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GOVERNMENT GAZETTE

STAATSKOERANT

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CAPE TOWN, 9 MAY 1980

[No. 6995

KAAPSTAD, 9 MEI 1980

DEPARTMENT OF THE PRIME MINISTER

No. 953.

9 May 1980.

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

No. 48 of 1980: Liquor Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 953.

9 Mei 1980.

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

No. 48 van 1980: Drankwysigingswet, 1980.

Wet No. 48, 1980

DRANKWYSIGINGSWET, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

【 **】** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Drankwet, 1977, betreffende die gelde wat aan sekere lede van die Drankraad en sekere ander persone betaal moet word; die jaarlikse vergaderings van die Drankraad; sekere aansoekgelde; die geldigheid van sekere magtigings; die aanwysing van polisie-offisiere wat sekere verslae moet opstel; die verbeuring van sekere goedere; en die vrystelling van sekere persone en liggame van die verpligting om sekere lisensies te hou; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 April 1980.)

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

Wysiging van
artikel 4 van
Wet 87 van 1977.

1. (1) Artikel 4 van die Drankwet, 1977 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (10) deur die volgende subartikel te vervang:

„(10) Die lede wat kragtens subartikel (1) (c) aangestel en iemand wat kragtens subartikel (9) gekoopteer is, ontvang **【die toelaes wat die Minister in oorleg met die Minister van Finansies bepaal】** ten opsigte van hulle dienste in verband met die sake van die Raad die vergoeding en ter dekking van die redelike uitgawes wat hulle aangaan in verband met die sake van die Raad die toelaes wat die Minister in oorleg met die Minister van Finansies bepaal.”

(2) Subartikel (1) word geag op 1 Januarie 1975 in werking te getree het.

Wysiging van
artikel 9 van
Wet 87 van 1977.

2. Artikel 9 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) aansoek kragtens artikels 54 (2) (a) en 72 (3); en”.

Wysiging van
artikel 40 van
Wet 87 van 1977,
soos gewysig deur
artikel 6 van
Wet 55 van 1979.

3. Artikel 40 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Bedrag wat ingevolge subartikel (1) betaal is, of 'n deel daarvan, word nie aan die aansoeker terugbetaal nie, behalwe dat **【(a) in die geval van** 25

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GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Liquor Act, 1977, relating to the moneys to be paid to certain members of the Liquor Board and certain other persons; the annual meetings of the Liquor Board; certain application fees; the validity of certain authorities; the designation of police commissioned officers who have to draw up certain reports; the forfeiture of certain goods; and the exemption of certain persons and bodies from the obligation to hold certain licences; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 28 April 1980.)*

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

1. (1) Section 4 of the Liquor Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (10) of the following subsection: Amendment of section 4 of Act 87 of 1977.

“(10) The members appointed under subsection (1) (c) and any person co-opted under subsection (9), shall receive **[such allowances]** in respect of their services in connection with the business of the Board such remuneration and to meet the reasonable expenses to which they are put in connection with the business of the Board such allowances as the Minister in consultation with the Minister of Finance may determine.”

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1975.

2. Section 9 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph: Amendment of section 9 of Act 87 of 1977.

“(c) applications under sections 54 (2) (a) and 72 (3); and”.

3. Section 40 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 40 of Act 87 of 1977, as amended by section 6 of Act 55 of 1979.

“(3) No amount paid in terms of subsection (1), or any part thereof, shall be refunded to the applicant, except that **[(a) in the case of an amount paid in**

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'n bedrag wat ingevolge subartikel (1) (a) betaal is, vyf en sewentig persent daarvan aldus terugbetaal word indien die aansoek om die hou van die spesiale vergadering geweier is; (b)] 'n bedrag wat ingevolge subartikel (2) ten opsigte van 'n aansoek bedoel in subartikel (1) (c) betaal is, terugbetaal word indien die aansoek om die hou van 'n spesiale vergadering vir oorweging van bedoelde aansoek geweier is.''

Wysiging van
artikel 72 van
Wet 87 van 1977.

4. (1) Artikel 72 van die Hoofwet word hierby gewysig—
- (a) deur subparagraaf (ii) van paragraaf (b) van subartikel 10 (3) deur die volgende subparagraaf te vervang:
- „(ii) minstens **[drie]** twee maande maar nie meer nie as **[vier]** drie maande voor **[30 Junie van enige jaar]** die eerste dag van die tydperk bedoel in artikel 9 (1) by die landdros ingedien word; en”;
- (b) deur paragraaf (c) van subartikel (3) te skrap;
- (c) deur paragraaf (e) van subartikel (3) deur die volgende paragraaf te vervang:
- „(e) 'n Magtiging wat kragtens hierdie subartikel verleen is, is nie van krag nie tensy 'n bedrag—
- (i) in die geval waar daardie magtiging gedurende Januarie van die betrokke jaar uitgereik word, gelyk aan die jaarlikse gelde wat ten opsigte van die betrokke lisensie betaalbaar is; of
- (ii) in die geval waar daardie magtiging gedurende enige ander tydperk van die betrokke jaar uitgereik word, gelyk aan die jaarlikse gelde wat ten opsigte van die betrokke lisensie betaalbaar is minus 1/12de daarvan vir elke kalendermaand wat in daardie jaar reeds ten volle verloop het voordat daardie magtiging uitgereik is,
- aan die betrokke ontvanger van inkomste ten opsigte van daardie magtiging betaal is.''
- (2) Elke magtiging wat kragtens artikel 72 (3) (a) van die Hoofwet verleen is en onmiddellik voor die datum van inwerking-treding van hierdie artikel van krag is, bly van krag tot 31 Desember van die jaar waarin hierdie artikel in werking tree, mits 'n bedrag gelyk aan die jaarlikse gelde wat ten opsigte van die betrokke lisensie betaalbaar is minus 1/12de daarvan vir elke kalendermaand waarvoor daardie magtiging van krag sou wees indien hierdie subartikel nie aangeneem was nie, aan die betrokke ontvanger van inkomste ten opsigte van daardie magtiging betaal word.

Wysiging van
artikel 174 van
Wet 87 van 1977.

5. Artikel 174 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „'n Polisie-offisier wat deur die Minister van Polisie of deur iemand wat op sy gesag handel, aangewys is, moet, ten opsigte van elke aansoek om 'n lisensie of spesiale magtiging wat by die Minister gedoen is, met behoorlike inagneming van die bepalings van hierdie Wet, ter inligting van die Minister verslag doen of—”.

Wysiging van
artikel 190 van
Wet 87 van 1977.

6. Artikel 190 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- „(b) in 'n ander geval, die persoon van wie dit weggeneem is, binne 30 dae na die inbeslagneming daarvan die Minister of iemand wat op sy gesag handel by wyse van skriftelike bewys, voorgelê deur bemiddeling van die Sekretaris van Justisie,

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terms of subsection (1) (a), seventy-five per cent thereof shall be refunded if the application for the holding of the special meeting has been refused; (b) any amount paid in terms 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 the said application has been refused."

4. (1) Section 72 of the principal Act is hereby amended—
- (a) by the substitution for subparagraph (ii) of paragraph (b) of subsection (3) of the following subparagraph:
- "(ii) be lodged with the magistrate at least **[three] two** months but not more than **[four] three** months before **[30 June of any year]** the first day of the period referred to in section 9 (1); and";
- (b) by the deletion of paragraph (c) of subsection (3);
- (c) by the substitution for paragraph (e) of subsection (3) of the following paragraph:
- "(e) Any 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—
- (i) in the case where such authority is issued during January of the year in question, equal to the annual fees payable in respect of the licence in question; or
- (ii) in the case where such authority is issued during any other period of the year in question, equal to the annual fees payable in respect of the licence in question less 1/12th thereof for each calendar month which, before the issue of such authority, has already expired in full in such year."
- (2) Every authority granted under section 72 (3) (a) of the principal Act and of force and effect immediately before the date of commencement of this section, shall remain of force and effect until 31 December of the year in which this section comes into operation, provided that there has been paid to the receiver of revenue concerned an amount equal to the annual fees payable in respect of the licence in question less 1/12th thereof for each calendar month during which such authority would have been of force and effect if this subsection had not been passed.

Amendment of
section 72 of
Act 87 of 1977.

5. Section 174 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- "Any police commissioned officer designated by the Minister of Police or by any person acting under his directions shall, in respect of every application made to the Minister for a licence or special authority, report, with due regard to the provisions of this Act, for the information of the Minister whether—"

Amendment of
section 174 of
Act 87 of 1977.

6. Section 190 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- "(b) in any other case, the person from whom it was taken submits, through the Secretary for Justice, within 30 days of the seizure, proof in writing, to the satisfaction of the Minister or of any person

Amendment of
section 190 of
Act 87 of 1977.

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oortuig dat die besit of gebruik daarvan deur homself of iemand anders nie vir of in verband met 'n onwettige oogmerk was nie.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang: 5
- „(2) Enigiets aldus verbeur, kan verkoop of vernietig word, en moet verkoop of vernietig of op 'n ander wyse oor beskik word, indien die Minister of iemand wat op sy gesag handel aldus gelas.”.

Wysiging van
artikel 210 van
Wet 87 van 1977.

7. Artikel 210 van die Hoofwet word hierby gewysig— 10

- (a) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- „(g) iemand wat op gesag van die Minister en op die voorwaardes of beperkings deur hom gestel, drank in 'n restourant, kantien of buffet wat in 'n gebou is 15 wat deur **[die Posmeester-generaal]** 'n Staatsdepartement, met inbegrip van die Departement van Pos- en Telekommunikasiewese, beheer **[en]** of in stand gehou word, verkoop vir gebruik in bedoelde restourant, kantien of buffet;”;
- (b) deur paragraaf (h) van subartikel (1) te skrap. 20

Wysiging van
Bylae 1 van
Wet 87 van 1977.

8. Bylae 1 van die Hoofwet word hierby gewysig deur die volgende woorde by te voeg:

„Wanneer die houer van 'n binneverbruiklisensie kragtens artikel 72 (3) (d) van hierdie Wet gemagtig is om drank, 25 verversings, maaltye of akkommodasie op die perseel aan iemand wat nie 'n blanke is nie, te verkoop of te verskaf en om so iemand as 'n gas op die perseel toe te laat, word die jaarlikse lisensiegeld verhoog met 'n bedrag gelyk aan die jaarlikse gelde wat ten opsigte van die betrokke lisensie 30 betaalbaar is.”.

Kort titel en
inwerkingtreding.

9. Hierdie Wet heet die Drankwysigingswet, 1980, en die bepalings van artikels 2, 4 en 10 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 35

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- acting under his directions, that the possession or use thereof by himself or any other person was not for or in connection with any unlawful purpose.”;
- 5 (b) by the substitution for subsection (2) of the following subsection:
“(2) Anything so forfeited may be sold or destroyed, and shall be sold or destroyed or be dealt with in some other manner, if the Minister or any person acting under his directions so directs.”.
- 10 7. Section 210 of the principal Act is hereby amended— Amendment of section 210 of Act 87 of 1977.
(a) by the substitution for paragraph (g) of subsection (1) of the following paragraph:
15 “(g) any person who, under the authority of the Minister and on such conditions or restrictions as he may determine, sells liquor in a restaurant, canteen or buffet which is on premises controlled **[and]** or maintained by **[the Postmaster-General]** any State department, including the Department of Posts and Telecommunications, for consumption in
20 such restaurant, canteen or buffet.”;
(b) by the deletion of paragraph (h) of subsection (1).
8. Schedule 1 of the principal Act is hereby amended by the Amendment of Schedule 1 of Act 87 of 1977.
addition of the following words:
25 “Whenever the holder of an on-consumption licence has been authorized under section 72 (3) (d) of this Act to sell or supply liquor, refreshments, meals or accommodation on the premises to any person who is not a white and to admit any such person as a guest to the premises, the annual licence fee shall be increased by an amount equal to the annual fees
30 payable in respect of the licence in question.”.
9. This Act shall be called the Liquor Amendment Act, 1980, Short title and commencement.
and the provisions of sections 2, 4 and 10 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

