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STATE PRESIDENT'S OFFICE

No. 748. 10 April 1985

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

No. 31 of 1985: Liquor Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 748. 10 April 1985

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

No. 31 van 1985: Drankwysigingswet, 1985.

Act No. 31, 1985

LIQUOR AMENDMENT ACT, 1985

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 Liquor Act, 1977, so as to abolish the prohibition of the sale, supply and delivery of liquor on polling days; to further regulate the service of process in respect of legal proceedings against the Liquor Board or the chairman thereof; to extend the power of the Minister of Trade and Industry to grant special authorities for the sale of liquor; to change the hours during which liquor may be sold, disposed of, supplied or delivered; to empower the Minister of Trade and Industry to grant a liquor store licence to the holder of a hotel liquor licence to whom authority has been granted to sell liquor for consumption off licensed premises; to stipulate that fees payable in respect of certain applications be paid to the receiver of revenue instead of the magistrate concerned; to provide for the grant, issue or transfer of licences to a nominee of, or the carrying on of business under a licence or special authority by, close corporations; to further regulate the sale or supply of liquor by the holders of restaurant liquor licences; to delete certain provisions which have become redundant as a result of previous amending legislation; to extend the special conditions applicable in respect of a liquor store licence to close corporations which are holders of such a licence; to better regulate the conditions of a grocer's wine licence and the sale of liquor under a wine farmer's licence; to substitute a certain official title; and to extend the exemption of certain persons from the obligation to hold licences; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 19 March 1985.)

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

Amendment of
section 1 of
Act 87 of 1977,
as amended by
section 1 of
Act 117 of 1981
and section 15 of
Act 61 of 1983.

1. Section 1 of the Liquor Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of paragraph (f) of the definition of "closed days";
- (b) by the deletion, in the definition of "closed days", of the words following upon paragraph (g);
- (c) by the substitution for the definition of "ordinary meal" of the following definition:

10
"ordinary meal" means **[a bona fide lunch or dinner actually supplied and for which a price of not less than one rand on any portion of any licensed premises restricted to white persons or to white persons**

ALGEMENE VERDUIDELIKENDE NOTA:

- Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Drankwet, 1977, ten einde die verbod op die verkoop, verskaffing en aflewering van drank op stemdae op te hef; die betekening van prosesstukke ten opsigte van regsdinge teen die Drankraad of die voorsitter daarvan, verder te reël; die bevoegdheid van die Minister van Handel en Nywerheid om spesiale magtigings vir die verkoop van drank te verleen, uit te brei; die tye waartydens drank verkoop, van die hand gesit, verskaf of afgelewer kan word, te verander; die Minister van Handel en Nywerheid te magtig om 'n drankwinkellisensie te verleen aan die houer van 'n hotel-dranklisensie aan wie magtiging verleen is om drank vir gebruik buite 'n gelisensieerde perseel te verkoop; te bepaal dat gelde betaalbaar ten opsigte van sekere aansoeke aan die ontvanger van inkomste in plaas van die betrokke landdros betaal word; voorsiening te maak vir die verlening, uitreiking of oordrag van lisensies aan 'n benoemde van, of die doen van sake kragtens 'n lisensie of spesiale magtiging deur, beslote korporasies; die verkoop of verskaffing van drank deur die houters van restaurant-dranklisensies verder te reël; sekere bepalings te skrap wat as gevolg van vorige wetswysiging oorbodig geword het; die besondere voorwaardes wat ten opsigte van 'n drankwinkellisensie geld, uit te brei na beslote korporasies wat houters van so 'n lisensie is; die voorwaardes van 'n kruideniers-wynlisensie en die verkoop van drank kragtens 'n wynboerlisensie beter te reël; 'n sekere amptitel te vervang; en die vrystelling van sekere persone van die verpligting om lisensies te hou, uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1985.)

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

1. Artikel 1 van die Drankwet, 1977 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur paragraaf (f) van die omskrywing van “geslote dae” te skrap;
- (b) deur in die omskrywing van “geslote dae” die woorde wat op paragraaf (g) volg, te skrap;
- 10 (c) deur die omskrywing van “gewone maaltyd” deur die volgende omskrywing te vervang:
- “gewone maaltyd” [*n bona fide middag- of aandete wat werklik verskaf is en waarvoor ’n prys van minstens een rand op enige gedeelte van ’n gelisensieerde perseel wat tot blankes of tot blankes en persone wat nie blankes is nie, beperk is en vyf-*
- 15
- Wysiging van artikel 1 van Wet 87 van 1977 soos gewysig deur artikel 1 van Wet 117 van 1981 en artikel 15 van Wet 61 van 1983.

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and persons who are not white persons, and thirty-five cents on any portion thereof restricted to non-whites, is actually paid or *bona fide* to be paid 1, in relation to any licensed premises, a meal consisting of kinds of food which are normally taken during lunch or dinner and which has actually been supplied in or on any part of the premises;”;

- (d) by the deletion of the definition of “Indian Council”; and
- (e) by the deletion of the definition of “parliamentary voter”. 10

Amendment of section 7 of Act 87 of 1977.

2. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- “(a) In any legal proceedings instituted against the Board or the chairman thereof in its or his official capacity, ser- vice of any process on the chairman and [on] at the Office of the State Attorney [at Pretoria] situated within the area of jurisdiction of the court from which such process has been issued, shall, subject to the provisions of subsection (2), be sufficient service on the Board or the Chairman, as the case may be.”

Amendment of section 23 of Act 87 of 1977, as amended by section 1 of Act 82 of 1978, section 1 of Act 55 of 1979, section 3 of Act 117 of 1981 and section 1 of Act 61 of 1983.

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

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

“(2) An authority granted under subsection (1) (a) 25 on a date before or after the commencement of the Liquor Amendment Act, 1985, may, on written application by the holder thereof, be amended at any time by the Minister or a person acting under his directions to authorize the sale of liquor to any other class of persons determined by him.”;
- (b) by the deletion of subsection (5).

Amendment of section 24 of Act 87 of 1977, as amended by section 4 of Act 117 of 1981 and section 2 of Act 61 of 1983.

4. Section 24 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph: 35

- “(c) No such wine or other fermented beverage shall be sold or disposed of on a closed day or before [07h00] 08h30 or after [18h00] 18h30 on any open day.”.

Amendment of section 34 of Act 87 of 1977, as substituted by section 4 of Act 61 of 1983.

5. Section 34 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 40

“(1) Subject to the provisions of this Act the Minister or, in the case of paragraph (b), a person acting on his authority may, if he is satisfied that it is in the public interest—

- (a) [and] after consideration of a recommendation in this regard by the Board, grant a liquor store licence in respect of premises in an urban area; or
- (b) on application in writing by a holder of a hotel liquor licence to whom an authority referred to in section 87 (1) (a) has been granted in respect of li-

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dertig sent op enige gedeelte daarvan wat tot Nieblankes beperk is, werklik betaal word of te goeder trou betaal moet word], met betrekking tot 'n gelisensieerde perseel, 'n maaltyd bestaande uit voedselsoorte wat gewoonlik tydens middag- of aandete genuttig word en wat in of op enige gedeelte van die perseel werklik verskaf is;”.

(d) deur die omskrywing van “Indiërraad” te skrap; en

(e) deur die omskrywing van “parlementêre kieser” te skrap.

2. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 7 van Wet 87 van 1977.

“(a) In 'n regseding ingestel teen die Raad of die voorsitter daarvan in sy amptelike hoedanigheid, is betekening van prosesstukke aan die voorsitter en [aan] by die Kantoor van die Staatsprokureur [in Pretoria] wat geleë is in die regsgebied van die hof waaruit die prosesstukke uitgereik is, behoudens die bepalings van subartikel (2), genoegsame betekening aan die Raad of die voorsitter, na gelang van die geval.”.

3. Artikel 23 van die Hoofwet word hierby gewysig—

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

“(2) 'n Magtiging wat kragtens subartikel (1) (a) verleen is op 'n datum voor of na die inwerkingtreding van die Drankwysigingswet, 1985, kan te eniger tyd op skriftelike aansoek deur die houer daarvan deur die Minister of iemand wat op sy gesag handel, gewysig word om die verkoop van drank aan enige ander klas persone wat hy bepaal, te magtig.”; en

(b) deur subartikel (5) te skrap.

Wysiging van artikel 23 van Wet 87 van 1977, soos gewysig deur artikel 1 van Wet 82 van 1978, artikel 1 van Wet 55 van 1979, artikel 3 van Wet 117 van 1981 en artikel 1 van Wet 61 van 1983.

4. Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

“(c) Die wyn of ander gegiste drank word nie verkoop of van die hand gesit op 'n geslote dag of voor [07h00] 08h30 of na [18h00] 18h30 op 'n oop dag nie.”.

Wysiging van artikel 24 van Wet 87 van 1977, soos gewysig deur artikel 4 van Wet 117 van 1981 en artikel 2 van Wet 61 van 1983.

5. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van hierdie Wet kan die Minister of, in die geval van paragraaf (b), iemand wat op sy gesag handel, indien hy oortuig is dat dit in die openbare belang is—

(a) [en] na oorweging van 'n aanbeveling in dié verband deur die Raad, 'n drankwinkellisensie ten opsigte van 'n perseel in 'n stadsgebied verleen; of

(b) op skriftelike aansoek deur 'n houer van 'n hotel-dranklisensie aan wie 'n magtiging in artikel 87 (1) (a) bedoel ten opsigte van 'n gelisensieerde perseel

Wysiging van artikel 34 van Wet 87 van 1977, soos vervang deur artikel 4 van Wet 61 van 1983.

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licensed premises in an urban area, cancel such authority and grant a liquor store licence on such conditions and subject to such restrictions as he, in addition to the conditions and restrictions contemplated in section 53, may determine, and such licence shall be issued to such holder free of charge as if the applicable fees contemplated in section 42 were paid upon the issue thereof.” 5

Amendment of section 40 of Act 87 of 1977, as amended by section 6 of Act 55 of 1979, section 3 of Act 48 of 1980 and section 6 of Act 61 of 1983.

6. Section 40 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph 10 (a) of the following words:

“There shall be paid to the **[magistrate]** receiver of revenue an amount of —”.

Substitution of section 44 of Act 87 of 1977.

7. The following section is hereby substituted for section 44 of the principal Act: 15

“Grant and transfer of licences to, and carrying on of business under licences or special authorities by, companies, close corporations, partnerships or associations of persons.

44. (1) Subject to the provisions of section 29, **[no]** a licence shall not be granted, **[or]** issued or transferred to a nominee of a company, close corporation, partnership or association of persons, but shall be granted to, and issued or transferred in the name of, the relevant company, close corporation, partnership or other association of persons, as the case may be.

(2) (a) No business shall be carried on by a company, close corporation, partnership or association of persons under a licence or special authority, unless it nominates and appoints in writing a director, shareholder, member, partner or employee thereof who is not disqualified from holding a licence or special authority in terms of section 25 (1) (a), (b), (c), (d), (e), (f), (g) or (h), 30 to manage and be responsible for its business.

(b) The company, close corporation, partnership or other association of persons in question shall, except in the case of an occasional licence or a temporary liquor licence, forthwith notify the 35 Board and the designated police officer concerned, in the prescribed manner, of every nomination or appointment referred to in paragraph (a) and of any termination thereof.”.

Repeal of section 77 of Act 87 of 1977.

8. Section 77 of the principal Act is hereby repealed. 40

Amendment of section 97 of Act 87 of 1977.

9. Section 97 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this Act, the holder of a restaurant liquor licence may, notwithstanding anything to the contrary in any other law contained, sell or supply 45 liquor on any day, including any closed day, to any person *bona fide* taking or about to take an ordinary meal in the restaurant which has been purchased thereat, for consumption with or immediately before or after such meal, but not at any other time than between 12h00 and 14h30 and between 18h00 of any day and **[23h30]** 01h00 of the following day **[or such later hour as the Minister may upon written application made in the prescribed manner authorize in writing]** unless the Minister, on written application made by such holder in the prescribed manner, in writing authorizes 55 such holder to sell or supply liquor during such other hours as the Minister may determine: Provided that no liquor

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5 in 'n stadsgebied verleen is, bedoelde magtiging in-
trek en 'n drankwinkellisensie verleen op die voor-
waardes en onderworpe aan die beperkings wat
hy, benewens die voorwaardes en beperkings in ar-
tikel 53 beoog, bepaal, en bedoelde lisensie, word
kosteloos aan bedoelde houer uitgereik asof die
toepaslike gelde in artikel 42 beoog by die uitrei-
king daarvan betaal is."

6. Artikel 40 van die Hoofwet word hierby gewysig deur in
10 subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die
volgende woorde te vervang:

"Daar word aan die **[landdros] ontvanger van inkomste** 'n
bedrag betaal van—"

Wysiging van
artikel 40 van
Wet 87 van 1977,
soos gewysig deur
artikel 6 van
Wet 55 van 1979,
artikel 3 van
Wet 48 van 1980
en artikel 6 van
Wet 61 van 1983.

7. Artikel 44 van die Hoofwet word hierby deur die volgende
15 artikel vervang:

Vervanging van
artikel 44 van
Wet 87 van 1977.

"Verlening
en oordrag
van lisensies
aan, en doen
van sake
kragtens li-
sensies of
spesiale mag-
tigings deur,
maatskappye,
beslote kor-
porasies,
vennootskap-
pe of veren-
igings van per-
sone.

20 44. (1) Behoudens die bepalings van artikel 29,
word 'n lisensie nie aan die benoemde van 'n maat-
skappy, beslote korporasie, vennootskap of veren-
iging van persone verleen, **[of]** uitgereik of oorgedra
nie maar word dit verleen aan, en uitgereik of oorge-
dra op naam van, die betrokke maatskappy, beslote
korporasie, vennootskap of ander vereniging van
persone, na gelang van die geval.

25 (2) (a) 'n Maatskappy, beslote korporasie,
vennootskap of vereniging van persone doen nie
sake kragtens 'n lisensie of spesiale magtiging
nie, tensy hy 'n direkteur, aandeelhouer, lid,
vennoot of werknemer van hom wat nie inge-
volg artikel 25 (1) (a), (b), (c), (d), (e), (f), (g)
30 of (h) onbevoeg is om 'n lisensie of spesiale
magtiging te hou nie, skriftelik benoem en aan-
stel om sy sake te bestuur en daarvoor verant-
woordelik te wees.

35 (b) Die betrokke maatskappy, beslote korporasie,
vennootskap of vereniging van persone stel, be-
halwe in die geval van 'n geleentheidslisensie of
'n tydelike dranklisensie, die Raad en die be-
trokke aangewese polisie-offisier onverwyld op
die voorgeskrewe wyse in kennis van elke be-
noeming of aanstelling bedoel in paragraaf (a)
40 en van 'n beëindiging daarvan."

8. Artikel 77 van die Hoofwet word hierby herroep.

Herroeping van
artikel 77 van
Wet 87 van 1977.

9. Artikel 97 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 97 van
Wet 87 van 1977.

45 "(1) Behoudens die bepalings van hierdie Wet kan die
houer van 'n restaurant-dranklisensie, ondanks anderslui-
dende bepalings van die een of ander wet, drank op enige
dag, insluitende 'n geslote dag, verkoop of verskaf aan ie-
mand wat *bona fide* in die restaurant 'n gewone maaltyd wat
50 daarin gekoop is, nuttig of op die punt staan om die maalt-
yd te nuttig, om by of onmiddellik voor of na die maaltyd
gebruik te word, maar slegs tussen 12h00 en 14h30 en tus-
sen 18h00 van enige dag en **[23h00] 01h00** van die daarop-
volgende dag **[of die later tyd wat die Minister op skriftelike**
55 **aansoek gedoen op die voorgeskrewe wyse, skriftelik magtig]**
tensy die Minister, op skriftelike aansoek gedoen deur die
houer op die voorgeskrewe wyse, bedoelde houer skriftelik
magtig om drank te verkoop of te verskaf gedurende die an-
der ure wat die Minister bepaal: Met dien verstande dat

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shall be sold after 21h00 on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Vow.”

Amendment of
section 104 of
Act 87 of 1977.

10. Section 104 of the principal Act is hereby amended by the deletion of the proviso thereto.

Amendment of
section 110 of
Act 87 of 1977,
as amended by
section 12 of
Act 61 of 1983.

11. Section 110 of the principal Act is hereby amended — 5

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

“(b) granted after 14 July 1964 in respect of premises not providing residential accommodation for guests, shall only sell or supply liquor between 12h00 and 14h30 and between 18h00 of any day and **[23h30] 01h00 [on any day]** of the following day, including any closed day, unless the Minister upon written application made in the prescribed manner, in writing authorizes such holder to sell or supply liquor during such other hours **[which shall not be earlier than 10h00]** as the Minister may determine: Provided that no liquor shall be sold after 21h00 on any Sunday or on Christmas Day, Good Friday, Ascension Day or the Day of the Vow.”; 20 and

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

Amendment of
section 111 of
Act 87 of 1977.

12. Section 111 of the principal Act is hereby amended by the deletion of the proviso to subsection (4).

Amendment of
section 127 of
Act 87 of 1977.

13. Section 127 of the principal Act is hereby amended— 25

(a) by the substitution in subsection (2) for the words preceding the proviso of the following words:

“Subject to the provisions of this Act, the holder of a foreign liquor licence shall not sell or supply liquor on the licensed premises earlier than **[09h00] 08h30** or later than 18h30, **[and shall not]** or deliver liquor from such premises before **[09h00] 08h30** or after 19h00;” and

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph: 35

“(a) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than **[09h00] 08h30** or later than **[13h00] 14h00** and no liquor shall be delivered on any Saturday from such premises before **[09h00] 08h30** or after 17h00; and”.

Amendment of
section 128A of
Act 87 of 1977,
as inserted by
section 4 of
Act 82 of 1978.

14. Section 128A of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: 45

“(b) if the licensee concerned is a **[private company]** company whose shares are not listed securities as defined in section 1 of the Stock Exchanges Control Act, 1947 (Act No. 7 of 1947), close corporation, partnership or other association of persons, any share or interest in such [private] company, close corporation, partnership or other association of persons;” and

(b) by the substitution for subsection (3) of the following subsection: 55

“(3) For the purposes of this section “alienate” includes sell, exchange, lease or donate, but does not include compliance with any order of court, testamentary disposition or the law relating to intestate succession, or alienate by or on instruction given by the executor or administrator in a deceased estate, the trustee in an insolvent estate or the liquidator of a **[private] com-** 60

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drank nie na 21h00 op Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie.”

10. Artikel 104 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling daarby te skrap.

Wysiging van artikel 104 van Wet 87 van 1977.

5 11. Artikel 110 van die Hoofwet word hierby gewysig —

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

Wysiging van artikel 110 van Wet 87 van 1977, soos gewysig deur artikel 12 van Wet 61 van 1983.

10 “(b) wat na 14 Julie 1964 verleen is ten opsigte van ’n perseel wat nie woonakkommodasie vir gaste voorsien nie, slegs tussen 12h00 en 14h30 en tussen 18h00 van enige dag en [23h30 op enige dag] 01h00 van die daaropvolgende dag, met inbegrip van ’n geslote dag, drank verkoop of verskaf, tensy die Minister op skriftelike aansoek op die voorgeskrewe wyse gedoen bedoelde houer skriftelik magtig om drank te verkoop of te verskaf gedurende die ander ure wat [nie vroeër as 10h00 mag wees nie] die Minister bepaal: Met dien verstande dat drank nie na 21h00 op ’n Sondag of op

20 Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie.”; en
(b) deur subartikel (3) te skrap.

12. Artikel 111 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (4) te skrap.

Wysiging van artikel 111 van Wet 87 van 1977.

25 13. Artikel 127 van die Hoofwet word hierby gewysig —

(a) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

Wysiging van artikel 127 van Wet 87 van 1977.

30 “Behoudens die bepalings van hierdie Wet, mag die houer van ’n buitelandse dranklisensie nie drank op die gelisensieerde perseel voor [09h00] 08h30 of na 18h30 verkoop of verskaf nie, of vanaf die perseel voor [09h00] 08h30 of na 19h00 aflewer nie.”; en

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

40 “(a) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor [09h00] 08h30 of na [13h00] 14h00 op ’n Saterdag verkoop of verskaf mag word nie en drank nie voor [09h00] 08h30 of na 17h00 op ’n Saterdag vanaf die perseel afgelewer mag word nie; en”.

14. Artikel 128A van die Hoofwet word hierby gewysig —

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

Wysiging van artikel 128A van Wet 87 van 1977, soos ingevoeg deur artikel 4 van Wet 82 van 1978.

50 “(b) indien die betrokke lisensiehouer ’n [private maatskappy] maatskappy wie se aandele nie genoteerde effekte soos bedoel in artikel 1 van die Wet op Beheer van Effektebeurse, 1947 (Wet No. 7 van 1947), is nie, beslote korporasie, vennootskap of ander vereniging van persone is, ’n aandeel of belang in bedoelde [private] maatskappy, beslote korporasie, vennootskap of ander vereniging van persone,”; en

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

60 “(3) By die toepassing van hierdie artikel beteken ‘vervreem’ ook verkoop, verruil, verhuur of skenk, maar nie ook voldoening aan ’n hofbevel, testamentêre beskikking of die reg betreffende intestate erfopvolging of vervreem deur of op las van die eksekuteur of administrateur in ’n bestorwe boedel, die kurator in ’n insolvente boedel of die likwidateur van ’n [private] maat-

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pany contemplated in subsection 1 (b), for the purpose of administering such estate or winding-up such company, and "alienation" shall have a corresponding meaning."

Amendment of
section 133 of
Act 87 of 1977.

15. Section 133 of the principal Act is hereby amended— 5

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

"Subject to the provisions of this Act, the holder of a liquor store licence shall not sell or supply liquor on the licensed premises earlier than 10 **[09h00]** 08h30 or later than 18h30, **[and shall not]** or deliver liquor from such premises before **[09h00]** 08h30 or after 19h00: Provided that —";

and

- (b) by the substitution for paragraph (a) of subsection (2) 15 of the following paragraph:

"(a) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than **[09h00]** 08h30 or later than 13h00 and 20 no liquor shall be delivered from such premises before **[09h00]** 08h30 or after 17h00: Provided that the Minister or a person authorized by him, may, on the written application by any holder of such a licence, and with the prior written consent of the 25 local authority in whose area of jurisdiction the premises in question is situated, authorize such holder to sell or supply liquor on a Saturday up to **14h00**; and".

Amendment of
section 140 of
Act 87 of 1977.

16. Section 140 of the principal Act is hereby amended— 30

- (a) by the substitution in paragraph (b) of subsection (2) for the words preceding the proviso of the following words:

"the holder of a wholesale liquor licence who is authorized to deal directly with the public shall not 35 sell or supply liquor earlier than **[09h00]** 08h30 or later than 18h30 and shall not deliver liquor from such premises before **[09h00]** 08h30 or after 19h00"; and

- (b) by the substitution for subparagraph (i) of paragraph 40 (b) of subsection (2) of the following paragraph:

"(i) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than **[09h00]** 08h30 or later than **[13h00]** 45 **14h00** and no liquor shall be delivered on any Saturday from such premises before **[09h00]** 08h30 or after 17h00; and".

Substitution of
section 147 of
Act 87 of 1977,
as amended by
section 2 of
Act 57 of 1984.

17. The following section is hereby substituted for section 147 50 of the principal Act:

"Condition relating to kinds of liquor which may be sold or supplied.

147. It shall be a condition of a grocer's wine licence that no liquor other than table wine, excluding flavoured 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 55 the alcoholic fermentation of the juice of fresh grapes and containing not more than fourteen per cent of alcohol by volume, shall be sold or supplied thereunder."

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skappy in subartikel 1 (b) beoog, ten einde daardie boedel te beredder of daardie maatskappy te likwider nie, en het 'vervreemding' 'n ooreenstemmende betekenis."

5 15. Artikel 133 van die Hoofwet word hierby gewysig—

Wysiging van artikel 133 van Wet 87 van 1977.

(a) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Behoudens die bepalings van hierdie Wet mag die houer van 'n drankwinkellisensie nie drank op die gelisensieerde perseel voor **[09h00] 08h30** of na 18h30 verkoop of verskaf nie, of vanaf die perseel voor **[09h00] 08h30** of na 19h00 aflewer nie: Met dien verstande dat —"; en

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

"(a) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor **[09h00] 08h30** of na 13h00 op 'n Saterdag verkoop of verskaf mag word nie en drank nie voor **[09h00] 08h30** of na 17h00 vanaf die perseel afgelewer mag word nie: Met dien verstande dat die Minister of 'n persoon deur hom daartoe gemagtig, op skriftelike aansoek deur 'n houer van so 'n lisensie en met die vooraf verkreë skriftelike goedkeuring van die plaaslike owerheid in wie se regsg gebied die betrokke perseel geleë is, so 'n houer kan magtig om drank op 'n Saterdag tot 14h00 te verkoop of te verskaf; en".

30 16. Artikel 140 van die Hoofwet word hierby gewysig—

Wysiging van artikel 140 van Wet 87 van 1977.

(a) deur in paragraaf (b) van subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"kan die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, nie drank op die gelisensieerde perseel voor **[09h00] 08h30** of na 18h30 verkoop of verskaf nie, of vanaf so 'n perseel voor **[09h00] 08h30** of na 19h00 aflewer nie."; en

(b) deur subparagraaf (i) van paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

"(i) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor **[09h00] 08h30** of na **[13h00] 14h00** op 'n Saterdag verkoop of verskaf mag word nie en drank nie voor **[09h00] 08h30** of na 17h00 op 'n Saterdag vanaf so 'n perseel afgelewer mag word nie; en".

17. Artikel 147 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 147 van Wet 87 van 1977, soos gewysig deur artikel 2 van Wet 57 van 1984.

50 "Voorwaarde 147. Dit is 'n voorwaarde van 'n kruideniers-wynlisensie dat geen ander drank as tafelwyn, uitgesonderd gekeurde wyn soos in artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), omskryf, wat uitsluitlik die 55 produk is van die alkoholiese gisting van die sap van vars duiwe en wat nie meer alkohol bevat nie as veertien persent van sy volume, daarkragtens verkoop of verskaf mag word nie."

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Amendment of
section 150 of
Act 87 of 1977.

18. Section 150 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the words preceding the proviso of the following words:

“Subject to the provisions of this Act, the holder of a grocer’s wine licence shall not sell or supply liquor on the licensed premises earlier than **[09h00]** 08h30 or later than 18h30 and shall not deliver liquor from such premises before **[09h00]** 08h30 or after 19h00.”; and

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

“(a) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than **[09h00]** 08h30 or later than 13h00 and no liquor shall be delivered on any Saturday from such premises before **[09h00]** 08h30 or after 17h00: Provided that the Minister or a person authorized by him, may, on the written application by any holder of such a licence, and with the prior written consent of the local authority in whose area of jurisdiction the premises in question is situated, authorize such holder to sell or supply liquor on a Saturday up to 14h00; and”.

Substitution of
section 154 of
Act 87 of 1977,
as substituted by
section 13 of
Act 117 of 1981.

19. The following section is hereby substituted for section 154 of the principal Act:

“Quantity of liquor which may be sold under wine farmers’ licences.

154. 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 250 millilitres in a receptacle or receptacles properly and securely sealed and each of a capacity of not more than 5 litres: Provided that the provisions of this section shall not apply **[to]**—

- (a) in the case of any such holder of a wine farmer’s licence who is 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; or
- (b) in the case of all such holders of wine farmers’ licences, including a holder referred to in paragraph (a), in respect of liquor sold by them to—
- (i) a *bona fide* farmer; or
 - (ii) **[to]** the holder of an on-consumption licence or of a special authority for the sale of liquor for consumption on premises mentioned in the authority.”.

Substitution of
section 155 of
Act 87 of 1977.

20. The following section is hereby substituted for section 155 of the principal Act:

“Days and hours of sale, supply and delivery of liquor.

155. Subject to the provisions of this Act, no liquor shall be sold, supplied, disposed of or delivered under a wine farmer’s licence before **[07h00]** 08h30 or after **[18h00]** 18h30.”.

Amendment of
section 190 of
Act 87 of 1977,
as amended by
section 6 of
Act 48 of 1980
and section 15 of
Act 117 of 1981.

21. Section 190 of the principal Act is hereby amended 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]** Director-General: Trade and Industry, within 30 days of the seizure, proof in writing, to the satisfaction of the Minister or of any person acting under his directions, that

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18. Artikel 150 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 150 van
Wet 87 van 1977.

(a) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

5 “Behoudens die bepalings van hierdie Wet, mag die houer van ’n kruideniers-wynlisensie nie drank op die gelisensieerde perseel voor **[09h00] 08h30** of na 18h30 verkoop of verskaf nie, of vanaf die perseel voor **[09h00] 08h30** of na 19h00 aflewer nie.”;

10 en

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

15 “(a) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor **[09h00] 08h30** of na 13h00 op ’n Saterdag verkoop of verskaf mag word nie en drank nie voor **[09h00] 08h30** of na 17h00 op ’n Saterdag vanaf die perseel afgelewer mag word nie: Met dien verstande dat die Minister of ’n persoon deur hom

20 daartoe gemagtig, op skriftelike aansoek deur ’n houer van so ’n lisensie en met die vooraf verkreeë skriftelike goedkeuring van die plaaslike owerheid in wie se regsgebied die betrokke perseel geleë is, so ’n houer kan magtig om drank op ’n Saterdag

25 tot 14h00 te verkoop of te verskaf; en”.

19. Artikel 154 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 154 van
Wet 87 van 1977,
soos vervang deur
artikel 13 van
Wet 117 van 1981.

30 “Hoeveelheid drank wat kragtens wynboerlisensies verkoop kan word. 154. Die hoeveelheid drank wat die houer van ’n wynboerlisensie by een geleentheid aan een klant mag verkoop of verskaf, mag nie minder wees nie as 250 milliliter in ’n houer of houers wat behoorlik en dig verseël is en elk met ’n inhoudsvermoë van hoogstens 5 liter: Met dien verstande dat hierdie artikel nie van toepassing is nie **[op]**—

35 (a) in die geval van so ’n houer van ’n wynboerlisensie wat ’n koöperatiewe vereniging is 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 verkoop aan sy lede; of

40 (b) in die geval van alle sodanige houers van wynboerlisensies, met inbegrip van ’n houer in paragraaf (a) bedoel, ten opsigte van drank deur hulle verkoop aan —

45 (i) ’n *bona fide*-boer; of
(ii) **[aan]** die houer van ’n binneverbruiklisensie of van ’n spesiale magtiging vir die verkoop van drank vir gebruik op ’n perseel in die magtiging vermeld.”.

20. Artikel 155 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 155 van
Wet 87 van 1977.

50 “Dae en ure van verkoop, verskaffing en aflewering van drank. 155. Behoudens die bepalings van hierdie Wet word drank nie kragtens ’n wynboerlisensie voor **[07h00] 08h30** of na **[18h00] 18h30** verkoop, verskaf, van die hand gesit of afgelewer nie.”.

21. Artikel 190 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van
artikel 190 van
Wet 87 van 1977,
soos gewysig deur
artikel 6 van
Wet 48 van 1980
en artikel 15 van
Wet 117 van 1981.

60 “(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] Direkteur-Generaal: Handel**

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

Amendment of section 210 of Act 87 of 1977, as amended by section 14 of Act 61 of 1983.

22. Section 210 of the principal Act is hereby amended by the addition of the word “or” at the end of subparagraph (iii) of paragraph (b) of subsection (1) and the addition of the following subparagraph to the said paragraph (b):

“(iv) members of the South African Railways Police Force,”.

Short title.

23. This Act shall be called the Liquor Amendment Act, 1985. 10

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

22. Artikel 210 van die Hoofwet word hierby gewysig deur die
5 woord “of” aan die einde van subparagraaf (iii) van paragraaf
(b) van subartikel (1) by te voeg en die volgende subparagraaf
by genoemde paragraaf (b) te voeg:
“(iv) lede van die Suid-Afrikaanse Spoorwegpolisiemag.”.

Wysiging van
artikel 210 van
Wet 87 van 1977,
soos gewysig deur
artikel 14 van
Wet 61 van 1983.

23. Hierdie Wet heet die Drankwysigingswet, 1985.

Kort titel.

