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GENERAL NOTICE

DEPARTMENT OF JUSTICE

LIQUOR ACT, 1928

The following Draft Bill to further amend the Liquor Act, 1928 (Act No. 30 of 1928), is published for general information. Any person desiring to furnish comments on the contents thereof may do so in writing to the Secretary for Justice, Private Bag X81, Pretoria, 0001, within twenty-one days from date hereof.

ALGEMENE KENNISGEWING

DEPARTEMENT VAN JUSTISIE

DRANKWET, 1928

Die volgende Konsepwetsontwerp om die Drankwet, 1928 (Wet No. 30 van 1928), verder te wysig, word vir algemene inligting gepubliseer. Enige persoon wat kommentaar op die inhoud daarvan wil lewer, kan dit binne een-en-twintig dae vanaf datum hiervan skriftelik aan die Sekretaris van Justisie, Privaatsak X81, Pretoria, 0001, rig.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions proposed by Minister on introduction.
- Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

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

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

Amendment of section 63 of Act 30 of 1928, as substituted by section 41 of the Liquor Amendment Act, 1977.

1. Section 63 of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(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 64bis 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.”.

Insertion of section 71sex in Act 30 of 1928.

2. The following section is hereby inserted in the principal Act after section 71quin:

“Special condition of certain bottle liquor licences.

71sex. (1) It shall be a special condition of every bottle liquor licence granted on or after the date of coming into operation of this section, that—

- (a) such licence or the business in respect of which it is held or interest in such licence or business shall not be alienated within a period of five years from the date of such grant; and
- (b) in the case where such a licence is held by or on behalf of a private company, society, partnership or other similar association of persons, no share or interest in such company, society, partnership or association shall be alienated within such period,

unless the licensee concerned has, in a written application made in the prescribed manner, proved to the satisfaction of the Minister that good and sufficient reasons exist for such alienation and the Minister, upon the recommendation of the Liquor Board, has in writing authorized such alienation.

(2) Every alienation contrary to the provisions of subsection (1) shall be null and void.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.

Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

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

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

1. Artikel 63 van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(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-drank-lisensies **[en die in artikel 64bis 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 tweeduizend parlementêre kiesers in daardie gebied geregistreer.”

Wysiging van artikel 63 van Wet 30 van 1928, soos vervang deur artikel 41 van die Drankwysigingswet, 1977.

2. Die volgende artikel word hierby in die Hoofwet na artikel 71^{quin} ingevoeg:

Invoeging van artikel 71^{sex} in Wet 30 van 1928.

„Besondere voorwaarde van sekere bottel-drank-lisensies.

71^{sex}. (1) Dit is 'n besondere voorwaarde van elke

bottel-dranklisensie wat op of na die datum van inwerkingtreding van hierdie artikel verleen word dat—

(a) daardie lisensie of die besigheid ten opsigte waarvan dit gehou word of 'n belang in bedoelde lisensie of besigheid nie binne 'n tydperk van vyf jaar vanaf die datum van sodanige verlening vervreem mag word nie; en

(b) in die geval waar so 'n lisensie deur of ten behoeve van 'n private maatskappy, vereniging, vennootskap of ander soortgelyke assosiasie van persone gehou word, geen aandeel of belang in bedoelde maatskappy, vereniging, vennootskap of assosiasie binne bedoelde tydperk vervreem mag word nie,

tensy die betrokke lisensiehouer in 'n skriftelike aanvraag op die voorgeskrewe wyse gedoen, die Minister met bewyse oortuig het dat goeie en voldoende redes vir daardie vervreemding bestaan en die Minister, op aanbeveling van die Drankraad, sodanige vervreemding skriftelik gemagtig het.

(2) Elke vervreemding in stryd met die bepalings van subartikel (1) is ongeldig.

(3) For the purposes of this section 'alienate' includes sell, barter, exchange, lease and donate but not bequeath or alienate pursuant to the sequestration of an estate or the liquidation of a company pursuant to an order of court, and 'alienation' has a corresponding meaning."

Amendment of section 161 of Act 30 of 1928, as amended by section 9 of Act 89 of 1962, section 48 of Act 23 of 1969, section 4 of Act 102 of 1972, section 5 of Act 58 of 1975 and section 135 of the Liquor Amendment Act, 1977.

3. Section 161 of the principal Act is hereby amended by the addition of the following paragraph:

- "(u) (i) reflects on or adds to any tariff of charges or statement of account in respect of any accommodation, meal, refreshments or service offered or provided at any licensed premises for on-consumption, any amount representing a levy, surcharge, service charge or charge of a like nature on the price of such accommodation, meal, refreshment or service; or
- (ii) requires any other person to pay in respect of such accommodation, meal, refreshment or service any amount by way of a levy, surcharge, service charge or charge of a like nature in addition to the said price:

Provided that the provisions of this paragraph shall not apply to any surcharge payable in terms of section 28 (1) of the Hotels Act, 1965 (Act No. 70 of 1965)."

Amendment of section 173 of Act 30 of 1928, as substituted by section 145 of the Liquor Amendment Act, 1977.

4. Section 173 of the principal Act is hereby amended by the substitution for subparagraph (iii) of subsection (1) (a) of the following subparagraph:

- "(iii) authorities under section 64ter, 71bis, 71sex, 75 (2) (d), 75 (2) (e) (i), 75 (2) (g), 76A, 78 (2), 81 (3), 102A, 103A, 116 (2) and 121;"

Short title and commencement.

5. This Act shall be called the Second 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.

(3) By die toepassing van hierdie artikel beteken 'vervreem' ook verkoop, verruil, verhuur en skenk, maar nie ook bemaak of vervreem ten gevolge van die sekwestrasie van 'n boedel of die likwidasië van 'n maatskappy of ten gevolge van 'n hofbevel nie, en het 'vervreemding' 'n ooreenstemmende betekenis."

3. Artikel 161 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(u) (i) op 'n geldtarief of rekeningstaat ten opsigte van

huisvesting, etes, verversings of diens by enige gelisensieerde perseel vir binneverbruik aangebied of voorsien, 'n bedrag aangee of byvoeg wat 'n heffing, toeslag, bedieningsgeld of vordering van 'n soortgelyke aard op die prys van sodanige huisvesting, etes, verversings of diens verteenwoordig; of (ii) van iemand anders vereis om ten opsigte van sodanige huisvesting, etes, verversings of diens benewens genoemde prys 'n bedrag by wyse van 'n heffing, toeslag, bedieningsgeld of vordering van 'n soortgelyke aard te betaal:

Met dien verstande dat die bepalinge van hierdie paragraaf nie van toepassing is nie op 'n toeslag wat ingevolge artikel 28 (1) van die Wet op Hotelle, 1965 (Wet No. 70 van 1965), betaalbaar is."

Wysiging van artikel 161 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 89 van 1962, artikel 48 van Wet 23 van 1969, artikel 4 van Wet 102 van 1972, artikel 5 van Wet 58 van 1975 en artikel 135 van die Drankwysigingswet, 1977.

4. Artikel 173 van die Hoofwet word hierby gewysig deur subparagraaf (iii) van subartikel (1) (a) deur die volgende subparagraaf te vervang:

„(iii) magtigings kragtens artikels 64ter, 71bis, 71sex, 75 (2) (d), 75 (2) (e) (i), 75 (2) (g), 76A, 78 (2), 81 (3), 102A, 103A, 116 (2) en 121;"

Wysiging van artikel 173 van Wet 30 van 1928, soos vervang deur artikel 145 van die Drankwysigingswet, 1977.

5. Hierdie Wet heet die Tweede 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 bepalinge daarvan aldus bepaal kan word.

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ALGEMENE KENNISGEWING

BLADSY

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