the sale and supply of liquor by such licensee.

Substitution 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, section 15 of Act 94 of 1974 and section 13 of Act 56 of 1975.

62. The following section is hereby substituted for section 76 of the principal Act:

"Quantities of liquor which may be sold under various licences.

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

(2) (a) The quantity of liquor which may be sold or supplied at any one time by the holder of a wholesale liquor licence to—

(i) any one customer other than a licensee or person authorized under this Act to sell liquor without a licence, shall not be less than—

(aa) 9 litres (of which not less than 4,5 litres shall be of the same kind, description and brand of liquor other than malt liquor), in a receptacle or receptacles properly and securely sealed; or

(bb) in the case of sweets containing more than two per cent of alcohol by mass, 4,5 kilograms in a receptacle or receptacles properly and securely sealed; or

(ii) any one licensee or person authorized under this Act to sell liquor without a licence, shall not be less than—

(cc) 750 millilitres in a receptacle or receptacles properly and securely sealed; or

(dd) in the case of such sweets, 500 grams in a receptacle properly and securely sealed:

Provided that if the quantity of liquor so sold or supplied to any one customer includes not less

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lisensie wat uitgereik is ten opsigte van 'n perseel wat bedoel is vir besetting deur, of die gerief van persone, wat nie blankes is nie, op 'n geslote dag wat 'n stembag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946, drank aan iemand wat nie 'n blanke is nie, vir verbruik op bedoelde perseel verkoop of verstrek.

(9) Ondanks andersluidende bepalings van die een of ander wet, kan die houer van 'n binneverbruik-lisensie op 'n geslote dag wat 'n stembag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946, of kragtens daardie Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964, of kragtens 'n Wet wat die verkiesing van lede van die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968, reël, drank tussen nege-uur in die aand en half-twaalfuur in die aand verkoop of verstrek vir verbruik op die gelisensieerde perseel.

(10) Die bepalings van subartikels (1) en (2) (a) en (b) is nie van toepassing nie op die verkoop, verstrekking 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."

(2) Die ure wat ingevolge 'n bepaling van artikel 75 (2) (e), (f), (fA), (fB) of (i) of (5) van die Hoofwet, voor die vervanging daarvan deur subartikel (1) van hierdie artikel, bepaal of gemagtig is vir die verkoop en verstrekking van drank deur 'n daarin bedoelde lisensiehouer, word geag die ure te wees wat ingevolge bedoelde bepaling, soos aldus vervang, bepaal of gemagtig is vir die verkoop en verstrekking van drank deur dié lisensiehouer.

62. Artikel 76 van die Hoofwet word hierby deur die volgende artikel vervang:

„Hoeveel-hede drank wat kragtens verskillende lisensies verkoop mag word.

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

(2) (a) Die hoeveelheid drank wat die houer van 'n groothandelaars-dranklisensie by een geleentheid aan—

(i) een klant, behalwe 'n lisensiehouer of 'n persoon wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, mag verkoop of verstrek, mag nie minder bedra nie dan—

(aa) 9 liter (waarvan minstens 4,5 liter van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees), in 'n houer of houers wat behoorlik en dig verseël is; of

(bb) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 4,5 kilogram in 'n houer of houers wat behoorlik en dig verseël is; of

(ii) een lisensiehouer of persoon wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, mag verkoop of verstrek, mag nie minder bedra nie dan—

(cc) 750 milliliter in 'n houer of houers wat behoorlik en dig verseël is; of

(dd) in die geval van bedoelde lekkers, 500 gram in 'n houer wat behoorlik en dig verseël is:

Met dien verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of

Vervanging 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, artikel 15 van Wet 94 van 1974 en artikel 13 van Wet 56 van 1975.

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than 4,5 litres 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.

- (b) No holder of a wholesale liquor licence shall keep or store on the licensed premises for any period exceeding forty-eight hours any liquor sold or supplied by him to a customer referred to in paragraph (a).

(3) The quantity of liquor which may be sold or supplied by the holder of a foreign liquor licence to any one customer at any one time shall not be less than—

- (i) 9 litres in a receptacle or receptacles properly and securely sealed; or
- (ii) in the case of sweets containing more than two per cent of alcohol by mass, 4,5 kilograms in a receptacle or receptacles properly and securely sealed.

(4) The quantity of liquor which may be sold or supplied by the holder of a brewer's licence shall not be less than 4,5 litres to be supplied at one time in a receptacle or receptacles securely sealed.

(5) The quantity of liquor which may be sold or supplied 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 200 millilitres in a receptacle properly and securely sealed or, in the case of the sale or supply by the holder of a bottle liquor licence of sweets containing more than two per cent of alcohol by mass, not be less than 250 grams in a receptacle or receptacles properly and securely sealed.

(6) The quantity of liquor which may be sold or supplied by the holder of a wine farmer's licence to any one customer at any one time shall not be less than 9 litres in a receptacle or receptacles properly and securely sealed: Provided that the provisions of this subsection shall not apply to a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), in respect of liquor sold by it to its members.

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

Amendment of section 76A of Act 30 of 1928, as inserted by section 14 of Act 56 of 1975.

63. (1) Section 76A of the principal Act is hereby amended—

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

“(1) It shall be a condition of every wholesale liquor licence that the holder of such a licence shall not deal directly with the public unless the Minister has, upon application made in the prescribed manner and upon the recommendation of the Liquor Board authorized such holder to do so subject to such conditions or restrictions as the Minister may deem fit to impose.”;

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

“(2) Any authority granted by the Minister under subsection (1) shall be issued in the prescribed form by a person acting under the directions of the Minister.”; and

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

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verstrek word, nie minder nie dan 4,5 liter tafelwyn insluit wat uitsluitend die produk is van die alkoholiese gisting van die sap van vars druiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk hoef te wees nie.

- (b) Geen houer van 'n groothandelaars-dranklisensie hou of berg op die gelisensieerde perseel vir 'n langer tydperk as agt-en-veertig uur enige drank wat deur hom aan 'n in paragraaf (a) bedoelde klant verkoop of verstrek is nie.

(3) Die hoeveelheid drank wat die houer van 'n buitelandse dranklisensie by een geleentheid aan een klant mag verkoop of verstrek, mag nie minder bedra nie dan—

- (i) 9 liter in 'n houer of houters wat behoorlik en dig verseël is; of
(ii) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 4,5 kilogram in 'n houer of houters wat behoorlik en dig verseël is.

(4) Die hoeveelheid drank wat die houer van 'n bierbrouers-lisensie mag verkoop of verstrek, mag nie minder bedra nie dan 4,5 liter wat by een geleentheid verstrek moet word in 'n dig verseëelde houer of houters.

(5) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie of 'n kruideniers-wynlisensie by een geleentheid aan een klant mag verkoop of verstrek, mag nie minder bedra nie dan 200 milliliter in 'n houer wat behoorlik en dig verseël is, of, in die geval van die verkoop of verstreking deur die houer van 'n bottel-dranklisensie van lekkers wat meer as twee persent alkohol volgens massa bevat, nie minder nie dan 250 gram in 'n houer of houters wat behoorlik en dig verseël is.

(6) Die hoeveelheid drank wat die houer van 'n wynboer-lisensie by een geleentheid aan een klant mag verkoop of verstrek, mag nie minder bedra nie dan 9 liter in 'n houer of houters wat behoorlik en dig verseël is: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op 'n koöperatiewe vereniging soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), ten opsigte van drank deur hom aan sy lede verkoop.

(7) Die hoeveelheid drank wat kragtens 'n binne-verbruik-lisensie verkoop of verstrek mag word mag nie meer wees nie dan wat redelikerwys op die gelisensieerde perseel gebruik kan word deur die persoon aan of vir wie dit verstrek word."

63. (1) Artikel 76A van die Hoofwet word hierby gewysig—

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

„(1) Iedere groothandelaars-dranklisensie is onderworpe aan die voorwaarde dat die houer van die lisensie nie regstreeks met die publiek handel dryf nie, tensy die Minister op aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Drankraad, sodanige houer gemagtig het om dit te doen behoudens die voorwaardes of beperkings wat die Minister na goedvinde ophê."

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

„(2) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, word deur iemand wat op gesag van die Minister handel, in die voorgeskrewe vorm uitgereik.""; en

- (c) deur subartikel (3) te skrap.

Wysiging van artikel 76A van Wet 30 van 1928, soos ingevoeg deur artikel 14 van Wet 56 van 1975.

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(2) Any authority granted under section 76A of the principal Act prior to its amendment by this section and endorsed on any licence in terms thereof, shall be deemed to have been issued in the prescribed form in terms of the said section 76A.

Amendment of section 77 of Act 30 of 1928, as amended by section 24 of Act 23 of 1969.

64. Section 77 of the principal Act is hereby amended by the addition of the following subsection:

“(3) Any indication in a licence as to where liquor is in terms of subsection (1) or (2) required to be sold or delivered, may on written application by the licensee concerned, be amended by the Minister or a person acting under his directions.”.

Substitution of section 78 of Act 30 of 1928, as substituted by section 60 of Act 88 of 1963.

65. The following section is hereby substituted for section 78 of the principal Act:

“Restricted use of licensed premises.

78. (1) In granting an application for a licence under this Act, or for the removal of a licence, the competent authority may, and the Minister or a person acting under his directions may in respect of any licensed premises, at any other time upon a written request by the licensee or the designated police officer—

- (a) determine that any particular portion of the premises concerned, other than the dining room, on which the business is or is to be conducted, shall be included in the restricted portion; and
- (b) impose a condition that—
 - (i) liquor shall be sold or supplied to any particular class of persons only in a place upon the licensed premises specially set apart for such particular class of persons;
 - (ii) in the case of an on-consumption licence, no liquor shall be sold or supplied to a particular class of persons.

(2) If the competent authority imposes or has imposed a condition under subsection (1) (b) (i) that liquor shall be sold or supplied to a particular class of persons only in a place upon the licensed premises specially set apart for such class of persons, the Minister may—

- (a) on application made to him authorize the licensee, in lieu of selling or supplying liquor to such class of persons in a place upon the licensed premises, to sell or supply liquor to such class of persons in any other place approved by the Minister, and thereupon such other place shall for all purposes be deemed to form part of the licensed premises;
- (b) when granting the licence, impose a further condition that the holder of the licence concerned shall, within a period specified in such further condition, make application to the Minister under paragraph (a) for authority, in lieu of selling or supplying liquor to such class of persons in a place upon the licensed premises, to sell or supply liquor to such class of persons in any other place approved of by the Minister.

(3) The provisions of sections 31 and 35 and of the regulations relating to applications for a licence shall *mutatis mutandis* apply in respect of an application under subsection (2).”.

Substitution of section 79 of Act 30 of 1928, as amended by section 30 of Act 61 of 1956, section 61 of Act 88 of 1963 and section 25 of Act 23 of 1969.

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

“Condition as to alterations of or other matters relating to

79. (1) The competent authority in granting an application for any licence or for the removal thereof may, and the Liquor Board may in pursuance of a report submitted in terms of section 137 and at an

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(2) 'n Magtiging ingevolge artikel 76A van die Hoofwet verleen voor die wysiging daarvan deur hierdie artikel, en ingevolge daarvan op 'n lisensie aangeteken, word geag in die voorgeskrewe vorm ingevolge genoemde artikel 76A uitgereik te wees.

64. Artikel 77 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 77 van Wet 30 van 1928, soos gewysig deur artikel 24 van Wet 23 van 1969.

„(3) Enige aanwysing in 'n lisensie waar drank ingevolge subartikel (1) of (2) verkoop of gelewer moet word, kan op skriftelike aanvraag deur die betrokke lisensiehouer, deur die Minister of iemand wat op sy gesag handel, gewysig word.”.

65. Artikel 78 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 78 van Wet 30 van 1928, soos vervang deur artikel 60 van Wet 88 van 1963.

„Beperkte gebruik van gelisensieerde perseel.

78. (1) By die toestaan van 'n aanvraag om 'n lisensie ingevolge hierdie Wet, of om die verplasing van 'n lisensie, mag die bevoegde gesag, en die Minister of iemand wat op sy gesag handel, mag ten opsigte van 'n gelisensieerde perseel op enige ander tydstop op skriftelike versoek van die lisensiehouer of die aangewese polisie-offisier—

(a) bepaal dat 'n bepaalde gedeelte van die betrokke perseel, behalwe die eetsaal, waarin die besigheid gedryf word of gedryf gaan word, by die beperkte gedeelte gereken moet word; en

(b) 'n voorwaarde oplê dat—

(i) drank aan 'n bepaalde klas van persone slegs verkoop of verstrekk mag word in 'n plek op die gelisensieerde perseel wat spesiaal vir daardie bepaalde klas persone afgesonder is;

(ii) in die geval van 'n binneverbruiklisensie, geen drank aan 'n bepaalde klas van persone verkoop of verstrekk mag word nie.

(2) Indien die bevoegde gesag 'n voorwaarde kragtens subartikel (1) (b) (i) oplê of opgelê het dat drank aan 'n bepaalde klas persone slegs verkoop of verstrekk mag word in 'n plek op die gelisensieerde perseel wat spesiaal vir daardie klas persone afgesonder is, mag die Minister—

(a) op aanvraag by hom gemaak, die lisensiehouer magtig om in plaas van drank aan daardie klas persone in 'n plek op die gelisensieerde perseel te verkoop of te verstrekk, drank aan daardie klas persone te verkoop of te verstrekk in 'n ander deur die Minister goedgekeurde plek, en daarop word daardie plek vir alle doeleindes geag deel uit te maak van die gelisensieerde perseel;

(b) wanneer hy die lisensie verleen, 'n verdere voorwaarde oplê dat die houer van die betrokke lisensie binne 'n tydperk in daardie verdere voorwaarde vermeld by die Minister ingevolge paragraaf (a) aanvraag moet doen om magtiging om, in plaas van drank aan daardie klas persone in 'n plek op die gelisensieerde perseel te verkoop of te verstrekk, drank aan daardie klas persone te verkoop of te verstrekk in 'n ander plek wat die Minister goedkeur.

(3) Die bepalinge van artikels 31 en 35 en van die regulasies wat betrekking het op aanvrae om 'n lisensie, is *mutatis mutandis* van toepassing ten opsigte van 'n aanvraag ingevolge subartikel (2).”.

66. Artikel 79 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 79 van Wet 30 van 1928, soos gewysig deur artikel 30 van Wet 61 van 1956, artikel 61 van Wet 88 van 1963 en artikel 25 van Wet 23 van 1969.

„Voorwaarde betreffende veranderings aan of ander

79. (1) By die toestaan van 'n aanvraag om 'n lisensie of om die verplasing daarvan, mag die bevoegde gesag, en die Drankraad mag na aanleiding van 'n verslag wat ingevolge artikel 137 uitgebring is

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premises, or
accommodation of
public.

interim meeting convened in terms of section 15, impose such conditions as it may deem fit in respect of—

- (a) any structural alteration or arrangement of, or addition or repairs to, the premises in respect of which the application is made; or
- (b) accommodation to be afforded thereon to the public; or
- (c) any other provision deemed by such authority to be necessary in order to meet the reasonable requirements of the public or visitors upon such premises or to facilitate supervision by the police, or in any other respect,

and may stipulate the period of time within which such conditions shall be complied with by the licensee, or may stipulate that a licence shall not be issued or that the licence concerned shall not be removed until the designated police officer concerned has certified in writing that the conditions have been fulfilled.

(2) Subject to the provisions of subsection (1), and any condition imposed in terms of this Act, no structural alteration or addition to any licensed premises shall be carried out without the written authority of a person acting under the directions of the Minister.”.

Substitution of
section 79bis of
Act 30 of 1928,
as inserted by
section 5 of
Act 35 of 1956
and amended by
section 62 of
Act 88 of 1963.

67. The following section is hereby substituted for section 79bis of the principal Act:

“Authority
to conduct
business
during
specified
periods.

79bis. (1) (a) If an applicant in respect of any on-consumption licence does not intend to do business throughout the whole of any particular year and has given adequate reasons therefor in writing, and the Minister is satisfied that the public will not be unduly inconvenienced thereby, he may, in granting the application for such licence authorize the licensee to do business only during specified periods during the year.

(b) The provisions of paragraph (a) shall *mutatis mutandis* apply in respect of any person who already is the holder of any on-consumption licence: Provided that in any such case a person acting under the directions of the Minister may also grant the authority concerned.

(c) If any licensed premises or a material portion thereof is destroyed or becomes unfit for the proper carrying on of the licensed business, or for any other sufficient reason, such business cannot be properly conducted on the licensed premises, the Minister or a person acting under his directions may at any time, on application in writing and after such investigation as he may deem fit, authorize such licensee, subject to such conditions as the Minister or such person may deem fit to impose, to do business during such period as may be determined by him, only upon such portion of the premises as is undamaged or not unfit for occupation or not to do business for such period as may be determined by him.

(2) Subject to the provisions of subsection (5), the licensee shall not, during any period during which he is in terms of subsection (1) or (4) not authorized to do business or authorized not to do business, for the purpose of any provision of this Act prohibiting the sale or supply of or the dealing in liquor, be deemed

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aangeleent-
hede betref-
fende perseel of
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publiek.

en op 'n tussentydse vergadering wat ingevolge artikel 15 belê is, voorwaardes na goeddunke opleë ten opsigte van—

- (a) die verbouing, inrigting, aanbou of herstel van die perseel in verband waarmee die aanvraag gedoen word; of
- (b) die akkommodasie wat vir die publiek daarop voorsien moet word; of
- (c) enige ander saak wat daardie gesag nodig ag om te voldoen aan die redelike behoeftes van die publiek of besoekers op daardie perseel of om toesig deur die polisie te vergemaklik of in enige ander opsig.

en mag hy 'n termyn stel waarbinne die lisensiehouer aan die voorwaardes moet voldoen, of mag hy bepaal dat 'n lisensie nie uitgereik mag word nie, of dat die betrokke lisensie nie verplaas mag word nie voordat die betrokke aangewese polisie-offisier skriftelik gesertifiseer het dat die voorwaardes nagekom is.

(2) Behoudens die bepalinge van subartikel (1) en enige voorwaarde ingevolge hierdie Wet opgelê, word geen verbouing van of aanbouing aan 'n gelisensieerde perseel uitgevoer nie sonder die skriftelike magtiging van 'n persoon wat op gesag van die Minister handel."

67. Artikel 79bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Magtiging
om besig-
heid
gedurende
bepaalde
tydperke
te dryf.

79bis. (1) (a) Indien 'n aanvrager ten opsigte van 'n binneverbruik-lisensie nie voornemens is om in 'n bepaalde jaar dwarsdeur die hele jaar besigheid te doen nie en voldoende skriftelike redes daarvoor aangevoer het, en die Minister oortuig is dat die publiek nie daardeur oormatig ongerief veroorsaak sal word nie, kan die Minister by die toestaan van die aanvraag om bedoelde lisensie, die lisensiehouer magtig om slegs gedurende bepaalde tydperke gedurende die jaar besigheid te doen.

(b) Die bepalinge van paragraaf (a) is *mutatis mutandis* van toepassing ten opsigte van iemand wat reeds die houër van 'n binneverbruik-lisensie is: Met dien verstande dat in so 'n geval iemand wat op gesag van die Minister handel, ook die betrokke magtiging kan verleen.

(c) Indien enige gelisensieerde perseel of 'n wesenlike gedeelte daarvan vernietig word of ongeskik word vir die behoorlike voortsetting van die gelisensieerde besigheid, of om enige ander voldoende rede, genoemde besigheid nie behoorlik op die gelisensieerde perseel gedryf kan word nie, mag die Minister of iemand wat op sy gesag handel, te eniger tyd op skriftelike aanvraag en na sodanige ondersoek as wat hy goedvind, daardie lisensiehouer magtig, onderworpe aan die voorwaardes wat die Minister of so iemand na goeddunke opleë, om vir 'n tydperk deur hom bepaal besigheid te doen slegs op die gedeelte van die perseel wat onbeskadig is of wat nie vir besetting ongeskik is nie of om vir 'n tydperk deur hom bepaal nie besigheid te doen nie.

(2) Gedurende 'n tydperk waartydens 'n lisensiehouer ingevolge subartikel (1) of (4) nie gemagtig is om, of gemagtig is om nie, besigheid te doen nie, word hy, by die toepassing van enige bepaling van hierdie Wet wat die verkoop of verstrekking van, of die handeldrywe in, drank verbied, dog behoudens die bepalinge van subartikel (5), nie geag die houër van 'n lisensie ingevolge hierdie Wet te wees nie en mag

Vervanging van
artikel 79bis van
Wet 30 van 1928,
soos ingevoeg deur
artikel 5 van
Wet 35 van 1956
en gewysig deur
artikel 62 van
Wet 88 van 1963.

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to be the holder of a licence under this Act or conduct any business whatsoever on the licensed premises.

(3) The licensee shall, during any period referred to in subsection (2), display in a conspicuous place on or near the licensed premises a notice in both official languages specifying the period during which no business may in terms of the provisions of this section be conducted on the licensed premises.

(4) If the competent authority has imposed a condition under section 79 (1) (a) or has granted an authority under section 79 (2) and is satisfied that the licensed business cannot properly be conducted upon the licensed premises without undue inconvenience or disruption, it may authorize the licensee not to do business during such period as may reasonably be required to comply with such condition or the terms of such authority.

(5) If the holder of any on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, has been authorized under this section to do business only during specified periods during the year or not to do business during any period or to do business only upon a portion of his premises, such licensee may, notwithstanding anything in this section contained, sell liquor for consumption off the licensed premises during any period during which he is not authorized or authorized not to do business under his licence or during any period during which he is so authorized to do business only upon a portion of his premises.”.

Amendment of section 79*ter* 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, section 26 of Act 23 of 1969, section 4 of Act 17 of 1970, section 3 of Act 102 of 1972, section 16 of Act 94 of 1974 and section 15 of Act 56 of 1975.

68. (1) Section 79*ter* of the principal Act is hereby amended—

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

“(1) In granting an application for any licence or for the removal of any licence or when granting authority under section 79 (2), the competent authority shall determine a place in which the licensee shall store his liquor: Provided that a person acting under the directions of the Minister may at any other time upon application in writing and after consultation with the designated police officer determine another or an additional place in which the licensee shall store his liquor.”;

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

“(i) the holder of a wholesale liquor licence or a brewer's licence may store such liquor also in a place in any district which a person acting under the directions of the Minister 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;”;

(c) by the substitution for proviso (ii) to the said subsection (2) of the following proviso:

“(ii) the holder of any such licence shall not sell or supply any liquor at or from such place unless he is satisfied that it is intended for export to another state or so sell or supply any liquor to any person who—

(a) is not the master of a ship or his agent;

(b) does not hold a licence for the sale of liquor under this Act;

(c) is not a person authorized under this Act to sell liquor without a licence;

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hy geen besigheid hoegenaamd op die gelisensieerde perseel dryf nie.

(3) Die lisensiehouer moet, gedurende 'n in subartikel (2) bedoelde tydperk, 'n kennisgewing in albei amptelike tale op 'n in die oog lopende plek op of naby die gelisensieerde perseel vertoon wat die tydperk vermeld waartydens geen besigheid ingevolge die bepaling van hierdie artikel op die gelisensieerde perseel gedryf mag word nie.

(4) Indien die bevoegde gesag 'n voorwaarde ingevolge artikel 79 (1) (a) opgelê het of 'n magtiging ingevolge artikel 79 (2) verleen het, en oortuig is dat die gelisensieerde besigheid nie behoorlik op die gelisensieerde perseel gedryf kan word nie sonder oormatige ongerief of ontwrigting, kan hy die lisensiehouer magtig om gedurende die tydperk wat redelikerwys nodig is om aan die voorwaarde of die bepaling van die magtiging te voldoen, geen besigheid te doen nie.

(5) Indien die houer van 'n binneverbruik-lisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank te verkoop vir gebruik buite die gelisensieerde perseel, kragtens hierdie artikel gemagtig is om slegs gedurende bepaalde tydperke gedurende die jaar besigheid te doen of om gedurende 'n tydperk nie besigheid te doen nie, of om besigheid slegs op 'n gedeelte van sy perseel te doen, kan daardie lisensiehouer, nieteenstaande enigiets in hierdie artikel vervat, drank vir gebruik buite die gelisensieerde perseel verkoop gedurende enige tydperk waartydens hy nie gemagtig is om, of gemagtig is om nie, besigheid ingevolge sy lisensie te doen nie, of gedurende 'n tydperk waartydens hy aldus gemagtig is om besigheid slegs op 'n gedeelte van sy perseel te doen.''

68. (1) Artikel 79ter van die Hoofwet word hierby gewysig—
(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) By die toestaan van 'n aansoek om 'n lisensie of om die verplasing van 'n lisensie of wanneer magtiging ingevolge artikel 79 (2) verleen word, moet die bevoegde gesag 'n plek bepaal waarin die lisensiehouer sy drank moet opberg: Met dien verstande dat iemand wat op gesag van die Minister handel te eniger ander tyd op skriftelike aanvraag en na oorleg met die aangewese polisie-offisier, 'n ander of bykomende plek kan bepaal waarin die lisensiehouer sy drank moet opberg.''

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

„(i) die houer van 'n groothandelaars-dranklisensie of 'n bierbrouers-lisensie sodanige drank ook kan opberg in 'n plek in enige distrik wat iemand wat op gesag van die Minister handel, op aanvraag op die voorgeskrewe wyse gedoen deur die lisensiehouer, goedkeur onderworpe aan die voorwaardes of beperkings wat hy na goedvinde oplê;'' en

- (c) deur voorbehoudsbepaling (ii) by bedoelde subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„(ii) die houer van so 'n lisensie geen drank by of vanuit daardie plek mag verkoop of verstrek nie tensy hy oortuig is dat dit vir uitvoer na 'n ander staat bedoel is, of geen drank aldus mag verkoop of verstrek nie aan iemand wat—

- (a) nie die gesagvoerder van 'n skip of sy verteenwoordiger is nie;
(b) nie 'n lisensie vir die verkoop van drank ingevolge hierdie Wet hou nie;
(c) nie iemand is wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop nie;

Wysiging van artikel 79ter van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 35 van 1956 en gewysig deur artikel 63 van Wet 88 van 1963, artikel 12 van Wet 85 van 1964, artikel 26 van Wet 23 van 1969, artikel 4 van Wet 17 van 1970, artikel 3 van Wet 102 van 1972, artikel 16 van Wet 94 van 1974 en artikel 15 van Wet 56 van 1975.

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- (d) is not a person referred to in the definition in section 175 of 'deal directly with the public'; or
- (e) is not a person lawfully selling liquor in the territory of South West Africa or in the area of jurisdiction of any Legislative Assembly of any self-governing territory established under the provisions of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971)."

(2) Any place approved under proviso (i) to subsection (2) of the said section 79*ter* prior to its substitution by this section, shall be deemed to have been approved under the said proviso as so substituted.

Amendment of section 80 of Act 30 of 1928, as amended by section 64 of Act 88 of 1963 and section 16 of Act 56 of 1975.

69. Section 80 of the principal Act is hereby amended—

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

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

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

"(3) Notwithstanding anything to the contrary in this Act contained, the holder of a wholesale liquor licence who is not authorized to deal directly with the public and the holder of a brewer's licence, may, upon written application, be authorized in writing by the Minister or a 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 connection 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 a person acting under his directions."

Substitution of section 81 of Act 30 of 1928, as inserted by section 3 of Act 58 of 1975.

70. The following section is hereby substituted for section 81 of the principal Act:

"Special condition of certain on-consumption licences.

81. (1) Notwithstanding anything in any law contained but subject to the provisions of subsections (2), (3) and (4) of this section and of section 7, it shall be a special condition of an on-consumption licence issued in respect of premises intended for occupation by, or the convenience of whites or whites and persons who are not whites that the holder thereof shall not on the licensed premises sell or supply to any person who is not a white person any refreshments, meals or accommodation or any liquor for consumption thereon, or admit any such person as a guest to such premises: Provided that the provisions of this subsection shall not apply in respect of the supply of refreshments, meals or accommodation to any person who is not a white person in the *bona fide* employ of the licensee or of any white guest visiting or staying at the licensed premises, if such first-mentioned person is accommodated in a place upon the premises specially set aside for that purpose and if such refreshments or meals are supplied and consumed in such place.

(2) The provisions of subsection (1) shall not prohibit the supply of liquor, refreshments or meals to

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- (d) nie 'n persoon is nie soos bedoel in die omskrywing in artikel 175 van „regstreeks met die publiek handel dryf”; of
 - (e) nie iemand is nie wat drank wettiglik verkoop in die gebied Suidwes-Afrika of in die regsg gebied van 'n Wetgewende Vergadering van 'n selfregerende gebied ingestel kragtens die bepalings van die Grondwet van die Bantoeituislande, 1971 (Wet No. 21 van 1971).”.
- (2) 'n Plek wat kragtens voorbehoudsbepaling (i) by subartikel (2) van genoemde artikel 79ter goedgekeur is voor die vervanging daarvan deur hierdie artikel, word geag goedgekeur te gewees het kragtens genoemde voorbehoudsbepaling soos aldus vervang.

69. Artikel 80 van die Hoofwet word hierby gewysig—

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

„(2) Met inagneming van die bepalings van artikel 64bis (2), is elke binneverbruik-lisensie onderworpe aan die voorwaarde dat geen deel van die verkoopte drank êrens anders gebruik mag word nie dan op die gelisensieerde perseel.”; en

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

„(3) Ondanks andersluidende bepalings van hierdie Wet, kan die houer van 'n groothandelaars-dranklisensie wat nie gemagtig is om regstreeks met die publiek handel te dryf nie en die houer van 'n bierbrouers-lisensie op skriftelike aanvraag, skriftelik deur die Minister of iemand wat op sy gesag handel, gemagtig word om, behoudens die voorwaardes of beperkings wat hy op lê, enige drank kosteloos te verstrek aan 'n *bona fide*-besoeker aan die gelisensieerde perseel, aan 'n *bona fide*-gas of aan 'n persoon wat te goeder trou in verband met die dryf van die gelisensieerde besigheid in diens gestel is, vir verbruik op die gelisensieerde perseel of op 'n perseel of plek wat aan die gelisensieerde perseel 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.”.

Wysiging van artikel 80 van Wet 30 van 1928, soos gewysig deur artikel 64 van Wet 88 van 1963 en artikel 16 van Wet 56 van 1975.

70. Artikel 81 van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere voorwaarde van sekere binneverbruik-lisensies.

81. (1) Ondanks andersluidende bepalings van die een of ander wet, dog behoudens die bepalings van subartikels (2), (3) en (4) van hierdie artikel en van artikel 7 is 'n binneverbruik-lisensie uitgereik ten opsigte van 'n perseel wat bedoel is vir besetting deur, of die gerief van, blankes of blankes en persone wat nie blankes is nie, onderworpe aan die besondere voorwaarde dat die houer daarvan nie op die gelisensieerde perseel aan iemand wat nie 'n blanke is nie, enige verversings, maaltye of akkommodasie of enige drank vir verbruik daarop mag verkoop of verstrek nie, of so iemand as 'n gas op bedoelde perseel mag toelaat nie: Met dien verstande dat die bepalings van hierdie subartikel nie geld ten opsigte van die verstrekking van verversings, maaltye of akkommodasie aan iemand wat nie 'n blanke is nie en in die *bona fide*-diens is van die lisensiehouer of van 'n blanke gas wat die gelisensieerde perseel besoek of daar tuisgaan nie, indien eersgenoemde persoon geakkommodeer word in 'n plek op die perseel wat spesiaal vir daardie doel opsygesit is en indien sodanige verversings of maaltye in sodanige plek verskaf en verbruik word.

(2) Die bepalings van subartikel (1) verbied nie die verstrekking van drank, verversings of maaltye aan

Vervanging van artikel 81 van Wet 30 van 1928, soos ingevoeg deur artikel 3 van Wet 58 van 1975.

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any person who is not a white person or the consumption thereof by such person, if it takes place in a place upon the licensed premises specially set apart for the class of persons to which he belongs in terms of a condition imposed under section 78 (1) (b) (i) prior to the coming into operation of this section.

- (3) (a) Notwithstanding anything in any law contained, the Minister may, upon application made by the holder of any on-consumption licence in respect of any premises contemplated in subsection (1) and after consideration of a report of the Liquor Board, made after such enquiry and investigation as it may deem fit, authorize the licensee concerned, subject to such conditions or restrictions whatsoever as the Minister may deem fit to impose, to sell or supply liquor, refreshments, meals or accommodation on his premises to any person who is not a white person and to admit any such person as a guest to his premises.
- (b) Every application under this subsection shall—
- (i) be made in the prescribed manner;
 - (ii) be lodged with the magistrate of the district concerned at least three months but not more than four months before the thirtieth of June of any year; and
 - (iii) be accompanied by the fee prescribed by section 33 (1) (d).
- (c) Subject to the provisions of paragraph (f), any authority granted under paragraph (a) shall expire on the thirtieth of June immediately following upon the date on which such authority came into force.
- (d) A person acting under the directions of the Minister shall issue to every applicant whose application is granted under this subsection, a written authority in the prescribed form.
- (e) An authority granted under this subsection shall be of no force and effect unless there has been paid to the receiver of revenue concerned in respect of such authority an amount equal to the annual licence fee payable in respect of the licence concerned.
- (f) Any authority granted and any condition or restriction imposed under this subsection, may at any time be amended or withdrawn by the Minister or a person acting under his directions.
- (4) Notwithstanding anything in any law contained, the Minister or a person acting under his directions may authorize the holder of any on-consumption licence in respect of any premises contemplated in subsection (1) in a specific case, subject to such conditions or restrictions whatsoever as the Minister or such person may deem fit to impose, to sell or supply liquor, refreshments, meals or accommodation on his premises to any person who is not a white person and to admit any such person as a guest to his premises.”.

Substitution of section 83A of Act 30 of 1928, as inserted by section 27 of Act 23 of 1969.

71. The following section is hereby substituted for section 83A of the principal Act:

“Special condition of certain temporary liquor licences.

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

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iemand wat nie 'n blanke is nie, of die verbruik daarvan deur so iemand, indien dit geskied in 'n plek op die gelisensieerde perseel wat spesiaal vir die klas persone waartoe hy behoort, afgesonder is ingevolge 'n voorwaarde wat kragtens artikel 78 (1) (b) (i) voor die inwerkingtreding van hierdie artikel opgelê is.

- (3) (a) Ondanks andersluidende bepalings van die een of ander wet, kan die Minister op aanvraag van die houer van enige binneverbruik-lisensie ten opsigte van 'n perseel beoog in subartikel (1) en na oorweging van 'n verslag van die Drankraad, gedoen na die navraag en ondersoek wat die Raad nodig ag, die betrokke lisensiehouer magtig om, onderworpe aan watter voorwaardes of beperkings ook al wat die Minister na goedvinde oplê, drank, verversings, maaltye of akkommodasie op sy perseel aan iemand wat nie 'n blanke is nie, te verkoop of te verstrek en om enige sodanige persoon as 'n gas op sy perseel toe te laat.
- (b) Elke aanvraag kragtens hierdie subartikel moet—
- (i) op die voorgeskrewe wyse gedoen word;
 - (ii) minstens drie maande maar nie meer nie as vier maande voor die dertigste Junie van enige jaar by die landdros van die betrokke distrik ingedien word; en
 - (iii) vergesel wees van die by artikel 33 (1) (d) voorgeskrewe geld.
- (c) Behoudens die bepalings van paragraaf (f), vervel 'n magtiging kragtens paragraaf (a) verleen, op die dertigste Junie wat onmiddellik volg op die datum waarop die magtiging van krag geword het.
- (d) Iemand wat op gesag van die Minister handel, reik aan elke aanvrager wie se aanvraag kragtens hierdie subartikel toegestaan word, 'n skriftelike magtiging in die voorgeskrewe vorm uit.
- (e) 'n Magtiging wat kragtens hierdie subartikel verleen is, is nie van krag nie tensy 'n bedrag gelyk aan die jaarlikse lisensiegeld wat ten opsigte van die betrokke lisensie betaalbaar is, aan die betrokke ontvanger van inkomste ten opsigte van daardie magtiging betaal is.
- (f) Enige magtiging kragtens hierdie subartikel verleen en enige voorwaarde of beperking daarkragtens opgelê, kan te eniger tyd gewysig of ingetrek word deur die Minister of iemand wat op sy gesag handel.

(4) Ondanks andersluidende bepalings van die een of ander wet, kan die Minister of iemand wat op sy gesag handel, die houer van 'n binneverbruik-lisensie ten opsigte van 'n perseel beoog in subartikel (1) in 'n besondere geval magtig om, onderworpe aan watter voorwaardes of beperkings ook al wat die Minister of so iemand na goedvinde oplê, drank, verversings, maaltye of akkommodasie op sy perseel aan iemand wat nie 'n blanke is nie, te verkoop of te verstrek en om enige sodanige persoon as 'n gas op sy perseel toe te laat."

71. Artikel 83A van die Hoofwet word hierby deur die volgende artikel vervang:

„Besondere voorwaarde van sekere tydelike drank-lisensies.

83A. 'n Tydelike dranklisensie verleen kragtens artikel 66 (4) (aA), is onderworpe aan die besondere voorwaarde dat geen drank daarkragtens verkoop of verstrek mag word aan iemand wat nie 'n lid is nie van 'n klas persone ten opsigte van wie die houer van so 'n lisensie kragtens 'n magtiging gehou kragtens artikel 100bis of 100sex gemagtig is om drank aan hulle te verkoop of te verstrek nie."

Vervanging van artikel 83A van Wet 30 van 1928, soos ingevoeg deur artikel 27 van Wet 23 van 1969.

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Substitution of section 84 of Act 30 of 1928, as amended by section 66 of Act 88 of 1963 and section 4 of Act 98 of 1965.

72. The following section is hereby substituted for section 84 of the principal Act:

"Quality of liquor sold or supplied.

84. (1) It shall be a condition of every licence that liquor sold or supplied thereunder by any name designated, or any description contained, in the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), or in any other law, shall conform as to its constituents with any requirement contained in the said Act or such other law.

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

(3) (a) Nothing in this Act contained shall affect the operation, in respect of any liquor sold or supplied by any licensee, of any law mentioned in subsection (1) or of any law dealing with the adulteration of foods, drugs and liquors.

(b) Any relative provision of this Act shall be in addition to, and not in substitution of, any provision of any such law."

Substitution of section 85 of Act 30 of 1928, as amended by section 23 of Act 41 of 1934.

73. The following section is hereby substituted for section 85 of the principal Act:

"What liquor brewer may sell.

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

Substitution of section 86 of Act 30 of 1928, as amended by section 67 of Act 88 of 1963, section 13 of Act 85 of 1964 and section 28 of Act 23 of 1969.

74. The following section is hereby substituted for section 86 of the principal Act:

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

86. It shall be a condition of a wine and malt liquor licence and of a temporary liquor licence issued to the holder of a wine and malt liquor licence—

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

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

Substitution of section 86A of Act 30 of 1928, as inserted by section 17 of Act 94 of 1974.

75. The following section is hereby substituted for section 86A of the principal Act:

"What liquor to be sold or supplied under wine house licence.

86A. (1) It shall be a condition of a wine house licence that no liquor other than wine as defined in section 6A and which is produced or manufactured by the holder of a written authority referred to in that section and table wine produced or manufactured upon an estate in an area in which the relevant licensed premises are situate, shall be sold or supplied thereunder.

(2) For the purposes of this section—

'area' means an area of production defined on or before 31 December 1976 in terms of section 22 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957);

'estate' means an estate defined in terms of the said section 22;

'table wine' means liquor 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 which is sold under the name of the relevant estate."

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72. Artikel 84 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kwaliteit van verkoopte of verstrekte drank.

84. (1) Elke lisensie is onderworpe aan die voorwaarde dat drank, daarkragtens verkoop of verstreking onder 'n naam aangegee of onder 'n omskrywing vervat in die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), of in enige ander wet, moet voldoen wat betref sy bestanddele aan die vereiste van genoemde Wet of daardie ander wet.

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

(3) (a) Die bepalings van hierdie Wet maak geen inbreuk nie op die toepassing, ten opsigte van enige drank wat 'n lisensiehouer verkoop of verstreking, van 'n wet vermeld in subartikel (1) of van enige wet op die vervalsing van eetware, medisyne en drank.

(b) Enige relevante bepaling in hierdie Wet geld benewens en dien nie ter vervanging nie van 'n bepaling van so 'n wet."

Vervanging van artikel 84 van Wet 30 van 1928, soos gewysig deur artikel 66 van Wet 88 van 1963 en artikel 4 van Wet 98 van 1965.

73. Artikel 85 van die Hoofwet word hierby deur die volgende artikel vervang:

„Watter drank 'n bierbrouer mag verkoopte.

85. 'n Bierbrouers-lisensie is onderworpe aan die voorwaarde dat slegs bier wat in die Republiek gebrou of vervaardig is, daarkragtens verkoop mag word."

Vervanging van artikel 85 van Wet 30 van 1928, soos gewysig deur artikel 23 van Wet 41 van 1934.

74. Artikel 86 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wyn- en bier-lisensiehouer mag slegs Suid-Afrikaanse produkte verkoop of verstreking.

86. 'n Wyn- en bier-lisensie en 'n tydelike dranklisensie uitgereik aan die houer van 'n wyn- en bier-lisensie is onderworpe aan die voorwaarde dat daarkragtens—

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

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

Vervanging van artikel 86 van Wet 30 van 1928, soos gewysig deur artikel 67 van Wet 88 van 1963, artikel 13 van Wet 85 van 1964 en artikel 28 van Wet 23 van 1969.

75. Artikel 86A van die Hoofwet word hierby deur die volgende artikel vervang:

„Watter drank kragtens wynhuis-lisensie verkoop of verstreking mag word.

86A. (1) 'n Wynhuis-lisensie is onderworpe aan die voorwaarde dat daarkragtens geen ander drank verkoop of verstreking mag word nie as wyn soos omskryf in artikel 6A en wat geproduseer of vervaardig is deur die houer van 'n in daardie artikel bedoelde skriftelike magtiging en tafelwyn wat geproduseer of vervaardig is op 'n landgoed in 'n gebied waarin die betrokke gelisensieerde perseel geleë is.

(2) By die toepassing van hierdie artikel beteken—
,gebied' 'n produksiegebied wat voor of op 31 Desember 1976 kragtens artikel 22 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957) omskryf is;

,landgoed' 'n landgoed wat kragtens bedoelde artikel 22 omskryf is;

,tafelwyn' drank 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 en wat verkoop word onder die naam van die betrokke landgoed."

Vervanging van artikel 86A van Wet 30 van 1928, soos ingevoeg deur artikel 17 van Wet 94 van 1974.

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Substitution of section 87 of Act 30 of 1928, as amended by section 68 of Act 88 of 1963.

76. The following section is hereby substituted for section 87 of the principal Act:

“What liquor to be sold or supplied under wine farmer’s licence.

87. It shall be a condition of a wine farmer’s licence that no other liquor shall be sold or supplied thereunder than wine which—

- (a) is the product of grapes grown on land owned or lawfully occupied by the licensee, or, where the licensee is an association of persons, by such association or any member of such association; and
- (b) was made upon such property or in a central cellar owned or lawfully occupied by the licensee, or, where the licensee is an association of persons, by such association or any member of such association; and
- (c) is the product solely of the alcoholic fermentation of the juice of fresh grapes without the addition before, during or after the fermentation, of any substance, other than a substance permitted by section 3 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957).”.

Substitution of section 87bis of Act 30 of 1928, as inserted by section 69 of Act 88 of 1963 and amended by section 17 of Act 56 of 1975.

77. The following section is hereby substituted for section 87bis of the principal Act:

“What liquor may be sold or supplied under a grocer’s wine licence and a meal time wine and malt licence.

87bis. (1) It shall be a condition of a grocer’s wine licence that no liquor other than table wine (except sparkling wine as defined in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), 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, shall be sold or supplied thereunder.

(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 or supplied thereunder.”.

Amendment of section 87ter of Act 30 of 1928, as inserted by section 29 of Act 23 of 1969.

78. Section 87ter of the principal Act is hereby amended—

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

“(1) The Minister may, on the recommendation of the Liquor Board, by notice in the *Gazette* impose in respect of any class of licences specified in the notice such conditions or restrictions as he may deem fit, and thereupon every licence of such class shall, as from a date so specified or, if such licence is issued after that date, as from the date of the issue thereof, be deemed to be subject to those conditions or restrictions.”; and

- (b) by the addition of the following subsection:

“(3) The provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of any right of off-sale referred to in section 64bis (1) and to any authority granted under section 102A or 103A.”.

Repeal of section 87quat of Act 30 of 1928, as inserted by section 29 of Act 23 of 1969.

79. Section 87quat of the principal Act is hereby repealed.

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

80. (1) The following section is hereby substituted for section 88 of the principal Act:

“Sale of liquor by brewer.

88. Notwithstanding anything contained in any law, but save as otherwise expressly provided in this Act,

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76. Artikel 87 van die Hoofwet word hierby deur die volgende artikel vervang:

„Watter drank kragtens wynboer-lisensie verkoop of verstrekk mag word.

87. 'n Wynboer-lisensie is onderworpe aan die voorwaarde dat daarkragtens geen ander drank verkoop of verstrekk mag word dan wyn wat—

- (a) die produk is van druiwe verbou op grond wat die eiendom of in wettige besit is van die lisensiehouer, of, as die lisensiehouer 'n vereniging van persone is, van die vereniging of enige lid van die vereniging; en
- (b) vervaardig is op daardie grond of in 'n sentrale kelder wat die eiendom of in die wettige besit is van die lisensiehouer, of, as die lisensiehouer 'n vereniging van persone is, van die vereniging of enige lid van die vereniging; en
- (c) uitsluitend die produk is van die alkoholiese gisting van die sap van vars druiwe, sonder bymenging, hetsy voor, gedurende of na die gisting van enige ander stof dan wat artikel 3 van die Wet op Wyn, Ander Gegiste Drank en Spirituallieë, 1957 (Wet No. 25 van 1957) toelaat.”.

Vervanging van artikel 87 van Wet 30 van 1928, soos gewysig deur artikel 68 van Wet 88 van 1963.

77. Artikel 87bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Watter drank kragtens 'n kruideniers-wynlisensie en 'n maaltijd-wyn-en-bier-lisensie verkoop of verstrekk mag word.

87bis. (1) Dit is 'n voorwaarde van 'n kruideniers-wynlisensie dat geen ander drank dan tafelwyn (behalwe vonkelwyn soos in artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spirituallieë, 1957 (Wet No. 25 van 1957), omskryf) 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, daarkragtens verkoop of verstrekk mag word nie.

(2) Dit is 'n voorwaarde van 'n maaltijd-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 druiwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, en 'n ander gegiste drank daarkragtens verkoop of verstrekk mag word nie.”.

Vervanging van artikel 87bis van Wet 30 van 1928, soos ingevoeg deur artikel 69 van Wet 88 van 1963 en gewysig deur artikel 17 van Wet 56 van 1975.

78. Artikel 87ter van die Hoofwet word hierby gewysig—

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

„(1) Die Minister kan, op aanbeveling van die Drankraad, by kennisgewing in die *Staatskoerant* ten opsigte van 'n in die kennisgewing bepaalde klas lisensies die voorwaardes of beperkings op lê wat hy goedvind, en daarop word iedere lisensie van bedoelde klas vanaf 'n aldus bepaalde datum of, indien so 'n lisensie na bedoelde datum uitgereik word, vanaf die datum van uitreiking daarvan geag onderworpe aan daardie voorwaardes of beperkings te wees.”; en

- (b) deur die volgende subartikel daarby te voeg:

„(3) Die bepalinge van subartikels (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n in artikel 64bis (1) bedoelde reg van buiteverbruik-verkoop en 'n magtiging wat kragtens artikel 102A of 103A verleen is.”.

Wysiging van artikel 87ter van Wet 30 van 1928, soos ingevoeg deur artikel 29 van Wet 23 van 1969.

79. Artikel 87quat van die Hoofwet word hierby herroep.

Herroeping van artikel 87quat van Wet 30 van 1928, soos ingevoeg deur artikel 29 van Wet 23 van 1969.

80. (1) Artikel 88 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verkoop van drank deur bierbrouer.

88. Ondanks andersluidende bepalinge van die een of ander wet maar behalwe vir sover in hierdie Wet

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

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no holder of a brewer's licence shall directly or indirectly sell for use or consumption in the Republic, any malt liquor brewed by him or by any other brewer, to any person other than the holder of a licence under this Act or a person authorized under this Act to sell liquor without such a licence: Provided that the holder of a brewer's licence, may under the authority of the Minister or a person acting under his directions and subject to such conditions or restrictions as he may deem fit to impose, sell to persons other than holders of licences under this Act or persons authorized under this Act to sell liquor without such a licence, malt liquor of the kind and in the quantity permitted to be sold under such brewer's licence."

(2) Every authority granted to the holder of a brewer's licence under proviso (b) to section 88 of the principal Act prior to its replacement by this section, shall be deemed to have been granted under the said section 88 as so replaced.

Repeal of
section 89 of
Act 30 of 1928.

81. Section 89 of the principal Act is hereby repealed.

Substitution
of section 92 of
Act 30 of 1928.

82. The following section is hereby substituted for section 92 of the principal Act:

"Sale or
supply of
liquor to
children.

92. No person shall upon licensed premises, sell or supply liquor to any person under the age of eighteen years: Provided that a licensee or the proprietor or manager of any licensed business or the spouse of such licensee, proprietor or manager may supply liquor to any such person who is a member of his family ordinarily resident with him, for immediate consumption on the licensed premises."

Substitution of
section 93 of
Act 30 of 1928,
as amended by
section 32 of
Act 61 of 1956
and section 71 of
Act 88 of 1963.

83. The following section is hereby substituted for section 93 of the principal Act:

"Prohibition
by magis-
trate of
sale or
supply of
liquor to
individual.

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

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

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

(2) If on the date and at the time and place fixed in the said notice, the magistrate is satisfied that the notice was duly delivered or tendered to the person to whom it was addressed, he shall, whilst sitting *in camera*, and, if the said person appears, in his

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uitdruklik anders bepaal word, mag die houer van 'n bierbrouers-lisensie geen bier wat deur hom of deur 'n ander brouer gebrou is, hetsy regstreeks of onregstreeks, vir gebruik of verbruik in die Republiek, aan iemand anders verkoop nie as die houer van 'n lisensie kragtens hierdie Wet of iemand wat kragtens hierdie Wet gemagtig is om drank sonder so 'n lisensie te verkoop: Met dien verstande dat die houer van 'n bierbrouers-lisensie kragtens magtiging deur die Minister of iemand wat op sy gesag handel en behoudens die voorwaardes of beperkings wat hy na goedvinde oplê, aan ander persone as die houters van lisensies kragtens hierdie Wet of persone wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, bier mag verkoop van die soort en in die hoeveelheid wat kragtens daardie lisensie verkoop mag word."

(2) Elke magtiging wat aan die houer van 'n bierbrouers-lisensie kragtens voorbehoudsbepaling (b) by artikel 88 van die Hoofwet verleen is voor die vervanging daarvan deur hierdie artikel, word geag kragtens artikel 88, soos aldus vervang, verleen te gewees het.

81. Artikel 89 van die Hoofwet word hierby herroep.

Herroeping van
artikel 89 van
Wet 30 van 1928.

82. Artikel 92 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 92 van
Wet 30 van 1928.

„Verkoop of
verstrekking
van drank
aan
kinders.

92. Niemand mag op 'n gelisensieerde perseel drank aan iemand onder die ouderdom van agtien jaar verkoop of verstrek nie: Met dien verstande dat 'n lisensiehouer of die eienaar of bestuurder van 'n gelisensieerde besigheid of die gade van bedoelde lisensiehouer, eienaar of bestuurder drank mag verstrek aan so iemand wat 'n lid is van sy gesin en gewoonlik by hom inwoon, vir onmiddellike gebruik op die gelisensieerde perseel."

83. Artikel 93 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 93 van
Wet 30 van 1928,
soos gewysig deur
artikel 32 van
Wet 61 van 1956
en artikel 71 van
Wet 88 van 1963.

„Verbod
deur land-
dros op
verkoop of
verstrekking
van drank
aan
individue.

93. (1) Wanneer aan 'n landdros onder eed beweer word of dit aan hom blyk dat iemand wat gewoonlik in sy distrik woonagtig is—

(a) in die voorafgaande twaalf maande driemaal veroordeel is weens 'n oortreding van hierdie Wet of weens dronkenskap; of

(b) binne daardie tydperk tweemaal veroordeel is weens 'n oortreding van hierdie Wet of weens dronkenskap, en eenmaal veroordeel is weens aanranding of weens 'n misdryf wat noodsaaklik 'n aanranding insluit; of

(c) deur drankmisbruik sy vermoë verkwis of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander manier sy eie welsyn of die welsyn van sy gesin benadeel,

dan mag hy 'n skriftelike, deur hom getekende, kennisgewing aan die betrokke persoon deur 'n lid van die polisiemag laat oorhandig of aanbied waarin hy hom oproep om op 'n tyd en plek wat in die kennisgewing vermeld moet word (maar nie eerder dan drie dae na die datum van die kennisgewing nie) by die landdroskantoor te verskyn en redes aan te voer waarom 'n bevel kragtens hierdie artikel nie teen hom uitgereik moet word nie.

(2) As op die dag, tyd en plek in bedoelde kennisgewing bepaal, die landdros oortuig is dat die kennisgewing behoorlik oorhandig of aangebied is aan die persoon aan wie dit gerig is, moet hy op 'n sitting *in camera* en, as bedoelde persoon verskyn, in

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presence enquire whether he is such a person as is described in subsection (1).

(3) For purposes of an enquiry under this section the magistrate—

- (a) shall take on oath or affirmation any evidence which he may deem necessary and afford the person concerned, if he is present, an opportunity of replying thereto, on oath or otherwise as such person elects, and of showing cause why an order should not be made under subsection (8);
- (b) may cause any person to be summoned to give evidence at the enquiry.

(4) In regard to the summoning of persons to give evidence at the enquiry, the law relating to the compulsion of witnesses to attend at criminal trials shall apply *mutatis mutandis* in all respects.

(5) If the person forming the subject of enquiry wilfully interrupts the proceedings or otherwise misbehaves himself in the place where the enquiry is held, the magistrate holding the enquiry may cause him to be removed, in which event the enquiry may be proceeded with as if the person concerned had never appeared.

(6) An enquiry under this section may if it is necessary or expedient be adjourned at any time.

(7) A record of the proceedings at an enquiry under this section shall be kept and filed in the office of the magistrate concerned.

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

(9) A magistrate making an order in terms of subsection (8) shall forthwith forward a copy thereof to the officer in charge of the police station in whose area the person in respect of whom the order was made, is resident or employed, and such officer shall forthwith upon receipt thereof notify or cause to be notified the prohibition to such person: Provided that if such person is present when the magistrate makes an order in terms of subsection (8), the magistrate shall there and then notify such person of his decision and hand or tender to him a copy of his order, in which event a further notification to that person shall not be necessary.

(10) For purposes of this section 'magistrate' includes an additional and an assistant magistrate."

Repeal of
section 94 of
Act 30 of 1928,
as substituted
by section 73 of
Act 88 of 1963
and amended by
section 2 of
Act 12 of 1965.

84. Section 94 of the principal Act is hereby repealed.

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sy teenwoordigheid ondersoek instel of hy 'n persoon is soos in subartikel (1) beskryf.

(3) Vir doeleindes van 'n ondersoek kragtens hierdie artikel—

- (a) moet die landdros enige getuienis wat hy nodig ag, onder eed of bevestiging afneem, en die betrokke persoon, die geleentheid bied, as hy teenwoordig is, om onder eed of andersins, soos daardie persoon verkies, daarop te antwoord en om redes aan te voer waarom geen bevel kragtens subartikel (8) uitgereik moet word nie.
- (b) kan die landdros enige persoon laat dagvaar om by die ondersoek getuienis af te lê.

(4) In verband met die dagvaarding van persone om getuienis by die ondersoek af te lê, is die reg met betrekking tot die verpligting van getuies om strafsake by te woon, in alle opsigte *mutatis mutandis* van toepassing.

(5) Indien iemand ten opsigte van wie so 'n ondersoek gehou word, die verrigtings opsetlik onderbreek of hom andersins wangedra in die plek waar die ondersoek gehou word, kan die landdros wat die ondersoek hou, hom laat verwyder, in welke geval die ondersoek voortgesit kan word asof die betrokke persoon nooit verskyn het nie.

(6) 'n Ondersoek kragtens hierdie artikel kan, indien dit nodig of doenlik is, te eniger tyd verdaag word.

(7) Notule van die verrigtings by 'n ondersoek kragtens hierdie artikel, moet gehou en bewaar word in die kantoor van die betrokke landdros.

(8) As aan die landdros wat so 'n ondersoek instel, blyk dat die betrokke persoon 'n persoon is soos in subartikel (1) beskryf, en as hy dit gepas ag om ten opsigte van daardie persoon 'n bevel kragtens hierdie artikel uit te reik, dan mag hy by geskrif onder sy handtekening die verkoop of verstrekking van drank aan daardie persoon gedurende die tydperk van hoogstens twaalf maande wat hy mag bepaal, verbied.

(9) 'n Landdros wat ingevolge subartikel (8) 'n bevel uitreik, moet onverwyld 'n afskrif daarvan stuur aan die beampte in bevel van die polisiestasie in wie se gebied die persoon ten opsigte van wie die bevel uitgereik is, woonagtig of werksaam is, en daardie beampte moet onverwyld na ontvangs daarvan daardie persoon van die verbod in kennis stel of laat stel: Met dien verstande dat indien so 'n persoon teenwoordig is wanneer 'n landdros 'n bevel ingevolge subartikel (8) uitreik, die landdros onverwyld bedoelde persoon van sy besluit moet verwittig en 'n afskrif van sy bevel aan hom moet oorhandig of aanbied, in watter geval verdere bekendmaking aan daardie persoon nie nodig is nie.

(10) Vir die doeleindes van hierdie artikel, beteken „landdros” ook 'n addisionele landdros en 'n assistent-landdros.”.

84. Artikel 94 van die Hoofwet word hierby herroep.

Herroeping van artikel 94 van Wet 30 van 1928, soos vervang deur artikel 73 van Wet 88 van 1963 en gewysig deur artikel 2 van Wet 12 van 1965.

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Substitution 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, section 32 of Act 23 of 1969 and section 18 of Act 56 of 1975.

85. (1) The following section is hereby substituted for section 100*bis* of the principal Act:

“Special authority for sale of liquor to Bantu.

100*bis*. (1) (a) The Minister may, on application and subject to such conditions or restrictions as he may deem fit to impose, grant written authority to—

- (i) any person;
- (ii) any urban local authority;
- (iii) any association of persons, including the investment corporation or any development corporation as defined in section 1 of the Promotion of the Economic Development of Bantu Homelands Act, 1968 (Act No. 46 of 1968);
- (iv) any divisional council;
- (v) any Bantu territorial, regional or tribal authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951); or
- (vi) any *bona fide* employer regularly employing and housing Bantu labourers as defined in section 1 of the Bantu Labour Act, 1964 (Act No. 67 of 1964),

to sell liquor or such kinds of liquor as he may determine, to any Bantu or class of Bantu of the age of eighteen years or more, for consumption on or off the premises in respect of which the application is made.

- (b) (i) Any person, association of persons, authority, body or employer referred to in paragraph (a) desiring a written authority under this section, may make application therefor to the Minister through the magistrate of the district in which the premises concerned are or will be situate.
- (ii) The provisions of sections 11 (1) and 31 (2), (3), (4) (c), (5) and (6) shall *mutatis mutandis* apply in respect of any application referred to in subparagraph (i).

(2) (a) Every written authority held under this section on the date of commencement of section 85 of the Liquor Amendment Act, 1977, and every written authority subsequently issued thereunder shall remain in force, but subject to the provisions of paragraph (b) of this subsection and subsection (10).

- (b) The provisions of section 9 (2), (3), (4) and (5) shall *mutatis mutandis* apply in respect of—
 - (i) every written authority which in terms of paragraph (a), remains in force;
 - (ii) every right or privilege pertaining to such an authority; and
 - (iii) every condition or restriction imposed in respect of any such authority.
- (c) The provisions of section 67 (2) shall *mutatis mutandis* apply in respect of every written authority issued to any association of persons, authority, body or employer referred to in subsection (1).

(3) The provisions of section 87*ter* (1) and (2) shall *mutatis mutandis* apply in respect of any authority under this section.

(4) The Minister or a person acting under his directions may, in addition to any condition or restriction which he may impose under this section, specify in the written authority or in a notice in the *Gazette* that such provisions of this Act as are set

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85. (1) Artikel 100*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Spesiale magtiging vir die verkoop van drank aan Bantoe.

100*bis*. (1) (a) Die Minister mag op aanvraag en onderworpe aan die voorwaardes of beperkings wat hy na goeddunke oplê, skriftelike magtiging verleen aan—

- (i) enige persoon;
 - (ii) 'n stedelike plaaslike bestuur;
 - (iii) 'n assosiasie van persone, met inbegrip van die beleggingskorporasie of 'n ontwikkelingskorporasie soos omskryf in artikel 1 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968 (Wet No. 46 van 1968);
 - (iv) 'n afdelingsraad;
 - (v) 'n Bantoe-gebieds-, -streeks- of -stamowerheid kragtens die bepalings van die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), ingestel; of
 - (vi) 'n *bona fide*-werkgewer wat gereeld Bantoe-arbeiders soos omskryf in artikel 1 van die Wet op Bantoe-arbeid, 1964 (Wet No. 67 van 1964), in diens het en huisves, om drank of sodanige soorte drank as wat hy mag bepaal, te verkoop aan enige Bantoe of klas Bantoe van die ourderdom van agtien jaar of meer, vir gebruik op of buite die perseel ten opsigte waarvan aanvraag gedoen word.
- (b) (i) 'n In paragraaf (a) bedoelde persoon, assosiasie van persone, owerheid, liggaam of werkgewer wat 'n skriftelike magtiging kragtens hierdie artikel verlang, kan by die Minister daarom aanvraag doen deur die landdros van die distrik waarin die betrokke perseel geleë is of sal wees.
- (ii) Die bepalings van artikels 11 (1) en 31 (2), (3), (4) (c), (5) en (6) is *mutatis mutandis* van toepassing ten opsigte van 'n aanvraag in subparagraaf (i) bedoel.
- (2) (a) Elke skriftelike magtiging wat op die datum van inwerkingtreding van artikel 85 van die Drankwysigingswet, 1977, kragtens hierdie artikel gehou word, en elke skriftelike magtiging wat daarna daarkragtens uitgereik word, bly van krag, maar behoudens die bepalings van paragraaf (b) van hierdie subartikel en subartikel (10).
- (b) Die bepalings van artikel 9 (2), (3), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van—
- (i) elke skriftelike magtiging wat ingevolge paragraaf (a) van krag bly;
 - (ii) elke reg of voorreg wat aan so 'n magtiging verbonde is; en
 - (iii) elke voorwaarde of beperking wat ten opsigte van so 'n magtiging opgelê is.
- (c) Die bepalings van artikel 67 (2) is *mutatis mutandis* van toepassing ten opsigte van elke skriftelike magtiging wat uitgereik is aan 'n assosiasie van persone, owerheid, liggaam of werkgewer in subartikel (1) bedoel.
- (3) Die bepalings van artikel 87*ter* (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n magtiging kragtens hierdie artikel.
- (4) Die Minister of iemand wat op sy gesag handel, mag, benewens enige voorwaarde of beperking wat hy kragtens hierdie artikel mag oplê, in die skriftelike magtiging of in 'n kennisgewing in die *Staatskoerant* vermeld dat die bepalings van hierdie Wet wat in

Vervanging 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, artikel 32 van Wet 23 van 1969 en artikel 18 van Wet 56 van 1975.

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forth in such authority or notice, shall *mutatis mutandis* be applicable to the holder of the authority and to or in respect of the premises in respect of which it is held.

(5) Any condition or restriction imposed under this section may at any time be amended or withdrawn by the Minister or a person acting under his directions, and he may at any time impose any such further condition or restriction in respect of any authority held under this section as he may deem fit.

(6) Notwithstanding anything to the contrary in any law contained the holder of any written authority under this section for the sale of liquor for consumption on the premises described in such authority, may sell or supply liquor on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946, (Act No. 46 of 1946), or under the said Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968).

(7) No application for written authority shall be granted under subsection (1) to any person or association of persons in respect of premises situate in an area under the control of an urban local authority unless the Minister is satisfied that a copy of such application has been transmitted to such local authority.

(8) All profits derived from the sale of liquor under any written authority held under this section, shall (after deduction of any legal costs incurred by the Minister in connection with the recovery thereof) be dealt with in the manner specified in such authority after consultation with the Treasury, by the Minister, and the Minister is hereby empowered to cause action to be brought in any court of competent jurisdiction against the holder of such authority for the recovery of an amount equal to such profits.

(9) The holder of a written authority under this section, who fails or neglects to comply with any condition or restriction imposed, or with any provision of this Act which has been made applicable to him or to or in respect of the premises concerned, under this section, shall be guilty of an offence.

- (10) (a) A written authority issued under subsection (1) shall be of no force and effect unless the person, association of persons, authority, body or employer to whom it is issued has paid to the receiver of revenue such fee, not exceeding four hundred rand, as the Minister, after consultation with the Minister of Finance, may determine.
- (b) For the year succeeding the year during which section 85 (1) of the Liquor Amendment Act, 1977, comes into operation and for every calendar year thereafter, there shall likewise be paid in respect of each written authority held under this section, such fee not exceeding four hundred rand, as the Minister, after consultation with the Minister of Finance, may determine.
- (c) The provisions of section 12 (2) and (3) shall *mutatis mutandis* apply in respect of any written authority, fee or annual fee referred to in this subsection.

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daardie magtiging of kennisgewing uiteengesit word, *mutatis mutandis* van toepassing is op die houer van die magtiging en op of met betrekking tot die perseel in verband waarmee dit gehou word.

(5) Enige voorwaarde of beperking wat kragtens hierdie artikel opgelê is, mag te eniger tyd gewysig of teruggetrek word deur die Minister of iemand wat op sy gesag handel, en hy mag te eniger tyd na goeddunke enige verdere voorwaarde of beperking opelê ten opsigte van 'n magtiging wat kragtens hierdie artikel gehou word.

(6) Ondanks andersluidende bepalings van die een of ander wet, mag die houer van 'n skriftelike magtiging kragtens hierdie artikel vir die verkoop van drank vir gebruik op die perseel in die magtiging omskryf, drank verkoop of verstrek op 'n geslote dag wat 'n stemdag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of kragtens bedoelde Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of kragtens 'n wet wat die verkiesing reël van lede van die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968).

(7) Geen aanvraag om 'n skriftelike magtiging mag kragtens subartikel (1) toegestaan word nie aan iemand of 'n assosiasie van persone met betrekking tot 'n perseel geleë in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur tensy die Minister oortuig is dat 'n afskrif van bedoelde aanvraag aan bedoelde plaaslike bestuur versend is.

(8) Oor alle winste verkry van die verkoop van drank kragtens 'n skriftelike magtiging wat kragtens hierdie artikel gehou word, word (na aftrekking van enige regskoste deur die Minister aangegaan in verband met die verhaal daarvan) beskik op die wyse vermeld in die magtiging na oorlegpleging met die Tesourie deur die Minister, en die Minister word hierby gemagtig om 'n geding in 'n bevoegde hof in te stel teen die houer van die magtiging vir die verhaal van 'n bedrag gelykstaande aan daardie winste.

(9) Die houer van 'n skriftelike magtiging kragtens hierdie artikel wat versuim of nalaat om te voldoen aan 'n voorwaarde of beperking opgelê, of aan 'n bepaling van hierdie Wet wat op hom of op of met betrekking tot die betrokke perseel van toepassing gemaak is, kragtens hierdie artikel, is aan 'n misdryf skuldig.

- (10) (a) 'n Skriftelike magtiging kragtens subartikel (1) uitgereik, is van geen krag nie tensy die persoon, assosiasie van persone, owerheid, liggaam of werkgewer aan wie dit uitgereik word, aan die ontvanger van inkomste die geld, wat nie vierhonderd rand te bowe gaan nie, betaal het wat die Minister, na oorlegpleging met die Minister van Finansies, bepaal.
- (b) Vir die jaar wat volg op die jaar waarin artikel 85 (1) van die Drankwysigingswet, 1977, in werking tree, en vir elke daaropvolgende kalenderjaar, moet insgelyks ten opsigte van elke skriftelike magtiging kragtens hierdie artikel gehou, die geld betaal word wat nie vierhonderd rand te bowe gaan nie, wat die Minister na oorlegpleging met die Minister van Finansies bepaal.
- (c) Die bepalings van artikel 12 (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van 'n skriftelike magtiging, geld of jaarlikse geld in hierdie subartikel bedoel.

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(11) The powers conferred on the Minister by subsection (1) shall be exercised by him after consultation with the Minister of Bantu Administration and Development or a person acting under his directions: Provided that no written authority shall be granted under subsection (1) except upon the recommendation of the Liquor Board made after consideration of the police report and all relevant documents, information, objections, replies thereto and representations submitted under this Act, and with due regard to, generally, any other matter which, in the opinion of the Minister, is one proper to be taken into account in the consideration of the application concerned.

(12) The provisions of the Mining Rights Act, 1967 (Act No. 20 of 1967), and of any other law or of any title deed, servitude or contract restricting, prohibiting or regulating in any manner whatsoever the carrying on of trade or business on proclaimed land or land held under mining title or any land on which mining operations are lawfully being carried on, shall not apply to the sale or supply of liquor, aerated and mineral waters and Bantu beer on such land by any employer referred to in subsection (1) (a) (vi) under any written authority held under this section.

(13) For the purposes of this section the expression 'urban local authority' includes in relation to any area in respect of which it has been so designated, any body designated as an urban local authority under section 39 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and in relation to a Bantu Affairs administration area, the Bantu Affairs Administration Board concerned established by section 2 of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971).

(14) (a) The provisions of section 42 (1) and (2) and section 43 shall *mutatis mutandis* apply, according as to what may be appropriate, in respect of any holder of a written authority under this section who may desire to transfer or remove it.

(b) The transfer or removal of an authority under this section shall be of no force and effect unless there has been paid in respect thereof to the receiver of revenue such fee as the Minister after consultation with the Minister of Finance may determine.

(15) If the prescribed fee is not paid in respect of the issue, transfer or removal of any written authority under this section, within a period of sixty days after the date of issue, transfer or removal thereof, such authority, transfer or removal shall lapse and become null and void and the relevant application for the authority or for the transfer or removal thereof shall be deemed not to have been granted.

(16) The provisions of sections 8 (2) and 65 (1) and (2) shall *mutatis mutandis* apply in respect of the issue, grant, transfer or removal of any authority under this section.

(17) The provisions of sections 137 and 138 shall *mutatis mutandis* apply in respect of any authority held under this section."

(2) Every authority granted or renewed under subsection (1) or (2) of section 100bis of the principal Act, prior to the substitution thereof by subsection (1) of this section, in respect of a period

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(11) Die bevoegdheede deur subartikel (1) aan die Minister verleen, word deur hom uitgeoefen na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling of iemand wat op gesag van laasgenoemde Minister handel: Met dien verstande dat geen skriftelike magtiging kragtens subartikel (1) verleen word nie behalwe op aanbeveling van die Drankraad gedoen na oorweging van die polisie-verslag en alle relevante stukke, inligting, besware, antwoorde daarop en vertoë kragtens hierdie Wet voorgelê, en met behoorlike inagneming van, oor die algemeen, enige ander aangeleentheid wat volgens oordeel van die Minister by die oorweging van die betrokke aanvraag in aanmerking geneem behoort te word.

(12) Die bepalings van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), en van enige ander wet of van enige titelbewys, serwituut of kontrak wat die dryf van handel of besigheid op geproklameerde grond of grond gehou kragtens myntitel, of enige grond waarop mynwerksaamhede wettiglik voortgesit word, beperk, verbied of op enige wyse hoegenaamd reël, is nie van toepassing nie op die verkoop of verstreking van drank, spuit- en mineraalwaters en Bantoebier op sodanige grond deur 'n in subartikel (1) (a) (vi) bedoelde werkgewer kragtens 'n skriftelike magtiging wat kragtens hierdie artikel gehou word.

(13) Vir die doeleindes van hierdie artikel beteken die uitdrukking 'stedelike plaaslike bestuur' ook, met betrekking tot 'n gebied ten opsigte waarvan dit aldus aangewys is, 'n liggaam wat ingevolge artikel 39 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), as 'n stedelike plaaslike bestuur aangewys is en met betrekking tot 'n Bantoesake-administrasiegebied, die betrokke Bantoesake-administrasieraad, ingestel by artikel 2 van die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971).

(14) (a) Die bepalings van artikel 42 (1) en (2) en artikel 43 is, na gelang van wat gepas is, *mutatis mutandis* van toepassing ten opsigte van die houer van 'n skriftelike magtiging kragtens hierdie artikel, wat verlang om dit oor te dra of te verplaas.

(b) Die oordrag of verplasing van 'n magtiging kragtens hierdie artikel is van geen krag nie tensy ten opsigte daarvan aan die ontvanger van inkomste die geld betaal is wat die Minister, na oorlegpleging met die Minister van Finansies, bepaal.

(15) Indien die voorgeskrewe geld ten opsigte van die uitreiking, oordrag of verplasing van 'n skriftelike magtiging kragtens hierdie artikel nie binne 'n tydperk van sestig dae na die datum van uitreiking, oordrag of verplasing daarvan betaal is nie, vervel bedoelde magtiging, oordrag of verplasing en word dit ongeldig en word die betrokke aanvraag om die magtiging of om die oordrag of verplasing daarvan geag nie toegestaan te gewees het nie.

(16) Die bepalings van artikels 8 (2) en 65 (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van die uitreiking, verlening, oordrag of verplasing van 'n magtiging kragtens hierdie artikel.

(17) Die bepalings van artikels 137 en 138 is *mutatis mutandis* van toepassing ten opsigte van 'n magtiging kragtens hierdie artikel gehou."

(2) Elke magtiging wat kragtens subartikel (1) of (2) van artikel 100*bis* van die Hoofwet voor die vervanging daarvan deur subartikel (1) van hierdie artikel verleen of vernuwe is ten opsigte

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which expires during the year during which this section comes into operation, shall be deemed to have been granted or renewed until 31 December of that year subject to payment to the receiver of revenue of an additional fee calculated on the basis of one-twelfth of the fee contemplated in subsection (10) (b) of the said section 100*bis*, in respect of every calendar month or part thereof from the date of expiry of such period until 31 December of such year.

(3) Every written authority issued under section 100*bis* of the principal Act, prior to the substitution thereof by subsection (1) of this section, for the year during which this section comes into operation and which is held by a nominee of any authority, association of persons, body or employer referred to in subsection (1) of the said section 100*bis*, shall be deemed to have been issued to and be held by the authority, association of persons, body or employer concerned itself or himself, and every such nominee shall be deemed to be a person nominated and appointed in terms of section 67 (2) of the principal Act.

Repeal of section 100*ter* of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961 and amended by section 76 of Act 88 of 1963.

86. Section 100*ter* of the principal Act is hereby repealed.

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 and section 19 of Act 56 of 1975.

87. Section 100*quin* of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

“(1) The State President may, by proclamation in the *Gazette*, declare that within any area defined in such proclamation, no liquor or no liquor of a specified kind or no liquor other than liquor of a specified kind shall be sold or supplied to any member of any specified class of persons by the holder of an off-consumption licence or the holder of any on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises.”; and

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

“(a) Notwithstanding the provisions of subsection (1), the Minister may, after having obtained a report and recommendation of the 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 the holder of an on-consumption licence who has been authorized under any provision of this Act, 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.”.

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, section 33 of Act 23 of 1969 and section 20 of Act 56 of 1975.

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

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

“(1) (a) The Minister may, on application and subject to such conditions or restrictions as he may deem fit to impose, grant written authority to—

- (i) any Coloured person or Asian;
 - (ii) any association of Coloured persons or Asians;
- or

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van 'n tydperk wat verstryk gedurende die jaar waarin hierdie artikel in werking tree, word geag tot 31 Desember van daardie jaar verleen of vernuwe te gewees het onderworpe aan betaling aan die ontvanger van inkomste van 'n bykomende geld wat bereken word op die grondslag van een-twaalfde van die geld bedoel in subartikel (10) (b) van genoemde artikel 100*bis* ten opsigte van elke kalendermaand of gedeelte daarvan, vanaf die datum van verstryking van bedoelde tydperk tot 31 Desember van daardie jaar.

(3) Elke skriftelike magtiging wat kragtens artikel 100*bis* van die Hoofwet voor die vervanging daarvan deur subartikel (1) van hierdie artikel uitgereik is vir die jaar waarin hierdie artikel in werking tree en wat gehou word deur 'n benoemde van 'n owerheid, assosiasie van persone, liggaam of werkgewer bedoel in subartikel (1) van genoemde artikel 100*bis*, word geag uitgereik te gewees het en gehou te word deur die betrokke owerheid, assosiasie van persone, liggaam of werkgewer self, en elke sodanige benoemde word geag 'n persoon te wees wat ingevolge artikel 67 (2) van die Hoofwet benoem en aangestel is.

86. Artikel 100*ter* van die Hoofwet word hierby herroep.

Herroeping van artikel 100*ter* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en gewysig deur artikel 76 van Wet 88 van 1963.

87. Artikel 100*quin* van die Hoofwet word hierby gewysig—

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

„(1) Die Staatspresident mag, by proklamasie in die *Staatskoerant*, verklaar dat binne 'n gebied in daardie proklamasie omskryf, geen drank of geen drank van 'n vermelde soort of geen drank behalwe drank van 'n vermelde soort verkoop of verstrek mag word nie aan enige lid van 'n vermelde klas persone deur die houer van 'n buiteverbruik-lisensie of die houer van 'n binneverbruik-lisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop.”; en

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

„(a) Ondanks die bepalings van subartikel (1), mag die Minister, nadat hy 'n verslag en aanbeveling van die 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 die houer van 'n binneverbruik-lisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel 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 persone vir gebruik buite die gelisensieerde perseel te verkoop.”.

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 en artikel 19 van Wet 56 van 1975.

88. (1) Artikel 100*sex* van die Hoofwet word hierby gewysig—

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

„(1) (a) Die Minister mag, op aanvraag en onderworpe aan die voorwaardes of beperkings wat hy na goeddunke oplê, skriftelike magtiging verleen aan—

(i) 'n Kleurling of Asiër;

(ii) 'n assosiasie van Kleurlinge of Asiërs; of

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, artikel 33 van Wet 23 van 1969 en artikel 20 van Wet 56 van 1975.

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

to sell liquor, or such kinds of liquor as he may determine, to such class of persons as he may determine for consumption on or off the premises in respect of which the application is made: Provided that no written authority for the sale of liquor for consumption off the premises shall be granted unless such person, association or company is also the holder of an authority to sell liquor for consumption on the same premises.

- (b) (i) Any person, association or company referred to in paragraph (a) desiring a written authority under this section, may make application therefor to the Minister through the magistrate of the district in which the premises concerned are or will be situate.
- (ii) The provisions of sections 11 (1) and 31 (2), (3), (4) (b) and (c), (5) and (6) shall *mutatis mutandis* apply in respect of any application referred to in subparagraph (i).";
- (b) by the substitution for subsection (2) of the following subsection:
 "(2) (c) Every written authority held under this section on the date of commencement of section 88 of the Liquor Amendment Act, 1977, and every written authority subsequently issued thereunder shall remain in force, but subject to the provisions of paragraph (b) of this subsection and subsection (9).
- (b) The provisions of section 9 (2), (3), (4) and (5) shall *mutatis mutandis* apply in respect of—
 - (i) every written authority which in terms of paragraph (a), remains in force;
 - (ii) every right or privilege pertaining to such an authority; and
 - (iii) every condition or restriction imposed in respect of any such authority.
- (c) The provisions of section 67 (2) shall *mutatis mutandis* apply in respect of every written authority issued to any association or company referred to in subsection (1).";
- (c) by the deletion of subsections (2A) and (2B);
- (d) by the substitution for subsection (3) of the following subsection:
 "(3) The provisions of section 87ter (1) and (2) shall *mutatis mutandis* apply in respect of any authority under this section.";
- (e) by the substitution for subsection (4) of the following subsection:
 "(4) The Minister or a person acting under his directions may, in addition to any condition or restriction which he may impose under this section, specify in the written authority or in a notice in the *Gazette* that such provisions of this Act as are set forth in such authority or notice, shall *mutatis mutandis* be applicable to the holder of the authority and to or in respect of the premises in respect of which it is held.";
- (f) by the substitution for subsection (5) of the following subsection:
 "(5) Any condition or restriction imposed under this section may at any time be amended or withdrawn by

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- (iii) 'n maatskappy waarin die Kleurling-ontwikkelingskorporasie, Beperk, ingestel kragtens artikel 2 van die Wet op die Kleurling-ontwikkelingskorporasie, 1962 (Wet No. 4 van 1962), die enigste aandeelhouer is of waarin bedoelde Kleurling-ontwikkelingskorporasie, Beperk, en een of meer Kleurlinge die enigste aandeelhouders is, om drank of die soorte drank wat hy bepaal, te verkoop aan die klas persone wat hy bepaal, vir gebruik op of buite die perseel ten opsigte waarvan die aanvraag gedoen word: Met dien verstande dat geen skriftelike magtiging vir die verkoop van drank vir gebruik buite die perseel verleen word nie tensy bedoelde persoon, assosiasie of maatskappy ook die houer is van 'n magtiging om drank te verkoop vir gebruik op dieselfde perseel.
- (b) (i) 'n In paragraaf (a) bedoelde persoon, assosiasie of maatskappy wat 'n skriftelike magtiging kragtens hierdie artikel verlang, kan daarom aanvraag doen by die Minister deur die landdros van die distrik waarin die betrokke perseel geleë is of sal wees.
- (ii) Die bepalinge van artikels 11 (1) en 31 (2), (3), (4) (b) en (c), (5) en (6) is *mutatis mutandis* van toepassing ten opsigte van 'n aanvraag in subparagraaf (i) bedoel.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
 - „(2) (a) Elke skriftelike magtiging wat op die datum van inwerkingtreding van artikel 88 van die Drankwysigingswet, 1977, kragtens hierdie artikel gehou word en elke skriftelike magtiging wat daarna daarkragtens uitgereik word, bly van krag, maar behoudens die bepalinge van paragraaf (b) van hierdie subartikel en subartikel (9).
 - (b) Die bepalinge van artikel 9 (2), (3), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van—
 - (i) elke skriftelike magtiging wat ingevolge paragraaf (a) van krag bly;
 - (ii) elke reg of voorreg wat aan so 'n magtiging verbonde is; en
 - (iii) elke voorwaarde of beperking wat ten opsigte van so 'n magtiging opgelê is.
 - (c) Die bepalinge van artikel 67 (2) is *mutatis mutandis* van toepassing ten opsigte van elke skriftelike magtiging wat uitgereik is aan 'n assosiasie of maatskappy in subartikel (1) bedoel.”;
- (c) deur subartikels (2A) en (2B) te skrap;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
 - „(3) Die bepalinge van artikel 87ter (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n magtiging kragtens hierdie artikel.”;
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
 - „(4) Die Minister of iemand wat op sy gesag handel, mag, benewens enige voorwaarde of beperking wat hy kragtens hierdie artikel mag oplê, in die skriftelike magtiging of in 'n kennisgewing in die *Staatskoerant* vermeld dat die bepalinge van hierdie Wet wat in daardie magtiging of kennisgewing uiteengesit word, *mutatis mutandis* van toepassing is op die houer van die magtiging en op of met betrekking tot die perseel in verband waarmee dit gehou word.”;
- (f) deur subartikel (5) deur die volgende subartikel te vervang:
 - „(5) Enige voorwaarde of beperking wat kragtens hierdie artikel opgelê is, mag te eniger tyd gewysig of

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the Minister or a person acting under his directions and he may at any time impose any further condition or restriction in respect of any authority held under this section, as he may deem fit.”;

- (g) by the substitution for subsection (5A) of the following subsection:

“(6) Notwithstanding anything to the contrary in any law contained the holder of any written authority under this section for the sale of liquor for consumption on the premises described in such authority, may sell or supply liquor on—

- (i) any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946);
 - (ii) any closed day which is a polling day fixed under the said Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), between the hours of nine o'clock in the evening and half-past eleven o'clock at night for consumption on the premises.”;
- (h) by the substitution for subsection (6) of the following subsection:
- “(7) No application for written authority shall be granted under subsection (1) in respect of premises situate in an area under the control of an urban local authority unless the Minister is satisfied that a copy of such application has been transmitted to such local authority.”;
- (i) by the substitution for subsection (7) of the following subsection:
- “(8) The holder of any written authority under this section who fails or neglects to comply with any condition or restriction imposed or with any provision of this Act which has been made applicable to him or to or in respect of the premises concerned, under this section, shall be guilty of an offence.”;
- (j) by the substitution for subsection (8) of the following subsection:
- “(9) (a) A written authority issued under subsection (1) shall be of no force and effect unless the person, association or company to whom it is issued has paid to the receiver of revenue such fee, not exceeding six hundred rand as the Minister after consultation with the Minister of Finance, may determine.
- (b) For the year succeeding the year during which section 88 (1) of the Liquor Amendment Act, 1977, comes into operation and for every calendar year thereafter, there shall likewise be paid in respect of each written authority held under this section, such fee not exceeding six hundred rand, as the Minister after consultation with the Minister of Finance, may determine.
- (c) The provisions of section 12 (2) and (3) shall *mutatis mutandis* apply in respect of any written authority, fee or annual fee referred to in this subsection.”;
- (k) by the substitution for subsection (9) of the following subsection:
- “(10) A written authority under this section shall only be granted if the premises concerned are situate in an area set aside under the provisions of the Group Areas Act, 1966 (Act No. 36 of 1966), for occupation by members of the Coloured group, the Malay group, or the

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teruggetrek word deur die Minister of iemand wat op sy gesag handel, en hy mag te eniger tyd na goeëdunke enige verdere voorwaarde of beperking ople ten opsigte van 'n magtiging wat kragtens hierdie artikel gehou word.”;

- (g) deur subartikel (5A) deur die volgende subartikel te vervang:

„(6) Ondanks andersluidende bepalings van die een of ander wet, mag die houer van 'n skriftelike magtiging kragtens hierdie artikel, vir die verkoop van drank vir gebruik op die perseel omskryf in die magtiging, drank verkoop of verstreë op—

(i) 'n geslote dag wat 'n stemdag is wat ingevolge die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), vasgestel is;

(ii) 'n geslote dag wat 'n stemdag is wat vasgestel is ingevolge genoemde Wet, saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of ingevolge 'n wet wat die verkiesing reël van lede van die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), tussen die ure nege-uur in die aand en half-twaalfuur in die aand vir gebruik op die perseel.”;

- (h) deur subartikel (6) deur die volgende subartikel te vervang:

„(7) Geen aanvraag om 'n skriftelike magtiging mag kragtens subartikel (1) met betrekking tot 'n perseel geleë in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur verleen word nie, tensy die Minister oortuig is dat 'n afskrif van bedoelde aanvraag aan bedoelde plaaslike bestuur gestuur is.”;

- (i) deur subartikel (7) deur die volgende subartikel te vervang:

„(8) Die houer van 'n skriftelike magtiging kragtens hierdie artikel wat versuim of nalaat om te voldoen aan 'n voorwaarde of beperking opgelê, of aan 'n bepaling van hierdie Wet wat op hom of op of met betrekking tot die betrokke perseel van toepassing gemaak is kragtens hierdie artikel, is aan 'n misdryf skuldig.”;

- (j) deur subartikel (8) deur die volgende subartikel te vervang:

„(9) (a) 'n Skriftelike magtiging kragtens subartikel (1) uitgereik, is van geen krag nie tensy die persoon, assosiasie of maatskappy aan wie dit uitgereik is, aan die ontvanger van inkomste die geld, wat nie seshonderd rand te bowe gaan nie, betaal het wat die Minister, na oorlegpleging met die Minister van Finansies, bepaal.

(b) Vir die jaar wat volg op die jaar waarin artikel 88 (1) van die Drankwysigingswet, 1977, in werking tree en vir elke daaropvolgende kalenderjaar, moet insgelyks ten opsigte van elke skriftelike magtiging kragtens hierdie artikel gehou, die geld betaal word wat nie seshonderd rand te bowe gaan nie wat die Minister na oorlegpleging met die Minister van Finansies bepaal.

(c) Die bepalings van artikel 12 (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van 'n skriftelike magtiging, geld of jaarlikse geld in hierdie subartikel bedoel.”;

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

„(10) 'n Skriftelike magtiging word alleenlik kragtens hierdie artikel verleen indien die betrokke perseel geleë is in 'n gebied wat kragtens die bepalings van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), opsygesit is vir okkupasie deur lede van die gekleurde

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- Indian group or in an area predominantly occupied by such persons.”;
- (l) by the substitution for subsection (10) of the following subsection:

“(11) The powers conferred on the Minister by subsection (1) shall be exercised by him after consultation, in the case of a Coloured person or an association of Coloured persons, with the Minister of Coloured, Rehoboth and Nama Relations or, in the case of an Asian or an association of Asians, with the Minister responsible for the interests of the Asians concerned or with any person acting under the directions of the responsible Minister: Provided that no written authority shall be granted under subsection (1) except upon the recommendation of the Liquor Board made after consideration of the police report and all relevant documents, information, objections, replies thereto and representations submitted under this Act, and with due regard to—

- (a) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof; and
- (b) generally any other matter which, in the opinion of the Minister, is one proper to be taken into account in the consideration of the application.”;
- (m) by the deletion of subsection (12); and
- (n) by the addition of the following subsections:

“(13) (a) The provisions of section 42 (1) and (2), section 43 and subsection (10) of this section shall *mutatis mutandis* apply, in respect of any holder of a written authority under this section who may desire to transfer or remove it.

(b) The transfer or removal of an authority under this section shall be of no force and effect unless there has been paid in respect thereof to the receiver of revenue such fee as the Minister after consultation with the Minister of Finance may determine.

(14) If the prescribed fee is not paid in respect of the issue, transfer or removal of any written authority under this section, within a period of sixty days after the date of issue, transfer or removal thereof, such authority, transfer or removal shall lapse and become null and void and the relevant application for the authority or for the transfer or removal thereof, shall be deemed not to have been granted.

(15) The provisions of sections 8 (2) and 65 (1) and (2) shall *mutatis mutandis* apply in respect of the grant, issue, transfer or removal of any authority under this section.

(16) The provisions of sections 137 and 138 shall *mutatis mutandis* apply in respect of any authority held under this section.”.

(2) Every authority granted or renewed under subsection (1) or (2) of section 100*sex* of the principal Act prior to the substitution thereof by subsection (1) of this section, in respect of a period which expires during the year during which this section comes into operation, shall be deemed to have been granted or renewed until 31 December of that year subject to payment to the receiver of revenue of an additional fee calculated on the basis of one-twelfth of the fee contemplated in subsection (8) of the said section 100*sex*, in respect of every calendar month or part thereof from the date of expiry of such period until 31 December of such year.

(3) Every written authority issued under section 100*sex* of the principal Act, prior to the amendment thereof by subsection (1) of

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groep, die Maleiergroep of die Indiërgroep of in 'n gebied wat hoofsaaklik deur sulke persone ge-okkupeer word.”;

- (l) deur subartikel (10) deur die volgende subartikel te vervang:

„(11) Die bevoegdheid deur subartikel (1) aan die Minister verleen, word deur hom uitgeoefen na oorlegpleging, in die geval van 'n Kleurling of 'n assosiasie van Kleurlinge, met die Minister van Kleurling-, Rehoboth- en Namabetrekkinge, of, in die geval van 'n Asiër of 'n assosiasie van Asiërs, met die Minister wat vir die belange van die betrokke Asiërs verantwoordelik is of met iemand wat op gesag van die verantwoordelike Minister handel: Met dien verstande dat geen skriftelike magtiging kragtens subartikel (1) verleen word nie, behalwe op aanbeveling van die Drankraad gedoen na oorweging van die polisieverslag en alle relevante stukke, inligting, besware, antwoorde daarop en vertoë kragtens hierdie Wet voorgelê, en met behoorlike inagneming van—

(a) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger kan word; en

(b) oor die algemeen, enige ander aangeleentheid wat, volgens oordeel van die Minister, by die oorweging van die aanvraag in aanmerking geneem behoort te word.”;

- (m) deur subartikel (12) te skrap; en

- (n) deur die volgende subartikels by te voeg:

„(13) (a) Die bepalings van artikel 42 (1) en (2), artikel 43 en subartikel (10) van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van die houer van 'n skriftelike magtiging kragtens hierdie artikel wat verlang om dit oor te dra of te verplaas.

(b) Die oordrag of verplasing van 'n magtiging kragtens hierdie artikel is van geen krag nie, tensy ten opsigte daarvan aan die ontvanger van inkomste die geld betaal is wat die Minister, na oorlegpleging met die Minister van Finansies, bepaal.

(14) Indien die voorgeskrewe geld ten opsigte van die uitreiking, oordrag of verplasing van 'n skriftelike magtiging kragtens hierdie artikel nie binne 'n tydperk van sestig dae na die datum van uitreiking, oordrag of verplasing daarvan betaal is nie, verval bedoelde magtiging, oordrag of verplasing en word dit ongeldig en word die betrokke aanvraag om die magtiging of om die oordrag of verplasing daarvan geag nie toegestaan te gewees het nie.

(15) Die bepalings van artikels 8 (2) en 65 (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van die verlening, uitreiking, oordrag of verplasing van 'n magtiging kragtens hierdie artikel.

(16) Die bepalings van artikels 137 en 138 is *mutatis mutandis* van toepassing ten opsigte van 'n magtiging kragtens hierdie artikel gehou.”.

(2) Elke magtiging wat kragtens subartikel (1) of (2) van artikel 100*sex* van die Hoofwet voor die vervanging daarvan deur subartikel (1) van hierdie artikel verleen of vernuwe is ten opsigte van 'n tydperk wat verstryk gedurende die jaar waarin hierdie artikel in werking tree, word geag tot 31 Desember van daardie jaar verleen of vernuwe te gewees het onderworpe aan betaling aan die ontvanger van inkomste van 'n bykomende geld wat bereken word op die grondslag van een-twaalfde van die geld bedoel in subartikel (8) van genoemde artikel 100*sex* ten opsigte van elke kalendermaand of gedeelte daarvan, vanaf die datum van verstryking van bedoelde tydperk tot 31 Desember van daardie jaar.

(3) Elke skriftelike magtiging wat kragtens artikel 100*sex* van die Hoofwet voor die wysiging daarvan deur subartikel (1) van

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this section, for the year during which this section comes into operation and which is held by a nominee of any association or company referred to in subsection (1) of the said section 100~~sex~~, shall be deemed to have been issued to and be held by the association or company concerned itself, and every such nominee shall be deemed to be a person nominated and appointed in terms of section 67 (2) of the principal Act.

Substitution of section 101 of Act 30 of 1928, as inserted by section 5 of Act 70 of 1968.

89. The following section is hereby substituted for section 101 of the principal Act:

“Prohibition of sale or supply of liquor to certain persons by the holders of on-consumption licences in respect of premises situated in certain areas.

101. (1) If after having obtained a report and recommendation of the Liquor Board made after an enquiry under section 118~~ter~~, the Minister is of the opinion—

- (a) that the sale or supply of liquor to Coloured persons or Asians for consumption on premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the white group, give rise to undesirable conditions in such area; or
- (b) that sufficient provision exists for the sale or supply of liquor to Coloured persons or Asians in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the coloured group, the Malay group or the Indian group,

he may—

- (i) in a case referred to in paragraph (a), by notice under his hand delivered or tendered to the holder of the licence in respect of the premises concerned, prohibit such holder, as from a date specified in the notice, from selling or supplying liquor to Coloured persons or Asians for consumption on such premises; or
- (ii) in a case referred to in paragraph (b), by notice in the *Gazette*, prohibit, as from a date specified in the notice, all holders of on-consumption licences, in respect of premises situated in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the white group as well as within the district within which the area referred to in the said paragraph is situated, from selling or supplying liquor to Coloured persons or Asians for consumption on those premises.

(2) The decision of the Minister to prohibit the sale or supply of liquor under subsection (1) shall be final.”

Amendment of section 102 of Act 30 of 1928, as amended by section 24 of Act 41 of 1934, section 10 of Act 72 of 1961, section 79 of Act 88 of 1963, section 15 of Act 85 of 1964 and section 34 of Act 23 of 1969.

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

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

“(1) Unless he is authorized by or under this Act to do so, no holder of an on-consumption licence shall employ any female—

- (a) in or in connection with the sale or supply of liquor; or
- (b) in any restricted portion of his premises during the hours when liquor may be sold or supplied by him.”;

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

“(2) No holder of a wholesale liquor licence who is authorized to deal directly with the public, and no holder of a bottle liquor licence or of an on-consumption licence shall employ—

- (a) in or in connection with the sale or supply of liquor; or

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hierdie artikel uitgereik is vir die jaar waarin hierdie artikel in werking tree, en wat gehou word deur 'n benoemde van 'n assosiasie of maatskappy bedoel in subartikel (1) van genoemde artikel 100*sex*, word geag uitgereik te gewees het en gehou te word deur die betrokke assosiasie of maatskappy self, en elke sodanige benoemde word geag 'n persoon te wees wat ingevolge artikel 67 (2) van die Hoofwet benoem en aangestel is.

89. Artikel 101 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 101 van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 70 van 1968.

„Verbod op die verkoop of verstrekking van drank aan sekere persone deur die houer van binne-verbruik-lisensies ten opsigte van persele in sekere gebiede geleë.

101. (1) Indien die Minister nadat hy 'n verslag en aanbeveling van die Drankraad, gedoen na ondersoek ingevolge artikel 118*ter*, verkry het, van oordeel is—

- (a) dat die verkoop of verstrekking van drank aan Kleurlinge of Asiërs vir gebruik op 'n perseel wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, aanleiding tot ongewenste toestande in bedoelde gebied gee; of
- (b) dat voldoende voorsiening bestaan vir die verkoop of verstrekking van drank aan Kleurlinge of Asiërs in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, verklaar is as 'n gebied vir okkupasie deur lede van die gekleurde groep, die Maleiergroep of die Indiërgroep,

kan hy—

- (i) in 'n in paragraaf (a) bedoelde geval, by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan die houer van die lisensie ten opsigte van die betrokke perseel, bedoelde houer verbied om, vanaf 'n in die kennisgewing bepaalde datum, drank aan Kleurlinge of Asiërs vir gebruik op bedoelde perseel te verkoop of te verstrek; of
- (ii) in 'n in paragraaf (b) bedoelde geval, by kennisgewing in die *Staatskoerant* alle houer van binneverbruik-lisensies ten opsigte van persele wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, sowel as binne die distrik waarin die in genoemde paragraaf bedoelde gebied geleë is, verbied om, vanaf 'n in die kennisgewing bepaalde datum, drank aan Kleurlinge of Asiërs vir gebruik op daardie persele te verkoop of te verstrek.

(2) Die beslissing van die Minister om die verkoop of verstrekking van drank kragtens subartikel (1) te verbied, is afdoende.”

90. Artikel 102 van die Hoofwet word hierby gewysig—

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

„(1) Tensy hy by of kragtens hierdie Wet daartoe gemagtig is, mag geen houer van 'n binneverbruik-lisensie 'n vrouspersoon in diens hê nie—

- (a) by of in verband met die verkoop of verstrekking van drank; of
- (b) in 'n beperkte gedeelte van sy perseel gedurende die ure wanneer hy drank mag verkoop of verstrek.”;

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

„(2) Geen houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, en geen houer van 'n bottel-dranklisensie of van 'n binneverbruik-lisensie mag—

- (a) by of in verband met die verkoop of verstrekking van drank; of

Wysiging van artikel 102 van Wet 30 van 1928, soos gewysig deur artikel 24 van Wet 41 van 1934, artikel 10 van Wet 72 van 1961, artikel 79 van Wet 88 van 1963, artikel 15 van Wet 85 van 1964 en artikel 34 van Wet 23 van 1969.

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- (b) during the hours when liquor may be sold or supplied by him, in any restricted portion or other portion of his premises from which liquor is sold or supplied,
any person—
 - (i) who is under the age of eighteen years;
 - (ii) to whom the sale or supply of liquor has been prohibited in terms of section 93;
 - (iii) who, to his knowledge, has within the preceding two years been convicted of any contravention of any law relating to the sale or supply of liquor, and has been sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding one hundred rand.”;
- (c) by the substitution for subsection (3) of the following subsection:
“(3) Nothing in subsection (1) or subsection (2) contained shall apply to—
 - (a) any female of the age of twenty-one years or more who is employed in or in connection with the sale or supply of liquor on premises referred to in section 104 (2) (c);
 - (b) any person of or over the age of sixteen years who has undergone or is undergoing a course of instruction in catering, and who is employed upon the premises of any licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the licensed business;
 - (c) the wife or a member of the family of the licence holder or of the proprietor or manager of the licensed business.”; and
- (d) by the deletion of subsection (4).

Substitution of section 102A of Act 30 of 1928, as inserted by section 18 of Act 94 of 1974 and substituted by section 21 of Act 56 of 1975.

91. (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, when granting any on-consumption licence (other than a temporary liquor licence), and the Minister or a person acting under his directions, may at any time after such a licence has been granted and after consideration of such an application, authorize the holder of the licence to employ, subject to such conditions or restrictions as the Minister or such person, as the case may be, may deem fit to impose, females of the age of eighteen years or more in or in connection with the sale or supply 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) Every authority granted under subsection (1) shall be issued in the prescribed form by a person acting under the directions of the Minister.”.

(2) Any authority granted or deemed to have been granted under the said section 102A prior to its substitution by this section and endorsed on any licence in terms thereof, shall be deemed to have been issued in the prescribed form.

Amendment of section 103 of Act 30 of 1928, as amended by section 11 of Act 72 of 1961 and section 35 of Act 23 of 1969.

92. Section 103 of the principal Act is hereby amended—

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

“(1) Whenever the sale or supply of liquor to any person has been prohibited in terms of section 93, no holder of a wholesale liquor licence who is authorized to deal directly with the public, of a bottle liquor licence, or of an on-consumption licence, shall allow any such

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- (b) gedurende die ure wanneer hy drank mag verkoop of verstrek, in 'n beperkte gedeelte of ander gedeelte van sy perseel waaruit drank verkoop of verstrek word,
iemand in diens hê nie—
- (i) wat onder die ouderdom van agtien jaar is;
 - (ii) aan wie die verkoop of verstrekking van drank ingevolge artikel 93 verbied is;
 - (iii) van wie hy weet dat hy binne die voorafgaande twee jaar weens 'n oortreding van 'n wet op die verkoop of verstrekking van drank skuldig bevind is en veroordeel is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer dan honderd rand.”;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) Die bepaling van subartikel (1) of subartikel (2) is nie van toepassing nie—
- (a) op 'n vrouspersoon van die ouderdom van een-en-twintig jaar of ouer wat in diens is by of in verband met die verkoop of verstrekking van drank op 'n perseel in artikel 104 (2) (c) genoem;
 - (b) op iemand wat sestien jaar of bo sestien jaar oud is, wat 'n opleidingskursus in spyseniering ondergaan of ondergaan het, en wat in diens is op die perseel van 'n lisensiehouer by wie hy behoorlik in die leer geplaas is in enige hoedanigheid in verband met die bestuur van die gelisensieerde besigheid;
 - (c) op die eggenote of 'n lid van die gesin van die lisensiehouer of van die eienaar of bestuurder van die gelisensieerde besigheid.”; en
- (d) deur subartikel (4) te skrap.

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

„Indiens-
stelling van
vroue in
bepaalde
beperkte en
ander ge-
deeltes van
persele wat
vir binne-
verbruik
gelisensieer
is.

102A. (1) Die Minister mag, na oorweging van 'n skriftelike aanvraag op die voorgeskrewe wyse gedoen, wanneer hy 'n binneverbruik-lisensie (behalwe 'n tydelike dranklisensie) verleen, en die Minister of iemand wat op sy gesag handel, mag te eniger tyd nadat so 'n lisensie verleen is, na oorweging van so 'n aanvraag, die houer van die lisensie magtig om, onderworpe aan die voorwaardes of beperkings wat die Minister of bedoelde persoon, na gelang van die geval, na goëddunke oplê, vrouspersone van die ouderdom van agtien jaar of ouer in diens te hê by of in verband met die verkoop of verstrekking van drank—

- (a) in enige bepaalde beperkte gedeelte van sy perseel; of
- (b) in enige ander gedeelte van sy perseel wat nie 'n beperkte gedeelte is nie.

(2) Elke magtiging kragtens subartikel (1) verleen, word deur iemand wat op gesag van die Minister handel, in die voorgeskrewe vorm uitgereik.”.

(2) 'n Magtiging wat kragtens genoemde artikel 102A verleen is of geag word daarkragtens verleen te gewees het, voor die vervanging daarvan deur hierdie artikel, en wat ingevolge daarvan op 'n lisensie aangeteken is, word geag in die voorgeskrewe vorm uitgereik te gewees het.

Vervanging van
artikel 102A van
Wet 30 van 1928,
soos ingevoeg deur
artikel 18 van
Wet 94 van 1974
en vervang deur
artikel 21 van
Wet 56 van 1975.

92. Artikel 103 van die Hoofwet word hierby gewysig—

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

„(1) Wanneer die verkoop of verstrekking van drank aan iemand ingevolge artikel 93 verbied is, dan mag geen houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, van 'n bottel-dranklisensie of van 'n binnever-

Wysiging van
artikel 103 van
Wet 30 van 1928,
soos gewysig deur
artikel 11 van
Wet 72 van 1961
en artikel 35 van
Wet 23 van 1969.

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person to be at any time in the restricted portion or any other portion of his licensed premises from which liquor is sold or supplied.”; and

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

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

Substitution of section 103A of Act 30 of 1928, as inserted by section 36 of Act 23 of 1969 and substituted by section 22 of Act 56 of 1975.

93. (1) 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, when granting any on-consumption licence (other than a temporary liquor licence), and the Minister or a person acting under his directions, may at any time after such a licence has been granted and after consideration of such an application, authorize the holder of the licence subject to such conditions or restrictions as the Minister or such person, as the case may be, 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 his licensed premises.

(2) Every authority granted under subsection (1) shall be issued in the prescribed form by a person acting under the directions of the Minister.”.

(2) Any authority granted or deemed to have been granted under the said section 103A prior to its replacement by this section and endorsed on any licence in terms thereof, shall be deemed to have been issued in the prescribed form.

Amendment of section 104 of Act 30 of 1928, as substituted by section 37 of Act 23 of 1969 and amended by section 23 of Act 56 of 1975.

94. Section 104 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No holder of an on-consumption licence shall permit any female or any person under the age of eighteen years to be at any time in any restricted portion of his licensed premises, unless he is authorized by or under this Act to permit females or such persons to be in such portion of his licensed premises.”.

Amendment of section 105 of Act 30 of 1928, as substituted by section 81 of Act 88 of 1963 and amended by section 38 of Act 23 of 1969.

95. Section 105 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Minister may by notice under his hand delivered or tendered to the holder of an off-consumption licence or the holder of an on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, require such holder to keep such additional records as may be specified in such notice of all liquor sold or disposed of by him for consumption off his licensed premises during the period so specified.”.

Repeal of section 107 of Act 30 of 1928, as substituted by section 34 of Act 61 of 1956.

96. Section 107 of the principal Act is hereby repealed.

Substitution of section 108 of Act 30 of 1928.

97. The following section is hereby substituted for section 108 of the principal Act:

“Forbidden conditions in bond or contract.

108. (1) No mortgage bond passed nor any contract entered into for a loan of money by a brewer or the holder of a wholesale liquor licence or foreign liquor licence to any licensee shall contain any condition

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bruik-lisensie so iemand toelaat om te eniger tyd in die beperkte gedeelte of enige ander gedeelte van sy gelisensieerde perseel van waar drank verkoop of verstrekk word, te wees nie.”; en

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

„(b) enige persoon vir die doel om daar gedurende enige tyd wanneer die gelisensieerde perseel vir die verkoop of verstreking van drank gesluit is, 'n *bona fide*-huishoudelike taak te verrig.”.

93. (1) Artikel 103A van die Hoofwet word hierby deur die volgende artikel vervang:

„Teenwoordigheid van vrouspersone en kinders in sekere beperkte gedeeltes van geboue wat vir binneverbruik gelisensieer is.

103A. (1) Die Minister mag, na oorweging van 'n skriftelike aanvraag op die voorgeskrewe wyse gedoen, wanneer hy 'n binneverbruik-lisensie (behalwe 'n tydelike dranklisensie) verleen, en die Minister of iemand wat op sy gesag handel, mag te eniger tyd nadat so 'n lisensie verleen is, na oorweging van so 'n aanvraag, die houer van die lisensie magtig om, onderworpe aan die voorwaardes of beperkings wat die Minister of bedoelde persoon, na gelang van die geval, 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 sy gelisensieerde gebou te wees.

(2) Elke magtiging ingevolge subartikel (1) verleen, word deur iemand wat op gesag van die Minister handel, in die voorgeskrewe vorm uitgereik.”.

(2) 'n Magtiging wat kragtens genoemde artikel 103A verleen is of geag word daarkragtens verleen te gewees het, voor die vervanging daarvan deur hierdie artikel, en wat ingevolge daarvan op 'n lisensie aangeteken is, word geag in die voorgeskrewe vorm uitgereik te gewees het.

Vervanging van artikel 103A van Wet 30 van 1928, soos ingevoeg deur artikel 36 van Wet 23 van 1969 en vervang deur artikel 22 van Wet 56 van 1975.

94. Artikel 104 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen houer van 'n binneverbruik-lisensie mag 'n vrouspersoon of iemand wat onder agtien jaar oud is te eniger tyd in 'n beperkte gedeelte van sy gelisensieerde perseel toelaat nie, tensy hy by of kragtens hierdie Wet gemagtig is om vrouspersone of sodanige persone toe te laat om in sodanige gedeelte van sy gelisensieerde perseel te wees.”.

Wysiging van artikel 104 van Wet 30 van 1928, soos vervang deur artikel 37 van Wet 23 van 1969 en gewysig deur artikel 23 van Wet 56 van 1975.

95. Artikel 105 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Minister kan by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan die houer van 'n buiteverbruik-lisensie of die houer van 'n binneverbruik-lisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank vir verbruik buite die gelisensieerde perseel te verkoop, bedoelde houer gelas om die in die kennisgewing bepaalde bykomende aantekeninge te hou van alle drank wat gedurende die aldus bepaalde tydperk deur hom verkoop of van die hand gesit is vir verbruik buite sy gelisensieerde perseel.”.

Wysiging van artikel 105 van Wet 30 van 1928, soos vervang deur artikel 81 van Wet 88 van 1963 en gewysig deur artikel 38 van Wet 23 van 1969.

96. Artikel 107 van die Hoofwet word hierby herroep.

Herroeping van artikel 107 van Wet 30 van 1928, soos vervang deur artikel 34 van Wet 61 van 1956.

97. Artikel 108 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbode voorwaardes in verband of ooreenkoms.

108. (1) Geen verband gepasseer of ooreenkoms aangegaan vir 'n geldlening deur 'n brouer of die houer van 'n groothandelaars-dranklisensie of 'n buitelandse dranklisensie aan 'n lisensiehouer, mag 'n

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preventing the repayment of the debt or any part thereof before any specified time.

(2) Any such condition contained in any such mortgage bond or any such contract shall be null and void."

Substitution of section 110 of Act 30 of 1928, as amended by section 84 of Act 88 of 1963.

98. The following section is hereby substituted for section 110 of the principal Act:

"How payments for liquor or entertainment to be made.

110. (1) No holder of a wholesale liquor licence who is authorized to deal directly with the public, a bottle liquor licence, a wine farmer's licence, a grocer's wine licence or an on-consumption licence shall receive in payment or security for any liquor or entertainment supplied in or from his licensed premises anything except current money or cheques on bankers: Provided that the holder of a club liquor licence may receive payment for liquor so supplied by means of coupons which have been paid for by current money or cheques on bankers or in respect of which such holder has obtained an undertaking that they will be so paid for.

(2) (a) Subject to the provisions of the proviso to subsection (1), no such licensee shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money or goods in respect of a future supply of liquor.

(b) Any such payment, money or goods may be recovered notwithstanding that any liquor may have been supplied subsequent to such receipt or that other goods have been supplied with the liquor.

(3) (a) No such licensee shall receive any pledge for or in respect of any liquor or entertainment supplied in or from his licensed premises.

(b) The person to whom anything pledged in contravention of this subsection belongs shall have the same remedy for recovering any such thing or the value thereof as if it had not been pledged."

Substitution of section 111 of Act 30 of 1928, as substituted by section 16 of Act 85 of 1964.

99. The following section is hereby substituted for section 111 of the principal Act:

"Limitation of time for recovery of money owed to licensees.

111. From and after the first day of the fourth calendar month succeeding that in which any liquor was sold or supplied by the holder of any wholesale liquor licence who is authorized to deal directly with the public, bottle liquor licence, wine farmer's licence or grocer's wine licence to any person other than a licensee or a person authorized under this Act to sell liquor without a licence, no action or other judicial proceeding shall be capable of being brought by any person for the recovery of any money alleged to be owed in respect of such sale or supply, nor shall any such alleged debt be capable of being set off or of being the subject of any claim in reconvention by any person: Provided that the foregoing provisions of this section shall not apply in the case where the person to whom liquor was so sold or supplied, dies before the first day of the said calendar month or where the estate of such person is sequestrated before the said day."

Amendment of section 112 of Act 30 of 1928, as amended by section 6 of Act 39 of 1937.

100. Section 112 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

"No holder of an hotel liquor licence shall be liable to compensate any person, in respect of any loss of or

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voorwaarde bevat nie wat die terugbetaling van die skuld of van 'n deel daarvan voor 'n bepaalde tyd verbied.

(2) Elke sodanige voorwaarde wat voorkom in so 'n verband of so 'n ooreenkoms is nietig."

98. Artikel 110 van die Hoofwet word hierby deur die volgende artikel vervang:

„Hoe vir drank of onthaal betaal moet word.

110. (1) Geen houer van 'n groothandelaars-drank-lisensie wat gemagtig is om regstreeks met die publiek handel te dryf, 'n bottel-dranklisensie, 'n wynboer-lisensie, 'n kruideniers-wynlisensie of 'n binneverbruik-lisensie mag as betaling of sekuriteit vir enige drank of onthaal, wat op of uit sy gelisensieerde perseel verstrekkend is, iets anders ontvang nie dan gangbare geld of banktjeks: Met dien verstande dat die houer van 'n klub-dranklisensie vir drank wat aldus verstrekkend is betaling mag ontvang deur middel van koepone waarvoor met gangbare geld of banktjeks betaal is of ten opsigte waarvan sodanige houer 'n onderneming verkry het dat aldus daarvoor betaal sal word.

- (2) (a) Behoudens die bepalings van die voorbehoudsbepaling by subartikel (1), mag geen sodanige lisensiehouer, voordat 'n verkoop van drank afgesluit is, vir daardie drank betaling ontvang nie, of van iemand 'n gelddeposito of goedere ontvang nie vir toekomstige verstreking van drank.
- (b) Sodanige betaling, geld of goedere mag teruggevorder word, alhoewel drank na sodanige ontvangs, of ander goedere met die drank, verstrekkend is.
- (3) (a) Geen sodanige lisensiehouer mag 'n pand ontvang nie vir of in verband met enige drank of onthaal wat op of uit sy gelisensieerde perseel verstrekkend is.
- (b) Die eienaar van 'n voorwerp wat in stryd met hierdie subartikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder, asof dit nie verpand was nie."

Vervanging van artikel 110 van Wet 30 van 1928, soos gewysig deur artikel 84 van Wet 88 van 1963.

99. Artikel 111 van die Hoofwet word hierby deur die volgende artikel vervang:

„Tydsbepaling vir invordering van geld aan lisensiehouers verskuldig.

111. Vanaf die eerste dag van die vierde kalendermaand wat volg op dié waarin die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, 'n bottel-dranklisensie, 'n wynboer-lisensie of 'n kruideniers-wynlisensie aan iemand anders as 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, drank verkoop of verstrekkend het, kan geen aksie of ander regsgeging deur iemand ingestel word nie tot invordering van geld wat na beweer word verskuldig is in verband met daardie verkoop of verstreking, en kan so 'n beweerde skuld ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonvensie deur iemand vorm nie: Met dien verstande dat die voorafgaande bepalings van hierdie artikel nie van toepassing is nie in die geval waar die persoon aan wie drank aldus verkoop of verstrekkend is, voor die eerste dag van bedoelde kalendermaand sterf of waar die boedel van die persoon voor genoemde datum geskwestreer word."

Vervanging van artikel 111 van Wet 30 van 1928, soos vervang deur artikel 16 van Wet 85 van 1964.

100. Artikel 112 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:
- „Geen houer van 'n hotel-dranklisensie is verplig om iemand skadeloos te stel nie tot 'n bedrag van meer as

Wysiging van artikel 112 van Wet 30 van 1928, soos gewysig deur artikel 6 van Wet 39 van 1937.

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injury to the property of such person, sustained while such person was a lodger in the licensed premises of such licence holder, in any greater amount than the sum of one hundred rand, unless—”;

(b) by the deletion of paragraph (a) of the said subsection (1);

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

“(3) The holder of an hotel liquor licence shall exhibit a reproduction of subsections (1) and (2) in both official languages in a conspicuous place at the reception counter of his licensed premises and in such manner that it may readily be seen and easily read by any person proposing to lodge in such premises.”; and

(d) by the substitution for subsection (4) of the following subsection:

“(4) Nothing in this section contained shall affect the operation of the common law in so far as the liability of the licensee up to the amount of one hundred rand is concerned.”.

Amendment of section 114 of Act 30 of 1928, as amended by section 26 of Act 41 of 1934 and section 86 of Act 88 of 1963.

101. Section 114 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any licensee or his servant or agent may—

(a) refuse to admit any person to any restricted portion of the licensed premises of such licensee;

(b) refuse to sell or supply liquor to any person;

(c) request any person who is in any portion of such premises in which liquor is served, or who is in any cloakroom on such premises, to depart therefrom; and

(d) request any person who is not a lodger at such premises and who is in any portion of the premises reserved for lodgers, to depart therefrom.”.

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, section 2 of Act 62 of 1966 and section 25 of Act 56 of 1975.

102. Section 114bis of the principal Act is hereby amended—

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

“(1) The holder of a temporary, bottle, theatre, sports ground, restaurant, hotel or wine and malt liquor licence or a bar, grocer's wine, wine house or meal time wine and malt licence shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor.”;

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

“(2) The holder of a licence referred to in subsection (1) shall not be deemed to satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor unless he has, except in so far as he is prevented from doing so by circumstances beyond his control, at all times available and prominently displayed or, in the case of table wine, if he is the holder of an on-consumption licence, advertised by means of a wine list or otherwise, for sale on the licensed premises, in reasonable quantities and at reasonable prices—

(a) if any wine is sold 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;

(b) if any brandy is sold on the licensed premises, brandy, for which there is a reasonable demand by the public, of at least six different producers or manufacturers of brandy each one of whom shall in

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honderd rand weens enige verlies of beskadiging van laasgenoemde se eiendom terwyl hy 'n loseerder op die gelisensieerde perseel van bedoelde lisensiehouer was, tensy—";

- (b) deur paragraaf (a) van genoemde subartikel (1) te skrap;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die houer van 'n hotel-dranklisensie moet 'n weergawe van subartikels (1) en (2) in albei amptelike tale op 'n in die oog lopende plek by die ontvangstoonbank van sy gelisensieerde perseel vertoon, en wel op so 'n wyse dat dit dadelik gesien en maklik gelees kan word deur enigeen wat van plan is om op daardie perseel te loseer.”; en

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

„(4) Die bepalings van hierdie artikel maak geen inbreuk nie op die toepassing van die gemene reg vir sover as die aanspreeklikheid van die lisensiehouer tot op die bedrag van honderd rand betrokke is.”.

101. Artikel 114 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Lisensiehouer of sy bediende of agent mag—

- (a) aan enigeen toegang tot enige beperkte gedeelte van die gelisensieerde perseel van bedoelde lisensiehouer weier;
- (b) weier om aan iemand drank te verkoop of te verstrek;
- (c) iemand wat in enige gedeelte van bedoelde perseel waarin drank bedien word, of wat in enige kleedkamer op bedoelde perseel is, versoek om daaruit te vertrek; en
- (d) iemand wat nie 'n loseerder by bedoelde perseel is nie en wat in 'n gedeelte van die perseel is wat vir loseerders gereserveer is, versoek om daaruit te vertrek.”.

Wysiging van artikel 114 van Wet 30 van 1928, soos gewysig deur artikel 26 van Wet 41 van 1934 en artikel 86 van Wet 88 van 1963.

102. Artikel 114bis van die Hoofwet word hierby gewysig—

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

„(1) Die houer van 'n tydelike, bottel-, teater-, sportgronde-, restaurant- of hotel-dranklisensie of 'n wyn- en bier-lisensie of 'n kantien-, kruideniers-wyn-, wynhuis- of maaltyd-wyn-en-bier-lisensie moet te alle tye voldoen aan die redelike vereistes van die publiek wat betref verskaffing van wyn, brandewyn en bier.”;

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

„(2) Die houer van 'n in subartikel (1) bedoelde lisensie word nie geag aan die redelike vereistes van die publiek wat betref die verskaffing van wyn, brandewyn en bier te voldoen nie tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder word om dit te doen—

- (a) indien wyn op die gelisensieerde perseel verkoop word, wyn van minstens agt verskillende persone van wie elkeen 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;
- (b) indien brandewyn op die gelisensieerde perseel verkoop word, brandewyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens ses verskillende produsente of vervaardigers van brandewyn van wie elkeen met betrekking tot elkeen

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, artikel 2 van Wet 62 van 1966 en artikel 25 van Wet 56 van 1975.

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relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer; and

- (c) if any malt liquor is sold on the licenced premises, malt liquor, for which there is a reasonable demand by the public, of at least seven different brewers of malt liquor in the Republic (including the territory of South-West Africa) each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent brewer.”;
- (c) by the substitution for paragraph (a) of subsection (5) of the following paragraph:
 - “(a) ‘producer or manufacturer’ means a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), which produces or manufactures wine or brandy for sale, or a wholesale trader within the meaning of subsection (5)*bis* who so produces or manufactures wine or brandy;”;
- (d) by the substitution for subsection (5)*bis* of the following subsection:

“(5)*bis* For the purposes of the definition of ‘producer or manufacturer’ in subsection (5), a person shall be deemed to be and to have been a wholesale trader at all times during any year (as defined in section 14 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970)), if he has during the expired portion of that year or during the immediately preceding year (as so defined) purchased a quantity of wine of any one vintage which is a wholesale quantity in terms *mutatis mutandis* of the definition of ‘wholesale quantity’ in the said section (as determined with reference to 1 November 1940), or the equivalent of such a quantity of wine in spirit.”.

Substitution of section 114*ter* of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 7 of Act 58 of 1957, section 88 of Act 88 of 1963 and section 7 of Act 98 of 1965.

103. The following section is hereby substituted for section 114*ter* of the principal Act:

“Prohibition of acquisition of licences by producers or manufacturers.

114*ter*. (1) The competent authority shall not grant or transfer any licence, other than a wholesale liquor licence, a brewer’s licence, a wine farmer’s licence, a foreign liquor licence or an hotel liquor licence, under this Act, to any producer or manufacturer as defined in section 114*bis* or to any brewer or to the agent of such a producer or manufacturer or any brewer or to any person who has a financial interest in the business or undertaking of such a producer or manufacturer or a brewer or to the agent of such a person or to any company in which shareholders having a financial interest in the business of such a producer or manufacturer or a brewer together hold a controlling interest (as defined in section 114*bis*) or to the agent of such a company or to any company in which such first-mentioned company holds such a controlling interest or to the agent of such a company: Provided that nothing contained in this subsection shall be construed as prohibiting the competent authority from transferring any licence—

- (i) to a person who was on 4 May 1956 the lessor of the premises in respect of which the licence was then held and is on the date of the transfer the lessor of the premises in

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- van die ander en tot die houer van die lisensie, 'n onafhanklike produsent of vervaardiger moet wees; en
- (c) indien bier op die gelisensieerde perseel verkoop word, bier, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens sewe verskillende bierbrouers in die Republiek (met inbegrip van die gebied Suidwes-Afrika) van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike brouer moet wees, in redelike hoeveelhede en teen redelike pryse te alle tye op die gelisensieerde perseel vir verkoop beskikbaar en opvallend uitgestal hou of, in die geval van tafelwyn, indien hy die houer van 'n binneverbruik-lisensie is, by wyse van 'n wynlys of andersins adverteer."
- (c) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
- „(a) „produsent of vervaardiger' 'n koöperatiewe vereniging soos in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), omskryf, wat wyn of brandewyn vir verkoop produseer of vervaardig, of 'n groothandelaar binne die bedoeling van subartikel (5)*bis* wat wyn of brandewyn aldus produseer of vervaardig;"; en
- (d) deur subartikel (5)*bis* deur die volgende subartikel te vervang:
- „(5)*bis* By die toepassing van die omskrywing van „produsent of vervaardiger' in subartikel (5), word iemand geag 'n groothandelaar te wees en te gewees het te alle tye gedurende enige jaar (soos in artikel 14 van die Wet op Beheer oor Wyn en Spiritus 1970 (Wet No. 47 van 1970), omskryf), indien hy gedurende die verstrekte deel van daardie jaar of gedurende die onmiddellik voorafgaande jaar (soos aldus omskryf) 'n hoeveelheid wyn van 'n besondere wynoes, wat 'n groothandelshoeveelheid is volgens die omskrywing, *mutatis mutandis*, van „groothandelshoeveelheid' in genoemde artikel (soos met verwysing na 1 November 1940 bepaal), of 'n met so 'n hoeveelheid gelykstaande hoeveelheid spiritus gekoop het."

103. Artikel 114*ter* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op verkryging van lisensies deur produsente of vervaardigers.

114*ter*. (1) Die bevoegde gesag mag nie enige lisensie, behalwe 'n groothandelaars-dranklisensie, 'n bierbrouers-lisensie, 'n wynboer-lisensie, 'n buitenlandse dranklisensie of 'n hotel-dranklisensie, kragtens hierdie Wet verleen of oordra nie, aan 'n produsent of vervaardiger soos in artikel 114*bis* omskryf word of aan 'n bierbrouer, of aan die agent van so 'n produsent of vervaardiger of 'n bierbrouer of aan iemand wat 'n geldelike belang in die besigheid of onderneming van so 'n produsent of vervaardiger of 'n bierbrouer het, of aan die agent van so iemand, of aan 'n maatskappy waarin aandeelhouders wat 'n geldelike belang in die besigheid van so 'n produsent of vervaardiger of 'n bierbrouer het, tesame 'n beheersende belang (soos in artikel 114*bis* omskryf) besit, of aan die agent van so 'n maatskappy, of aan 'n maatskappy waarin eersbedoelde maatskappy so 'n beheersende belang besit, of aan die agent van so 'n maatskappy: Met dien verstande dat geen bepaling van hierdie subartikel so uitgelê word nie dat dit die bevoegde gesag verbied om 'n lisensie oor te dra—

- (i) aan 'n persoon wat op 4 Mei 1956 die verhuurder was van die perseel ten opsigte waarvan die lisensie toe gehou was en op die datum van die oordrag die huurder is

Vervanging van artikel 114*ter* van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956 en gewysig deur artikel 7 van Wet 58 van 1957, artikel 88 van Wet 88 van 1963 en artikel 7 van Wet 98 van 1965.

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- respect of which the licence is then held, or to the agent of such a person;
- (ii) from one agent of any person to another agent of the same person;
 - (iii) to a producer or a manufacturer as defined in section 114*bis*, or a brewer, or a person having a controlling interest (as so defined) in a company which is such a producer or manufacturer or a brewer, who has, with the consent of the Minister given under paragraph (v) of section 166, directly or indirectly acquired any financial interest in the business in respect of which the licence in question has been issued, or to the agent of any such producer, manufacturer, brewer or person; or
 - (iv) to a person (other than a producer or manufacturer as defined in section 114*bis*, or a brewer, or a person having a controlling interest, as so defined, in a company which is a producer or manufacturer, as so defined, or a brewer) who has, with the consent of the Minister given under paragraph (w) of section 166, directly or indirectly acquired any financial interest in the business or undertaking in respect of which the licence in question has been issued, or to the agent of such person.

(2) The provisions of subsection (1) shall not be construed as prohibiting—

- (a) the transfer of any licence lawfully held by or by the agent of a brewer who on 4 May 1956 was a member of the Brewers' Institute of South Africa, to or to the agent of any other brewer who on that date was a member of the said Institute; or
- (b) the transfer of any licence lawfully held by any company, or the agent of any company, to any person (including any company) who on 4 May 1956 owned all the shares in such first-mentioned company, or to the agent of any such person."

Repeal of
section 115 of
Act 30 of 1928.

104. Section 115 of the principal Act is hereby repealed.

Substitution of
section 116 of
Act 30 of 1928,
as substituted by
section 89 of
Act 88 of 1963
and amended by
section 39 of
Act 23 of 1969.

105. The following section is hereby substituted for section 116 of the principal Act:

"Delegation
of manage-
ment, control,
or sharing of
profits, of
business.

116. (1) No licensee, other than an association referred to in section 67, shall without the written authority of the magistrate of the district concerned, granted after consultation with the designated police officer, permit any other person to manage, superintend or conduct his licensed business for a longer period than one month: Provided that no such authority shall be granted for a period in excess of three months unless a person acting under the directions of the Minister has authorized such magistrate to grant such authority.

(2) (a) No licensee, other than the holder of a temporary liquor licence, shall without the written authority of the Minister or a person acting under his directions, allow any other person, including an association referred to in section 67, in effect to control the licensed business or to

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van die perseel ten opsigte waarvan die lisensie dan gehou word, of aan die agent van bedoelde persoon;

- (ii) van een agent van 'n persoon aan 'n ander agent van dieselfde persoon;
- (iii) aan 'n produsent of 'n vervaardiger soos in artikel 114*bis* omskryf, of 'n bierbrouer, of 'n persoon wat 'n beheersende belang (soos aldus omskryf) besit in 'n maatskappy wat so 'n produsent of vervaardiger of 'n bierbrouer is, wat, met die toestemming van die Minister ingevolge paragraaf (v) van artikel 166 gegee, regstreeks of onregstreeks, 'n geldelike belang verkry het in die besigheid ten opsigte waarvan die betrokke lisensie uitgereik is, of aan die agent van so 'n produsent, vervaardiger, bierbrouer of persoon; of
- (iv) aan 'n persoon (behalwe 'n produsent of vervaardiger soos in artikel 114*bis* omskryf, of 'n bierbrouer, of iemand wat 'n beheersende belang, soos aldus omskryf, besit in 'n maatskappy wat 'n produsent of vervaardiger, soos aldus omskryf, of 'n bierbrouer is) wat, met die toestemming van die Minister ingevolge paragraaf (w) van artikel 166 gegee, regstreeks of onregstreeks 'n geldelike belang verkry het in die besigheid of onderneming ten opsigte waarvan die betrokke lisensie uitgereik is, of aan die agent van so 'n persoon.

(2) Die bepalinge van subartikel (1) word nie so uitgelê nie dat dit—

- (a) die oordrag belet van 'n lisensie wat wettiglik gehou word deur of deur die agent van 'n bierbrouer wat op 4 Mei 1956 'n lid van die 'Brewers' Institute of South Africa' was, aan of aan die agent van 'n ander bierbrouer wat op daardie datum 'n lid van genoemde 'Institute' was; of
- (b) die oordrag belet van 'n lisensie wat wettiglik deur 'n maatskappy of die agent van 'n maatskappy gehou word, aan enige persoon (met inbegrip van 'n maatskappy) wat op 4 Mei 1956 al die aandele in eersgenoemde maatskappy besit het, of aan die agent van so 'n persoon."

104. Artikel 115 van die Hoofwet word hierby herroep.

Herroeping van
artikel 115 van
Wet 30 van 1928.

105. Artikel 116 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oordrag
van bestuur
of beheer,
of deelneming
in wins, van
besigheid.

116. (1) Geen lisensiehouer, wat nie 'n assosiasie bedoel in artikel 67 is nie, mag sonder die skriftelike magtiging van die landdros van die betrokke distrik, verleen na oorleg met die aangewese polisie-offisier, toelaat dat iemand anders vir 'n langer tydperk as 'n maand sy gelisensieerde besigheid bestuur, toesig daaroor hou of dit dryf nie: Met dien verstande dat geen sodanige magtiging verleen word vir 'n langer tydperk as drie maande nie, tensy iemand wat op gesag van die Minister handel, bedoelde landdros gemagtig het om so 'n magtiging te verleen.

- (2) (a) Geen lisensiehouer, behalwe die houer van 'n tydelike dranklisensie, mag sonder die skriftelike magtiging van die Minister of iemand wat op sy gesag handel, toelaat dat iemand anders, met inbegrip van 'n assosiasie bedoel in artikel 67, in werklikheid die gelisensieerde besigheid

Vervanging van
artikel 116 van
Wet 30 van 1928,
soos vervang deur
artikel 89 van
Wet 88 van 1963
en gewysig deur
artikel 39 van
Wet 23 van 1969.

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become a partner therein or to share in the profits thereof: Provided that no such authority shall be necessary in respect of the acquisition of—

- (i) membership in a society;
- (ii) shares in a public company; or
- (iii) shares not resulting in a change in the control of a private company, which already lawfully shares in the profits of the licensed business.

(b) Every application for written authority in terms of paragraph (a) shall be considered with due regard to—

- (i) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof; and
- (ii) generally, any other matter which, in the opinion of the Minister or a person acting under his directions, is one proper to be taken into account in the consideration of the application:

Provided that no such application shall be refused on the ground that such authority might give rise to or aggravate a monopolistic condition detrimental to the public interest in the liquor trade or any branch thereof, unless the Minister or such person has afforded the applicant an opportunity to make representations thereanent to him within such period as the Minister or such person may determine.

(3) No holder of a temporary liquor licence shall without the written authority of the magistrate granting the application for such a licence, allow any other person, including an association referred to in section 67, in effect to control the temporary licensed business or to become a partner therein or to share in the profits thereof.

(4) Every application for authority under this section shall be made in the prescribed manner.”.

Amendment of section 117 of Act 30 of 1928, as amended by section 26 of Act 56 of 1975.

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

“(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 under 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 117A of Act 30 of 1928, as inserted by section 40 of Act 23 of 1969.

107. Section 117A of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) In this section ‘off-consumption licence’ includes any authority under any provision of this Act to sell liquor for consumption off the licensed premises.”.

Substitution of section 118 of Act 30 of 1928.

108. The following section is hereby substituted for section 118 of the principal Act:

“Designation and functions of inspectors.

118. (1) The Minister may designate any officer or employee in the public service as an inspector for the purposes of this Act, and any such inspector shall perform—

- (a) all the functions of a designated police officer set out in sections 136, 137 and 138, when there is no such police officer, or such functions of such

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beheer of 'n vennoot daarin word of in die winste daarvan deel nie: Met dien verstande dat geen sodanige magtiging nodig is nie ten opsigte van die verkryging van—

- (i) lidmaatskap van 'n vereniging;
- (ii) aandeel in 'n publieke maatskappy; of
- (iii) aandeel wat nie lei nie tot 'n verandering van beheer van 'n private maatskappy, wat alreeds wettiglik in die wins van die gelisensieerde besigheid deel.

(b) Elke aanvraag om skriftelike magtiging in-gevolge paragraaf (a) word oorweeg met behoorlike inagneming van—

- (i) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger word; en
- (ii) oor die algemeen, enige ander aangeleentheid wat volgens die oordeel van die Minister of iemand wat op sy gesag handel, by die oorweging van die aanvraag in aanmerking geneem behoort te word:

Met dien verstande dat geen sodanige aanvraag geweier word nie op grond daarvan dat bedoelde magtiging 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of laat vererger tensy die Minister of bedoelde persoon die aanvraer 'n geleentheid gebied het om vertoë daaromtrent tot hom te rig binne die tydperk wat die Minister of dié persoon bepaal.

(3) Geen houer van 'n tydelike dranklisensie mag sonder die skriftelike magtiging van die landdros wat die aanvraag om so 'n lisensie toestaan, toelaat dat iemand anders, met inbegrip van 'n assosiasie bedoel in artikel 67, in werklikheid die tydelike gelisensieerde besigheid beheer of 'n vennoot daarin word of in die wins daarvan deel nie.

(4) Elke aanvraag om magtiging kragtens hierdie artikel moet op die voorgeskrewe wyse gedoen word."

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

„(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 kragtens daardie artikel, geneem, aangeneem of ontvang word, as die transaksie plaasvind by 'n perseel ten opsigte waarvan die sekretaris van 'n *bona fide*-landboutoonstelling 'n tydelike dranklisensie hou waarkragtens sodanige wyn verkoop mag word."

Wysiging van artikel 117 van Wet 30 van 1928, soos gewysig deur artikel 26 van Wet 56 van 1975.

107. Artikel 117A van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) In hierdie artikel beteken 'buiteverbruik-lisensie' ook 'n magtiging kragtens enige bepaling van hierdie Wet om drank vir verbruik buite die gelisensieerde perseel te verkoop."

Wysiging van artikel 117A van Wet 30 van 1928, soos ingevoeg deur artikel 40 van Wet 23 van 1969.

108. Artikel 118 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanwysing en werksaamhede van inspekteurs. **118.** (1) Die Minister kan 'n beampte of werknemer in die Staatsdiens as 'n inspekteur vir die doeleindes van hierdie Wet aanwys, en so 'n inspekteur verrig—

- (a) al die werksaamhede van 'n aangewese polisie-offisier in artikels 136, 137 en 138 vermeld, wanneer daar nie so 'n polisie-offisier is nie, of

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- a police officer as the Minister may determine, when there is such a police officer; and
- (b) such other functions in connection with the application and administration of the provisions of this Act, as may be assigned to him by the Minister.

(2) (a) Every such inspector shall be furnished with a certificate signed by a person acting under the directions of the Minister and stating that he has been designated as an inspector under subsection (1).

- (b) Such an inspector shall, on demand by any person affected by the performance by him of any function under this Act, exhibit to such person the certificate referred to in subparagraph (a).

(3) For the purposes of the performance of his functions under this Act, any inspector referred to in subsection (1) may—

- (a) at all reasonable times enter upon any licensed premises or any premises in respect of which an application for a licence has under this Act been made, and, after having informed the person who is for the time being in charge or control of such premises of the purpose of his visit, make such examination and enquiry as he may deem necessary;
- (b) while he is upon the premises or at any other reasonable time, question the licensee or any person who manages or is responsible for the conduct of the licensed business or who intends to conduct a licensed business on the premises, or any employee of such licensee or person, in the presence of or apart from others, and require from any such licensee, person or employee the production to him there and then, or at a time and place fixed by the inspector, of any book, notice, record, list or other document which is or has been upon the premises or in the possession or custody or under the control of such licensee, person or employee, if in his opinion examination of that book, notice, record, list or document is necessary for the purpose of any investigation which he is carrying out;
- (c) at any reasonable time require of any person who has the possession, custody or control of any book, notice, record, list or other document relating to such premises or to the business conducted thereon, the production to him there and then, or at a time and place fixed by the inspector, of that book, notice, record, list or document, if in his opinion examination of that book, notice, record, list or document is necessary for the purpose of any investigation which he is carrying out;
- (d) examine and make extracts from and copies of any such book, notice, record, list or document, and require an explanation of any entries in any such book, notice, record, list or document, and seize any such book, notice, record, list or document which, in his opinion, may afford evidence of a contravention or evasion of any provision of this Act.

(4) Upon entry upon any premises by any inspector under subsection (3), the licensee of the premises and any person who manages or is responsible for the conduct of the licensed business on the premises or

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- dié werksaamhede van so 'n polisie-offisier wat die Minister bepaal, wanneer daar so 'n polisie-offisier is; en
- (b) die ander werksaamhede in verband met die toepassing en uitvoering van die bepalings van hierdie Wet wat die Minister hom opdra.
- (2) (a) Elke sodanige inspekteur moet van 'n sertifikaat voorsien word wat onderteken is deur iemand wat op gesag van die Minister handel en waarin verklaar word dat hy kragtens subartikel (1) as 'n inspekteur aangewys is.
- (b) So 'n inspekteur moet op versoek van iemand wat geraak word deur die verrigting deur hom van enige werksaamheid kragtens hierdie Wet, die in subparagraaf (a) bedoelde sertifikaat aan so iemand toon.
- (3) Vir die doeleindes van die verrigting van sy werksaamhede kragtens hierdie Wet, kan 'n in subartikel (1) bedoelde inspekteur—
- (a) te alle redelike tye 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan 'n aanvraag om 'n lisensie kragtens hierdie Wet gedoen is, betree en, nadat hy die persoon wat asdan toesig of beheer oor bedoelde perseel het, van die doel van sy besoek verwittig het, die ondersoek instel en die navrae doen wat hy nodig ag;
- (b) terwyl hy op die perseel is of op enige ander redelike tydstip, die lisensiehouer of enige persoon wat die gelisensieerde besigheid bestuur of vir die dryf daarvan verantwoordelik is of wat voornemens is om 'n gelisensieerde besigheid op die perseel te dryf, of enige werknemer van bedoelde lisensiehouer of persoon in die teenwoordigheid of afsonderlik van andere ondervra, en eis dat bedoelde lisensiehouer, persoon of werknemer onverwyld of op 'n tyd en plek wat die inspekteur bepaal, 'n boek, kennisgewing, aantekening, lys of ander stuk aan hom oorleë wat op die perseel of in die besit of bewaring of onder die beheer van bedoelde lisensiehouer, persoon of werknemer is of was, indien die ondersoek van daardie boek, kennisgewing, aantekening, lys of stuk na sy oordeel nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;
- (c) te enige redelike tyd van enige persoon wat enige boek, kennisgewing, aantekening, lys of ander stuk betreffende bedoelde perseel of die besigheid wat daarop gedryf word, in sy besit of bewaring of onder sy beheer het, die oorlegging aan hom van daardie boek, kennisgewing, aantekening, lys of stuk onverwyld of op 'n tyd en plek deur die inspekteur bepaal, vereis, indien die ondersoek van daardie boek, kennisgewing, aantekening, lys of stuk na sy oordeel nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;
- (d) enige sodanige boek, kennisgewing, aantekening, lys of stuk ondersoek en uittreksels daaruit en afskrifte daarvan maak, en 'n uitleg vorder van enige inskrywings in so 'n boek, kennisgewing, aantekening, lys of stuk en beslag lê op so 'n boek, kennisgewing, aantekening, lys of stuk wat na sy oordeel bewys kan lewer van 'n oortreding of ontduiking van 'n bepaling van hierdie Wet.
- (4) By betreding van 'n perseel deur 'n inspekteur kragtens subartikel (3), moet die lisensiehouer van die perseel en iemand wat die gelisensieerde besigheid op die perseel bestuur of vir die dryf daarvan verant-

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who intends to conduct a licensed business on the premises, and any employee of such licensee or person, shall at all times provide such reasonable facilities as are required by the inspector for the purpose of performing his functions under the said subsection.”.

Substitution of section 118bis of Act 30 of 1928, as inserted by section 12 of Act 72 of 1961 and amended by section 90 of Act 88 of 1963.

109. The following section is hereby substituted for section 118bis of the principal Act:

“National Liquor Board.

118bis. (1) The State President shall establish a board, to be known as the National Liquor Board, to—

- (a) advise him or the Minister, as the case may be, as to any matter arising out of the application of the provisions of this Act or the general distribution of liquor which may be referred to it;
- (b) perform such other functions as may be entrusted to it under this Act.

(2) The Board shall consist of—

- (a) two officers in the Department of Justice, to be nominated by the Minister, the one as the chairman thereof and the other as the deputy chairman thereof, who shall, if the chairman is absent for any reason or for any reason recuses himself in the case of the hearing or consideration of any matter, then act as chairman and one such officer so nominated as alternative to the officer who is the deputy chairman;
- (b) the Commissioner of the South African Police or a person nominated by him; and
- (c) three other members to be appointed by the State President for a period of two years.

(3) The members of the Board appointed by the State President under paragraph (c) of subsection (2) shall receive such allowances to meet the reasonable expenses to which they are put in connection with the business of the Board as the Minister in consultation with the Minister of Finance, may determine.

(4) Retiring members of the Board shall be eligible for re-appointment.

(5) Whenever for any reason the office of any member of the Board appointed under paragraph (c) of subsection (2) becomes vacant before the expiration of the period for which he has been appointed, the State President may appoint any other person to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(6) Three members of the Board shall form a quorum.

(7) If the chairman and deputy chairman of the Board are absent from any meeting, the Minister shall appoint one of the members present thereat to act as chairman of the Board at such meeting.

(8) The decision of the majority of the members of the Board present at any meeting thereof shall be deemed to be the decision of the Board.

(9) In the event of an equality of votes on any matter before a meeting of the Board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(10) (a) If the Board is of the opinion that any particular person or persons is, or are, able to assist it in the hearing or consideration of any particular matter before the Board, it may co-opt such person or persons for that purpose: Provided that such person or persons shall have no vote on any such matter.

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woordelik is of wat voornemens is om 'n gelisensieerde besigheid op die perseel te dryf, en enige werknemer van bedoelde lisensiehouer of persoon, te alle tye die redelike fasiliteite verskaf wat deur die inspekteur vereis word om sy werksaamhede kragtens genoemde subartikel te verrig."

109. Artikel 118*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Nasionale
Drankraad.

118*bis*. (1) Die Staatspresident moet 'n raad instel, wat die Nasionale Drankraad heet, om—

- (a) hom of die Minister, na gelang van die geval, van advies te dien betreffende enige aangeleentheid wat ontstaan uit die toepassing van die bepalings van hierdie Wet of die algemene distribusie van drank wat na hom verwys word;
- (b) die ander werksaamhede te verrig wat kragtens hierdie Wet aan hom opgedra word.

(2) Die Raad bestaan uit—

- (a) twee beamptes in die Departement van Justisie deur die Minister benoem te word, die een as die voorsitter daarvan en die ander as die ondervoorsitter daarvan wat, indien die voorsitter om enige rede afwesig is of hom om enige rede onttrek aan die aanhoor of oorweging van enige aangeleentheid, dan as voorsitter optree, en een so 'n beampte aldus benoem as plaasvervanger vir die beampte wat die ondervoorsitter is;
- (b) die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom benoem; en
- (c) drie ander lede deur die Staatspresident aangestel te word vir 'n tydperk van twee jaar.

(3) Die lede van die Raad aangestel deur die Staatspresident kragtens paragraaf (c) van subartikel (2) ontvang sodanige toelaes ter dekking van die redelike uitgawes wat hulle aangaan in verband met die besigheid van die Raad as wat die Minister, in oorleg met die Minister van Finansies, vasstel.

(4) Aftredende lede van die Raad mag weer aangestel word.

(5) Wanneer om enige rede die amp van 'n kragtens paragraaf (c) van subartikel (2) aangestelde lid van die Raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, mag die Staatspresident iemand anders aanstel om die vakature te vul totdat die tydperk verstryk waarvoor die lid wat sy amp ontruim, aangestel was.

(6) 'n Kworum bestaan uit drie lede van die Raad.

(7) Indien die voorsitter en ondervoorsitter van die Raad van 'n vergadering afwesig is, stel die Minister een van die lede wat aldaar aanwesig is, aan om op daardie vergadering as voorsitter van die Raad op te tree.

(8) Die beslissing van 'n meerderheid van die lede van die Raad wat op 'n vergadering daarvan aanwesig is, word geag 'n besluit van die Raad te wees.

(9) By 'n staking van stemme oor enige aangeleentheid voor 'n vergadering van die Raad, het die persoon wat op daardie vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

(10) (a) Indien die Raad van oordeel is dat 'n bepaalde persoon of persone in staat is om die Raad behulpsaam te wees met die behandeling of oorweging van 'n besondere aangeleentheid wat voor die Raad dien, kan hy daardie persoon of persone vir daardie doel koöpteer: Met dien verstande dat so iemand of sodanige persone geen stem oor enige sodanige aangeleentheid het nie.

Vervanging van artikel 118*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 12 van Wet 72 van 1961 en gewysig deur artikel 90 van Wet 88 van 1963.

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- (b) The provisions of subsection (3) shall *mutatis mutandis* apply in respect of any such person or persons.

(11) The Board shall as soon as possible after the first day of January in each year, submit a report to the Minister on its work during the preceding calendar year.”.

Amendment of section 118ter of Act 30 of 1928, as inserted by section 6 of Act 70 of 1968.

110. Section 118ter of the principal Act is hereby amended—

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

“(2) The chairman of the board may, for the purposes of the enquiry, cause any person to be summoned, in the manner in which a person may be subpoenaed to appear before a magistrate’s court in a criminal trial, to give evidence at the enquiry or to produce thereat any book, document or thing which may, in the opinion of the chairman of the board be relevant to the subject matter of the enquiry.”;

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

“(b) The chairman of the board may administer an oath to, or accept an affirmation from, any person appearing before the board to give evidence or to produce any book, document or thing.”;

- (c) by the substitution for subsection (8) of the following subsection:

“(8) Any person who—

- (a) having been summoned under subsection (2) to give evidence at an enquiry, fails to attend at the time and place specified in the subpoena, or fails to remain in attendance until the conclusion of the enquiry or until he is excused by the chairman of the board from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or

- (b) having been called under subsection (3) and directed by the chairman of the board to do so, refuses to be sworn or to make an affirmation as a witness, or, having been so called and sworn or made affirmation, refuses to testify, or refuses or fails to answer fully and satisfactorily any question lawfully put to him,

shall unless he proves that he has a just excuse for his failure or refusal, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”; and

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

“(11) Any holder of a licence under this Act who has a substantial interest in any matter referred to the board for enquiry under this section shall be entitled to appear either personally or, if such holder is an association of persons, through a person deputed by it in writing, at such enquiry and to be represented thereat by counsel or an attorney.”.

Substitution of section 119 of Act 30 of 1928.

111. The following section is hereby substituted for section 119 of the principal Act:

“Liability of lessor in respect of alteration or repairs

119. (1) Whenever in terms of section 79 the competent authority has, in respect of any premises on which is carried on a business under an on-consumption licence, imposed a condition involving a

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(b) Die bepalings van subartikel (3) is *mutatis mutandis* van toepassing ten opsigte van so iemand of sodanige persone.

(11) So spoedig doenlik na die eerste dag van Januarie in elke jaar lê die Raad 'n verslag van sy werksaamhede gedurende die voorafgaande kalenderjaar aan die Minister voor."

110. Artikel 118ter van die Hoofwet word hierby gewysig—

Wysiging van artikel 118ter van Wet 30 van 1928, soos ingevoeg deur artikel 6 van Wet 70 van 1968.

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

„(2) Die voorsitter van die raad kan, vir die doeleindes van die ondersoek, enige persoon laat dagvaar, op die wyse waarop 'n persoon as getuie gedagvaar kan word om by 'n strafverhoor voor 'n landdroshof te verskyn, om by die ondersoek getuienis af te lê of 'n boek, stuk of saak oor te lê wat, na die voorsitter van die raad se oordeel, op die onderwerp van die ondersoek betrekking het."

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

„(b) Die voorsitter van die raad kan aan 'n persoon wat voor die raad verskyn om getuienis af te lê of om 'n boek, stuk of saak oor te lê, 'n eed oplê of van hom 'n bevestiging aanneem."

(c) deur subartikel (8) deur die volgende subartikel te vervang:

„(8) 'n Persoon wat—

(a) nadat hy kragtens subartikel (2) gedagvaar is om getuienis by 'n ondersoek af te lê, in gebreke bly om aanwesig te wees op die in die dagvaarding bepaalde tyd en plek, of in gebreke bly om aanwesig te bly tot by afloop van die ondersoek of totdat die voorsitter van die raad hom verlof gegee het om nie langer aanwesig te wees nie, of in gebreke bly om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy volgens 'n dagvaarding moet oorlê; of

(b) nadat hy kragtens subartikel (3) opgeroep is en deur die voorsitter van die raad aangesê is om dit te doen, weier om as getuie die eed of 'n plegtige verklaring af te lê, of nadat hy aldus opgeroep is en na eedaflegging of die aflê van 'n plegtige verklaring, weier om getuienis af te lê of weier of in gebreke bly om 'n vraag wettiglik aan hom gestel, ten volle en op bevredigende wyse te beantwoord,

is, tensy hy bewys dat hy 'n voldoende verskoning vir sy versuim of weiering het, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf."

(d) deur subartikel (11) deur die volgende subartikel te vervang:

„(11) 'n Houer van 'n lisensie kragtens hierdie Wet wat 'n wesenlike belang het by enige aangeleentheid wat na die raad vir ondersoek kragtens hierdie artikel verwys is, is geregtig om by bedoelde ondersoek te verskyn, hetsy self of, indien die houer 'n assosiasie van persone is, deur iemand deur hom skriftelik gemagtig, en deur 'n advokaat of prokureur verteenwoordig te word."

111. Artikel 119 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 119 van Wet 30 van 1928.

„Aan-spreklikheid van verhuurder vir verbouing

119. (1) Wanneer die bevoegde gesag ingevolge artikel 79 ten opsigte van 'n perseel waarop kragtens 'n binneverbruik-lisensie besigheid gedryf word, 'n voorwaarde gestel het wat die verbouing van of

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ordered by
competent
authority.

structural alteration or repair of or addition to such premises, the licensee upon whom such condition has been imposed may if he is a lessee of the premises, require the lessor thereof to comply with the requirements of the competent authority within any period stated in the condition.

(2) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repair of or addition to the premises will not exceed two hundred rand, the licensee, if the lessor within the time stated in the condition or, if no time is stated, within three months of the receipt by him of any notice under subsection (1) has not effected the alteration or repair of or addition to the premises, may himself effect the same, and he may deduct from any rent due or to become due by him to the lessor the sum which he has expended in complying with the condition.

(3) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repair of or addition to the premises will exceed two hundred rand and the lessor does not within the time stated in the condition or, if no time is stated, within six months of the receipt by him of any notice under subsection (1), comply with the requirements of the condition, the licensee, notwithstanding any agreement to the contrary, may forthwith and without notice terminate the lease or may himself effect the alteration, repair or addition at his own expense."

Substitution of
section 120 of
Act 30 of 1928.

112. The following section is hereby substituted for section 120 of the principal Act:

"Increase
of rent
where
premises
altered,
repaired or
added to
by lessor.

120. Whenever in consequence of any condition imposed by the competent authority in terms of section 79 a lessor has altered, repaired or added to premises upon which is carried on a business under an on-consumption licence and the expenditure incurred has exceeded two hundred rand, such lessor, notwithstanding any term of the lease, may, as from the date of the completion of the alteration, repair or addition, increase the rent of such premises by a sum not exceeding fifteen per cent per annum of the amount of the expenditure incurred, and the rental so increased shall be deemed to be the rent due under the lease."

Substitution of
section 121 of
Act 30 of 1928,
as amended by
section 37 of
Act 61 of 1956
and section 91 of
Act 88 of 1963.

113. The following section is hereby substituted for section 121 of the principal Act:

"Period of
tenancy of
licensed
premises.

121. (1) Notwithstanding anything contained in any contract of lease, the tenancy of any hired premises upon which is carried on the business of an on-consumption licence or in respect of which an authority under section 100*bis* or 100*sex* is held for the sale of liquor for consumption on the premises—

- (a) shall endure for at least twelve months;
- (b) shall not terminate save after six calendar months' notice thereof given in writing by the lessor to the lessee:

Provided that if the lessor for the purposes of a written application made by him in the prescribed manner proves to the satisfaction of the Liquor Board that the lessee—

- (i) has during the tenancy been convicted of any offence and sentenced to imprisonment without the option of a fine;
- (ii) has during the tenancy been convicted under this Act and sentenced to pay a fine of two hundred rand or more;
- (iii) has during the tenancy been convicted two or more times of an offence under this Act;

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of herstel-
werk wat
bevoegde
gesag gelas.

herstelwerk of aanbou aan die gebou vereis, dan mag die lisensiehouer ten opsigte van wie die voorwaarde opgelê is, as hy 'n huurder van die perseel is, van die verhuurder daarvan eis dat hy binne die termyn in die voorwaarde gestel, aan die vereistes van die bevoegde gesag moet voldoen.

(2) As die koste van die verbouing van of herstelwerk of aanbou aan die perseel volgens 'n redelike en *bona fide*-skatting, nie meer as tweehonderd rand sal bedra nie, en die verhuurder nie binne die termyn, in die voorwaarde gestel of, as geen termyn gestel is nie, binne drie maande vandat hy ingevolge subartikel (1) kennis ontvang het, die verbouing, herstelwerk of aanbouing uitgevoer het nie, dan mag die lisensiehouer dit self uitvoer en die bedrag wat hy uitgegee het om aan die voorwaarde te voldoen, aftrek van die huurgeld wat hy aan die verhuurder skuld of skuldig word.

(3) As die koste van die verbouing van of herstelwerk of aanbou aan die perseel volgens 'n redelike en *bona fide*-skatting meer sal bedra as tweehonderd rand en die verhuurder nie binne die in die voorwaarde gestelde termyn of, as geen termyn gestel is nie, binne ses maande vandat hy 'n kennisgewing ingevolge subartikel (1) ontvang het, aan die vereistes van die voorwaarde voldoen nie, dan mag die lisensiehouer, niteenstaande 'n andersluidende ooreenkoms, onmiddellik en sonder kennisgewing die huur beëindig of die verbouing, herstelwerk of aanbouing self op eie koste uitvoer."

112. Artikel 120 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verhoging
van huur
waar perseel
deur
verhuurder
verbou,
herstel of
vergroot
word.

120. Wanneer 'n verhuurder ten gevolge van 'n voorwaarde, deur die bevoegde gesag ingevolge artikel 79 gestel, 'n perseel waarop kragtens 'n binneverbruik-lisensie besigheid gedryf word, verbou, herstel of vergroot het en die koste wat aangegaan is, meer as tweehonderd rand bedra het, dan mag die verhuurder, niteenstaande enige beding in die huurkontrak, vanaf die voltooiing van die verbouing, herstelwerk of vergroting, die huur van die perseel verhoog met 'n bedrag van hoogstens vyftien persent per jaar van koste aangegaan, en die aldus verhoogde huur word beskou as die huur wat kragtens die huurkontrak verskuldig is."

Vervanging van
artikel 120 van
Wet 30 van 1928.

113. Artikel 121 van die Hoofwet word hierby deur die volgende artikel vervang:

„Huurtermyn
van gelisen-
siede perse-
le.

121. (1) Die huur van 'n gehuurde perseel waarop die besigheid van 'n binneverbruik-lisensie gedryf word of in verband waarmee 'n magtiging kragtens artikel 100*bis* of 100*sex* gehou word vir die verkoop van drank vir gebruik op die perseel (ongeag wat die huurkontrak ook mag beding)—

- (a) moet minstens twaalf maande duur;
- (b) loop nie af nie behalwe na ses kalendermaande skriftelike kennisgewing deur die verhuurder aan die huurder:

Met dien verstande dat as die verhuurder vir die doeleindes van 'n skriftelike aanvraag op die voorgeskrewe wyse deur hom gedoen, die Drankraad met bewyse oortuig dat die huurder—

- (i) tydens die huur weens 'n misdryf veroordeel is tot gevangenisstraf sonder die keuse van 'n boete;
- (ii) tydens die huur kragtens hierdie Wet veroordeel is tot 'n boete van tweehonderd rand of meer;
- (iii) tydens die huur twee of meer keer weens 'n misdryf ingevolge hierdie Wet veroordeel is;

Vervanging van
artikel 121 van
Wet 30 van 1928,
soos gewysig deur
artikel 37 van
Wet 61 van 1956
en artikel 91 van
Wet 88 van 1963.

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- (iv) has done or is doing material damage to the premises;
- (v) is conducting his business in a manner which is calculated seriously to prejudice the lessor or endanger the continued existence of the licence;
- (vi) has failed to fulfil his obligation to pay the rent due in respect of the hired premises; or
- (vii) has failed to fulfil his obligation to maintain the hired premises in a fit state of order and repair, the board, after giving to the lessee such notice in the prescribed manner as it may deem fit and after considering any representations by him showing cause to the contrary, may by writing authorize the termination of the lease on any date specified in such writing and under any conditions set forth therein.

(2) Nothing in subsection (1) of this section contained shall affect the provisions of section 119 (3) or any right of a lessee under the common law or under his contract to terminate his tenancy."

Repeal of section 121*bis* of Act 30 of 1928, as inserted by regulation 4 of War Measure No. 59 of 1946.

114. Section 121*bis* of the principal Act is hereby repealed.

Repeal of section 123 of Act 30 of 1928, as amended by section 111 of Act 46 of 1935 and section 93 of Act 88 of 1963.

115. Section 123 of the principal Act is hereby repealed.

Amendment of section 130 of Act 30 of 1928, as amended by section 94 of Act 88 of 1963.

116. (1) Section 130 of the principal Act is hereby amended—

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

"(2) No person shall sell, or have in his possession for the purposes of sale, any methylated spirit unless he is the holder of a general dealer's or a pharmacist's licence issued in terms of any law.";

- (b) by the substitution in subsection (3) for all the words preceding paragraph (a) of the following words:

"The Minister may make regulations not inconsistent with any provision of subsection (2) for or in respect of all or any of the following matters:"; and

- (c) by the deletion of subsection (5).

(2) Regulations made by the State President under section 130 (3) of the principal Act prior to the substitution thereof by subsection (1) of this section, shall be deemed to have been made by the Minister under the said section 130 (3) as so substituted.

Amendment of section 131 of Act 30 of 1928, as amended by section 95 of Act 88 of 1963.

117. Section 131 of the principal Act is hereby amended by the substitution in subsection (2) for all the words preceding paragraph (a) of the following words:

"Every person selling intoxicating medicine shall keep in one of the official languages a stock book clearly showing at all times the addition to, takings from, and present condition of his stock of such medicines, and a sales register showing in respect of every sale by him of such medicine—".

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- (iv) die perseel wesenlik beskadig het of beskadig;
- (v) sy besigheid so dryf dat die verhuurder ernstig benadeel of die voortbestaan van die lisensie ernstig bedreig sou kan word;
- (vi) versuim het om sy verpligting om die verskuldigde huur ten opsigte van die verhuurde perseel te betaal, na te kom; of
- (vii) versuim het om sy verpligting om die verhuurde perseel in 'n behoorlike toestand te hou, na te kom,

die raad, na sodanige kennisgewing op die voorgeskrewe wyse as wat hy wenslik ag aan die huurder, en na oorweging van enige verhoë deur hom waarby redes, tot die teendeel aangevoer word, skriftelike magtiging mag verleen tot beëindiging van die huurkontrak en wel op die dag en onderworpe aan die voorwaardes daarin uiteengesit.

(2) Die bepalings van subartikel (1) van hierdie artikel maak geen inbreuk op die bepalings van artikel 119 (3) of op enige reg van 'n huurder kragtens die gemene reg of kragtens sy kontrak om sy huur te beëindig nie.”.

114. Artikel 121*bis* van die Hoofwet word hierby herroep.

Herroeping van artikel 121*bis* van Wet 30 van 1928, soos ingevoeg deur regulasie 4 van Oorlogsmaat-reël No. 59 van 1946.

115. Artikel 123 van die Hoofwet word hierby herroep.

Herroeping van artikel 123 van Wet 30 van 1928, soos gewysig deur artikel 111 van Wet 46 van 1935 en artikel 93 van Wet 88 van 1963.

116. (1) Artikel 130 van die Hoofwet word hierby gewysig—

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

„(2) Niemand mag enige brandspiritus verkoop of besit om te verkoop nie, tensy hy die houer is van 'n algemene handelaars- of aptekers-lisensie wat uitgereik is kragtens die een of ander wet.”;

Wysiging van artikel 130 van Wet 30 van 1928, soos gewysig deur artikel 94 van Wet 88 van 1963.

- (b) deur in subartikel (3) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Die Minister mag regulasies uitvaardig (wat nie in stryd met 'n bepaling van subartikel (2) mag wees nie) vir of in verband met al of enige van die volgende sake:”; en

- (c) deur subartikel (5) te skrap.

(2) Regulasies deur die Staatspresident kragtens artikel 130 (3) van die Hoofwet uitgevaardig voor die vervanging daarvan deur subartikel (1) van hierdie artikel, word geag deur die Minister uitgevaardig te wees kragtens genoemde artikel 130 (3) soos aldus vervang.

117. Artikel 131 van die Hoofwet word hierby gewysig deur in subartikel (2) al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„Elkeen wat bedwelmende medisyne verkoop, moet in een van die amptelike tale 'n voorraadboek hou wat te alle tye duidelik aantoon die teenswoordige stand van sy voorraad van sodanige medisyne en wat daaraan toegevoeg of daaruit ontnem is, en 'n verkoopsregister hou wat met betrekking tot elke verkoop van sodanige medisyne deur hom aantoon—”.

Wysiging van artikel 131 van Wet 30 van 1928, soos gewysig deur artikel 95 van Wet 88 van 1963.

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Substitution of section 132 of Act 30 of 1928, as inserted by section 7 of Act 70 of 1968.

118. The following section is hereby substituted for section 132 of the principal Act:

“Permit for conveyance of liquor.

132. (1) The Minister may by notice under his hand delivered or tendered to any holder of an off-consumption licence or to any holder of an on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, prohibit such holder for any period specified in that notice, from conveying or causing to be conveyed at any one time any liquor in quantities exceeding 9 litres, unless he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to convey such liquor or to cause such liquor to be conveyed.

(2) A member of the police force holding a rank designated under subsection (1) may, subject to an appeal to the Commissioner of Police, whose decision shall be final, in his discretion, refuse to issue any such permit.

(3) No notice delivered or tendered to the holder of a licence under subsection (1) shall apply to the conveyance of any liquor from the licensed premises of such holder to—

- (i) the licensed premises of any other licensee;
- (ii) the premises of any person authorized under this Act to sell liquor without a licence; or
- (iii) to or from the authorized places of storage determined in terms of section 79*ter*.”.

Substitution of section 134 of Act 30 of 1928, as substituted by section 8 of Act 70 of 1968.

119. The following section is hereby substituted for section 134 of the principal Act:

“Prohibition of delivery and introduction of liquor in or into certain areas.

134. (1) No holder of any off-consumption licence, no holder of any on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, and no holder of an authority under section 100*sex* authorized to sell liquor for consumption off the premises described in the authority shall by himself, his servant or agent deliver or cause to be delivered any liquor to any person within—

- (a) a Bantu residential area defined, set apart and laid out or deemed to have been defined, set apart and laid out under section 2 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or
- (b) a township established by the Minister of Bantu Administration and Development under the provisions of any law relating to the settlement of Bantu,

who is not the holder of an authority under section 100*bis*.

(2) Subject to the provision of subsection (1), no person other than the holder of an authority under section 100*bis*, shall by himself, his servant or agent at any one time introduce liquor in quantities exceeding 9 litres into a Bantu residential area or township referred to in subsection (1), unless he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to do so.”.

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118. Artikel 132 van die Hoofwet word hierby deur die volgende artikel vervang:

„Permit vir vervoer van drank.

132. (1) Die Minister kan by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan enige houer van 'n buiteverbruik-lisensie of aan enige houer van 'n binneverbruik-lisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank vir verbruik buite die gelisensieerde perseel te verkoop, bedoelde houer verbied om vir die in die kennisgewing bepaalde tydperk enige drank in hoeveelhede van meer as 9 liter op 'n keer te vervoer of te laat vervoer, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat uitgereik is deur 'n lid van die polisiemag wat 'n deur die Kommissaris van Polisie aangewese rang bekleed en wat hom magtig om bedoelde drank te vervoer of te laat vervoer.

(2) 'n Lid van die polisiemag wat 'n kragtens subartikel (1) aangewese rang bekleed, kan, onderworpe aan 'n appèl na die Kommissaris van Polisie, wie se beslissing afdoende is, na goeë dunnke die uitreiking van so 'n permit weier.

(3) Geen kennisgewing wat kragtens subartikel (1) aan die houer van 'n lisensie oorhandig of aangebied is, is van toepassing nie op die vervoer van enige drank vanaf die gelisensieerde perseel van bedoelde houer na—

- (i) die gelisensieerde perseel van 'n ander lisensiehouer;
- (ii) die perseel van iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop; of
- (iii) na of vanaf die gemagtigde opbergingsplekke bepaal ingevolge artikel 79ter.”.

Vervanging van artikel 132 van Wet 30 van 1928, soos ingevoeg deur artikel 7 van Wet 70 van 1968.

119. Artikel 134 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op aflewering en invoering van drank in sekere gebiede.

134. (1) Geen houer van 'n buiteverbruik-lisensie, geen houer van 'n binneverbruik-lisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop, en geen houer van 'n magtiging kragtens artikel 100sex wat gemagtig is om drank vir gebruik buite die in die magtiging omskrewe perseel te verkoop, mag self of deur sy bediende of verteenwoordiger enige drank aflewer of laat aflewer nie aan iemand binne—

- (a) 'n Bantoevoon gebied bepaal, afgesonder en aangelê of geag bepaal, afgesonder en aangelê te wees ingevolge artikel 2 van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945); of
- (b) 'n dorp gestig deur die Minister van Bantoeadministrasie en -ontwikkeling kragtens die bepalinge van enige wet met betrekking tot die vestiging van Bantoes, wat nie die houer van 'n magtiging kragtens artikel 100bis is nie.

(2) Behoudens die bepalinge van subartikel (1), mag niemand anders as die houer van 'n magtiging kragtens artikel 100bis, self of deur sy bediende of verteenwoordiger drank in groter hoeveelhede as 9 liter op 'n keer in 'n in subartikel (1) bedoelde Bantoevoon gebied of dorp invoer nie, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat deur 'n lid van die polisiemag wat 'n deur die Kommissaris van Polisie aangewese rang bekleed, uitgereik is en wat hom daartoe magtig.”.

Vervanging van artikel 134 van Wet 30 van 1928, soos vervang deur artikel 8 van Wet 70 van 1968.

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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, section 42 of Act 23 of 1969 and section 27 of Act 56 of 1975.

120. Section 135 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

“No licensee or person authorized under this Act to sell liquor without a licence shall, either by himself or by any servant or agent—”; and

- (b) 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 or a person authorized under this Act to sell liquor without a licence.”.

Substitution of section 136 of Act 30 of 1928, as substituted by section 98 of Act 88 of 1963.

121. The following section is hereby substituted for section 136 of the principal Act:

“Police report on application.

136. (1) In respect of every application made to the Minister for a licence or written authority under section 100*bis* or 100*sex*, it shall be the duty of the commissioned officer of police designated by the Minister of Police to report, with due regard to the provisions of this Act, for the information of the Minister whether—

- (a) the premises in respect of which application is made, are in good repair, afford suitable and proper accommodation, are in all respects adequately equipped for the proper carrying on of the business proposed and, if the premises are situated in the vicinity of a place of worship, or a school or a Bantu compound, whether the business proposed is likely to prejudice the conduct of such place of worship or school, or prejudice the occupants or affect the control of such compound;
- (b) the premises, if not yet erected or completed, would upon completion in accordance with the plans thereof, be suitable in all respects for the proper carrying on of the business proposed;
- (c) the applicant is of good character, is a fit and proper person to be granted such licence or written authority and is not disqualified under any provision of section 65;
- (d) the licence or written authority for which application is made is, in the opinion of such officer, reasonably required to meet the convenience of the public;
- (e) in the case of an applicant referred to in section 79*bis* it will unduly inconvenience the public if business is not done during any particular period,

and generally to draw the attention of the Minister to any matter which, in the opinion of such officer, is one proper to be taken into account in the consideration of the application.

(2) In respect of every application made under this Act for the removal or the transfer of a licence or written authority under section 6A, 100*bis* or 100*sex*, it shall be the duty of such officer to report for the information of the competent authority—

- (a) in the case of an application for such transfer, on the matter referred to in subsection (1) (c);
- (b) in the case of an application for such a removal, on the matters referred to in subsection (1) (a) and (b),

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120. Artikel 135 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Geen lisensiehouer en niemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, mag, hetsy self of deur 'n bediende of agent—”;

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

„(2) Subartikel (1) is nie van toepassing nie op die verstrekking, verspreiding of aflewering van sterk drank as 'n gewone besigheidstransaksie aan 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop.”.

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, artikel 42 van Wet 23 van 1969 en artikel 27 van Wet 56 van 1975.

121. Artikel 136 van die Hoofwet word hierby deur die volgende artikel vervang:

„Polisieverslag oor aanvraag.

136. (1) Met betrekking tot elke aanvraag by die Minister om 'n lisensie of 'n skriftelike magtiging kragtens artikel 100*bis* of 100*sex* gedoen, is die polisie-offisier wat deur die Minister van Polisie aangewys is, verplig om met behoorlike inagneming van die bepalinge van hierdie Wet, ter inligting van die Minister verslag te doen of—

- (a) die perseel in verband waarmee aanvraag gedoen word, goed onderhou is, geskikte en behoorlike akkommodasie bevat, in elke opsig voldoende ingerig is vir die behoorlike dryf van die voorgestelde besigheid en, indien die perseel in die nabyheid van 'n plek van openbare erediens, 'n skool of Bantoekekwartiere geleë is, of die voorgestelde besigheid die verrigtings op daardie plek van erediens of in daardie skool waarskynlik sal steur of die bewoners van daardie kwartiere waarskynlik sal benadeel of afbreuk sal doen aan die beheer daarvan;
- (b) die perseel, indien dit nog nie opgerig of voltooi is nie, na sy voltooiing volgens die planne daarvan, in elke opsig geskik sal wees vir die behoorlike dryf van die voorgestelde besigheid;
- (c) die aanvrager van goeie gedrag en wandel is, 'n geskikte persoon is aan wie bedoelde lisensie of skriftelike magtiging verleen kan word, en nie kragtens 'n bepaling van artikel 65 onbevoeg is nie;
- (d) die lisensie of skriftelike magtiging wat aangevra word, volgens oordeel van daardie offisier, redelikerwys nodig is vir die gerief van die publiek;
- (e) in die geval van 'n in artikel 79*bis* bedoelde aanvrager, dit die publiek oormatig ongerief sal veroorsaak indien besigheid nie gedurende 'n bepaalde tydperk gedoen word nie,

en oor die algemeen om die aandag van die Minister te vestig op enige aangeleentheid wat, volgens oordeel van daardie offisier, by die oorweging van die aanvraag in aanmerking geneem behoort te word.

(2) Met betrekking tot elke aanvraag ingevolge hierdie Wet gedoen om die verplasing of die oordrag van 'n lisensie of skriftelike magtiging kragtens artikel 6A, 100*bis* of 100*sex* is bedoelde offisier verplig om 'n verslag voor te lê ter inligting van die bevoegde gesag—

- (a) in die geval van 'n aanvraag om bedoelde oordrag, oor die in subartikel (1) (c) bedoelde aangeleentheid;
- (b) in die geval van 'n aanvraag om bedoelde verplasing, oor die in subartikel (1) (a) en (b) bedoelde aangeleenthede,

Vervanging van artikel 136 van Wet 30 van 1928, soos vervang deur artikel 98 van Wet 88 van 1963.

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and generally, to draw the attention of the competent authority to any other matter which in the opinion of such officer, is one proper to be taken into account in the consideration of the application.

(3) In respect of every application made under this Act for a temporary liquor licence or a late hours occasional licence or a written authority under section 6A or any other application in respect of which the competent authority is required in terms of any provision of this Act to consult with the designated police officer before granting such application, it shall be the duty of such officer to report for the information of the competent authority on all matters which in his opinion are proper to be taken into account in the consideration of the application.”.

Substitution of section 137 of Act 30 of 1928, as substituted by section 43 of Act 23 of 1969.

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

“Report by designated officer of certain conduct of licensee and other matters.

137. (1) The designated police officer shall report to the chairman of the Liquor Board—

- (a) any failure by a licensee to comply with any condition or restriction imposed by or under this Act upon him or in respect of any licence held by him or any class of licences to which such licence belongs or in respect of any right or privilege pertaining to such licence;
- (b) any contravention by a licensee of the provisions of section 79 (2);
- (c) whenever he is of the opinion that structural alterations or repairs ought to be effected to any licensed premises;
- (d) if any licensee becomes disqualified in terms of section 65 to hold a licence;
- (e) whenever any licence or any right or privilege pertaining thereto appears to have been abandoned;
- (f) whenever business appears no longer to be carried on under any licence or whenever any right or privilege pertaining thereto appears no longer to be exercised; and
- (g) any other matter which in the opinion of such officer, is one proper to be brought to the notice of the Liquor Board.

(2) Upon receipt of any such report, the chairman of the Liquor Board may, if he thinks fit, convene an interim meeting of the board in terms of section 15 for the consideration of the matter.

(3) For purposes of subsection (1) ‘licensee’ means the holder of any licence other than a temporary liquor licence or a late hours occasional licence and ‘licence’ and ‘licensed’ shall have corresponding meanings.”.

Repeal of section 137A of Act 30 of 1928, as inserted by section 44 of Act 23 of 1969.

123. Section 137A of the principal Act is hereby repealed.

Substitution of section 138 of Act 30 of 1928, as amended by section 29 of Act 41 of 1934, section 41 of Act 61 of 1956,

124. The following section is hereby substituted for section 138 of the principal Act:

“Designated police officer to report certain convictions

138. (1) Whenever a licensee or person referred to in section 67 (2) (a) has been convicted of any offence, whether under this Act or any other law or the common law, and has in respect thereof been sentenced to a fine of not less than two hundred and

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en om in die algemeen die aandag van die bevoegde gesag te vestig op enige ander aangeleentheid wat, volgens die oordeel van daardie offisier, by die oorweging van die aanvraag in aanmerking geneem behoort te word.

(3) Met betrekking tot elke aanvraag kragtens hierdie Wet gedoen om 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie of 'n skriftelike magtiging kragtens artikel 6A of enige ander aanvraag ten opsigte waarvan die bevoegde gesag ingevolge 'n bepaling van hierdie Wet verplig is om met die aangewese polisie-offisier oorleg te pleeg alvorens dit so 'n aanvraag toestaan, is dit die plig van bedoelde offisier om ter inligting van die bevoegde gesag verslag te doen oor alle aangeleenthede wat na sy oordeel by die oorweging van die aanvraag in aanmerking geneem behoort te word."

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

„Verslag deur aangewese offisier oor sekere gedrag van lisensiehouer en ander aangeleenthede.

137. (1) Die aangewese polisie-offisier doen verslag aan die voorsitter van die Drankraad—

- (a) oor enige versuim deur 'n lisensiehouer om te voldoen aan 'n voorwaarde of beperking by of kragtens hierdie Wet hom opgelê of opgelê ten opsigte van 'n lisensie deur hom gehou of 'n klas lisensies waaronder bedoelde lisensie val of ten opsigte van enige reg of voorreg aan bedoelde lisensie verbonde;
- (b) oor enige oortreding deur 'n lisensiehouer van die bepalings van artikel 79 (2);
- (c) wanneer ook al hy van mening is dat boukundige veranderings of herstelwerk aan 'n gelisensieerde perseel aangebring behoort te word;
- (d) indien enige lisensiehouer ingevolge die bepalings van artikel 65 onbevoeg raak om 'n lisensie te hou;
- (e) wanneer ook al dit blyk dat 'n lisensie of 'n reg of voorreg daaraan verbonde, laat vaar is;
- (f) wanneer ook al dit blyk dat besigheid nie langer kragtens 'n lisensie voortgesit word nie of dat 'n reg of voorreg daaraan verbonde nie langer uitgeoefen word nie; en
- (g) oor enige ander aangeleentheid wat na die oordeel van bedoelde offisier onder die aandag van die Drankraad gebring behoort te word.

(2) By ontvangs van so 'n verslag kan die voorsitter van die Drankraad, indien hy dit goedvind, 'n tussentydse vergadering van die raad ingevolge artikel 15 belê vir die oorweging van die aangeleentheid.

(3) By die toepassing van subartikel (1) beteken „lisensiehouer" die houer van 'n ander lisensie as 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie en het „lisensie" en „gelisensieerde" ooreenstemmende betekenisse."

Vervanging van artikel 137 van Wet 30 van 1928, soos vervang deur artikel 43 van Wet 23 van 1969.

123. Artikel 137A van die Hoofwet word hierby herroep.

Herroeping van artikel 137A van Wet 30 van 1928, soos ingevoeg deur artikel 44 van Wet 23 van 1969.

124. Artikel 138 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aangewese polisie-offisier moet oor sekere veroordelings aan

138. (1) Wanneer 'n lisensiehouer of iemand in artikel 67 (2) (a) bedoel, skuldig bevind is aan enige misdryf, hetsy ingevolge hierdie Wet of enige ander wet of die gemene reg, en ten opsigte daarvan gevonnissen is tot 'n boete van minstens tweehonderd-

Vervanging van artikel 138 van Wet 30 van 1928, soos gewysig deur artikel 29 van Wet 41 van 1934, artikel 41 van Wet 61 van 1956,

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section 99 of
Act 88 of 1963
and section 45 of
Act 23 of 1969.

to chairman
of Liquor
Board.

fifty rand or to imprisonment without the option of a fine, the designated police officer shall report the conviction and the circumstances of the offence to the chairman of the Liquor Board.

(2) If upon receipt of any such report, the chairman of the Liquor Board, after consultation with the other members thereof, is of the opinion that by reason of the commission of such offence, it may not be in the public interest that such licensee or person should hold or continue to hold the licence in question or conduct or continue to conduct the licensed business concerned, or exercise or continue to exercise any right or privilege pertaining to such licence, he shall convene an interim meeting of the board in terms of section 15 for the consideration of the matter."

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
and section 28 of
Act 56 of 1975.

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

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

"(a) during the hours when any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence are open for the sale of liquor, enter and inspect every room or any other part of such premises or any place referred to in section 79ter (2) where liquor is stored and may take stock of all liquor found in or upon such premises or place;" and

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

"(c) enter any premises upon which liquor is being sold or supplied and demand the production of the licence or authority authorizing such sale or supply."

Substitution of
section 142 of
Act 30 of 1928.

126. The following section is hereby substituted for section 142 of the principal Act:

"Police
power
where
unlawful
conveyance
of liquor,
or any
other thing
suspected.

142. Any member of the police may at all times demand from any person who he has reason to believe is conveying intoxicating liquor, or any other thing, for the conveyance of which a permit is required under this Act, the production of such permit, and may stop and inspect any vehicle which he suspects is being used for such conveyance of any liquor or other thing, or may stop and search any person whom he suspects to be conveying any liquor or other thing contrary to the provisions of this Act."

Repeal of
section 144 of
Act 30 of 1928.

127. Section 144 of the principal Act is hereby repealed.

Substitution of
section 146 of
Act 30 of 1928.

128. The following section is hereby substituted for section 146 of the principal Act:

"When
supply of
liquor
presumed
to be sale
of or
dealing in
liquor.

146. Evidence that the holder of any licence issued under any other law, has by himself or his principal, servant or agent supplied any liquor (whether for consideration or not) in connection with any trade, business or occupation which he is authorized to carry on or to conduct on the premises in respect of which such licence is held, shall be *prima facie* proof that he sold or dealt in liquor."

Substitution of
section 148 of
Act 30 of 1928.

129. The following section is hereby substituted for section 148 of the principal Act:

"Presump-
tion of sale
or supply
arising from

148. Evidence that any person (other than the licensee, the proprietor or manager of the licensed business, a member of the family or agent of such

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die voor-
sitter van
Drankraad
verslag
doen.

en-vyftig rand of tot gevangenisstraf sonder die keuse van 'n boete, moet die aangewese polisie-offisier oor die skuldigbevinding en die omstandighede van die misdryf aan die voorsitter van die Drankraad verslag doen.

artikel 99 van
Wet 88 van 1963
en artikel 45 van
Wet 23 van 1969.

(2) Indien die voorsitter van die Drankraad by ontvangs van bedoelde verslag, na oorleg met die ander lede daarvan, van mening is dat weens die pleeg van bedoelde misdryf dit nie in die openbare belang mag wees nie dat bedoelde lisensiehouer of persoon die betrokke lisensie hou of behou of die betrokke gelisensieerde besigheid dryf of aanhou dryf of enige reg of voorreg verbonde aan bedoelde lisensie uitoefen of aanhou uitoefen, moet hy 'n tussentydse vergadering van die raad ingevolge artikel 15 belê vir oorweging van die aangeleentheid."

125. Artikel 139 van die Hoofwet word hierby gewysig—

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

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
en artikel 28 van
Wet 56 van 1975.

„(a) gedurende die ure wanneer 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, vir die verkoop van drank oop is, elke kamer of enige ander deel van daardie perseel of 'n in artikel 79ter (2) bedoelde plek waar drank opgeberg word, binnegaan en besigtig en kan voorraad neem van al die drank wat op of by sodanige perseel of plek gevind word;"

en

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

„(c) enige perseel waar drank verkoop of verstrekk word, binnegaan en die vertoning van die lisensie of magtiging wat sodanige verkoop of verstrekk magtig, eis."

126. Artikel 142 van die Hoofwet word hierby deur die volgende artikel vervang:

„Bevoegd-
heid van
polisie wan-
neer on-
wettige ver-
voer van
drank of
iets anders
vermoed
word.

142. Enige lid van die polisiemag mag te alle tye van iemand, wat hy om gegronde redes verdink van die vervoer van sterk drank, of iets anders, vir die vervoer waarvan 'n permit kragtens hierdie Wet nodig is, die vertoning van daardie permit eis en mag enige voertuig wat, na hy vermoed, vir sodanige vervoer van drank of van iets anders gebruik word, aanhou en besigtig, of mag iemand wat hy verdink van die vervoer van drank of iets anders teenstrydig met die bepalinge van hierdie Wet, aanhou en ondersoek."

Vervanging van
artikel 142 van
Wet 30 van 1928.

127. Artikel 144 van die Hoofwet word hierby herroep.

Herroeping van
artikel 144 van
Wet 30 van 1928.

128. Artikel 146 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wanneer
drankver-
strekking
as verkoop
van of
handeldrywe
in drank
beskou word.

146. Getuienis dat die houer van 'n lisensie wat kragtens enige ander wet uitgereik is, self of deur sy prinsipaal, bediende of agent enige drank (hetsy teen vergoeding al dan nie) verstrekk het in verband met enige handel, besigheid of beroep ten opsigte waarvan hy gemagtig is om dit uit te oefen of te dryf op die perseel ten opsigte waarvan bedoelde lisensie gehou word, is *prima facie*-bewys dat hy drank verkoop of daarin handel gedryf het."

Vervanging van
artikel 146 van
Wet 30 van 1928.

129. Artikel 148 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vermoede
van verkoop
of ver-
strekking

148. Die bewyslewering dat iemand (behalwe die lisensiehouer, die eienaar of bestuurder van die gelisensieerde besigheid, 'n lid van die gesin of agent

Vervanging van
artikel 148 van
Wet 30 van 1928.

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presence in
restricted
portion.

licensee, proprietor or manager or any person employed in connection with the conduct of the licensed business or the auditor or a member or members of the auditor's staff) was in any restricted portion of licensed premises at a time when the sale or supply of liquor to the public in such restricted portion was not authorized, shall afford *prima facie* proof of a sale or supply of liquor to such person by or on behalf of the licensee during prohibited hours."

Substitution of
section 149 of
Act 30 of 1928.

130. The following section is hereby substituted for section 149 of the principal Act:

"Presump-
tion arising
from supply
of liquor
on licensed
premises.

149. Evidence that any liquor was supplied to any person upon the licensed premises by any member of the licensee's family or by the proprietor or manager of the licensed business or by any agent of the licensee or any person employed in connection with the conduct of the licensed business, shall afford *prima facie* proof that such liquor was supplied by or on behalf of the licensee."

Substitution of
section 150 of
Act 30 of 1928.

131. The following section is hereby substituted for section 150 of the principal Act:

"Presump-
tion arising
from con-
sumption
of liquor.

150. Evidence of consumption or intended consumption of liquor on licensed premises by some person other than the licensee, the proprietor or manager of the licensed business, a member of the family, or the agent, of the licensee or such proprietor or manager, or any person employed in connection with the conduct of the licensed business, shall afford *prima facie* proof that the liquor being consumed or about to be consumed was supplied by or on behalf of the licensee."

Substitution of
section 153 of
Act 30 of 1928,
as amended by
section 9 of
Act 58 of 1957
and section 100 of
Act 88 of 1963.

132. The following section is hereby substituted for section 153 of the principal Act:

"Proof of
licence or
authority
and
statements
thereon.

153. (1) In any proceedings under this Act a document produced to or handed into the court by any member of the police force which purports to be a copy of a licence or of an authority issued under this Act, shall be *prima facie* proof of such licence or authority, and any condition or restriction stated in such document shall *prima facie* be deemed to be a condition or restriction imposed under this Act in respect of such licence or authority.

(2) In any criminal proceedings under this Act, a statement made in evidence on oath or affirmation by any witness in which it is alleged that he is a licensee or a person who is authorized under this Act to sell liquor without a licence, or the servant or agent of a licensee or such person, and that the business concerned is licensed or authorized, under this Act, shall be *prima facie* proof of the facts alleged in the statement."

Substitution of
section 156 of
Act 30 of 1928.

133. The following section is hereby substituted for section 156 of the principal Act:

"Analysts'
certificates.

156. (1) In any proceedings upon any charge against any person under this Act the mere production by any person of a statement or certificate purporting to be signed by an analyst or chemist in the service of the State, including a provincial administration, or in the service of or attached to, the South African Institute for Medical Research or any University in the Republic, who made an analysis of the article or liquor or portion thereof which is the subject of the

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uit teen-
woordig-
heid in be-
perkte ge-
deelte.

van bedoelde lisensiehouer, eienaar of bestuurder of iemand wat in verband met die bestuur van die gelisensieerde besigheid in diens is of die ouditeur of 'n lid of lede van die ouditeur se personeel) in 'n beperkte gedeelte van 'n gelisensieerde perseel was op 'n tydstip wanneer die verkoop of verstrekking van drank in sodanige beperkte gedeelte aan die publiek nie geoorloof was nie, bewys *prima facie* die verkoop of verstrekking van drank aan daardie persoon deur of namens die lisensiehouer gedurende verbode ure."

130. Artikel 149 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 149 van
Wet 30 van 1928.

„Vermoede
uit ver-
strekking
van drank
op ge-
lisensieerde
perseel.

149. Die bewyslewering dat enige drank aan iemand op die gelisensieerde perseel verstrekt is deur 'n lid van die gesin van die lisensiehouer, of deur die eienaar of bestuurder van die gelisensieerde besigheid of deur 'n agent van die lisensiehouer of iemand wat in verband met die bestuur van die gelisensieerde besigheid in diens is, bewys *prima facie* dat die drank deur of namens die lisensiehouer verstrekt is."

131. Artikel 150 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 150 van
Wet 30 van 1928.

„Vermoede
uit drank-
gebruik.

150. Die bewyslewering van gebruik of voor-
genome gebruik van drank op 'n gelisensieerde
perseel deur iemand anders dan die lisensiehouer, die
eienaar of bestuurder van die gelisensieerde besig-
heid, 'n lid van die gesin, of die agent, van die
lisensiehouer of sodanige eienaar of bestuurder, of
iemand wat in verband met die bestuur van die
gelisensieerde besigheid in diens is, bewys *prima
facie* dat die drank wat gebruik word of gebruik gaan
word, deur of namens die lisensiehouer verstrekt is."

132. Artikel 153 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 153 van
Wet 30 van 1928,
soos gewysig deur
artikel 9 van
Wet 58 van 1957
en artikel 100 van
Wet 88 van 1963.

„Bewys van
lisensie of
magtiging
en aan-
tekenings
daarop.

153. (1) In 'n geding ingevolge hierdie Wet is 'n
dokument, wat voorgee 'n afskrif van 'n ingevolge
hierdie Wet uitgereikte lisensie of magtiging te wees,
en wat vertoon of oorhandig word aan die hof deur 'n
lid van die polisiemag, *prima facie*-bewys van daardie
lisensie of magtiging, en enige voorwaarde of beper-
king wat daarop voorkom, word *prima facie* geag 'n
voorwaarde of beperking te wees wat kragtens hierdie
Wet in verband met die lisensie of magtiging opgelê
is.

(2) By 'n strafsak ingevolge hierdie Wet is 'n
verklaring deur 'n getuie in getuienis onder eed of
bevestiging afgelê, waarin beweer word dat hy
'n lisensiehouer, of iemand wat ingevolge hierdie Wet
gemagtig is om drank sonder 'n lisensie te verkoop,
of die dienaar of agent van 'n lisensiehouer of so
iemand is, en dat die betrokke besigheid kragtens
hierdie Wet gelisensieer of gemagtig is, *prima
facie*-bewys van die feite wat in die verklaring beweer
word."

133. Artikel 156 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 156 van
Wet 30 van 1928.

„Skei-
kundige
sertifikate.

156. (1) In enige geding teen iemand weens 'n
aanklag ingevolge hierdie Wet, is die blote oorlegging
deur enige persoon van 'n verklaring of sertifikaat wat
voorgee geteken te wees deur 'n ontleed- of skeikun-
dige wat in diens is van die Staat, met inbegrip van 'n
provinsiale administrasie, of in diens is van, of
verbonde is aan, die Suid-Afrikaanse Instituut vir
Mediese Navorsing of 'n Universiteit in die Repu-
blik, wat die voorwerp of drank of 'n deel daarvan,

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charge, shall be *prima facie* proof of the facts stated in the statement or certificate, unless the accused requires that such analyst or chemist, if the prosecutor is able to compel him to attend as a witness, be called as a witness and, if the court so determines, deposits, or gives security to the satisfaction of the court for the payment of such sum as may be necessary, in the opinion of the court, to cover the costs and expenses of such analyst or chemist being summoned and appearing as a witness.

(2) The accused in any such case, in lieu of requiring the attendance of such analyst or chemist, shall be entitled to put to him interrogatories in writing approved by the court.

(3) The court shall cause such interrogatories to be submitted to such analyst or chemist for reply, and such interrogatories and reply thereto, purporting to be a reply from such analyst or chemist, shall likewise be admissible in evidence in the proceedings."

Substitution of section 160 of Act 30 of 1928, as amended by section 32 of Act 41 of 1934.

134. The following section is hereby substituted for section 160 of the principal Act:

"Criminal responsibility of licensee for unlawful act of manager, agent, employee or member of his family.

160. (1) Whenever upon any licensed premises, or in the pursuance or course of any transaction upon, or arrangement made or commenced upon, licensed premises, the manager of the licensed business, the agent of the licensee, any person employed in connection with the conduct of the licensed business or any member of such licensee's or manager's family does or omits to do anything which it would be an offence under this Act for such licensee to do or omit to do, such licensee shall be deemed himself to have done or omitted to do such thing and be liable on conviction to the penalties therefor unless he proves to the satisfaction of the court that—

- (a) in doing or omitting to do such thing, such manager, agent, employee or member of such family was acting without his connivance or permission; and
- (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or the course of the employment of the manager, agent, employee or member of the family to do or omit to do acts whether lawful or unlawful of the character of that of the act or omission charged;

Provided that the fact that the licensee issued instructions forbidding any act or omission of the kind in question, shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever a licensee is by virtue of the provisions of subsection (1) liable for anything done or omitted by another person, the latter shall also be liable therefor as if he were the licensee: Provided that the provisions of this section shall not relieve such other person from any other liability which he may have incurred apart from the liability which he shares with the licensee."

Amendment of section 161 of Act 30 of 1928, as amended by

135. Section 161 of the principal Act is hereby amended—

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

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wat die onderwerp van die aanklag is, ontleed het, *prima facie*-bewys van die feite vermeld in die verklaring of sertifikaat, tensy die beskuldigde verlang dat daardie ontleed- of skeikundige, as die vervolger in staat is om hom te verplig om as getuie sy opwagting te maak, as getuie opgeroep moet word, en tensy hy, as die hof dit vereis, so 'n bedrag inbetaal of sekuriteit stel wat die hof voldoende ag, vir die betaling van so 'n bedrag as wat, volgens oordeel van die hof, nodig mag wees tot dekking van die koste en uitgawe veroorsaak deur die dagvaarding en verskyning van die ontleed- of skeikundige as 'n getuie.

(2) In plaas van die verskyning van die ontleed- of skeikundige te verlang, is die beskuldigde in so 'n saak geregtig om aan hom skriftelike, deur die hof goedgekeurde, vraagpunte te stel.

(3) Die hof moet bedoelde vraagpunte aan daardie ontleed- of skeikundige vir beantwoording laat voorlê, en bedoelde vraagpunte en enige antwoord daarop wat voorgee 'n antwoord van bedoelde ontleed- of skeikundige te wees, is insgelyks as getuienis in die saak toelaatbaar."

134. Artikel 160 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strafregtelike aanspreeklikheid van lisenasihouer vir onwettige daad van bestuurder, agent, werknemer of lid van sy gesin.

160. (1) Wanneer die bestuurder van die gelisensieerde besigheid, die agent van die lisenasihouer, iemand wat in verband met die bestuur van die gelisensieerde besigheid in diens is of enige lid van die gesin van bedoelde lisenasihouer of bestuurder op 'n gelisensieerde perseel of in die uitvoering of loop van enige handeling op 'n gelisensieerde perseel, of reëling wat op 'n gelisensieerde perseel aangegaan of begin is, 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die lisenasihouer dit begaan het, dan word die lisenasihouer geag self die daad of versuim te begaan het, en is hy by veroordeling strafbaar met die strawwe daarvoor, tensy hy die hof met bewyse oortuig dat—

- (a) hy daardie daad of versuim van die bestuurder, agent, werknemer of lid van bedoelde gesin nie veroorloof of oogluikend toegelaat het nie; en
- (b) hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde soort onder geen voorwaardes of omstandighede binne die bevoegdheid of in die loop van die diens van die bestuurder, agent, werknemer of lid van die gesin geval het nie:

Met dien verstande dat die feit dat die lisenasihouer opdragte uitgereik het waarby 'n daad of versuim van die betrokke soort verbied word, op sigself nie tot voldoende bewys strek nie dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom.

(2) Wanneer 'n lisenasihouer kragtens die bepalinge van subartikel (1) aanspreeklik is vir 'n daad of versuim van 'n ander, dan is laasgenoemde ook daarvoor aanspreeklik asof hy die lisenasihouer was: Met dien verstande dat die bepalinge van hierdie artikel daardie ander persoon nie onthef nie van enige ander aanspreeklikheid wat hy opgeloop het afgesien van die aanspreeklikheid wat hy met die lisenasihouer deel."

Vervanging van artikel 160 van Wet 30 van 1928, soos gewysig deur artikel 32 van Wet 41 van 1934.

135. Artikel 161 van die Hoofwet word hierby gewysig—

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

Wysiging van artikel 161 van Wet 30 van 1928, soos gewysig deur ar-

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section 9 of
Act 89 of 1962,
section 48 of
Act 23 of 1969,
section 4 of
Act 102 of 1972
and section 5 of
Act 58 of 1975.

- “(c) sells or supplies as a particular kind or brand or as the manufacture of a particular person liquor which is not of that kind or brand or is not the manufacture of such person, unless he satisfies the court that he was not a party to, and had no knowledge of, such fact and had no means of detecting or preventing it;”;
- (b) by the deletion of paragraph (f);
- (c) by the substitution for paragraph (m) of the following paragraph:
 - “(m) in contravention of any provision of section 116—
 - (i) permits any person to manage, superintend or conduct the licensed business; or
 - (ii) allows any person, including a company, society, partnership or other association of persons in effect to control such business or to become a partner therein or to share in the profits thereof;”;
- (d) by the insertion after the said paragraph (m) of the following paragraph:
 - “(mA) being a body referred to in section 67 and in contravention of subsection (2) thereof,
 - (i) conducts or continues to conduct a licensed business without having nominated and appointed a person in writing to manage and be responsible for the conduct of the business; or
 - (ii) fails to notify the Liquor Board and the relevant designated police officer of every such nomination and appointment or of the termination of any such nomination and appointment;”;
- (e) by the substitution for paragraph (oA) of the following paragraph:
 - “(oA) in contravention of section 79 (2), carries out any structural alteration or addition to his licensed premises without the written authority of the competent authority;”;
- (f) by the substitution for paragraph (s) of the following paragraph:
 - “(s) in contravention of section 69 (6), carries on his licensed business in any premises in which any other trade, business or occupation is conducted or carried on, or conducts or carries on or permits to be conducted or carried on upon his licensed premises any other trade, business or occupation; or”; and
- (g) by the addition after the said paragraph (s) of the following paragraph:
 - “(t) fails to furnish information and documents pertaining to his licensed business or licensed premises after having been requested to do so in terms of section 71quin.”;

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,
section 49 of
Act 23 of 1969
and section 29 of
Act 56 of 1975.

136. Section 162 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:
 - “(b) sells, supplies or delivers to any person any liquor other than in a receptacle or receptacles properly and securely sealed;”;
- (b) by the substitution for paragraph (b)ter of the following paragraph:
 - “(b)ter conveys or causes to be conveyed any liquor in quantities exceeding 9 litres in contravention of a notice delivered or tendered to him under section 132 (1);”;
- (c) by the substitution for paragraph (c) of the following paragraph:
 - “(c) sells or supplies a lesser quantity of liquor than he is authorized to sell or supply under any provision

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- „(c) drank verkoop of verstrek as 'n besondere soort of merk of as die fabriek van 'n besondere persoon wat nie van daardie soort of merk is nie of nie die fabriek van daardie persoon is nie, tensy hy die hof oortuig dat hy nie medepligtig was aan en nie bekend was met bedoelde feit nie en geen middel gehad het om dit te ontdek of te verhinder nie;”;
- (b) deur paragraaf (f) te skrap;
- (c) deur paragraaf (m) deur die volgende paragraaf te vervang:
- „(m) in stryd met 'n bepaling van artikel 116—
- (i) toelaat dat iemand die gelisensieerde besigheid bestuur, daarvoor toesig hou of dit dryf; of
- (ii) toelaat dat enige persoon, met inbegrip van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone in werklikheid bedoelde besigheid beheer of 'n vennoot daarin word of in die wins daarvan deel;”;
- (d) deur na genoemde paragraaf (m) die volgende paragraaf in te voeg:
- „(mA) indien hy 'n liggaam bedoel in artikel 67 is en in stryd met subartikel (2) daarvan,
- (i) 'n gelisensieerde besigheid dryf of voortgaan om dit te dryf, sonder om iemand skriftelik te benoem en aan te stel om die besigheid te bestuur en vir die dryf daarvan verantwoordelik te wees; of
- (ii) versuim om die Drankraad en die betrokke aangewese polisie-offisier van elke sodanige benoeming en aanstelling of van die beëindiging van so 'n benoeming en aanstelling in kennis te stel;”;
- (e) deur paragraaf (oA) deur die volgende paragraaf te vervang:
- „(oA) in stryd met artikel 79 (2), enige verbouing van of aanbouing aan sy gelisensieerde perseel sonder die skriftelike magtiging van die bevoegde gesag uitvoer;”;
- (f) deur paragraaf (s) deur die volgende paragraaf te vervang:
- „(s) in stryd met artikel 69 (6) sy gelisensieerde besigheid dryf op 'n perseel waarop enige ander handel, besigheid of beroep gedryf of uitgeoefen word, of op sy gelisensieerde perseel enige ander handel, besigheid of beroep dryf of uitoefen of die dryf of uitoefening daarvan toelaat; of”; en
- (g) deur na genoemde paragraaf (s) die volgende paragraaf by te voeg:
- „(t) nadat hy ingevolge artikel 71quin versoek is om dit te doen, versuim om inligting en stukke met betrekking tot sy gelisensieerde besigheid of gelisensieerde perseel te verstrek.”;

136. Artikel 162 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) deur die volgende paragraaf te vervang:
- „(b) enige drank behalwe in 'n houer of houters wat behoorlik en dig verseël is, aan iemand verkoop, verstrek of aflewer.”;
- (b) deur paragraaf (b)ter deur die volgende paragraaf te vervang:
- „(b)ter in stryd met 'n kennisgewing wat kragtens artikel 132 (1) aan hom oorhandig of aangebied is, drank in hoeveelhede van meer as 9 liter vervoer of laat vervoer;”;
- (c) deur paragraaf (c) deur die volgende paragraaf te vervang:
- „(c) 'n kleiner hoeveelheid drank verkoop of verstrek as wat hy kragtens die bepalinge van hierdie Wet of

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, artikel 49 van Wet 23 van 1969 en artikel 29 van Wet 56 van 1975.

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of this Act or any authority issued thereunder; or";
and

- (d) by the substitution for paragraph (d) of the following paragraph:

"(d) uncorks or suffers or permits to be uncorked or opened upon the licensed premises or in any such other premises adjoining or near the same as are mentioned in paragraph (a) any receptacle containing liquor sold by him."

Amendment of
section 163 of
Act 30 of 1928,
as amended by
section 103 of
Act 88 of 1963
and section 10 of
Act 70 of 1968.

137. Section 163 of the principal Act is hereby amended—

- (a) by the substitution for all the words preceding paragraph (a) of the following words:

"Save in the case of the sale or supply of liquor for off-consumption by the holder of an on-consumption licence who, in terms of any provision of this Act, has been or is deemed to have been so authorized to sell or supply liquor under that licence for consumption off the licensed premises, the holder of any on-consumption licence shall be guilty of an offence if he—"; and

- (b) by the substitution for paragraph (d) of the following paragraph:

"(d) sells or supplies liquor in contravention of a notice issued under section 101."

Amendment of
section 164 of
Act 30 of 1928,
as amended by
section 16 of
Act 72 of 1961,
section 104 of
Act 88 of 1963,
section 11 of
Act 70 of 1968
and section 50 of
Act 23 of 1969.

138. Section 164 of the principal Act is hereby amended—

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

"(a) sells, deals in or disposes of any liquor without the necessary licence issued by the competent authority, save as in this Act excepted";

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

"(b) sells, supplies or delivers liquor to any person contrary to the provisions of this Act or any prohibition, restriction or condition imposed thereunder, or places liquor in the possession or under the control of any person contrary to such provisions, prohibition, restriction or condition";

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

"(d) supplies liquor to any employee in contravention of the provisions of section 93bis"; and

- (d) by the substitution for paragraph (g) of the following paragraph:

"(g) in any manner whatsoever falsely represents himself or any other person to be within any particular class of persons or as being of the age of eighteen years or more in order to induce any licensee or any person authorized under this Act to sell liquor without a licence, or his agent or servant to supply him or such person with liquor contrary to any prohibition, restriction or condition imposed by or under this Act,"

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

139. Section 166 of the principal Act is hereby amended—

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

"(a) with intent to deceive, makes use for any purpose whatsoever of any permit, certificate, licence or other document issued under or for any purpose of this Act, which is not his own";

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

"(b) wilfully, and with intent to deceive, alters, defaces, destroys or mutilates any permit, certificate, licence or other document issued under or for any purpose

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enige magtiging daaronder verleen, bevoeg is om te verkoop of te verstrek; of"; en

- (d) deur paragraaf (d) deur die volgende paragraaf te vervang:

„(d) enige houer bevattende drank wat hy verkoop het, op die gelisensieerde perseel of in so 'n ander aangrensende of naby geleë perseel, as vermeld in paragraaf (a), oopmaak of toelaat dat dit oopge-
maak word.”.

137. Artikel 163 van die Hoofwet word hierby gewysig—

- (a) deur al die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„Behalwe in die geval van die verkoop of verstrekking van drank vir buiteverbruik deur die houer van 'n binneverbruik-lisensie wat ingevolge enige bepaling van hierdie Wet gemagtig is om drank kragtens daardie lisensie vir gebruik buite die gelisensieerde perseel te verkoop of te verstrek, of geag word aldus gemagtig te wees, is die houer van 'n binneverbruik-lisensie aan 'n misdryf skuldig as hy—”; en

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

„(d) in stryd met 'n kragtens artikel 101 uitgereikte kennisgewing, drank verkoop of verstrek.”.

Wysiging van artikel 163 van Wet 30 van 1928, soos gewysig deur artikel 103 van Wet 88 van 1963 en artikel 10 van Wet 70 van 1968.

138. Artikel 164 van die Hoofwet word hierby gewysig—

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

„(a) drank verkoop, daarin handel dryf of dit van die hand sit sonder die nodige lisensie, deur die bevoegde gesag uitgereik, tensy hierdie Wet 'n uitsondering maak;”;

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

„(b) drank aan iemand verkoop, verstrek of aflewer in stryd met die bepalings van hierdie Wet of 'n verbod, beperking of voorwaarde daarkragtens opgelê, of drank in die besit of onder die beheer van iemand plaas in stryd met daardie bepalings of so 'n verbod, beperking of voorwaarde;”;

- (c) deur paragraaf (d) deur die volgende paragraaf te vervang:

„(d) drank verstrek aan 'n bediende in stryd met die bepalings van artikel 93bis;”; en

- (d) deur paragraaf (g) deur die volgende paragraaf te vervang:

„(g) op enige manier valslik voorgee dat hy of iemand anders tot 'n bepaalde klas persone behoort of agtien jaar of ouer is, om daarmee 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, of sy agent of bediende te beweeg om aan hom of aan daardie ander persoon drank te verstrek in stryd met 'n verbod, beperking of voorwaarde by of kragtens hierdie Wet opgelê;”.

Wysiging van artikel 164 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 72 van 1961, artikel 104 van Wet 88 van 1963, artikel 11 van Wet 70 van 1968 en artikel 50 van Wet 23 van 1969.

139. Artikel 166 van die Hoofwet word hierby gewysig—

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

„(a) met bedrieglike oogmerk, gebruik maak, vir watter doel ook al, van 'n permit, sertifikaat, lisensie of ander dokument, uitgereik ingevolge of vir enige doeleinde van hierdie Wet, wat nie sy eie is nie;”;

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

„(b) opsetlik en met die doel om te mislei, 'n permit, sertifikaat, lisensie of ander dokument, uitgereik ingevolge of vir enige doeleinde van hierdie Wet,

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

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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,
section 51 of
Act 23 of 1969
and section 30 of
Act 56 of 1975.

of this Act, or unlawfully withholds any such permit, certificate, licence or other document from any person entitled to the possession thereof;";

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

"(c) counterfeits or forges any permit, certificate, licence or other document issued under this Act or utters such counterfeit or forged permit, certificate, licence or document knowing it to be counterfeit or forged;";

- (d) by the deletion of paragraphs (e), (f) and (g);

- (e) by the substitution for paragraph (h) of the following paragraph:

"(h) refuses or fails to leave any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence, when requested by the licensee or such person or his servant or agent or any member of the police to do so, or is upon any restricted portion of such premises knowing that his presence there is unlawful;";

- (f) by the substitution for paragraph (hA) 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—

(i) such portion of licensed premises on such sportsground as may be indicated in the licence concerned as a place where liquor may be delivered; or

(ii) a sportsground in respect of which the Minister or a person acting under his directions has upon application in writing granted exemption from the provisions of this paragraph for purposes of a specific occasion or a number of specific occasions.";

- (g) by the substitution for paragraph (i) of the following paragraph:

"(i) is drunk, violent, or disorderly upon any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence, or is drunk in or near—

(i) any road, street, lane, thoroughfare, square, park or market place; or

(ii) any shop, store, warehouse or public garage; or

(iii) any place of entertainment, café, eating house, race course, or other premises or place to which the public are granted or have access, whether or not the right of admission be granted on payment or be reserved to any class;";

- (h) by the substitution for paragraph (j) of the following paragraph:

"(j) enters into or is a party to any tie;";

- (i) by the substitution for paragraph (l) of the following paragraph:

"(l) without a licence referred to in subsection (2) of section 130 sells methylated spirit or contravenes any provision of a regulation issued under that section;";

- (j) by the substitution for paragraph (m) of the following paragraph:

"(m) being a person to whom in terms of any provision of this Act or of any prohibition or restriction imposed under any authority thereof, liquor or

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- verander, onleesbaar maak, vernietig of beskadig, of wederregtelik so 'n permit, sertifikaat, lisensie of ander dokument weerhou van iemand wat geregtig is om dit te besit;";
- (c) deur paragraaf (c) deur die volgende paragraaf te vervang:
- „(c) 'n kragtens hierdie Wet uitgereikte permit, sertifikaat, lisensie of ander stuk namaak of vervals, of so 'n nagemaakte of vervalste permit, sertifikaat, lisensie of dokument uitgee in die wete dat dit nagemaak of vervals is;";
- (d) deur paragraaf (e), (f) en (g) te skrap;
- (e) deur paragraaf (h) deur die volgende paragraaf te vervang:
- „(h) weier of in gebreke bly om 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, te verlaat, indien hy daartoe versoek word deur die lisensiehouer of bedoelde persoon of sy dienaar of agent of 'n lid van die polisiemag, of in 'n beperkte gedeelte van so 'n perseel is, in die wete dat sy teenwoordigheid daar onwettig is;";
- (f) deur paragraaf (hA) deur die volgende paragraaf te vervang:
- „(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, behalwe—
- (i) die gedeelte van 'n gelisensieerde perseel in so 'n sportgrond wat in die betrokke lisensie aangewys mag wees as 'n plek waar drank gelewer kan word; of
- (ii) 'n sportgrond ten opsigte waarvan die Minister of iemand wat op sy gesag handel, op skriftelike aanvraag, vrystelling van die bepaling van hierdie paragraaf verleen het vir doeleindes van 'n bepaalde geleentheid of 'n aantal bepaalde geleenthede;";
- (g) deur paragraaf (i) deur die volgende paragraaf te vervang:
- „(i) dronk, gewelddadig, of wanordelik is op 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, of dronk is op of in of naby—
- (i) 'n pad, straat, steeg, deurgang, plein, park of mark; of
- (ii) 'n winkel, pakhuis of publieke garage; of
- (iii) 'n plek van vermaak, kafee, eethuis, resiesbaan, of 'n ander perseel of plek waartoe aan die publiek toegang verleen word of waartoe dit toegang het, hetsy die toegangsreg al dan nie teen betaling verleen word of vir 'n klas voorbehoud is;";
- (h) deur paragraaf (j) deur die volgende paragraaf te vervang:
- „(j) 'n koopverplichting aangaan of daaraan deelneem;";
- (i) deur paragraaf (l) deur die volgende paragraaf te vervang:
- „(l) brandspiritus verkoop sonder 'n lisensie vermeld in subartikel (2) van artikel 130, of 'n bepaling van 'n regulasie, ingevolge daardie artikel uitgevaardig, oortree;";
- (j) deur paragraaf (m) deur die volgende paragraaf te vervang:
- „(m) terwyl hy iemand is aan wie kragtens 'n bepaling van hierdie Wet of van 'n verbod of beperking op gesag daarvan vasgestel, drank of 'n bepaalde soort

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,
artikel 51 van
Wet 23 van 1969
en artikel 30 van
Wet 56 van 1975.

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liquor of any kind or in excess of any specified quantity may not lawfully be sold or supplied, purchases, procures or possesses liquor which may not be so sold or supplied to him;”;

- (k) by the substitution for paragraph (n) of the following paragraph:

“(n) purchases or obtains the supply of any liquor at a time when or at a place at which or in circumstances in which it is unlawful for such liquor to be sold or supplied to him;”;

- (l) by the substitution for paragraph (nA) of the following paragraph:

“(nA) removes from the licensed premises of the holder of an on-consumption licence or from the premises upon which any person is authorized under this Act to sell liquor without a licence for consumption on such last-mentioned premises, any liquor which has been sold or supplied for consumption on the premises;” and

- (m) by the insertion after paragraph (q) of the following paragraphs:

“(r) plays any unlawful game or gambles on any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence.

(rA) (i) hinders or obstructs an inspector designated in terms of section 118 in the performance of his functions under this Act;

(ii) without valid excuse refuses or fails to answer to the best of his ability any question which such an inspector has in the performance of his functions under this Act put to him;

(iii) refuses or fails to comply to the best of his ability with any requirement made by such an inspector in the performance of his functions under this Act; or

(iv) willfully furnishes to such an inspector any information which is false or misleading.”.

Substitution of section 167 of Act 30 of 1928, as amended by section 11 of Act 35 of 1956, section 11 of Act 89 of 1962, section 107 of Act 88 of 1963, section 52 of Act 23 of 1969, section 5 of Act 102 of 1972 and section 6 of Act 58 of 1975.

140. The following section is hereby substituted for section 167 of the principal Act:

“Penalties for certain contraventions.

167. (1) Any licensee or other person contravening any provision of this Act hereunder mentioned which applies to him shall, on conviction, be liable—

(a) if the contravention is of a provision of section 100bis (9), 100sex (8), 161, 164 or 166, to a fine not exceeding five hundred rand or in default of payment to imprisonment for a period not exceeding six months;

(b) if the contravention is of a provision of section 162 or 163, to a fine not exceeding two hundred and fifty rand or in default of payment to imprisonment for a period not exceeding three months.

(2) If within five years of such conviction the person so convicted was convicted of any contravention whatsoever of this Act, the penalties prescribed in subsection (1) for the relevant contravention may be doubled, or the court may sentence the offender to imprisonment, without the option of a fine, for a period not exceeding the doubled relevant term of imprisonment.”.

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of meer dan 'n vasgestelde hoeveelheid drank nie wettig verkoop of verstrek mag word nie, drank koop, verkry of besit wat nie aldus aan hom verkoop of verstrek mag word nie;"

(k) deur paragraaf (n) deur die volgende paragraaf te vervang:

„(n) drank koop of verkry op 'n tydstip wanneer of op 'n plek waar of onder omstandighede waaronder die verkoop of verstreking van daardie drank aan hom onwettig is;"

(l) deur paragraaf (nA) deur die volgende paragraaf te vervang:

„(nA) van die gelisensieerde perseel van die houer van 'n binneverbruik-lisensie of van die perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop vir gebruik op laasgenoemde perseel, drank wat vir gebruik op die perseel verkoop of verstrek is, verwyder;" en

(m) deur die volgende paragrawe na paragraaf (q) in te voeg:

„(r) op 'n gelisensieerde perseel of enige perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, 'n onwettige spel speel of dobbel;

(rA) (i) 'n inspekteur wat ingevolge artikel 118 aangewys is, by die verrigting van sy werksaamhede kragtens hierdie Wet hinder of belemmer;

(ii) sonder geldige verskoning weier of versuim om 'n vraag wat so 'n inspekteur by die verrigting van sy werksaamhede kragtens hierdie Wet aan hom gestel het, na sy beste vermoë te beantwoord;

(iii) weier of versuim om na sy beste vermoë te voldoen aan 'n vereiste deur so 'n inspekteur by die verrigting van sy werksaamhede kragtens hierdie Wet gestel; of

(iv) opsetlik aan so 'n inspekteur inligting verstrek wat vals of misleidend is."

140. Artikel 167 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strawwe
weens sekere
oortredings.

167. (1) 'n Lisensiehouer of iemand anders wat enige van die hieronder vermelde bepalings van hierdie Wet oortree wat op hom van toepassing is, is by skuldigbevinding strafbaar—

(a) as dit 'n oortreding is van 'n bepaling van artikel 100*bis* (9), 100*sex* (8), 161, 164 of 166, met 'n boete van hoogstens vyfhonderd rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande;

(b) as dit 'n oortreding is van 'n bepaling van artikel 162 of 163, met 'n boete van hoogstens tweehonderd-en-vyftig rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) As die aldus veroordeelde binne vyf jaar voor daardie skuldigbevinding veroordeel is weens watter oortreding ook al van hierdie Wet, mag die strawwe in subartikel (1) vir die betrokke oortreding voorgeskryf, verdubbel word of mag die hof die oortreder tot gevangenisstraf, sonder die keuse van 'n boete, veroordeel vir 'n tydperk van hoogstens die verdubbelde betrokke tydperk."

Vervanging van
artikel 167 van
Wet 30 van 1928,
soos gewysig deur
artikel 11 van
Wet 35 van 1956,
artikel 11 van
Wet 89 van 1962,
artikel 107 van
Wet 88 van 1963,
artikel 52 van
Wet 23 van 1969,
artikel 5 van
Wet 102 van 1972
en artikel 6 van
Wet 58 van 1975.

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Repeal 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,
section 53 of
Act 23 of 1969
and section 31 of
Act 56 of 1975.

141. Section 168 of the principal Act is hereby repealed.

Repeal of
section 168*bis* of
Act 30 of 1928,
as inserted by
section 13 of
Act 35 of 1956.

142. Section 168*bis* of the principal Act is hereby repealed.

Substitution of
section 169 of
Act 30 of 1928.

143. The following section is hereby substituted for section 169 of the principal Act:

“General
penalties.

169. Any person who contravenes any provision of this Act or who makes default in complying with any provision thereof with which it is his duty to comply, where such contravention or default is not elsewhere in this Act declared an offence, shall be guilty of an offence, and shall, if no penalty is specially prescribed in this Act for the contravention or default, be liable on conviction to a fine not exceeding one hundred rand or, if within three years of such conviction the person so convicted was convicted of any contravention whatsoever of this Act, to a fine not exceeding two hundred rand.”.

Amendment of
section 172 of
Act 30 of 1928,
as amended by
section 35 of
Act 41 of 1934.

144. Section 172 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) any provision in any contract whereby any person purports to relinquish any right or forgo any obligation under this Act shall be null and void; and”.

Substitution of
section 173 of
Act 30 of 1928,
as amended by
section 35 of
Act 41 of 1934,
section 44 of
Act 61 of 1956,
section 19 of
Act 72 of 1961,
section 13 of
Act 89 of 1962,
section 111 of
Act 88 of 1963,
section 37 of
Act 70 of 1965
and section 54 of
Act 23 of 1969.

145. The following section is hereby substituted for section 173 of the principal Act:

“Regula-
tions.

173. (1) The Minister may make regulations as to—

- (a) applications for—
 - (i) licences under this Act and authorities under sections 6A, 100*bis* and 100*sex*;
 - (ii) the transfer and removal of licences and authorities referred to in subparagraph (i);
 - (iii) authorities under sections 64*ter*, 71*bis*, 75 (2) (d), 75 (2) (e) (i), 75 (2) (g), 76A, 78 (2), 81 (3), 102A, 103A, 116 (2) and 121;
 - (iv) the holding of special meetings of the Liquor Board in terms of section 14;
 - (v) approval of places of storage in terms of section 79*ter* (2) (i);
- (b) publication of notice of any application referred to in paragraph (a);
- (c) the submission of documents, information, objections and replies to objections, reports and representations in regard to any application referred to in paragraph (a);

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141. Artikel 168 van die Hoofwet word hierby herroep.

Herroeping 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, artikel 53 van Wet 23 van 1969 en artikel 31 van Wet 56 van 1975.

142. Artikel 168*bis* van die Hoofwet word hierby herroep.

Herroeping van artikel 168*bis* van Wet 30 van 1928, soos ingevoeg deur artikel 13 van Wet 35 van 1956.

143. Artikel 169 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 169 van Wet 30 van 1928.

„Algemene strawwe.

169. Iemand wat 'n bepaling van hierdie Wet oortree of wat versuim om te voldoen aan 'n bepaling daarvan waaraan hy verplig is om te voldoen, is, as daardie oortreding of versuim nie elders in hierdie Wet tot 'n misdryf verklaar word nie, skuldig aan 'n misdryf en is, as hierdie Wet nie spesiaal 'n straf vir die oortreding of versuim voorskryf nie, strafbaar by skuldigbevinding met 'n boete van hoogstens honderd rand of, as die aldus veroordeelde persoon binne drie jaar voor daardie skuldigbevinding veroordeel is weens watter oortreding ook van hierdie Wet, met 'n boete van hoogstens tweehonderd rand.''

144. Artikel 172 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

Wysiging van artikel 172 van Wet 30 van 1928, soos gewysig deur artikel 35 van Wet 41 van 1934.

„(a) is 'n bepaling in 'n kontrak waarvolgens iemand voorgee om enige reg of verpligting kragtens hierdie Wet af te staan of prys te gee, nietig; en''.

145. Artikel 173 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 173 van Wet 30 van 1928, soos gewysig deur artikel 35 van Wet 41 van 1934, artikel 44 van Wet 61 van 1956, artikel 19 van Wet 72 van 1961, artikel 13 van Wet 89 van 1962, artikel 111 van Wet 88 van 1963, artikel 37 van Wet 70 van 1965 en artikel 54 van Wet 23 van 1969.

„Regulasies.

173. (1) Die Minister kan regulasies uitvaardig betreffende—

(a) aanvrae om—

- (i) lisensies kragtens hierdie Wet en magtigings kragtens artikels 6A, 100*bis* en 100*sex*;
- (ii) die oordrag en verplasing van lisensies en magtigings in subparagraaf (i) bedoel;
- (iii) magtigings kragtens artikels 64*ter*, 71*bis*, 75 (2) (d), 75 (2) (e) (i), 75 (2) (g), 76A, 78 (2), 81 (3), 102A, 103A, 116 (2) en 121;
- (iv) die hou van spesiale vergaderings van die Drankraad ingevolge artikel 14;
- (v) goedkeuring van opbergplekke ingevolge artikel 79*ter* (2) (i);

(b) publikasie van 'n kennisgewing van 'n in paragraaf (a) bedoelde aanvraag;

(c) die voorlegging van stukke, inligting, besware en antwoorde op besware, verslae en vertoë met betrekking tot 'n in paragraaf (a) bedoelde aanvraag;

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- (d) the issue, transfer and removal of licences and authorities under this Act;
- (e) the forms of licences, authorities, certificates, notices, advices, permits and other documents to be issued under this Act;
- (f) meetings of the Liquor Board and the procedure at such meetings;
- (g) any written request referred to in section 38;
- (h) any notification referred to in section 67 (2) (b);
- (i) after consultation with the Minister of Finance, the fee payable in respect of an appeal under section 15 (4);
- (j) the keeping of records and registers by licensees or different classes of licensees, the particulars to be recorded therein, the inspection of such records and registers, and any other matter connected therewith;
- (k) the labelling of bottles or other receptacles for the purposes of section 117A;
- (l) the form of the invoice referred to in section 135 (1) and the preservation and destruction of the original of any such invoice;
- (m) the performance of the duties of receivers of revenue and other officers under this Act; and prescribing, generally, all matters which he considers it necessary or expedient to prescribe for the more efficient administration and carrying into effect of the provisions of this Act, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) The Minister or the Liquor Board or the chairman thereof, when hearing or considering any application under this Act and the competent authority, when considering any application for the transfer of a licence or of an authority for the sale of liquor under this Act, may condone any error or omission of a formal or technical nature in such application or in any document accompanying it, if it or he is of the opinion that there has been substantial compliance with any relevant provision of this Act and that such condonation is not likely to cause prejudice to any person.”.

Substitution of section 174 of Act 30 of 1928.

146. The following section is hereby substituted for section 174 of the principal Act:

“Amendment and repeal of proclamations and notices in the *Gazette*.”

174. (1) The State President may from time to time amend or may at any time repeal any proclamation issued by him under this Act.

(2) The Minister may likewise amend or repeal any notice issued by him under this Act and published in the *Gazette*.”.

Amendment of section 175 of Act 30 of 1928, as amended by section 36 of Act 41 of 1934, section 2 of Act 14 of 1951, section 7 of Act 5 of 1952, section 45 of Act 61 of 1956, section 20 of Act 63 of 1962, section 113 of Act 88 of 1963, section 55 of Act 23 of 1969 and section 4 of Act 62 of 1973.

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

- (a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the definition of “Asiatic” of the following words:
“‘Asiatic’ or ‘Asian’ means any person belonging to one of the native races of Asia, but shall not include any member of—”;
- (b) by the substitution in the said subsection for the definition of “Bantu” of the following definition:
“‘Bantu’ means any person who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa but does not include Hottentots”;
- (c) by the insertion in the said subsection after the definition of “Bantu” of the following definition:

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- (d) die uitreiking, oordrag en verplasing van lisensies en magtigings kragtens hierdie Wet;
- (e) die vorms van lisensies, magtigings, sertifikate, kennisgewings, adviese, permitte en ander stukke wat kragtens hierdie Wet uitgereik moet word;
- (f) vergaderings van die Drankraad en die prosedure by sodanige vergaderings;
- (g) 'n in artikel 38 bedoelde skriftelike versoek;
- (h) 'n in artikel 67 (2) (b) bedoelde kennisgewing;
- (i) na oorlegpleging met die Minister van Finansies, die geld wat ten opsigte van 'n appèl kragtens artikel 15, (4) betaalbaar is;
- (j) die hou van aantekeninge en registers deur lisensiehouers of verskillende klasse lisensiehouers, die besonderhede wat daarin aangeteken moet word, die ondersoek van daardie aantekeninge en registers, en enige ander aangeleentheid wat daarmee in verband staan;
- (k) die etikettering van bottels of ander houe vir die doeleindes van artikel 117A;
- (l) die vorm van die in artikel 135 (1) bedoelde faktuur en die bewaring en vernietiging van die oorspronklike van so 'n faktuur;
- (m) die verrigting van die pligte van ontvangers van inkomste en ander amptenare kragtens hierdie Wet;

en wat, in die algemeen, alle aangeleenthede voorskryf wat hy nodig of dienstig ag om voor te skryf tot doelmatiger toepassing en uitvoering van die bepalings van hierdie Wet, sonder beperking van die algemeenheid van hierdie bepaling deur die bepalings van die voorgaande paragrawe.

(2) Wanneer die Minister of die Drankraad of die voorsitter daarvan 'n aanvraag kragtens hierdie Wet behandel of oorweeg, en wanneer die bevoegde gesag 'n aanvraag om die oordrag van 'n lisensie of van 'n magtiging vir die verkoop van drank kragtens hierdie Wet oorweeg, kan hy enige fout of weglating van 'n formele of tegniese aard in bedoelde aanvraag of in enige stuk wat dit vergesel, kondoneer, indien hy van oordeel is dat aan enige betrokke bepaling van hierdie Wet wesenlik voldoen is en dat bedoelde kondonasie waarskynlik niemand sal benadeel nie."

146. Artikel 174 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wysiging en herroeping van proklamasies en kennisgewings in die Staatskoerant.

174. (1) Die Staatspresident mag 'n proklamasie wat hy kragtens hierdie Wet uitgevaardig het, van tyd tot tyd wysig of te eniger tyd herroep.

(2) Die Minister mag insgelyks 'n kennisgewing wat hy kragtens hierdie Wet uitgevaardig het en in die *Staatskoerant* afgekondig is, wysig of herroep."

Vervanging van artikel 174 van Wet 30 van 1928.

147. Artikel 175 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) al die woorde wat paragraaf (a) van die omskrywing van „Asiaat" voorafgaan, deur die volgende woorde te vervang:

„„Asiaat" of „Asiër" beteken iemand wat behoort tot een van die inboorlingrasses van Asië, maar omvat nie 'n lid van—";

- (b) deur in genoemde subartikel die omskrywing van „Bantoe" deur die volgende omskrywing te vervang:

„„Bantoe" beteken iemand wat 'n lid van 'n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaans maar nie ook Hottentotte nie;";

- (c) deur in genoemde subartikel die volgende omskrywing na die omskrywing van „Bantoe" in te voeg:

Wysiging van artikel 175 van Wet 30 van 1928, soos gewysig deur artikel 36 van Wet 41 van 1934, artikel 2 van Wet 14 van 1951, artikel 7 van Wet 5 van 1952, artikel 45 van Wet 61 van 1956, artikel 20 van Wet 63 van 1962, artikel 113 van Wet 88 van 1963, artikel 55 van Wet 23 van 1969 en artikel 4 van Wet 62 van 1973.

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- “‘Bantu beer’ means Bantu beer as defined in section 1 of the Bantu Beer Act, 1962 (Act No. 63 of 1962);”;
- (d) by the substitution in the said subsection for the definition of “brandy” of the following definition:
“‘brandy’ means, for the purposes of section 114*bis*, a liquor which complies with the requirements prescribed in the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), to be sold as brandy;”;
- (e) by the substitution in the said subsection for the definition of “class” of the following definition:
“‘class’ means, when used in respect of persons, any number of persons having any characteristic in common, whether of race, sex, social distinction or otherwise;”;
- (f) by the substitution in the said subsection for paragraph (e) of the definition of “closed days” of the following paragraph:
“(e) any polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or under that Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), if the relevant licensed premises are situated or the place where liquor is to be delivered, is situated in any division in which a poll is being taken or—
(i) in the case of a general election held in pursuance of a dissolution of the House of Assembly, a provincial council, the Coloured Persons Representative Council or the South African Indian Council, not more than thirty kilometres; or
(ii) in the case of any other election held under the said Electoral Consolidation Act, 1946, or the said Coloured Persons Representative Council Act, 1964, or any law which regulates the election of members of the South African Indian Council, not more than five kilometres, by the shortest practicable public road from any polling station at which any vote in connection with that election may be recorded.”;
- (g) by the addition, in the said subsection, to the said definition of “closed days” of the following words:
“but does not include a polling day fixed under any law relating to the election of elected members of a Legislative Assembly of any self-governing territory established under the provisions of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971);”;
- (h) by the substitution in the said subsection for the definition of “coloured person” of the following definition:
“‘Coloured’ or ‘Coloured person’ means a person who is neither a white person nor an Asian nor a Bantu, and includes any member of the class or race mentioned in paragraph (a) of the definition of ‘Asiatic’ or ‘Asian’ but excludes any member of a race or branch of a race contemplated in paragraph (b) or (c) of that definition;”;
- (i) by the insertion in the said subsection after the definition of “Coloured person” of the following definitions:
“‘competent authority’ means—
(a) the Minister;
(b) the National Liquor Board;

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- „Bantoebier’ beteken Bantoebier soos omskryf in artikel 1 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962);”;
- (d) deur in genoemde subartikel die omskrywing van „brandewyn” deur die volgende omskrywing te vervang:
 „brandewyn’ beteken, by die toepassing van artikel 114bis, ’n drank wat aan die vereistes wat voorgeskryf is in die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), voldoen om as brandewyn verkoop te word;”;
- (e) deur in genoemde subartikel die omskrywing van „klas” deur die volgende omskrywing te vervang:
 „klas’, wanneer dit in verband met persone gebruik word, beteken ’n aantal persone met ’n gemeenskaplike kenmerk, hetsy wat betref ras, geslag, maatskaplike onderskeiding of andersins;”;
- (f) deur in genoemde subartikel paragraaf (e) van die omskrywing van „geslote dae” deur die volgende paragraaf te vervang:
 „(e) ’n stemdag vasgestel ingevolge die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of ingevolge daardie Wet soos saamgelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of ingevolge ’n wet wat die verkiesing van lede van die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), reël, indien die betrokke gelisensieerde perseel of die plek waar drank afgelewer gaan word, geleë is in ’n afdeling waarin ’n stemming gehou word of—
 (i) in die geval van ’n algemene verkiesing gehou ingevolge ’n ontbinding van die Volksraad, ’n provinsiale raad, die Verteenwoordigende Kleurlingraad of die Suid-Afrikaanse Indiërraad, nie verder as dertig kilometer; of
 (ii) in die geval van ’n ander verkiesing gehou kragtens bedoelde Wet tot Konsolidasie van die Kieswette, 1946, of bedoelde Wet op die Verteenwoordigende Kleurlingraad, 1964, of ’n wet wat die verkiesing van lede van die Suid-Afrikaanse Indiërraad reël, nie verder as vyf kilometer,
 met die kortste bruikbare publieke pad van ’n stemburo waar ’n stem in verband met daardie verkiesing uitgebring kan word, geleë is nie.”;
- (g) deur in genoemde subartikel die volgende woorde by genoemde omskrywing van „geslote dae” te voeg:
 „maar nie ook nie ’n stemdag vasgestel ingevolge enige wetsbepaling betreffende die verkiesing van verkose lede van ’n Wetgewende Vergadering van ’n selfregerende gebied ingestel kragtens die bepalinge van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971);”;
- (h) deur in genoemde subartikel die omskrywing van „kleurling” deur die volgende omskrywing te vervang:
 „Kleurling’ beteken iemand wat nóg ’n blanke, nóg ’n Asiër, nóg ’n Bantoe is, en sluit ’n lid van die klas of ras vermeld in paragraaf (a) van die omskrywing van „Asiaat’ of „Asiër’ in, maar sluit ’n lid van ’n ras of tak van ’n ras bedoel in paragraaf (b) of (c) van daardie omskrywing uit;”;
- (i) deur in genoemde subartikel die volgende omskrywings na die omskrywing van „Kleurling” in te voeg:
 „bevoegde gesag’ beteken—
 (a) die Minister;
 (b) die Nasionale Drankraad;

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- (c) a person acting under the directions of the Minister;
 - (d) the chairman of the National Liquor Board;
 - (e) the magistrate, additional magistrate or assistant magistrate; or
 - (f) the receiver of revenue,
- according as the matter in question is in terms of this Act to be dealt with by the Minister, the said Board, such person, the said chairman, the magistrate, additional magistrate or assistant magistrate or the receiver of revenue;
- 'deal directly with the public' or any similar expression, when used in relation to a wholesale liquor licence, does not include the sale, supply or delivery of liquor by the holder of such a licence to—
- (a) a person *bona fide* employed by him in connection with the conduct of the licensed business;
 - (b) a person referred to in item 602.01 of Schedule No. 6 to the Customs and Excise Act, 1964 (Act No. 91 of 1964); or
 - (c) a person who supplies grapes or wine in bulk to such holder for purposes of processing or blending;
- 'designated police officer' means the commissioned officer of police designated in terms of section 136 and includes an inspector designated in terms of section 118, in so far as he is required to perform the functions of such a commissioned officer;
- 'district' means a magisterial district;";
- (j) by the substitution in the said subsection for the definition of "grant" of the following definition:
 "'grant' means, when used in connection with a licence or an authority, the grant of an application for such licence or authority;";
- (k) by the substitution in the said subsection for paragraph (bA) of the definition of "intoxicating liquor" of the following paragraph:
 "'(bA) any sweet containing more than two per cent of alcohol by mass;";
- (l) by the substitution in the said subsection for the definition of "issue" of the following definition:
 "'issue', when used in relation to a licence or an authority, means the handing over or dispatch of the licence or authority to the licensee or authority holder, as the case may be, or to his legal representative or agent by the competent authority;";
- (m) by the substitution in the said subsection for the definition of "licence" of the following definition:
 "'licence' means a licence issued under this Act for the sale of liquor;";
- (n) by the insertion in the said subsection after the definition of "licence" of the following definition:
 "'licensed premises' means the building or portion of a building in respect of which a licence or a written authority under section 6A (4), 100*bis* or 100*sex* is held and indicated on the plan thereof approved under this Act and filed with the competent authority, and includes such verandahs, out-buildings, yards, gardens or grounds appurtenant to such building or portion as are so indicated but excludes such part of the said building or portion and such other places as may in any particular case be specially excluded therefrom by the competent authority;";

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- (c) iemand wat op gesag van die Minister handel;
- (d) die voorsitter van die Nasionale Drankraad;
- (e) die landdros, addisionele landdros of assistent-landdros; of
- (f) die ontvanger van inkomste,
na gelang met die betrokke aangeleentheid in-
gevolge hierdie Wet gehandel moet word deur die
Minister, genoemde Raad, so iemand, genoemde
voorsitter, die landdros, addisionele landdros of
assistent-landdros, of die ontvanger van inkomste;
,regstreeks met die publiek handel dryf' of 'n soortge-
lyke uitdrukking, wanneer dit met betrekking tot 'n
groot-handelaars-dranklisensie gebruik word,
beteken nie ook nie die verkoop, verstrekking of
lewering van drank deur die houer van so 'n
lisensie aan—
- (a) enige persoon wat *bona fide* by hom in diens
is in verband met die dryf van die gelisen-
siese besigheid;
- (b) enige persoon bedoel in item 602.01 van
Bylae No. 6 by die Doeane- en Aksynswet,
1964 (Wet No. 91 van 1964); of
- (c) enige persoon wat druiwe of wyn in groot
maat, aan sodanige houer verstrek vir ver-
werking of versnyding;
,aangewese polisie-offisier' beteken die polisie-offisier
wat ingevolge artikel 136 aangewys is en ook 'n
ingevolge artikel 118 aangewese inspekteur vir
sover hy die werksaamhede van so 'n polisie-
offisier moet verrig;
,distrik' beteken 'n landdrosdistrik';
- (j) deur in genoemde subartikel die omskrywing van
,,verleen'' deur die volgende omskrywing te vervang:
,,verleen' beteken, in verband met 'n lisensie of 'n
magtiging, die toestaan van 'n aanvraag om daardie
lisensie of magtiging';
- (k) deur in genoemde subartikel paragraaf (bA) van die
omskrywing van „sterke drank'' deur die volgende
paragraaf te vervang:
,,(bA) enige lekker wat meer as twee persent alkohol
volgens massa bevat';
- (l) deur in genoemde subartikel die omskrywing van
,,uitreik'' deur die volgende omskrywing te vervang:
,,uitreik', in verband met 'n lisensie of 'n magtiging,
beteken die oorhandiging of versending van die
lisensie of magtiging aan die lisensiehouer of
magtigingshouer, na gelang van die geval, of aan
sy regsvertegenwoordiger of agent deur die
bevoegde gesag';
- (m) deur in genoemde subartikel die omskrywing van
,,lisensie'' deur die volgende omskrywing te vervang:
,,lisensie' beteken 'n lisensie ingevolge hierdie Wet
uitgereik vir die verkoop van drank';
- (n) deur in genoemde subartikel na die omskrywing van
,,lisensie'' die volgende omskrywing in te voeg:
,,gelisensieerde gebou' of ,gelisensieerde perseel'
beteken die gebou of gedeelte van 'n gebou ten
opsigte waarvan 'n lisensie of 'n skriftelike magti-
ging kragtens artikel 6A (4), 100*bis* of 100*sex* gehou
word en wat aangedui word op die plan daarvan
wat kragtens hierdie Wet goedgekeur is en by die
bevoegde gesag ingedien is, en ook sodanige
stoepe, buitegeboue, agterplase, tuine of gronde
wat behoort by bedoelde gebou of gedeelte as wat
aldus aangedui word, maar nie ook nie die deel van
bedoelde gebou of gedeelte en die ander plekke wat
in 'n besondere geval uitdruklik deur die bevoegde
gesag daarvan uitgesluit is';

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- (o) by the substitution in the said subsection for the definition of "lodger" of the following definition:
"‘lodger’ in relation to any licensed premises, means any person (other than the licensee, the proprietor or manager of the licensed business or the spouse or a member of the family of such licensee, proprietor or manager, or any other person employed in connection with the conduct of the licensed business) who *bona fide* lives and sleeps upon such premises;";
- (p) by the insertion in the said subsection after the said definition of "lodger" of the following definition:
"‘magistrate’ means the magistrate of the district in which the licensed or authorized premises are or will be situate, and ‘additional magistrate’ or ‘assistant magistrate’ has a corresponding meaning;";
- (q) by the substitution in the said subsection for the definition of "malt liquor" of the following definition:
"‘malt liquor’ means beer (that is to say the alcoholic liquid obtained by the fermentation of a mash of malt, with or without cereals, flavoured with hops), ale, stout and any other liquor made or sold as or under the name of beer, ale or stout, if it contains more than two per cent by volume of alcohol, but does not include Bantu beer;";
- (r) by the substitution in the said subsection for paragraph (b) of the definition of "methylated spirit" of the following paragraph:
"‘(b) any other denatured, medicated, perfumed or otherwise treated spirit which the Minister may by notice in the *Gazette* declare to be methylated spirit for the purposes of this Act;";
- (s) by the insertion in the said subsection after the said definition of "methylated spirit" of the following definitions:
"‘National Liquor Board’ or ‘Liquor Board’ means the National Liquor Board established under section 118bis;
‘non-white’ or ‘non-white person’ means any Asian, Coloured person or Bantu;";
- (t) by the substitution in the said subsection for all the words preceding paragraph (a) of the definition of "off-consumption licence" of the following words:
"‘‘off-consumption licence’ or ‘licence for the sale of liquor for consumption off the licensed premises’ or any term of the same import means any of the following licences, namely—";
- (u) by the substitution in the said subsection for paragraph (f) of the definition of "on-consumption licence" of the following paragraph:
"‘(f) a theatre liquor licence;";
- (v) by the addition, in the said subsection, to the said definition of "on-consumption licence" of the following paragraphs:
"‘(j) a wine house licence;
(k) a sports ground liquor licence;";
- (w) by the substitution in the said subsection for the definition of "ordinary meal" of the following definition:
"‘‘ordinary meal’ means a *bona fide* lunch or dinner actually supplied for which a price of not less than one rand in any portion of any licensed premises restricted to white persons or to white persons and persons who are not white persons, and thirty-five cents in any portion of any licensed premises for non-whites is actually paid or *bona fide* to be paid;";

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- (o) deur in genoemde subartikel die omskrywing van „loseerder” deur die volgende omskrywing te vervang:
„loseerder” beteken, met betrekking tot ’n gelisensieerde gebou, iemand (behalwe die lisensiehouer, die eienaar of bestuurder van die gelisensieerde besigheid of die gade of ’n lid van die gesin van bedoelde lisensiehouer, eienaar of bestuurder, of iemand anders wat in verband met die dryf van die gelisensieerde besigheid in diens is) wat te goeder trou op die gelisensieerde perseel woon en slaap;”;
- (p) deur in genoemde subartikel na genoemde omskrywing van „loseerder” die volgende omskrywing in te voeg:
„magistraat” of „landdros” beteken die landdros van die distrik waarin die gelisensieerde of gemagtigde perseel geleë is of sal wees, en „addisionele magistraat”, „addisionele landdros”, „assistent-magistraat” of „assistent-landdros” het ’n ooreenstemmende betekenis;”;
- (q) deur in genoemde subartikel die omskrywing van „bier” deur die volgende omskrywing te vervang:
„bier” beteken die alkoholiese vloeistof verkry deur gisting van ’n moutpap, met of sonder graan, waaraan deur hops smaak verleen is, ale, stout en enige ander drank wat as of onder die naam van bier, ale of stout vervaardig of verkoop word, as dit meer alkohol bevat dan twee persent van sy volume, maar sluit nie Bantobier in nie;”;
- (r) deur in genoemde subartikel paragraaf (b) van die omskrywing van „brandspiritus” deur die volgende paragraaf te vervang:
„(b) enige ander gedenatureerde, met medisyne gemengde, geparfumeerde of anders bewerkte spiritus wat die Minister by kennisgewing in die *Staatskoerant* vir die doeleindes van hierdie Wet as brandspiritus mag verklaar;”;
- (s) deur in genoemde subartikel na genoemde omskrywing van „brandspiritus” die volgende omskrywings in te voeg:
„Nasionale Drankraad” of „Drankraad” beteken die Nasionale Drankraad ingestel kragtens artikel 118*bis*;
„nie-blanke” of „nie-blanke persoon” beteken ’n Asiër, Kleurling of Bantoe;”;
- (t) deur in genoemde subartikel al die woorde wat paragraaf (a) van die omskrywing van „buiteverbruik-lisensie” voorafgaan deur die volgende woorde te vervang:
„buiteverbruik-lisensie” of „lisensie vir die verkoop van drank vir gebruik buite die gelisensieerde gebou” of ’n uitdrukking met dieselfde strekking beteken een van die volgende lisensies, naamlik—”;
- (u) deur in genoemde subartikel paragraaf (f) van die omskrywing van „binneverbruik-lisensie” deur die volgende paragraaf te vervang:
„(f) ’n teater- dranklisensie;”;
- (v) deur in genoemde subartikel, die volgende paragrawe by genoemde omskrywing van „binneverbruik-lisensie” te voeg:
„(j) ’n wynhuis-lisensie;
(k) ’n sportgronde-dranklisensie;”;
- (w) deur in genoemde subartikel die omskrywing van „gewone maaltyd” deur die volgende omskrywing te vervang:
„gewone maaltyd” beteken ’n werklik verstrekte *bona fide*-middag- of -aandete waarvoor ’n prys van nie minder as een rand in enige gedeelte van ’n gelisensieerde perseel wat tot blanke persone of tot blankes en persone wat nie blankes is nie beperk is en vyf-en-dertig sent in enige gedeelte van ’n gelisensieerde perseel vir nie-blankes werklik betaal is of te goeder trou betaal moet word;”;

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- (x) by the deletion in the said subsection of the definition of "pint";
- (y) by the insertion in the said subsection after the definition of "parliamentary voter" of the following definition:
 "'premises', for the purposes of a wine and malt liquor licence, includes any boat which is lawfully operated on any lake, lagoon, dam or river, and 'licensed premises' includes, for such purposes, such a boat";
- (z) by the deletion in the said subsection of the definitions of "quart" and "renewal";
- (za) by the substitution in the said subsection for the definition of "restricted portion" of the following definition:
 "'restricted portion' means any bar on premises licensed for the sale of liquor for consumption on the premises, in which liquor is served over a counter, and any other room or portion of such premises as may in any particular case be determined by the competent authority";
- (zb) by the substitution in the said subsection for the definition of "sell" of the following definition:
 "'sell' includes keeping, exposing, delivering, supplying or disposing of for sale, or authorizing, directing or allowing sale, or bartering or exchanging, or possessing for purposes of sale";
- (zc) by the substitution in the said subsection for the definition of "supply" of the following definition:
 "'supply' means in relation to the supply of any liquor or thing to any person, the placing of that person in possession or control of such liquor or thing for his own use";
- (zd) by the deletion in the said subsection of the definition of "Transkeian territories";
- (ze) by the substitution in the said subsection for the definition of "urban local authority" of the following definition:
 "'urban local authority' means any municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee or the Local Health Commission constituted in terms of the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941 of Natal), or any local area committee established under the provisions of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943 of the Transvaal);
- (zf) by the insertion in the said subsection after the said definition of "urban local authority" of the following definition:
 "'white' or 'white person' means any person classified as a White person in terms of the Population Registration Act, 1950 (Act No. 30 of 1950);
- (zg) by the substitution in the said subsection for the definition of "wine" of the following definition:
 "'wine' means, for the purposes of section 114bis, a liquor which complies with the requirements prescribed in the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), to be sold as wine"; and
- (zh) by the deletion of subsection (2).

Repeal of
First and Second
Schedules to
Act 30 of 1928.

148. The First Schedule and the Second Schedule to the principal Act are hereby repealed.

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- (x) deur in genoemde subartikel die omskrywing van „pint” te skrap;
- (y) deur in genoemde subartikel na die omskrywing van „parlementêre kieser” die volgende omskrywing in te voeg:
 „,perseel’, vir die doeleindes van ’n wyn- en bier-lisensie, beteken ook ’n boot wat wettiglik op ’n meer, lagune, dam of rivier gebruik word, en ,gelisensieerde perseel’ beteken, vir sodanige doeleindes, ook so ’n boot;”;
- (z) deur in genoemde subartikel die omskrywings van „kwart” en „vernuwing” te skrap;
- (za) deur in genoemde subartikel die omskrywing van „beperkte gedeelte” deur die volgende omskrywing te vervang:
 „,beperkte gedeelte’ beteken enige kroeg op ’n perseel wat vir die verkoop van drank vir gebruik op die perseel gelisensieer is, waarin drank oor ’n toonbank bedien word, en enige ander vertrek of gedeelte van bedoelde perseel wat in ’n bepaalde geval deur die bevoegde gesag bepaal mag word;”;
- (zb) deur in genoemde subartikel die omskrywing van „verkoop” deur die volgende omskrywing te vervang:
 „,verkoop’ omvat, ook aanhou, uitstal, aflewer, verstrekk of van die hand sit om te verkoop, of magtiging, opdrag of toelating van ’n verkoop, of verruil, of die besit om te verkoop;”;
- (zc) deur in genoemde subartikel die omskrywing van „verstrekk” deur die volgende omskrywing te vervang:
 „,verstrekk’ of ,verskaf’ beteken, in verband met die verstrekking of verskaffing van enige drank of voorwerp aan ’n persoon, daardie persoon in besit of beheer van daardie drank of voorwerp stel vir sy eie gebruik;”;
- (zd) deur in genoemde subartikel die omskrywing van „Transkeise gebied” te skrap;
- (ze) deur in genoemde subartikel die omskrywing van „stedelike plaaslike bestuur” deur die volgende omskrywing te vervang:
 „,stedelike plaaslike bestuur’ beteken ’n munisipale raad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike raad, gesondheidsraad of gesondheidskomitee of die Kommissie vir Plaaslike Gesondheid in die lewe geroep kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor Openbare Gesondheidsgebiede), 1941 (Ordonnansie No. 20 van 1941 van Natal), of ’n plaaslike gebiedskomitee ingestel kragtens die bepalings van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943 van Transvaal);”;
- (zf) deur in genoemde subartikel na genoemde omskrywing van „stedelike plaaslike bestuur” die volgende omskrywing in te voeg:
 „,blanke’ of ,blanke persoon’ beteken iemand wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as ’n Blanke geklassifiseer is;”;
- (zg) deur in genoemde subartikel die omskrywing van „wyn” deur die volgende omskrywing te vervang:
 „,wyn’ beteken, by die toepassing van artikel 114bis, ’n drank wat aan die vereistes wat voorgeskryf is in die Wet op Wyn, Ander Gegiste Drank en Spirituallieë, 1957 (Wet No. 25 van 1957), voldoen om as wyn verkoop te word;”;
- (zh) deur subartikel (2) te skrap.

148. Die Eerste Bylae en die Tweede Bylae by die Hoofwet word hierby herroep.

Herroeping van
Eerste en Tweede
Bylaes by
Wet 30 van 1928.

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Substitution of
Third Schedule to
Act 30 of 1928,
as substituted by
section 20 of
Act 94 of 1974.

149. The following Schedule is hereby substituted for the Third Schedule to the principal Act:

"Third Schedule"

FEES PAYABLE IN RESPECT OF LICENCES (SUBJECT TO REDUCTIONS IN TERMS OF SECTION 12 (2)*bis* OR (3))

Licence	PART A		PART B
	Fee payable in respect of new licence	Fee payable in respect of transfer of licence to another person or in respect of removal of licence to other premises	Annual licence fee
	R	R	R
Bottle	1 200	300	600
Brewers	2 000	500	1 000
Foreign	400	100	200
Grocer	100	30	50
Wholesale (under which the holder thereof deals directly with the public)	1 200	300	600
Wholesale (under which the holder thereof does not deal directly with the public)	2 000	500	1 000
Wine Farmer	10	5	5
Bar	—	300	600
Club	400	100	200
Hotel	400	100	200
Meal Time	50	15	35
Restaurant	200	50	100
Sports-ground	400	100	200
Theatre	400	100	200
Wine and malt	100	30	50
Wine House	50	15	25
Late hours occasional ...	10	in respect of each hour or portion of an hour for which the licence is granted. per day in respect of each bar or other point of sale authorized under the licence.	
Temporary	20		

Whenever the holder of an on-consumption licence has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, the annual licence fee shall be increased by one-half."

Repeal of laws
and savings.

150. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule to this Act are hereby repealed to the extent indicated in the third column thereof.

(2) Every application submitted under any provision of the principal Act prior to the amendment or repeal thereof by this Act, and which has not been disposed of before the date of coming into operation of any such amendment or repeal, shall be disposed of in terms of the said provision as if it had not so been amended or repealed.

Short title and
commencement.

151. This Act shall be called the Liquor Amendment Act, 1977, and 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 the several provisions thereof.

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149. Die Derde Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

Vervanging van Derde Bylae by Wet 30 van 1928, soos vervang deur artikel 20 van Wet 94 van 1974.

„Derde Bylae

GELDE BETAALBAAR TEN OPSIGTE VAN LISENSIËS (ONDERWORPE AAN KORTING INGEVOLGE ARTIKEL 12 (2)*bis* OF (3))

Lisensie	DEEL A		DEEL B
	Verskuldigde geld ten opsigte van nuwe lisensie	Verskuldigde geld ten opsigte van oordrag van lisensie aan iemand anders of ten opsigte van verplasing van lisensie na ander perseel	Jaarlikse lisensiegeld
	R	R	R
Bottel	1 200	300	600
Bierbrouer	2 000	500	1 000
Buitelandse	400	100	200
Kruidenier	100	30	50
Groothandelaars (waarkragtens die houer daarvan regstreeks met die publiek handel dryf)	1 200	300	600
Groothandelaars (waarkragtens die houer daarvan nie regstreeks met die publiek handel dryf nie)	2 000	500	1 000
Wynboer	10	5	5
Kantien	—	300	600
Klub	400	100	200
Hotel	400	100	200
Maaltyd	50	15	35
Restourant	200	50	100
Sportgronde	400	100	200
Teater	400	100	200
Wyn-en-bier	100	30	50
Wynhuis	50	15	25
Nagtelike geleentheids ..	10	vir elke uur of gedeelte van 'n uur waarvoor die lisensie verleen word.	
Tydlike	20	per dag vir elke kroeg of ander verkooppunt kragtens die lisensie gemagtig	

Wanneer die houer van 'n binneverbruik-lisensie kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop, word die jaarlikse lisensiegeld met die helfte vermeerder."

150. (1) Die wette vermeld in die Bylae by hierdie Wet word, behoudens die bepalings van subartikel (2), hierby herroep in die mate aangedui in die derde kolom daarvan.

Herroeping van wette en voorbehoude.

(2) Elke aanvraag wat kragtens 'n bepaling van die Hoofwet ingedien is voor die wysiging of herroeping daarvan deur hierdie Wet en wat nie voor die datum van inwerkingtreding van daardie wysiging of herroeping afgehandel is nie, word ingevolge bedoelde bepaling afgehandel asof dit nie aldus gewysig of herroep was nie.

151. Hierdie Wet heet die Drankwysigingswet, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal: Met dien verstande dat verskillende datums ten opsigte van die onderskeie bepalings daarvan aldus bepaal kan word.

Kort titel en inwerkingtreding.

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LIQUOR AMENDMENT ACT, 1977.

Schedule

LAWS REPEALED

No. and year of Law	Title	Extent of Repeal
Act No. 88 of 1963	Liquor Amendment Act, 1963	Sections 15 (2), 29 (2) and 37 (2).
Act No. 85 of 1964	Liquor Amendment Act, 1964	Section 10 (2).
Act No. 98 of 1965	General Law Amendment Act, 1965	Section 6 (2).
Act No. 23 of 1969	Liquor Amendment Act, 1969	Sections 2 (2), 33 (2) and 59.
Act No. 62 of 1973	General Law Amendment Act, 1973	Section 4 (2) and (3)
Ordinance No. 32 of 1934 of the Cape of Good Hope	Liquor Licences Ordinance, 1934	The whole.
Ordinance No. 4 of 1935 of Natal	The Liquor Licences (Bottle Stores) Ordinance, 1935	The whole.
Ordinance No. 19 of 1937 of the Cape of Good Hope	Liquor Licences Amendment Ordi- nance, 1937	The whole.

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Bylae

WETTE HERROEP

No. en jaar van wet	Titel	Omvang van herroeping
Wet No. 88 van 1963	Drankwysigingswet, 1963	Artikels 15 (2), 29 (2) en 37 (2).
Wet No. 85 van 1964	Drankwysigingswet, 1964	Artikel 10 (2)
Wet No. 98 van 1965	Algemene Regswysigingswet, 1965	Artikel 6 (2)
Wet No. 23 van 1969	Drankwysigingswet, 1969	Artikels 2 (2), 33 (2) en 59
Wet No. 62 van 1973	Algemene Regswysigingswet, 1973	Artikel 4 (2) en (3)
Ordonnansie No. 32 van 1934 van die Kaap die Goeie Hoop	Ordonnansie op Dranklisensies, 1934 ...	Die geheel.
Ordonnansie No. 4 van 1935 van Natal.	Ordonnansie op Dranklisensies (Bottelstore), 1935	Die geheel.
Ordonnansie No. 19 van 1937 van die Kaap die Goeie Hoop	Wysigingsordonnansie op Dranklisensies, 1937	Die geheel.

