



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

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#### PRESIDENT'S OFFICE

No. 1520.

4 October 1995

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

No. 57 of 1995: Liquor Amendment Act, 1995.

#### KANTOOR VAN DIE PRESIDENT

No. 1520.

4 Oktober 1995

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

No. 57 van 1995: Drankwysigingswet, 1995.

**GENERAL EXPLANATORY NOTE:**

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

**—** Words underlined with a solid line indicate insertions in existing enactments.

**ACT**

To amend the Liquor Act, 1989, so as to adjust the introductory provisions; to insert certain definitions and to replace others; to adjust references to obsolete names and laws; to make the said Act also applicable to the former self-governing territories and TBVC states; to abolish the existing Liquor Board and to establish a separate Liquor Board for each province; to assign certain powers of the chairperson of the Liquor Board to the provincial Liquor Boards; to allocate certain functions of the Minister of Trade and Industry in respect of a province to the Member of the Executive Council designated by the Premier concerned; to make further provision in connection with the meetings of a Liquor Board, and the consideration of applications; to further regulate the lodging of annual reports on the activities of Liquor Boards; to make further provision regarding the nature of the premises relating to hotel liquor licences; to extend the duty of a competent authority to furnish reasons for a decision; to abolish appeals to the said Minister; to provide for the designation of a recorder for each province; to convert and maintain the licences existing in the former self-governing territories and TBVC states; to repeal the liquor laws of the said territories and states; and to make provision for certain transitional measures; and to provide for incidental matters.

(Afrikaans text signed by the President.)  
(Assented to 28 September 1995.)

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 27 of 1989, as amended by section 1 of Act 105 of 1993**

1. Section 1 of the Liquor Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—
  - (a) by the substitution for the words following upon the expression “5.” of the following words:  
“Institution of Liquor Boards”;
  - (b) by the insertion after the expression “6. Functions of Board” of the following expression:  
“6A. Functions of Member of Executive Council”;
  - (c) by the substitution for the words following upon the expression “124.” of the following words:  
“[Minister] Member of Executive Council may refer matters to Board”;
  - (d) by the substitution for the words following upon the expression “125.” of the following words:

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordnings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordnings aan.
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**WET**

Tot wysiging van die Drankwet, 1989, ten einde die inleidende bepalings reg te stel; sekere omskrywings in te voeg en ander te vervang; verwysings na verouderde benamings en wette reg te stel; genoemde Wet ook van toepassing te maak in die voormalige selfregerende gebiede en TBVC-state; die bestaande Drankraad af te skaf en vir elke provinsie 'n afsonderlike Drankraad in te stel; sekere bevoegdhede van die voorsitter van die Drankraad aan die provinsiale Drankrade op te dra; sekere werksaamhede van die Minister van Handel en Nywerheid ten opsigte van 'n provinsie aan die Lid van die Uitvoerende Raad deur die betrokke Premier aangewys, toe te wys; verdere voorsiening te maak in verband met die vergaderings van 'n Drankraad en die oorweging van aansoeke; die indiening van jaarverslae oor die aktiwiteit van Drankrade verder te reël; verdere voorsiening te maak betrekende die aard van die persele met betrekking tot hoteldranklisensies; die verpligting van 'n bevoegde gesag om redes vir 'n besluit te verstrek, uit te brei; appèlle na genoemde Minister af te skaf; voorsiening te maak vir die aanwysing van 'n opnemer vir elke provinsie; die lisensies wat in die voormalige selfregerende gebiede en TBVC-state bestaan, te omskep en in stand te hou; die drankwette van genoemde gebiede en state te herroep; en voorsiening te maak vir sekere oorgangsmaatreëls; en om voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die President geteken.)  
(Goedgekeur op 28 September 1995.)

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 27 van 1989, soos gewysig deur artikel 1 van Wet 105 van 1993**

- 5     **1.** Artikel 1 van die Drankwet, 1989 (hieronder die Hoofwet genoem), word hierby gewysig—  
      (a) deur die woorde wat op die uitdrukking "5." volg, deur die volgende woorde te vervang:  
          "Instelling van Drankrade";
- 10    (b) deur na die uitdrukking "6. Werksaamhede van Raad" die volgende uitdrukking in te voeg:  
          "6A. Werksaamhede van Lid van Uitvoerende Raad";
- (c) deur die woorde wat op die uitdrukking "124." volg, deur die volgende woorde te vervang:  
          "Minister Lid van Uitvoerende Raad kan aangeleenthede na Raad verwys";
- 15    (d) deur die woorde wat op die uitdrukking "125." volg, deur die volgende woorde te vervang:

“[Minister’s] Member of Executive Council’s powers after recommendations or reports by Board”; and  
(e) by the deletion of the words following upon the expression “133.”.

**Amendment of section 2 of Act 27 of 1989, as amended by section 32 of Act 60 of 1989 and section 2 of Act 105 of 1993**

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**2. Section 2(1) of the principal Act is hereby amended—**

(a) by the substitution for the definition of “Board” of the following definition:

“‘Board’ means the Liquor Board [referred to in] of a province instituted by section 5;”;

(b) by the substitution for the definition of “chairman” of the following definition:

“‘chairperson’ means the chairperson of a Board, and also the deputy chairperson of a Board, or his or her alternate, when he or she is acting as chairperson;”;

(c) by the deletion in the definition of “closed day” of paragraphs (c) and (d);

(d) by the insertion after paragraph (a) of the definition of “competent authority” of the following paragraphs:

“(aA) the Premier;

(AB) the Member of the Executive Council;”;

(e) by the insertion after the definition of “magistrate” of the following definition:

“‘Member of the Executive Council’ means the Member of the Executive Council of a province designated by the Premier concerned to give effect to the provisions of this Act in that province;”;

(f) by the insertion after the definition of “person” of the following definition:

“‘Premier’ means the Premier of a province of the Republic of South Africa;”;

(g) by the substitution for the definition of “recorder” of the following definition:

“‘recorder’ means the recorder of a province designated under section 179;”.

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**Amendment of section 3 of Act 27 of 1989, as amended by section 32 of Act 60 of 1989, section 35 of Act 44 of 1993 and section 3 of Act 105 of 1993**

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

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

“(d) the master of a ship or the commander of an aircraft of an air service licensed in terms of the [Air Services Act, 1949 (Act No. 51 of 1949)] Air Services Licensing Act, 1990 (Act No. 115 of 1990), to provide a scheduled air transport service, with regard to the sale of liquor to a passenger on board that ship while in a harbour in, or in the territorial waters of, the Republic during a voyage of not less than 100 kilometres, or to a passenger on board that aircraft while on a flight of not less than 100 kilometres from one airport in the Republic to another;”;

(b) by the substitution for subparagraph (i) of paragraph (f) of subsection (1) of the following subparagraph:

“(i) to members of the South African National Defence Force on the premises of a trading institution contemplated in section 149 of the Defence Force Act, 1957 (Act No. 44 of 1957), for consumption off those premises;”;

(c) by the substitution for subparagraph (iii) of paragraph (f) of subsection (1) of the following subparagraph:

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**“[Minister] Lid van Uitvoerende Raad se bevoegdhede na aanbevelings of verslae deur Raad”; en**

- (e) deur die woorde wat op die uitdrukking “133.” volg, te skrap.

**Wysiging van artikel 2 van Wet 27 van 1989, soos gewysig deur artikel 32 van Wet 56 van 1989 en artikel 2 van Wet 105 van 1993**

**2. Artikel 2(1) van die Hoofwet word hierby gewysig—**

- (a) deur na paragraaf (a) van die omskrywing van “bevoegde gesag” die volgende paragraawe in te voeg:

**“(aA) die Premier;**

**“(aB) die Lid van die Uitvoerende Raad;”;**

- (b) deur in die omskrywing van “geslote dag” paragrawe (c) en (d) te skrap;

- (c) deur na die omskrywing van “landdros” die volgende omskrywing in te voeg:

**“‘Lid van die Uitvoerende Raad’ die Lid van die Uitvoerende Raad van ‘n provinsie deur die betrokke Premier aangewys om in daardie provinsie gevolg te gee aan die bepalings van hierdie Wet;”;**

- (d) deur die omskrywing van “opnemer” deur die volgende omskrywing te vervang:

**“‘opnemer’ die opnemer van ‘n provinsie wat kragtens artikel 179 aangewys is;”;**

- (e) deur voor die omskrywing van “Raad” die volgende omskrywing in te voeg:

**“‘Premier’ die Premier van ‘n provinsie van die Republiek van Suid-Afrika;”;**

- (f) deur die omskrywing van “Raad” deur die volgende omskrywing te vervang:

**“‘Raad’ die Drankraad van ‘n provinsie [in] by artikel 5 [vermeld] ingestel;”;** en

- (g) deur die omskrywing van “voorsitter” deur die volgende omskrywing te vervang:

**“‘voorsitter’ die voorsitter van ‘n Raad, en ook die ondervoorsitter van ‘n Raad, of sy of haar plaasvervanger, wanneer hy of sy as voorsitter waarneem;”.**

**Wysiging van artikel 3 van Wet 27 van 1989, soos gewysig deur artikel 32 van Wet 60 van 1989, artikel 35 van Wet 44 van 1993 en artikel 3 van Wet 105 van 1993**

**3. Artikel 3 van die Hoofwet word hierby gewysig—**

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

**“(d) die gesagvoerder van ‘n skip, of van ‘n vliegtuig van ‘n lugdiens wat ingevolge die Wet op [Lugdienste, 1949] (Wet No. 51 van 1949) Lisensiëring van Lugdienste, 1990 (Wet No. 115 van 1990), gelisensiéer is om ‘n vasgestelde lugvervoerdien te verskaf, met betrekking tot die verkoop van drank aan ‘n passasier aan boord van daardie skip terwyl dit in ‘n hawe in, of in die territoriale waters van, die Republiek is gedurende ‘n vaart van minstens 100 kilometer, of aan ‘n passasier aan boord van daardie vliegtuig terwyl dit op ‘n vlug van minstens 100 kilometer vanaf een lughawe in die Republiek na ‘n ander is;”;**

- (b) deur subparagraaf (i) van paragraaf (f) van subartikel (1) deur die volgende subparagraaf te vervang:

**“(i) aan lede van die Suid-Afrikaanse Nasionale Weermag op die perseel van die handelsinrigting beoog in artikel 149 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), vir verbruik buite daardie perseel;”;**

- (c) deur subparagraaf (iii) van paragraaf (f) van subartikel (1) deur die volgende subparagraaf te vervang:

- “(iii) in connection with a base, camp, station or ship for any part of the South African National Defence Force;”;
- (d) by the substitution for paragraph (g) of subsection (1) of the following paragraph:
- “(g) a person selling liquor under the authority of the Minister concerned on premises under the control of the South African Police Service, of the Department of Correctional Services or the National Intelligence Service, to members of the institution concerned and their *bona fide* guests;” and
- (e) by the addition of the following subsection:
- “(4) From the commencement of the Liquor Amendment Act, 1995, this Act shall also apply in the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, as well as in the former self-governing territories of Gazankulu, KwaNgwane, KwaNdebele, KwaZulu, Lebowa and QwaQwa.”.

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**Amendment of section 4 of Act 27 of 1989, as amended by section 4 of Act 105 of 1993**

**4. Section 4 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “The [chairman] Board may, [subject to the provisions of subsection (1A)] on application and if [in his opinion] circumstances so warrant, declare that this Act, excluding such provisions as [he] it may determine, shall not apply to the sale, by a person named in the declaration, of liquor—”;
- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- “(c) in a restaurant on premises occupied, controlled or maintained by the South African Broadcasting Corporation or any other provider of a public broadcasting service as defined in section 1(1) of the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993), to employees of the institution concerned and their *bona fide* guests, for consumption in that restaurant;”;
- (c) by the deletion of paragraphs (g) and (h) of subsection (1);
- (d) by the substitution for subsection (1A) of the following subsection:
- “(1A) The chairperson may, on application and if circumstances so warrant, declare that this Act, excluding such provisions as he or she may determine, shall not apply to the sale, by a person named in the declaration, of liquor—
- (a) if that person is a collector of wine and that liquor consists of his or her collection of wine or any part thereof;
- (b) if that person is a licensed auctioneer acting on behalf of a *bona fide* cultural or welfare organisation, an educational institution, an insurer or a person contemplated in section 3(1)(b).”;
- (e) by the substitution for subsection (2) of the following subsection:
- “(2) A declaration issued under subsection (1) or (1A) shall be subject to such conditions set out therein as the Board or the [chairman] chairperson, as the case may be, may in its or his or her discretion impose.”; and
- (f) by the substitution for subsection (3) of the following subsection:
- “(3) The [chairman] Board or the chairperson may at any time after the issue of a declaration under subsection (1) or (1A), by a notice delivered or tendered to the person named in the declaration concerned—
- (a) in its or his or her discretion impose such conditions or further conditions as may be set out in the notice, to which the notice shall be subject;

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- “(iii) in verband met 'n basis, kamp, stasie of skip vir enige deel van die Suid-Afrikaanse Nasionale Weermag;”;
- (d) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- 5 “(g) iemand wat op gesag van die betrokke Minister drank verkoop op 'n perseel onder die beheer van die Suid-Afrikaanse **[Polisie]** Polisiediens, die Departement van Korrektiewe Dienste of die Nasionale Intelligensiediens, aan lede van die betrokke instelling en hul *bona fide*-gaste, vir verbruik op daardie perseel;” en
- 10 (e) deur die volgende subartikel by te voeg:
- “(4) Vanaf die inwerkingtreding van die Drankwysigingswet, 1995, is hierdie Wet ook van toepassing in die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei, sowel 15 as in die voormalige selfregerende gebiede van Gazankulu, Ka-Ngwanne, KwaNdebele, KwaZulu, Lebowa en Qwaqwa.”.

**Wysiging van artikel 4 van Wet 27 van 1989, soos gewysig deur artikel 4 van Wet 105 van 1993**

- 4. Artikel 4 van die Hoofwet word hierby gewysig—**
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Die **[voorsitter]** Raad kan, **[behoudens die bepalings van subartikel (1A)]** op aansoek en indien **[na sy oordeel]** omstandighede so 'n stap regverdig, verklaar dat hierdie Wet, uitgesonderd die bepalings daarvan wat hy bepaal, nie van toepassing is nie op die verkoop, deur 'n persoon in die verklaring genoem, van drank—”;
- (b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
- “(c) in 'n restaurant op 'n perseel wat deur die Suid-Afrikaanse Uitsaaikorporasie of enige ander openbare uitsaaidiens soos omskryf in artikel 1(1) van die Wet op die Onafhanklike Uitsaa-i-owerheid, 1993 (Wet No. 153 van 1993), geokkuper, beheer of in stand gehou word, aan werknemers van die betrokke instelling en hul *bona fide*-gaste vir verbruik in daardie restaurant;”;
- (c) deur paragrawe (g) en (h) van subartikel (1) te skrap;
- (d) deur subartikel (1A) deur die volgende subartikel te vervang:
- “(1A) Die voorsitter kan, op aansoek en indien omstandighede so 'n stap regverdig, verklaar dat hierdie Wet, uitgesonderd die bepalings daarvan wat hy of sy bepaal, nie van toepassing is nie op die verkoop, deur 'n persoon in die verklaring genoem, van drank—
- (a) indien daardie persoon 'n versamelaar van wyn is en daardie drank bestaan uit sy of haar versameling wyn of enige deel daarvan;
- (b) indien daardie persoon 'n gelisensieerde afslaer is wat optree namens 'n *bona fide*-kultuur- of -welsynsorganisasie, 'n opvoedkundige instelling, 'n versekeraar of iemand beoog in artikel 3(1)(b).”;
- (e) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) 'n Verklaring kragtens subartikel (1) of (1A) uitgereik, is onderworpe aan die voorwaardes daarin uiteengesit wat die **Raad of die voorsitter, na gelang van die geval, na goedgunke oplê.**”; en
- (f) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die **Raad of die voorsitter** kan te eniger tyd na die uitreiking van 'n verklaring kragtens subartikel (1) of (1A), by 'n kennisgewing wat aan die persoon in die betrokke verklaring genoem, afgelewer of aangebied is—
- (a) na goedgunke die voorwaardes of verdere voorwaardes in die kennisgewing uiteengesit, oplê waaraan die verklaring onderworpe is;

- (b) withdraw or amend any condition imposed by it or him or her under this section;
- (c) withdraw or amend the declaration.”.

**Substitution of section 5 of Act 27 of 1989**

**5.** (1) The following section is hereby substituted for section 5 of the principal Act: 5

**“Institution of Liquor Boards**

**5. A separate Liquor Board is hereby instituted for each province of the Republic of South Africa.”.**

(2) Notwithstanding the provisions of subsection (1), the Liquor Board, as it existed immediately before the commencement of this section, shall continue to exist for the purposes of the finalization of pending cases in accordance with section 57. 10

**Amendment of section 6 of Act 27 of 1989, as amended by section 5 of Act 105 of 1993** 15

**6.** Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) advise the Minister Member of the Executive Council or furnish a report or recommendation to the Minister Member of the Executive Council on any matter referred to the Board by the Minister Member of the Executive Council for consideration and arising from the application of this Act or relating to the distribution, or control over the distribution, of liquor;”.

**Insertion of section 6A in Act 27 of 1989**

**7.** The following section is hereby inserted in the principal Act after section 6: 25

**“Functions of Member of Executive Council**

**6A. The Member of the Executive Council shall—**

- (a) advise the Minister or the Premier, or furnish a report or recommendation to the Minister or the Premier, on any matter referred to him or her by the Minister or the Premier for consideration and arising from the application of this Act or relating to the distribution, or control over the distribution, of liquor; and
- (b) perform such other functions as may be assigned to him or her in terms of this Act.”.

**Substitution of section 7 of Act 27 of 1989**

**8.** The following section is hereby substituted for section 7 of the principal Act—

**“Constitution of Board**

**7. (1) A Board shall consist of—**

- (a) two persons in the employ of the State appointed by the Member of the Executive Council, one as chairperson and the other as deputy chairperson;
  - (b) a person nominated by the Provincial Commissioner of the South African Police Service; and
  - (c) two other members appointed by the Member of the Executive Council for a period of not more than two years.
- (2) No person shall be appointed as chairperson or deputy chairperson under subsection (1) or as an alternate to the deputy

- (b) enige voorwaarde wat deur hom of haar kragtens hierdie artikel opgelê is, intrek of wysig;
- (c) die verklaring intrek of wysig.”.

#### Vervanging van artikel 5 van Wet 27 van 1989

5 5. (1) Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

#### “Instelling van Drankrade

5. Daar word hierby 'n afsonderlike Drankraad vir elke provinsie van die Republiek van Suid-Afrika ingestel.”.

10 10. (2) Ondanks die bepalings van subartikel (1), bly die Drankraad, soos dit bestaan het onmiddellik voor die inwerkingtreding van hierdie artikel, voortbestaan vir die doeleindes van die afhandeling van hangende sake ooreenkomsdig artikel 57;”.

#### Wysiging van artikel 6 van Wet 27 van 1989, soos gewysig deur artikel 5 van Wet 105 van 1993

15 6. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

20 “(a) die [Minister] Lid van die Uitvoerende Raad adviseer of 'n verslag of aanbeveling aan die [Minister] Lid van die Uitvoerende Raad verstrek oor enige aangeleentheid wat deur die [Minister] Lid van die Uitvoerende Raad vir oorweging na die Raad verwys word en wat ontstaan uit die toepassing van hierdie Wet of betrekking het op die verspreiding, of beheer oor die verspreiding, van drank.

#### 25 Invoeging van artikel 6A in Wet 27 van 1989

7. Die volgende artikel word hierby in die Hoofwet na artikel 6 ingevoeg:

#### “Werksaamhede van Lid van Uitvoerende Raad

##### 6A. Die Lid van die Uitvoerende Raad moet—

30 (a) die Minister of die Premier adviseer of 'n verslag of aanbeveling aan die Minister of die Premier verstrek oor enige aangeleentheid wat deur die Minister of die Premier vir oorweging na hom of haar verwys word en wat ontstaan uit die toepassing van hierdie Wet of betrekking het op die verspreiding, of beheer oor die verspreiding, van drank; en

35 (b) die ander werksaamhede verrig wat ingevolge hierdie Wet aan hom of haar opgedra word.”.

#### Vervanging van artikel 7 van Wet 27 van 1989

8. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang—

#### “Samestelling van Raad

##### 7. (1) 'n Raad bestaan uit—

40 (a) twee persone in diens van die Staat deur die Lid van die Uitvoerende Raad aangestel, die een as voorsitter en die ander as ondervoorsitter;

45 (b) iemand deur die Provinciale Kommissaris van die Suid-Afrikaanse Polisiediens benoem; en

(c) twee ander lede deur die Lid van die Uitvoerende Raad aangestel vir 'n tydperk van hoogstens twee jaar.

(2) Niemand word kragtens subartikel (1) as voorsitter of ondervoorsitter, of kragtens subartikel (3) as plaasvervanger van die

chairperson under subsection (3) unless he or she possesses such qualification in law and such experience in the administration of justice as renders him or her suitable for appointment as such.

(3) The Member of the Executive Council may at any time appoint an officer in the public service as an alternate to the deputy chairperson to perform the functions of the deputy chairperson when he or she is not available to perform those functions.

(4) A person whose term of office as a member has expired, shall be eligible for reappointment.

(5) When a casual vacancy occurs in the ranks of the members appointed under subsection (1)(c), the Member of the Executive Council shall fill the vacancy by the appointment of another member for the unexpired part of the period for which his or her predecessor was appointed.

(6) If there are sound reasons for doing so, the Member of the Executive Council may at any time remove from office any member appointed under subsection (1)(c).".

#### **Amendment of section 11 of Act 27 of 1989, as amended by section 6 of Act 105 of 1993**

9. Section 11 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) any application [referred to the Board under] contemplated in section 4(1), 22(1)(c), 60(1), 114(1) or 121(1)(c);".

#### **Amendment of section 13 of Act 27 of 1989**

10. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Three members of the Board, of whom the [chairman] chairperson or deputy [chairman] chairperson and [when the Board is considering a matter in connection with premises situated in an area for which members were appointed under section 7(1)(c)] any one of [those] the members appointed in terms of section 7(1)(c) shall [be one] form part, shall be a quorum for a meeting of the Board.". 30

#### **Amendment of section 15 of Act 27 of 1989, as amended by section 7 of Act 105 of 1993**

11. Section 15 of the principal Act is hereby amended—

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

"(e) a matter contemplated in section 11(3)(g)—

(i) advise the [Minister] Member of the Executive Council in its discretion; or

(ii) furnish a report or recommendation to the [Minister] Member of the Executive Council;"; and

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

"(2) In the application of subsection (1)(e)(ii), the Board may furnish a recommendation to the [Minister] Member of the Executive Council that a licence (excluding a temporary liquor licence and an occasional licence) which is the subject of the reference concerned, or any right or privilege which is attached thereto, be suspended or withdrawn, or that the suspension thereof be rescinded.". 45

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#### **Amendment of section 16 of Act 27 of 1989**

12. Section 16 of the principal Act is hereby amended—

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

"(i) the [Minister] Member of the Executive Council;"; and

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ondervoorsitter, aangestel nie tensy hy of sy oor die kwalifikasie in die regte en die ondervinding van die regspleging beskik wat hom of haar gesik maak om as sodanig aangestel te word.

(3) Die Lid van die Uitvoerende Raad kan te eniger tyd 'n beampie in diens van die Staat as 'n plaasvervanger van die ondervoorsitter aanstel om die werksaamhede van die ondervoorsitter te verrig wanneer hy of sy nie beskikbaar is om daardie werksaamhede te verrig nie.

(4) Iemand wie se ampstermyn as 'n lid verstryk het, kan weer aangestel word.

(5) Wanneer 'n toevallige vakature ontstaan in die geledere van die lede wat kragtens subartikel (1)(c) aangestel is, vul die Lid van die Uitvoerende Raad die vakature deur die aanstelling van 'n ander lid vir die onverstreke deel van die tydperk waarvoor sy of haar voorganger aangestel was.

(6) Indien daar gegronde redes daarvoor bestaan, kan die Lid van die Uitvoerende Raad te eniger tyd enige lid wat kragtens subartikel (1)(c) aangestel is, van sy of haar amp onthef.”.

#### Wysiging van artikel 11 van Wet 27 van 1989, soos gewysig deur artikel 6 van Wet 105 van 1993

9. Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) enige aansoek [wat kragtens] beoog in artikel 4(1), 22(1) [(c)], 60(1), 114(1) of 121(1) [(c) na die Raad verwys is];”.

#### Wysiging van artikel 13 van Wet 27 van 1989

10. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Drie lede van die Raad, van wie die voorsitter of ondervoorsitter en [wanneer die Raad 'n aangeleentheidoorweeg in verband met 'n perseel wat geleë is in 'n gebied waarvoor daar lede kragtens artikel 7(1)(c) aangestel is] enigeen van [daardie] die lede wat ingevolge artikel 7(1)(c) aangestel is, [een] deel moet wees, is 'n kworum vir 'n vergadering van die Raad.”.

#### Wysiging van artikel 15 van Wet 27 van 1989, soos gewysig deur artikel 7 van Wet 105 van 1993

11. Artikel 15 van die Hoofwet word hierby gewysig—

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

“(e) 'n aangeleentheid in artikel 11(3)(g) beoog—  
 (i) die [Minister] Lid van die Uitvoerende Raad na goed-dunke adviseer; of  
 (ii) 'n verslag of aanbeveling aan die [Minister] Lid van die Uitvoerende Raad verstrek;”; en

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

“(2) By die toepassing van subartikel(1)(e)(ii) kan die Raad 'n aanbeveling aan die [Minister] Lid van die Uitvoerende Raad verstrek dat 'n lisensie (uitgesonderd 'n tydelike dranklisensie en geleentheidslisensie) wat die onderwerp van die betrokke verwysing is, of enige reg of voorreg wat daaraan verbonden is, opgeskort of ingetrek word, of dat die opskorting daarvan opgehef word.”.

#### Wysiging van artikel 16 van Wet 27 van 1989

12. Artikel 16 van die Hoofwet word hierby gewysig—

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

“(i) die [Minister] Lid van die Uitvoerende Raad;”; en

- (b) by the substitution for item (aa) of subparagraph (iii) of paragraph (b) of subsection (2) of the following item:
  - “(aa) on the instruction of the [Minister] Member of the Executive Council; or”.

**Amendment of section 17 of Act 27 of 1989**

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- 13.** Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The staff required for the proper performance of the Board’s functions and the administration of this Act shall be appointed in terms of the Public Service Act, [1984] 1994 [Act] (Proclamation No. [111] 103 10 of [1984] 1994).”.

**Substitution of section 18 of Act 27 of 1989**

- 14.** The following section is hereby substituted for section 18 of the principal Act:

**“Annual reports**

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**18.** The Member of the Executive Council shall as soon as possible after 1 January in each year lodge a report on the Liquor Board’s activities during the preceding year through the agency of the Premier with the Minister, who shall cause a report on all the Liquor Boards to be tabled in Parliament.”.

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**Amendment of section 22 of Act 27 of 1989, as amended by section 8 of Act 105 of 1993**

- 15.** Section 22 of the principal Act is hereby amended—

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

“(1) An application for a licence (excluding a temporary liquor licence and an occasional licence) shall be considered by the [chairman] Board, and [he] it may [after consultation with not fewer than two other members of the Board (of whom one shall be a member appointed under section 7(1)(c) for the area in which the premises which are the subject of the application, are situated)]—

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(a) refuse the application; or

(b) [where no objections have been made in connection with the application, or such objections have in fact been made but only amount to representations regarding the distribution or control over the distribution of liquor in general] grant the application [or

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(c) refer the application to the Board for consideration.”;

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

“The [chairman or the] Board [as the case may be] shall not grant an application [referred to in] under subsection (1)(b) of this section or [in] section 15(1)(a)(iii)—”;

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- (c) by the substitution for paragraphs (a), (b) and (c) of subsection (2) of the following paragraphs:

“(a) for a wine farmer’s licence, unless [he or it is satisfied that] the premises in respect of which the application is made, are situated at a place other than the place where the liquor concerned is manufactured;

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(b) for a special licence, unless [in his or its opinion] exceptional circumstances warrant the granting of the licence;

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(c) for a producer’s licence, unless [he or it is satisfied that] the premises in respect of which the application is made, are situated on or at the land, central cellar, factory or brewery where the liquor concerned is manufactured;”;

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

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- (b) deur item (aa) van subparagraph (iii) van paragraaf (b) van subartikel (2) deur die volgende item te vervang:  
 “(aa) in opdrag van die **[Minister]** Lid van die Uitvoerende Raad; of”.

#### Wysiging van artikel 17 van Wet 27 van 1989

- 5 13. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) Die personeel wat vereis word vir die behoorlike verrigting van die Raad se werksaamhede en die uitvoering van hierdie Wet word aangestel ingevolge die Staatsdienswet, **[1984]** 1994 **[Wet]** (Proklamasie No. [111] 103 van [1984] 1994).”.

#### Vervanging van artikel 18 van Wet 27 van 1989

14. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Jaarverslae

- 15 18. Die Lid van die Uitvoerende Raad dien so gou doenlik na 1 Januarie in elke jaar ’n verslag oor die Drankraad se aktiwiteite gedurende die voorafgaande jaar deur bemiddeling van die Premier in by die Minister, wat ’n verslag oor al die Drankrade in die Parlement ter Tafel lê.”.

#### Wysiging van artikel 22 van Wet 27 van 1989, soos gewysig deur artikel 8 van Wet 20 105 van 1993

- 15 15. Artikel 22 van die Hoofwet word hierby gewysig—  
 (a) deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) ’n Aansoek om ’n lisensie (uitgesonderd ’n tydelike dranklisensie en geleentheidslisensie) word deur die **[voorsitter]** Raad oorweeg, en hy kan **[na oorlegpleging met minstens twee ander lede van die Raad (van wie een ’n lid moet wees wat kragtens artikel 7(1)(c) aangestel is) vir die gebied waarin die perseel wat die onderwerp van die aansoek is, geleë is]**—  
 (a) die aansoek weier; of  
 (b) **[waar geen besware in verband met die aansoek gemaak is nie of waar sodanige besware wel gemaak is, maar slegs neerkom op vertoe betreffende die verspreiding of beheer oor die verspreiding van drank in die algemeen,]** die aansoek toestaan **[of]**  
 (c) **[die aansoek na die Raad vir oorweging verwys].**”;
- 25 (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
 “Die **[voorsitter of die]** Raad **[na gelang van die geval]** staan nie ’n aansoek **[in]** kragtens subartikel (1) (b) van hierdie artikel of **[in]** artikel 15(1) (a)(iii) toe nie—”;
- 30 (c) deur paragrawe (a), (b) en (c) van subartikel (2) deur die volgende paragrawe te vervang:  
 (a) om ’n wynboerlisensie, tensy **[hy oortuig is dat]** die perseel ten opsigte waarvan die aansoek gedoen word, geleë is op ’n ander plek as die plek waar die betrokke drank vervaardig word;  
 (b) om ’n spesiale lisensie, tensy daar **[na sy oordeel]** buitengewone omstandighede bestaan wat die verlening van die lisensie regverdig;
- 35 (c) om ’n produsentelisensie, tensy **[hy oortuig is dat]** die perseel ten opsigte waarvan die aansoek gedoen word, geleë is op of by die grond, sentrale kelder, fabriek of brouery waar die betrokke drank vervaardig word;”;
- 40 (d) deur subparagraph (i) van paragraaf (d) van subartikel (2) deur die volgende subparagraph te vervang:
- 45 (a) om ’n wynboerlisensie, tensy **[hy oortuig is dat]** die perseel ten opsigte waarvan die aansoek gedoen word, geleë is op ’n ander plek as die plek waar die betrokke drank vervaardig word;
- 50 (b) om ’n spesiale lisensie, tensy daar **[na sy oordeel]** buitengewone omstandighede bestaan wat die verlening van die lisensie regverdig;
- 55 (c) om ’n produsentelisensie, tensy **[hy oortuig is dat]** die perseel ten opsigte waarvan die aansoek gedoen word, geleë is op of by die grond, sentrale kelder, fabriek of brouery waar die betrokke drank vervaardig word;”;
- (d) deur subparagraph (i) van paragraaf (d) van subartikel (2) deur die volgende subparagraph te vervang:

- “(i) unless [he or it is satisfied that]—”; and  
(e) by the substitution for subparagraph (ii) of paragraph (d) of subsection (2) of the following subparagraph:  
“(ii) if [in his or its opinion] the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof.”.

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**Amendment of section 24 of Act 27 of 1989, as amended by section 10 of Act 105 of 1993**

16. Section 24 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

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- “(b) the [chairman or the] Board [as the case may be] may, subject to this Act and the said law, in [his or] its discretion grant the licence in favour of such an administrator, manager, curator or person.”.

**Amendment of section 25 of Act 27 of 1989, as amended by section 11 of Act 105 of 1993**

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17. Section 25 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- “(b) has in the preceding 10 years been convicted of an offence in terms of this Act, [or the Liquor Act, 1977 (Act No. 87 of 1977)], the Intoxicating Liquor Act, 1973 (Act No. 7 of 1973)(Lebowa), the Intoxicating Liquor Act, 1973 (Act No. 8 of 1973)(Gazankulu), the Liquor Act, 1977 (Act No. 87 of 1977)(KaNgwane), the Liquor Act, 1978 (Act No. 37 of 1978)(Transkei), the Liquor Act, 1980 (Act No. 7 of 1980)(KwaZulu), the Intoxicating Liquor Act, 1980 (Act No. 36 of 1980)(Bophuthatswana), the Liquor Act, 1981 (Act No. 6 of 1981)(Qwaqwa), the Intoxicating Liquor Act, 1982 (Act No. 6 of 1982)(KwaNdebele), the Liquor Act, 1983 (Act No. 13 of 1983)(Ciskei), and the Intoxicating Liquor Proclamation, 1991 (Proclamation No. 15 of 1991)(Venda), irrespective of the sentence imposed, and was within five years after the conviction again convicted of an offence in terms of [this Act or the Liquor Act, 1977] any of the said laws, and was then sentenced therefore to a fine of not less than R200 or to imprisonment without the option of a fine, unless [the competent authority considering the application concerned is of the opinion that] the last-mentioned offence was of such a nature that it does not imply that such a person is unsuitable to hold the licence, or unless any one of the sentences has been set aside by a competent court or such a person has received a grant of amnesty or a free pardon in respect of any one of the sentences or the fine has been remitted;”.

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**Amendment of section 32 of Act 27 of 1989, as amended by section 13 of Act 105 of 1993**

18. Section 32 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

- “(1) After the [chairman or the] Board [as the case may be] has granted an application under section 15(1)(a)(iii) or 22(1)(b), the [chairman] chairperson shall, subject to sections 33 and 35, issue the licence to a person named in the licence, to sell any liquor, or the kind of liquor provided for in this Act in respect of the kind of licence concerned, or in the case of a special licence, the kind of liquor determined by the [chairman or the] Board, on premises the plan of which has been approved by the [chairman or the] Board, but which premises shall not for the purposes of the licence include such place or places thereon as [he or] it has in [his or] its discretion specifically excluded therefrom.

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- “(i) tensy **[hy oortuig is dat]**—”; en  
(e) deur subparagraaf (ii) van paragraaf (d) van subartikel (2) deur die volgende subparagraaf te vervang:  
5        “(ii) indien **[na sy oordeel]** die moontlikheid bestaan dat die toestaan van die aansoek ’n skadelike monopolistiese toestand in die drankhandel of ’n vertakking daarvan kan laat ontstaan of vererger.”.

**Wysiging van artikel 24 van Wet 27 van 1989, soos gewysig deur artikel 10 van Wet 105 van 1993**

- 10      **16.** Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:  
“(b) kan die **[voorsitter of die]** Raad, **[na gelang van die geval]** behoudens hierdie Wet en genoemde reg, na goeddunke die lisensie verleen ten gunste van so ’n beredderaar, bestuurder, kurator of persoon.”.
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**Wysiging van artikel 25 van Wet 27 van 1989, soos gewysig deur artikel 11 van Wet 105 van 1993**

- 10      **17.** Artikel 25 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:  
20      “(b) in die voorafgaande 10 jaar skuldig bevind is aan ’n misdryf ingevolge hierdie Wet, **[of die Drankwet, 1977 (Wet No. 87 van 1977)]** die Wet op Bedwelmende Drank, 1973 (Wet No. 7 van 1973)(Lebowa), die Wet op Bedwelmende Drank, 1973 (Wet No. 8 van 1973) (Gazankulu), die Drankwet, 1977 (Wet No. 87 van 1977)(KaNgwane), die Drankwet, 1978 (Wet No. 37 van 1978)(Transkei), die Drankwet, 1980 (Wet No. 7 van 1980)(KwaZulu), die Wet op Bedwelmende Drank, 1980 (Wet No. 36 van 1980) (Bophuthatswana), die Drankwet, 1981 (Wet No. 6 van 1981) (QwaQwa), die Wet op Bedwelmende Drank, 1982 (Wet No. 6 van 1982) (KwaNdebele), die Drankwet, 1983 (Wet No. 13 van 1983) (Ciskei), en die Proklamasie op Bedwelmende Drank, 1991 (Proklamasie No. 15 van 1991) (Venda), ongeag die vonnis wat opgelê is, en binne vyf jaar na die skuldigbevinding weer skuldig bevind is aan ’n misdryf ingevolge **[hierdie Wet of die Drankwet, 1977]** enigeen van genoemde wette, en toe daarvoor gevonnis is tot ’n boete van minstens R200 of tot gevangenisstraf sonder die keuse van ’n boete, tensy **[die bevoegde gesag wat die betrokke aansoek oorweeg van oordeel is dat]** laasgenoemde misdryf van so ’n aard was dat dit nie impliseer dat so iemand ongeskik is om die lisensie te hou nie, of tensy enigeen van die vonnisse deur ’n bevoegde hof tersyde gestel is of amnestie of algehele gracie ten opsigte van enigeen van die vonnisse aan so iemand toegestaan is of die boete kwytgeskeld is;”.
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**Wysiging van artikel 32 van Wet 27 van 1989, soos gewysig deur artikel 13 van Wet 105 van 1993**

- 10      **18.** Artikel 32 van die Hoofwet word hierby gewysig deur subartikels (1), (2) en (3) deur die volgende subartikels te vervang:  
45      “(1) Nadat die **[voorsitter of die]** Raad **[na gelang van die geval]** ’n aansoek kragtens artikel 15(1)(a) (iii) of 22(1)(b) toegestaan het, moet die voorsitter, behoudens artikels 33 en 35, die lisensie uitrek aan ’n persoon in die lisensie genoem, om enige drank, of die soort drank waarvoor daar in hierdie Wet ten opsigte van die betrokke soort lisensie voorsiening gemaak word, of, in die geval van ’n spesiale lisensie, die soort drank deur die **[voorsitter of die]** Raad bepaal, te verkoop op ’n perseel waarvan die plan deur die **[voorsitter of die]** Raad goedgekeur is, maar welke perseel vir die doeleindes van die lisensie nie die plek of plekke daarop insluit wat hy na goeddunke uitdruklik daarvan uitgesluit het nie.”.
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(2) A licence issued under subsection (1) shall be subject to such conditions set out in the licence as the [chairman or the] Board [as the case may be] may in [his or] its discretion impose.

(3) The [chairman or the] Board [as the case may be] may, in respect of a sorghum beer licence, special licence or producer's licence, in addition to the imposition by [him or] it of any condition or further condition under this section, declare in the licence concerned or in a notice delivered or tendered to the holder of the licence that such provisions of this Act as do not in themselves relate to the licence concerned and as are set out in the licence or notice, shall *mutatis mutandis* apply to that licence.".

**Amendment of section 33 of Act 27 of 1989, as amended by section 15 of Act 105 of 1993**

**19. Section 33 of the principal Act is hereby amended—**

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

“(1) If an application for a licence (excluding a temporary liquor licence and an occasional licence) is granted by [the chairman or] the Board in respect of premises not yet erected, or premises requiring any structural alteration, addition or reconstruction to be effected so as to make them suitable for the purposes for which they will be used under the licence, the [chairman] chairperson shall issue a notice to the applicant concerned in which he or she shall be ordered to comply with such conditions or requirements, referred to in the notice, with regard to those premises as the [chairman] chairperson may determine, within such period as may likewise be determined and referred to.”;

(b) by the addition to subsection (2) of the following paragraph:

“(d) approve an amended plan in respect of the premises.”; and

(c) by the substitution for paragraphs (a) and (b) of subsection (6) of the following paragraphs:

“(a) the administrator of the deceased or insolvent estate, judicial manager or curator concerned or, if such an administrator, manager or curator has not yet been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorized thereto by the [chairman] Board shall, subject to the law regarding deceased estates, insolvency, judicial management or mental health, have all such rights as that applicant would have had if he or she had not died, become insolvent, been placed under judicial management or been declared so incapable; and

(b) the administrator, manager, curator or person contemplated in paragraph (a) of this subsection may do anything that he or she may by virtue of the notice be required to do so as to satisfy the [chairman] Board as to the matters contemplated in subsection (4).”.

**Amendment of section 41 of Act 27 of 1989, as amended by section 17 of Act 105 of 1993**

**20. Section 41 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:**

“(a) the holder of an on-consumption licence may also sell or supply newspapers, light refreshments and smokers' requisites on the licensed premises, or conduct such other business thereon as [the chairman or] the Board, [as the case may be] on application, when granting the licence concerned or the [chairman] chairperson may, on application, at any time thereafter, approve subject to such conditions as [he or it] the Board or the chairperson, as the case may be, may think fit;”.

(2) 'n Licensie kragtens subartikel (1) uitgereik, is onderworpe aan die voorwaardes in die licensie uiteengesit wat die **[voorsitter of die]** Raad **[na gelang van die geval]** na goeddunke ople.

5 (3) Die **[voorsitter of die]** Raad **[na gelang van die geval]** kan, ten opsigte van 'n sorghumbierlisensie, spesiale licensie of produsentelicensie benewens die oplegging deur hom van enige voorwaarde of verdere voorwaarde kragtens hierdie artikel, in die betrokke licensie of in 'n kennisgewing wat aan die houer van die licensie afgelewer of aangebied is, verklaar dat die bepalings van hierdie Wet wat nie op sigself op die betrokke licensie betrekking het nie en wat in die licensie of kennisgewing uiteengesit word, *mutatis mutandis* op daardie licensie van toepassing is."

#### Wysiging van artikel 33 van Wet 27 van 1989, soos gewysig deur artikel 15 van Wet 105 van 1993

15 19. Artikel 33 van die Hoofwet word hierby gewysig—

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

"(1) Indien 'n aansoek om 'n licensie (uitgesonderd 'n tydelike dranklisensie en geleenthedslisensie) deur die **[voorsitter of die]** Raad toegestaan word ten opsigte van 'n perseel wat nog nie opgerig is nie, of 'n perseel wat die uitvoer van enige strukturele verandering, aanbouing of herbouing vereis ten einde dit geskik te maak vir die doeleindes waarvoor dit kragtens die licensie gebruik sal word, reik die voorsitter 'n kennisgewing aan die betrokke aansoeker uit waarin hy of sy beveel word om binne die tydperk wat die voorsitter bepaal en in die kennisgewing vermeld word, te voldoen aan die voorwaardes of vereistes met betrekking tot daardie perseel wat insgelyks bepaal en vermeld word.";

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

"(d) 'n gewysigde plan ten opsigte van die perseel goedkeur."; en

30 (c) deur paragrawe (a) en (b) van subartikel (6) deur die volgende paragrawe te vervang:

"(a) het die betrokke beredderaar van die bestorwe of insolvente boedel, geregtelike bestuurder of kurator of, indien so 'n beredderaar, bestuurder of kurator nog nie aangestel is nie of die bekleer van daardie amp nie kan of wil optree nie, 'n persoon wat 'n belang in die aansoek het en deur die **[voorsitter]** Raad daartoe gemagtig word, behoudens die reg betreffende bestorwe boedels, insolvensie, geregtelike bestuur of geestesgesondheid, al die regte wat daardie aansoeker sou gehad het indien hy of sy nie gesterf het, insolvent geraak het, onder geregtelike bestuur geplaas is of aldus onbekwaam verklaar is nie; en

40 (b) kan die beredderaar, bestuurder, kurator of persoon in paragraaf (a) van hierdie subartikel beoog, enigets doen wat van hom of haar uit hoofde van die kennisgewing vereis word om te doen ten einde die **[voorsitter]** Raad aangaande die aangeleenthede in subartikel (4) beoog, te oortuig."

#### Wysiging van artikel 41 van Wet 27 van 1989, soos gewysig deur artikel 17 van Wet 105 van 1993

50 20. Artikel 41 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) die houer van 'n binneverbruiklisensie ook koerante, ligte verversings en rokersbenodigdhede op die gelisensieerde perseel verkoop of verskaf, of die ander besigheid daarop voortsit wat die **[voorsitter of die]** Raad **[na gelang van die geval]** op aansoek, wanneer hy die betrokke licensie verleen, of die voorsitter, op aansoek, te eniger tyd daarna, goedkeur onderworpe aan die voorwaardes wat **[hy]** die Raad of die voorsitter, na gelang van die geval, goedvind;".

**Amendment of section 51 of Act 27 of 1989****21. Section 51 of the principal Act is hereby amended—**

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

“(2) The holder of a wholesale liquor licence, brewer’s licence, sorghum beer brewer’s licence or producer’s licence may, notwithstanding subsection (1), also store his or her liquor in a place, determined by the [chairman] chairperson on application, in a district in the same province other than the district in which the licensed premises concerned are situated: Provided that, if such determination to store liquor in another province was granted to a licensee before the commencement of the Liquor Amendment Act, 1995, such determination shall continue to exist.”; and

(b) by the deletion of paragraph (d) of subsection (5).

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**Amendment of section 53 of Act 27 of 1989****22. Section 53 of the principal Act is hereby amended—**

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

“(1) The holder of a hotel liquor licence shall at all times maintain on the licensed premises a bona fide hotel [registered as such in terms of the Hotels Act, 1965 (Act No. 70 of 1965)] at which accommodation and meals are regularly supplied to guests.”; and

(b) by the deletion of subsection (2).

**Amendment of section 60 of Act 27 of 1989, as amended by section 24 of Act 105 of 1993****23. Section 60 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:**

“(1) An approval may, on application, be granted by the Board—

(a) [by the chairman or the Board, as the case may be] when granting a wine-house licence; or

(b) [by the chairman] at any time after a wine-house licence was issued [and after consultation with not fewer than two members of the Board (of whom one shall be a member under section 7(1)(c) for the area in which the premises which are the subject of the application, are situated)],

to the holder of such wine-house licence to sell his or her liquor in such place on the licensed premises, to be set apart for that purpose, as the [chairman or the] Board may determine, for consumption off those premises.

(2) The [chairman] chairperson may issue an approval contemplated in subsection (1) subject to such conditions set out in the approval as [the or] the Board [as the case may be] may in [his or] its discretion impose.

(3) The [chairman or the] Board [as the case may be] may, in respect of an approval contemplated in subsection (1), in addition to the imposition by [him or] it of any condition or further condition under this section, declare in the approval concerned or in a notice delivered or tendered to the holder of the wine-house licence concerned that such provisions of this Act with regard to liquor store licences as do not in themselves relate to the first-mentioned licence concerned and as are set out in the approval or notice, shall *mutatis mutandis* apply to that licence.”.

**Amendment of section 63 of Act 27 of 1989, as amended by section 26 of Act 105 of 1993**

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**24. Section 63 of the principal Act is hereby amended—**

### Wysiging van artikel 51 van Wet 27 van 1989

21. Artikel 51 van die Hoofwet word hierby gewysig—

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

5       “(2) Die houer van 'n groothandelaars-dranklisensie, bierbrouerslisensie, sorghumbierbrouers-lisensie of produsentelisensie kan, ondanks subartikel (1), ook sy of haar drank opberg in 'n plek, deur die voorsitter op aansoek bepaal, in 'n ander distrik in dieselfde provinsie as die distrik waarin die betrokke gelisensieerde perseel geleë is: Met dien verstande dat, indien sodanige bepaling om drank in 'n ander provinsie op te berg aan 'n licensiehouer verleen is voordat die Drankwysigingswet, 1995, in werking getree het, sodanige bepaling bly voorbestaan."; en

10       (b) deur paragraaf (d) van subartikel (5) te skrap.

### Wysiging van artikel 53 van Wet 27 van 1989

15       22. Artikel 53 van die Hoofwet word hierby gewysig—

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

20       “(1) Die houer van 'n hoteldranklisensie moet te alle tye 'n [hotel wat as sodanig geregistreer is ingevolge die Wet op Hotelle, 1965 (Wet No. 70 van 1965)] bona fide-hotel waarby akkommodasie en maaltye gereeld aan gaste verskaf word, op die gelisensieerde perseel in stand hou.”; en

25       (b) deur subartikel (2) te skrap.

### Wysiging van artikel 60 van Wet 27 van 1989, soos gewysig deur artikel 24 van Wet 105 van 1993

25       23. Artikel 60 van die Hoofwet word hierby gewysig deur subartikels (1), (2) en (3) deur die volgende subartikels te vervang:

30       “(1) 'n Goedkeuring kan, op aansoek, deur die Raad verleën word—

35       (a) [deur die voorsitter of die Raad, na gelang van die geval] wanneer hy 'n wynhuislisensie verleën; of

40       (b) [deur die voorsitter] te eniger tyd na die uitreiking van 'n wynhuislisensie [en na oorlegpleging met minstens twee ander lede van die Raad (van wie een 'n lid moet wees wat kragtens artikel 7(1)(c) aangestel is vir die gebied waarin die perseel wat die onderwerp van die aansoek is, geleë is)],

45       aan die houer van sodanige wynhuislisensie om sy of haar drank te verkoop in die plek op die gelisensieerde perseel, wat vir daardie doel afgesonder moet word, wat die [voorsitter of die] Raad bepaal, vir verbruik buite daardie perseel.

50       (2) Die voorsitter kan 'n goedkeuring beoog in subartikel (1) uitrek onderworpe aan die voorwaardes in die goedkeuring uiteengesit wat [hy of] die Raad [na gelang van die geval] na goedgunne oplê.

55       (3) Die [voorsitter of die] Raad [na gelang van die geval] kan, ten opsigte van 'n goedkeuring beoog in subartikel (1), benewens die oplegging deur hom van enige voorwaarde of verdere voorwaarde kragtens hierdie artikel, in die betrokke goedkeuring of in 'n kennisgewing wat aan die houer van die betrokke wynhuislisensie afgelewer of aangebied is, verklaar dat die bepalings van hierdie Wet met betrekking tot drankwinkellisensies wat nie op sigself op die betrokke eersgenoemde lisensie betrekking het nie en wat in die goedkeuring of kennisgewing uiteengesit word, mutatis mutandis op daardie lisensie van toepassing is.”.

### Wysiging van artikel 63 van Wet 27 van 1989, soos gewysig deur artikel 26 van Wet 105 van 1993

24. Artikel 63 van die Hoofwet word hierby gewysig—

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

“The holder of a theatre liquor licence may, notwithstanding any law to the contrary, sell his or her liquor on those days, excluding closed days, on which dramatic performances, plays, concerts or films are presented or shown at the theatre concerned, and then between the times which **[the chairman or]** the Board **[as the case may be]** may, when granting the licence, in **[his or]** its discretion determine, but which shall not lie outside—”; and

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

“(2) The **[chairman]** Board may at any time, on application by the holder of such a licence, amend any determination made under subsection (1).”.

**Amendment of section 72 of Act 27 of 1989, as amended by section 28 of Act 105 of 1993**

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- 25.** Section 72 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The holder of a sportsground liquor licence may, notwithstanding any law to the contrary, sell liquor on those days, excluding closed days, on which public sports meetings are held on the sportsground concerned, and then between the times which **[the Minister]** were before the repeal by this Act of the Liquor Act, 1977 (Act No. 87 of 1977), or before the repeal by the Liquor Amendment Act, 1995, of the Liquor Act, 1977 (Act No. 87 of 1977)(KaNgwane), and the Liquor Act, 1980 (Act No. 7 of 1980) (KwaZulu), as the case may be, determined in respect of the licence concerned.”.

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**Amendment of section 76 of Act 27 of 1989**

- 26.** Section 76 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) subject to the conditions or restrictions determined under section 136(1) of the Liquor Act, 1977 (Act No. 87 of 1977), or any provision of a law mentioned in Schedule 2 to the Liquor Amendment Act, 1995, to the holder of a wholesale liquor licence in respect of which a valid authority to deal directly with the public, issued under that section or such provision was held immediately before the commencement of this Act or the Liquor Amendment Act, 1995, as the case may be, to the extent of that authority;”.

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**Amendment of section 78 of Act 27 of 1989, as amended by section 31 of Act 105 of 1993**

- 27.** Section 78 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) by the **[chairman or the]** Board **[as the case may be]** when granting a wholesale liquor licence; or”.

**Amendment of section 80 of Act 27 of 1989, as amended by section 32 of Act 105 of 1993**

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- 28.** Section 80 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) by the **[chairman or the]** Board **[as the case may be]** when granting a brewer's licence; or”.

**Amendment of section 82 of Act 27 of 1989, as amended by section 34 of Act 105 of 1993**

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- 29.** Section 82 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Die houer van 'n teaterdranklisensie kan, ondanks enige andersluidende wet, sy of haar drank verkoop op daardie dae, uitgesonderd geslote dae, waarop toneelopvoerings, toneelstukke, konserte of rolprente by die betrokke teater aangebied of vertoon word, en dan tussen die tye wat die **[voorsitter of die] Raad [na gelang van die geval]** na goeddunke bepaal wanneer hy die lisensie verleen, maar wat nie moet val nie buite—”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die **[voorsitter] Raad** kan te eniger tyd op aansoek deur die houer van so 'n lisensie, enige bepaling kragtens subartikel (1) gedoen, wysig.”.

**Wysing van artikel 72 van Wet 27 van 1989, soos gewysig deur artikel 28 van 15 Wet 105 van 1993**

25. Artikel 72 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die houer van 'n sportterrein-dranklisensie kan, ondanks enige andersluidende wet, drank verkoop op daardie dae, uitgesonderd geslote dae, waarop openbare sportbyeenkomste op die betrokke sportterrein gehou word, en dan tussen die tye wat **[die Minister]** voor die herroeping deur hierdie Wet van die Drankwet, 1977 (Wet No. 87 van 1977), of voor die herroeping deur die Drankwysigingswet, 1995, van die Drankwet, 1977 (Wet No. 87 van 1977)(KaNgwane), en die Drankwet, 1980 (Wet No. 7 van 1980 (KwaZulu), na gelang van die geval, bepaal [het] is ten opsigte van die betrokke lisensie.”.

**Wysing van artikel 76 van Wet 27 van 1989**

26. Artikel 76 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- 30 “(a) behoudens die voorwaardes of beperkings bepaal kragtens artikel 136(1) van die Drankwet, 1977 (Wet No. 87 van 1977), of 'n bepaling van 'n wet in Bylae 2 by die Drankwysigingswet, 1995, genoem, op die houer van 'n groothandelaars-dranklisensie ten opsigte waarvan 'n geldige magtiging om regstreeks met die publiek handel te dryf, uitgereik kragtens daardie artikel of so 'n bepaling, onmiddellik voor die inwerkingtreding van hierdie Wet of die Drankwysigingswet, 1995, na gelang van die geval, gehou was, in die mate van daardie magtiging;”.

**Wysing van artikel 78 van Wet 27 van 1989, soos gewysig deur artikel 31 van 15 Wet 105 van 1993**

- 40 27. Artikel 78 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) deur die **[voorsitter of die] Raad, [na gelang van die geval]** wanneer hy 'n groothandelaars-dranklisensie verleen; of”.

**Wysing van artikel 80 van Wet 27 van 1989, soos gewysig deur artikel 32 van 45 Wet 105 van 1993**

28. Artikel 80 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
- “(a) deur die **[voorsitter of die] Raad, [na gelang van die geval]** wanneer hy 'n bierbrouerslisensie verleen; of”.

**50 Wysing van artikel 82 van Wet 27 van 1989, soos gewysig deur artikel 34 van Wet 105 van 1993**

29. Artikel 82 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) by the [chairman or the] Board [as the case may be] when granting a brewer's licence; or”.

**Amendment of section 86 of Act 27 of 1989, as amended by section 38 of Act 105 of 1993**

30. Section 86 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) by the [chairman or the] Board [as the case may be] when granting a liquor store licence; or”.

**Amendment of section 94 of Act 27 of 1989, as amended by section 44 of Act 105 of 1993**

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31. Section 94 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) by the [chairman or the] Board [as the case may be] when granting a wine farmer's licence; or”.

**Amendment of section 104 of Act 27 of 1989, as amended by section 47 of Act 105 of 1993**

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32. Section 104 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) by the [chairman or the] Board [as the case may be] when granting a producer's licence; or”.

20

**Amendment of section 108 of Act 27 of 1989**

33. Section 108 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) where the licence has lapsed under the circumstances contemplated in section 107(c), the decision by the competent authority under section 15(1)(b)(i) or 125[(c)] (b) to withdraw that licence, is set aside by the court under section 132 or 134(3) [or by the Minister under section 133], as the case may be; or”.

25

**Amendment of section 109 of Act 27 of 1989**

34. Section 109 of the principal Act is hereby amended by the substitution for item (cc) of subparagraph (i) of paragraph (b) of the following item:

“(cc) as from the date on which the decision by the competent authority under section 15(1)(b)(i) or 125(b) to suspend the licence, is set aside by the court under section 132 or 134(3) [or by the Minister under section 133], as the case may be; or”.

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**Amendment of section 114 of Act 27 of 1989, as amended by section 49 of Act 105 of 1993**

35. Section 114 of the principal Act is hereby amended—

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

“The [chairman] Board shall consider each application for the transfer of a licence and may—”; and

40

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

“(2) The [chairman] Board shall not grant such an application—

(a) unless [he is satisfied that] the prospective holder concerned—

(i) . . .

(ii) is of good character and is otherwise fit to be the holder of the licence;

45

(b) if [in his opinion] the possibility exists that the granting of the

“(a) deur die [voorsitter of die] Raad, [na gelang van die geval] wanneer hy 'n bierbrouerslisensie verleen; of”.

**Wysiging van artikel 86 van Wet 27 van 1989, soos gewysig deur artikel 38 van Wet 105 van 1993**

- 5 30. Artikel 86 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) deur die [voorsitter of die] Raad, [na gelang van die geval] wanneer hy 'n drankwinkellisensie verleen; of”.

**Wysiging van artikel 94 van Wet 27 van 1989, soos gewysig deur artikel 44 van 10 Wet 105 van 1993**

31. Artikel 94 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- (a) deur die [voorsitter of die] Raad, [na gelang van die geval] wanneer hy 'n wynboerlisensie verleen; of”.

**15 Wysiging van artikel 104 van Wet 27 van 1989, soos gewysig deur artikel 47 van Wet 105 van 1993**

32. Artikel 104 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- (a) deur die [voorsitter of die] Raad, [na gelang van die geval] wanneer hy 'n produsentelisensie verleen; of”.

**Wysiging van artikel 108 van Wet 27 van 1989**

33. Artikel 108 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:
- (b) waar die lisensie verval het onder die omstandighede beoog in artikel 107(c), die besluit deur die bevoegde gesag kragtens artikel 15(1)(b)(i) of 125(b) om daardie lisensie in te trek, deur die hof kragtens artikel 132 of 134(3) [of deur die Minister kragtens artikel 133], na gelang van die geval, tersyde gestel word;”.

**Wysiging van artikel 109 van Wet 27 van 1989**

34. Artikel 109 van die Hoofwet word hierby gewysig deur item (cc) van subparagraaf (i) van paragraaf (b) deur die volgende item te vervang:
- “(cc) vanaf die datum waarop die besluit deur die bevoegde gesag kragtens artikel 15(1)(b)(i) of 125(b) om die lisensie op te skort, deur die hof kragtens artikel 132 of 134(3) [of deur die Minister kragtens artikel 133], na gelang van die geval, tersyde gestel word; of”.

**Wysiging van artikel 114 van Wet 27 van 1989, soos gewysig deur artikel 49 van Wet 105 van 1993**

35. Artikel 114 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Die [voorsitter] Raad oorweeg elke aansoek om die oordrag van 'n lisensie en kan—”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die [voorsitter] Raad staan nie 'n aansoek toe nie—
- (a) tensy [hy oortuig is dat] die betrokke voornemende houer—
- (i) ...
- (ii) van goeie gedrag is en andersins geskik is om die houer van die lisensie te wees;
- (b) indien [na sy oordeel] die moontlikheid bestaan dat die toestaan van die aansoek 'n skadelike monopolistiese toe-

application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof.”.

**Amendment of section 116 of Act 27 of 1989, as amended by section 50 of Act 105 of 1993**

36. Section 116 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 5

“(1) After he the Board has granted an application for the transfer of a licence under section 114(1)(b), the chairman chairperson shall issue a certificate of transfer to a person named in the certificate.”.

**Amendment of section 117 of Act 27 of 1989**

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37. Section 117 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs:

- (a) the administrator of the deceased or insolvent estate, judicial manager or curator concerned or, if such an administrator, manager or curator has not yet been appointed or the holder of that office is unable or unwilling to act, any other person who has an interest in the application and is authorized thereto by the chairman Board, shall, subject to the law regarding deceased estates, insolvency, judicial management or mental health, have all such rights as the prospective holder would have had if he or she had not died, become insolvent, been placed under judicial management or been declared so incapable; and 15
- (b) the chairman Board may, subject to this Act and the said law, in this its discretion grant the application in favour of the administrator, manager, curator or other person concerned.”. 20

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**Amendment of section 121 of Act 27 of 1989, as amended by section 51 of Act 105 of 1993**

38. Section 121 of the principal Act is hereby amended—

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

“(1) The chairman Board shall consider each application for the removal of a licence and may after consultation with not fewer than two other members of the Board (of whom one shall be a member appointed under section 7(1)(c) for the area in which the premises which are the subject of the application, are situated)— 30

- (a) refuse the application; or
- (b) grant the application or

(c) refer the application to the Board for consideration.”;

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

“The chairman or the Board as the case may be shall not grant 40 such an application—”;

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

“(a) if in the case of a wine farmer’s licence, unless he or it is satisfied that the premises in respect of which the application 45 is made, are situated at a place other than the place where the liquor concerned is manufactured;”;

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

“(i) unless he or it is satisfied that—”; and

- (e) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2) of the following subparagraph:

“(ii) if in his or its opinion the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof.”. 55

stand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of vererger.”.

**Wysiging van artikel 116 van Wet 27 van 1989, soos gewysig deur artikel 50 van Wet 105 van 1993**

5   **36.** Artikel 116 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Nadat **[hy]** die Raad 'n aansoek om die oordrag van 'n lisensie kragtens artikel 114(1)(b) toegestaan het, moet die voor sitter 'n sertifikaat van oordrag uitreik aan 'n persoon in die sertifikaat genoem.”.

**Wysiging van artikel 117 van Wet 27 van 1989**

37. Artikel 117 van die Hoofwet word hierby gewysig deur paragrawe (a) en (b) deur die volgende paragrawe te vervang:

15   “(a) het die betrokke beredderaar van die bestorwe of insolvente boedel, geregtelike bestuurder of kurator of, indien so 'n beredderaar, bestuurder of kurator nog nie aangestel is nie of die bekleer van daardie amp nie kan of wil optree nie, enige ander persoon wat 'n belang in die aansoek het en deur die **[voorsitter]** Raad daartoe gemagtig word, behoudens die reg betreffende bestorwe boedels, insolvensie, geregtelike bestuur of geestesgesondheid, al die regte wat die voornemende houer sou gehad het indien **hy of sy** nie gesterf het, insolvent geraak het, onder geregtelike bestuur geplaas is of aldus onbekwaam verklaar is nie; en

20   (b) kan die **[voorsitter]** Raad, behoudens hierdie Wet en genoemde reg, na goeddunke die aansoek toestaan ten gunste van die betrokke beredderaar, bestuurder, kurator of ander persoon.”.

**Wysiging van artikel 121 van Wet 27 van 1989, soos gewysig deur artikel 51 van Wet 105 van 1993**

38. Artikel 121 van die Hoofwet word hierby gewysig—

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

35   “(1) Die **[voorsitter]** Raad oorweeg elke aansoek om die verplasing van 'n lisensie en kan **[, na oorlegpleging met minstens twee ander lede van die Raad (van wie een 'n lid moet wees wat kragtens artikel 7(1)(c) aangestel is vir die gebied waarin die perseel wat die ontwerp van die aansoek is, geleë is)]**—

(a) die aansoek weier; of  
(b) die aansoek toestaan **[of]**

**[(c) die aansoek na die Raad vir oorweging verwys].**”;

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

“Die **[voorsitter of die]** Raad **[na gelang van die geval]** staan nie so 'n aansoek toe nie—”;

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

“(a) in die geval van 'n wynboerlisensie, tensy **[hy oortuig is dat]** die perseel ten opsigte waarvan die aansoek gedoen word, geleë is op 'n ander plek as die plek waar die betrokke drank vervaardig word;”;

50   (d) deur subparagraph (i) van paragraaf (b) van subartikel (2) deur die volgende subparagraph te vervang:

“(i) tensy **[hy oortuig is dat]**—”; en

(e) deur subparagraph (ii) van paragraaf (b) van subartikel (2) deur die volgende subparagraph te vervang:

55   “(ii) indien **[na sy oordeel]** die moontlikheid bestaan dat die toestaan van die aansoek 'n skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of vererger.”.

**Amendment of section 122 of Act 27 of 1989, as amended by section 52 of Act 105 of 1993**

39. Section 122 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) The chairman chairperson may, after the or the Board has granted an application for the removal of a licence under section 121(1)(b) or 15(1)(a)(iii), but subject to section 123, issue a certificate of removal to the holder of the licence concerned.”.

**Amendment of section 123 of Act 27 of 1989**

40. Section 123 of the principal Act is hereby amended—

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

15

“(1) If an application for the removal of a licence is granted by the chairman or the Board in respect of premises not yet erected, or premises requiring any structural alteration, addition or reconstruction to be effected so as to make them suitable for the purposes for which they will be used under the licence, the chairman chairperson shall issue a notice to the applicant concerned in which he or she shall be ordered to comply with such conditions or requirements, referred to in the notice, with regard to those premises as the chairman chairperson may determine, within such 20 period as may likewise be determined and referred to.”; and

(b) by the addition to subsection (2) of the following paragraph:

25

“(d) approve an amended plan in respect of the premises.”.

**Substitution of section 124 of Act 27 of 1989**

41. The following section is hereby substituted for section 124 of the principal 25 Act:

**“Member of Executive Council may refer matters to Board**

**124. The Member of the Executive Council may in his or her discretion refer any matter arising from the application of this Act or relating to the distribution, or control over the distribution, of liquor to the Board for consideration and request the Board to advise him or her, or to furnish him or her with a report or recommendation, on the matter concerned.”.**

30

**Substitution of section 125 of Act 27 of 1989**

42. The following section is hereby substituted for section 125 of the principal 35 Act:

**“Member of Executive Council’s powers after recommendations or reports by Board**

**125. If the Board furnishes the Member of the Executive Council with a recommendation contemplated in section 15(2), the Member of the Executive Council may, after consideration of the recommendation, the report by the Board (if any) and any other matter which ought to be taken into consideration—**

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(a) notwithstanding the recommendation, refuse to take the recommended steps;

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(b) suspend for an indefinite time or for such period as he or she may determine, or withdraw from such date as he or she may determine, a licence which is the subject of the recommendation, or any right or privilege which is attached thereto;

**Wysiging van artikel 122 van Wet 27 van 1989, soos gewysig deur artikel 52 van Wet 105 van 1993**

39. Artikel 122 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 5       “(1) Die voorsitter kan, nadat **[hy of]** die Raad 'n aansoek om die verplasing van 'n lisensie kragtens artikel 121(1)(b) of 15(1)(a)(iii) toegestaan het, maar behoudens artikel 123, 'n sertifikaat van verplasing aan die houer van die betrokke lisensie uitreik.”.

**Wysiging van artikel 123 van Wet 27 van 1989**

10      40. Artikel 123 van die Hoofwet word hierby gewysig—

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

15       “(1) Indien 'n aansoek om die verplasing van 'n lisensie deur **[die voorsitter of]** die Raad toegestaan word ten opsigte van 'n perseel wat nog nie opgerig is nie, of 'n perseel wat die uitvoer van enige strukturele verandering, aanbouing of herbouing vereis ten einde dit geskik te maak vir die doeleindes waarvoor dit kragtens die lisensie gebruik sal word, reik die voorsitter 'n kennisgewing aan die betrokke aansoeker uit waarin **hy of sy** beveel word om binne die tydperk wat die voorsitter bepaal en in die kennisgewing vermeld word, te voldoen aan die voorwaardes of vereistes met betrekking tot daardie perseel wat insgelyks bepaal en vermeld word.”; en

- 20       (b) deur die volgende paragraaf by subartikel (2) te voeg:  
**“(d) 'n gewysigde plan ten opsigte van die perseel goedkeur.”.**

25 **Vervanging van artikel 124 van Wet 27 van 1989**

41. Artikel 124 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Lid van Uitvoerende Raad kan aangeleenheid na Raad verwys**

- 30       124. Die Lid van die Uitvoerende Raad kan na goeddunke enige aangeleenheid wat ontstaan uit die toepassing van hierdie Wet of betrekking het op die verspreiding, of beheer oor die verspreiding, van drank na die Raad vir oorweging verwys en die Raad versoek om hom of haar te adviseer, of 'n verslag of aanbeveling aan hom of haar te verstrek, oor die betrokke aangeleenheid.”.

35 **Vervanging van artikel 125 van Wet 27 van 1989**

42. Artikel 125 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Lid van Uitvoerende Raad se bevoegdhede na aanbevelings of verslae deur Raad**

- 40       125. Indien die Raad 'n aanbeveling beoog in artikel 15(2) aan die Lid van die Uitvoerende Raad verstrek, kan die Lid van die Uitvoerende Raad na oorweging van die aanbeveling, die verslag deur die Raad (as daar is) en enige ander aangeleenheid wat in oorweging geneem behoort te word—

45       (a) ondanks die aanbeveling, weier om die aanbevole stappe te doen;  
(b) 'n lisensie wat die onderwerp van die aanbeveling is, of enige reg of voorreg wat daaraan verbonde is, opskort vir 'n onbepaalde tyd of vir die tydperk wat hy of sy bepaal, of intrek vanaf 'n datum wat hy of sy bepaal;

- (c) rescind the suspension of the licence concerned or of any right or privilege which is attached thereto, with immediate effect or from such date as he or she may determine, subject to such conditions as he or she may in his or her discretion impose; or  
 (d) declare the licence concerned to be subject to such conditions or further conditions as he or she may in his or her discretion impose.”.

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**Amendment of section 128 of Act 27 of 1989****43. Section 128 of the principal Act is hereby amended—**

- (a) by the substitution for subsection (1) of the following subsection: 10

“(1) If he or she is satisfied from information on oath that the fact that liquor is being sold on particular licensed premises gives rise to circumstances on or near those premises which probably warrant the suspension or withdrawal of the licence concerned or of any right or privilege attached thereto, the [Minister] Member of the Executive Council may, after consultation with the [chairman] chairperson and after having afforded the holder of the licence an opportunity to make representations with regard to the matter to him or her within a period of seven days, by a notice delivered or tendered to that holder, prohibit him or her from selling liquor until the Board has had the opportunity to consider the matter and has taken such steps under section 15 as shall or may be taken in the circumstances of the case.”; and

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- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph: 20

“(a) may at any time before the Board considers the matter which is the subject of the notice, be withdrawn by the [Minister] Member of the Executive Council by a like notice;”.

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**Amendment of section 130 of Act 27 of 1989****44. Section 130 of the principal Act is hereby amended—**

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

“(1) A person who has made any application, objection or representations in terms of this Act and who feels aggrieved by a decision [on a question of law] made by the competent authority in connection with the application, objection or representations, may make application to the competent authority that the competent authority furnish reasons for that decision.”; and

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

**Repeal of section 133 of Act 27 of 1989****45. Section 133 of the principal Act is hereby repealed.**

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**Amendment of section 137 of Act 27 of 1989****46. Section 137 of the principal Act is hereby amended—**

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

“(1) The [Minister] Member of the Executive Council may designate any person in the employ of the State as an inspector for the purposes of this Act.”;

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

“(2) An inspector shall perform—

(a) such functions of a designated police officer as the [Minister] Member of the Executive Council may determine; and

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(b) such other functions in connection with the administration of this Act as may be assigned to him or her by the [Minister] Member of the Executive Council; and

- (c) die opskorting van die betrokke lisensie of van enige reg of voorreg wat daaraan verbonde is, met onmiddellike uitwerking of vanaf 'n datum wat hy of sy bepaal, ophef onderworpe aan die voorwaardes wat hy of sy na goeddunke oplê; of  
 5 (d) verklaar dat die betrokke lisensie onderworpe is aan die voorwaardes of bykomende voorwaardes wat hy of sy na goeddunke oplê.”.

#### Wysiging van artikel 128 van Wet 27 van 1989

- 43.** Artikel 128 van die Hoofwet word hierby gewysig—  
 10 (a) deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) Indien hy of sy uit inligting onder eed oortuig is dat die feit dat drank op 'n besondere gelisensieerde perseel verkoop word aanleiding gee tot omstandighede op of naby daardie perseel wat waarskynlik die opskorting of intrekking regverdig van die betrokke lisensie of van enige reg of voorreg wat daaraan verbonde is, kan die **[Minister] Lid van die Uitvoerende Raad**, na oorleg met die voorsitter en nadat hy of sy die houer van die lisensie die geleentheid gebied het om binne 'n tydperk van sewe dae vertoë met betrekking tot die aangeleentheid aan hom of haar te rig, by 'n kennisgewing wat aan daardie houer afgelewer of aangebied is, hom of haar verbied om drank te verkoop totdat die Raad die geleentheid gehad het om die aangeleentheid te oorweeg en die stappe kragtens artikel 15 gedoen het wat in die omstandighede van die geval moet of kan gedoen word.”; en  
 15  
 20 (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:  
 “(a) kan te eniger tyd voordat die Raad die aangeleentheid oorweeg wat die onderwerp is van die kennisgewing deur die **[Minister] Lid van die Uitvoerende Raad**, by 'n dergelike kennisgewing ingetrek word.”;  
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#### Wysiging van artikel 130 van Wet 27 van 1989

- 44.** Artikel 130 van die Hoofwet word hierby gewysig—  
 35 (a) deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) Iemand wat enige aansoek gedoen of beswaar gemaak of vertoë gerig het ingevolge hierdie Wet en wat veronreg voel deur 'n besluit **[oor 'n regsvraag]** deur die bevoegde gesag geneem in verband met die aansoek, beswaar of vertoë, kan by die bevoegde gesag aansoek doen dat die bevoegde gesag redes vir daardie besluit verstrek.”; en  
 40 (b) deur subartikel (3) te skrap.

#### Herroeping van artikel 133 van Wet 27 van 1989

- 45.** Artikel 133 van die Hoofwet word hierby herroep.

#### Wysiging van artikel 137 van Wet 27 van 1989

- 46.** Artikel 137 van die Hoofwet word hierby gewysig—  
 45 (a) deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) Die **[Minister] Lid van die Uitvoerende Raad** kan enig iemand in die diens van die Staat aanwys as 'n inspekteur vir die doeleindes van hierdie Wet.”;  
 50 (b) deur subartikel (2) deur die volgende subartikel te vervang:  
 “(2) 'n Inspekteur verrig—  
 (a) die werksaamhede van 'n aangewese polisiebeampte wat die **[Minister] Lid van die Uitvoerende Raad** bepaal; en  
 (b) die ander werksaamhede in verband met die uitvoering van hierdie Wet wat die **[Minister] Lid van die Uitvoerende Raad** aan hom of haar opdra.”; en  
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(c) by the substitution for subsection (3) of the following subsection:

“(3) An inspector shall be provided with a certificate, signed by the **[Minister]** Member of the Executive Council, declaring that he or she has been designated as an inspector for the purposes of this Act.”.

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**Substitution of section 139 of Act 27 of 1989, as substituted by section 55 of Act 105 of 1993**

47. The following section is hereby substituted for section 139 of the principal Act:

**“Designation of police officers for certain purposes**

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**139. The Member of the Executive Council responsible for Safety and Security may designate any police officer of or above the rank of warrant officer to perform the functions of a designated police officer in terms of this Act.”.**

**Amendment of section 179 of Act 27 of 1989**

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48. Section 179 of the principal Act is hereby amended—

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

“(1) The **[chairman]** chairperson may designate any person appointed in accordance with section 17(1) as the recorder of the province concerned for the purposes of this Act.”; and

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

“(a) keep records of all licensed premises in the **[Republic]** province concerned, containing such information as the **[chairman]** chairperson may determine (including all information furnished by virtue of section 48);”.

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**Amendment of section 181 of Act 27 of 1989**

49. Section 181 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) the **[Minister]** Member of the Executive Council;”; and

(b) by the substitution for subparagraph (i) of paragraph (c) of the following subparagraph:

“(i) on the instructions of the **[Minister]** Member of the Executive Council; or”.

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**Amendment of section 183 of Act 27 of 1989, as amended by section 62 of Act 105 of 1993** 35

50. Section 183 of the principal Act is hereby amended—

(a) by the deletion of subsection (1);

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

“(2) The **[Minister of Law and Order]** Member of the Executive Council responsible for Safety and Security may, subject to such conditions as he or she may impose, delegate to any police officer which is a commissioned officer the power conferred on him or her by section 139.”;

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(c) by the substitution for subsection (3) of the following subsection:

“(3) The **[chairman]** chairperson may, subject to such conditions as he or she may impose, delegate to any person in the employ of the State any power conferred on him or her by this Act, excluding a power contemplated in sections **[4(1)(a) to (f), 4(2) (in so far as it relates to a power contemplated in section 4(1)(a) to (f)]** 9(1), 11, 12, 13, 14(2), **[22, 24(b), 32(2), (3) and (5)]** 32A, **[41(1)(a) (in so far as the power may be exercised on the granting of an on-consumption licence), 60(1) and (3), 63(1)]** 78(1)(b), 80(3)(b), 82(1)(b), 86(1)(b),

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5 (c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Inspekteur moet van ’n sertifikaat voorsien word, wat deur die **[Minister] Lid van die Uitvoerende Raad** onderteken is, waarin verklaar word dat hy of sy as ’n inspekteur vir die doeleindeste van hierdie Wet aangewys is.”.

**Vervanging van artikel 139 van Wet 27 van 1989, soos vervang deur artikel 55 van Wet 105 van 1993**

47. Artikel 139 van die Hoofwet word hierby deur die volgende artikel vervang:

10 **“Aanwysing van polisiebeamptes vir sekere doeleindeste”**

**139. Die Lid van die Uitvoerende Raad belas met Veiligheid en Sekuriteit kan enige polisiebeampte met of bo die rang van adjudant-offisier aanwys om die werkzaamhede van ’n aangewese polisiebeampte ingevolge hierdie Wet te verrig.”.**

**15 Wysiging van artikel 179 van Wet 27 van 1989**

48. Artikel 179 van die Hoofwet word hierby gewysig—

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

“(1) Die voorsitter kan enigiemand wat ooreenkomsdig artikel 17(1) aangestel is, aanwys as die opnemer van die betrokke provinsie vir doeleindeste van hierdie Wet.”; en

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

“(a) hou aantekeninge van alle gelisensieerde persele in die **[Republiek] betrokke provinsie** wat die inligting bevat wat die voorsitter bepaal (met inbegrip van alle inligting wat uit hoofde van artikel 48 verstrek is);”.

**Wysiging van artikel 181 van Wet 27 van 1989**

49. Artikel 181 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) die **[Minister] Lid van die Uitvoerende Raad**;”; en

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

“(i) in opdrag van die **[Minister] Lid van die Uitvoerende Raad**; of”.

**Wysiging van artikel 183 van Wet 27 van 1989, soos gewysig deur artikel 62 van Wet 105 van 1993**

50. Artikel 183 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) te skrap;

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

“(2) Die **[Minister van Wet en Orde] Lid van die Uitvoerende Raad belas met Veiligheid en Sekuriteit** kan, onderworpe aan die voorwaardes wat hy of sy oplê, die bevoegdheid deur artikel 139 aan hom of haar verleen, deleer aan enige polisiebeampte wat ’n offisier is.”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die voorsitter kan, onderworpe aan die voorwaardes wat hy of sy oplê, enige bevoegdheid deur hierdie Wet aan hom of haar verleen, uitgesonderd ’n bevoegdheid beoog in artikels **[4(1)(a) tot (f), 4(2) (vir sover dit betrekking het op ’n bevoegdheid beoog in artikel 4(1)(a) tot (f),]** 9(1), 11, 12, 13, 14(2), **[22, 24(b), 32(2), (3) en (5)]** 32A, **[41(1)(a) (vir sover die bevoegdheid by die verlening van ’n binneverbruiklisensie uitgeoefen kan word),** 60(1) en (3), **[63(1)]** 78(1)(b), 80(3)(b)), 82(1)(b), 86(1)(b), 94(1)(b) en 104(1)(b) **[vir sover die bevoegdheid by die verlening van die betrokke**

94(1)(b) and 104(1)(b) [(in so far as the power may be exercised on the granting of the licence concerned) and 121]."; and

(d) by the substitution for subsection (4) of the following subsection:

"(4) The [Minister, the Minister of Law and Order] Member of the Executive Council responsible for Safety and Security or the [chairman] chairperson shall not by the delegation of any power under this section be divested of a power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power.".

**Amendment of section 187 of Act 27 of 1989, as amended by section 63 of Act 105 of 1993** 10

**51.** Section 187 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (2).

**Conversion of certain authorities and licences**

**52.** (1) Notwithstanding any law or contract to the contrary, an authority or licence of the kind referred to in the first column of Schedule 1, which is in force in the former Republic of Transkei, Bophuthatswana, Venda or Ciskei, or in the former self-governing territory of Gazankulu, KaNgwane, KwaNdebele, Kwa-Zulu, Lebowa or QwaQwa immediately before the date of commencement of this section shall as from that date be deemed to be a licence as defined in the principal Act of the kind mentioned against it in the second column of the said Schedule. 15

(2) In the application of subsection (1) the annual licence fees which have in terms of a law mentioned in Schedule 2 been paid in respect of a licence referred to in the first column of Schedule 1 for the year in which this section commences, shall be deemed to be the annual licence fees prescribed by virtue of section 182(1)(l) of the principal Act which have been paid for that year in respect of the licence mentioned against it in the second column of Schedule 1. 20 25

(3) A conditional authority issued in terms of a law mentioned in Schedule 2 in respect of an application for or the removal of a licence mentioned in the first column of Schedule 1 and which is in force immediately before the date of commencement of this section, shall as from that date be deemed to be a notice issued under section 33 or 123, as the case may be, of the principal Act in respect of an application for or the removal of a licence mentioned against it in the second column of Schedule 1. 30

**Existing sorghum beer authorities** 35

**53.** (1) Any person who immediately before the commencement of this section is authorized by or under any law mentioned in Schedule 2 to manufacture, sell or supply sorghum beer shall, notwithstanding the repeal of that law by section 56 of this Act, for a period of 12 months as from the date of such commencement continue to be entitled to manufacture, sell or supply sorghum beer under such an authority as if that law were not so repealed. 40

(2) An authority contemplated in subsection (1) shall lapse on the expiration of the said period of 12 months unless the person concerned applies for a licence mentioned in section 20(a)(vi) or (b)(vi) or (vii) of the principal Act at least three months before such expiry, in which case the authority concerned shall lapse on the date immediately preceding the date of the issue of the licence concerned or on the date of the refusal of the application concerned, as the case may be. 45

**Existing sportsground liquor licences**

**54.** (1) A sportsground liquor licence in force immediately before the commencement of this section by virtue of the Liquor Act, 1977 (Act No. 87 of 1977) (KaNgwane), or the Liquor Act, 1980 (Act No. 7 of 1980) (KwaZulu), and 50

**lisensie uitgeoefen kan word) en 121], delegeer aan enigiemand in die diens van die Staat.”; en**

(d) deur subartikel (4) deur die volgende subartikel te vervang:

5 “(4) Die **[Minister, die Minister van Wet en Orde] Lid van die Uitvoerende Raad belas met Veiligheid en Sekuriteit** of die voorsitter word nie deur die delegering van enige bevoegdheid kragtens hierdie artikel van ‘n aldus gedelegeerde bevoegdheid ontdoen nie en kan enige besluit van die gedelegeerde geneem by die uitoefening van so ‘n bevoegdheid tersyde stel of wysig.”.

10 **Wysiging van artikel 187 van Wet 27 van 1989, soos gewysig deur artikel 63 van Wet 105 van 1993**

51. Artikel 187 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) te skrap.

15 **Omskepping van sekere magtigings en lisensies**

52. (1) Ondanks enige andersluidende wet of kontrak, word ‘n magtiging of lisensie van die soort vermeld in die eerste kolom van Bylae 1, wat onmiddellik voor die datum van die inwerkingtreding van hierdie artikel in die voormalige Republiek van Transkei, Bophuthatswana, Venda of Ciskei, of in die selfregerende gebied van Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa of QwaQwa van krag is, vanaf daardie datum geag ‘n lisensie soos omskryf in die Hoofwet van die soort daarteenoor vermeld in die tweede kolom van genoemde Bylae te wees.

(2) By die toepassing van subartikel (1) word die jaarlikse lisensiegeld wat ingevolge ‘n wet genoem in Bylae 2 betaal is ten opsigte van ‘n lisensie vermeld in die eerste kolom van Bylae 1, vir die jaar waarin hierdie artikel in werking tree, geag die jaarlikse lisensiegeld voorgeskryf uit hoofde van artikel 182(1)(l) van die Hoofwet te wees wat vir daardie jaar betaal is ten opsigte van die lisensie daarteenoor vermeld in die tweede kolom van Bylae 1.

30 (3) ‘n Voorwaardelike magtiging uitgereik ingevolge ‘n wet genoem in Bylae 2 ten opsigte van ‘n aansoek om of die verplasing van ‘n lisensie vermeld in die eerste kolom van Bylae 1, en wat onmiddellik voor die datum van inwerkingtreding van hierdie artikel van krag is, word vanaf daardie datum geag ‘n kennisgewing te wees wat kragtens artikel 33 of 123, na gelang van die geval, van die Hoofwet uitgereik is ten opsigte van ‘n aansoek om of die verplasing van ‘n lisensie daarteenoor vermeld in die tweede kolom van Bylae 1.

**Bestaande sorghumbiermagtigings**

53. (1) Enigiemand wat onmiddellik voor die inwerkingtreding van hierdie artikel by of kragtens ‘n wet genoem in Bylae 2 gemagtig is om sorghumbier te vervaardig, te verkoop of te verskaf, bly, ondanks die herroeping van daardie wet by artikel 56 van hierdie Wet, vir ‘n tydperk van 12 maande vanaf die datum van sodanige inwerkingtreding daarop geregtig om sorghumbier kragtens so ‘n magtiging te vervaardig, te verkoop of te verskaf asof daardie wet nie aldus herroep is nie.

45 (2) ‘n Magtiging beoog in subartikel (1) verval by die verstryking van genoemde tydperk van 12 maande tensy die betrokke persoon ten minste drie maande voor sodanige verstryking aansoek doen om ‘n lisensie vermeld in artikel 20(a)(vi) of (b)(vi) of (vii) van die Hoofwet, in welke geval die betrokke magtiging verval op die datum wat die uitreiking van die betrokke lisensie onmiddellik voorafgaan of op die datum van die weierung van die betrokke aansoek, na gelang van die geval.

**Bestaande sportterreindranksensies**

54. (1) ‘n Sportterreindranksensie wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is uit hoofde van die Drankwet, 1977 (Wet No. 87 van 1977)(KaNgwane), of die Drankwet, 1980 (Wet No. 7 van 1980) (KwaZulu), en enige reg, voorreg, verpligting of aanspreeklikheid wat daaraan

any right, privilege, obligation or liability attached thereto and so in force, shall, subject to the provisions of the principal Act, remain in force.

(2) In the application of the principal Act, a sportsground liquor licence contemplated in subsection (1) shall be deemed to have been issued under the principal Act, and any provision of the said Liquor Act, 1977, or the said Liquor Act, 1980, which related to the facilities which the licensed premises shall afford, shall be deemed to be a condition imposed under the principal Act in respect of such a licence. 5

#### **Existing grocers' wine and malt liquor licences and general dealers' liquor licences**

**55.** (1) A grocer's wine and malt liquor licence and a general dealers liquor licence in force immediately before the commencement of this section by virtue of the Intoxicating Liquor Act, 1980 (Act No. 36 of 1980) (Bophuthatswana), or the Liquor Act, 1983 (Act No. 13 of 1983)(Ciskei), and any right, privilege, obligation or liability attached thereto and so in force, shall, subject to the provisions of the principal Act, including sections 87 to 90, remain in force for a period of 12 months 10 as from the date of commencement of this Act. 15

(2) In the application of the principal Act, a grocer's wine and malt liquor licence and a general dealer's liquor licence contemplated in subsection (1) shall be deemed to have been issued under the principal Act, and any provision of the said Intoxicating Liquor Act, 1980, or Liquor Act, 1983, which related to the 20 facilities which the licensed premises shall afford, shall be deemed to be a condition imposed under the principal Act in respect of such a licence.

(3) The holder of a licence referred to in subsection (1) shall not sell liquor other than table wine as defined in section 88(2), or beer as defined in section 2(1), of the principal Act, and the licence concerned shall not be transferred or removed. 25

#### **Repeal of laws, and savings**

**56.** (1) The laws mentioned in Schedule 2 are hereby repealed, to the extent set out in the third column of that Schedule.

(2) Subject to the provisions of subsection (3), anything done in terms of a provision of a law repealed by section (1) and which shall or may be done in terms 30 of a provision of the principal Act shall be deemed to have been done in terms of the latter provision.

(3)(a) Any application in terms of any law repealed by subsection (1) on which a Liquor Board has made a recommendation of approval before the date of commencement of the repeal and which has not been disposed of by the Minister of Trade and Industry on that date, shall be deemed to have been approved by that Minister. 35

(b) Any application in terms of any law repealed by subsection (1) on which a Liquor Board has made a recommendation of refusal before the date of commencement of the repeal and which has not been disposed of by the Minister of Trade and Industry on that date, shall be deemed not to have been considered by that Liquor Board. 40

(4) Any application or other matter which has been submitted before the date of commencement of this Act by a competent authority of the former Republic of Transkei, Bophuthatswana, Venda or Ciskei, or of the former self-governing territory of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa or QwaQwa and which has not been disposed of or is deemed not to have been disposed of on that date, shall be referred to the competent authority of the province in which the licensed or proposed premises are situated, for disposal in terms of the law under which the application was made as if such law had not been 45 repealed by this Act. 50

#### **Pending cases in terms of Act 27 of 1989**

**57.** Any application or matter received by a competent authority in terms of the

verbonde en aldus van krag is, bly, behoudens die bepalings van die Hoofwet, van krag.

(2) By die toepassing van die Hoofwet word 'n sportterreindranksensie beoog in subartikel (1) geag kragtens die Hoofwet uitgereik te gewees het, en word enige bepaling van genoemde Drankwet, 1977, of genoemde Drankwet, 1980, wat betrekking gehad het op die fasilitete wat die gelisensieerde perseel moet bevat, geag 'n voorwaarde te wees wat kragtens die Hoofwet ten opsigte van so 'n lisensie opgelê is.

#### **Bestaande kruidenierswyn-en-moutdranklisensies en algemene handelaarsdrank-lisensies**

55. (1) 'n Kruidenierswyn-en-moutdranklisensie en 'n algemene handelaarsdranklisensie wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is uit hoofde van die Wet op Bedwelmende Drank, 1980 (Wet No. 36 van 1980)(Bophuthatswana), of die Drankwet, 1983 (Wet No. 13 van 1983)(Ciskei), 15 en enige reg, voorreg, verpligting of aanspreeklikheid wat daaraan verbonde en aldus van krag is, bly, behoudens die bepalings van die Hoofwet, met inbegrip van artikels 87 tot 90, vir 'n tydperk van 12 maande vanaf die datum van inwerkingtreding van hierdie Wet van krag.

(2) By die toepassing van die Hoofwet word 'n kruidenierswyn-en-moutdranklisensie en 'n algemene handelaarsdranklisensie beoog in subartikel (1) geag kragtens die Hoofwet uitgereik te gewees het, en word enige bepaling van genoemde Wet op Bedwelmende Drank, 1980, of Drankwet, 1983, wat betrekking gehad het op die fasilitete wat die gelisensieerde perseel moet bevat, geag 'n voorwaarde te wees wat kragtens die Hoofwet ten opsigte van so 'n lisensie opgelê is.

(3) Die houer van 'n lisensie beoog in subartikel (1), mag nie ander drank as tafelwyn soos in artikel 88(2), of bier soos in artikel 2(1), van die Hoofwet omskryf, verkoop nie, en die betrokke lisensie mag nie oorgedra of verplaas word nie.

#### **Herroeping van wette, en voorbehoud**

30 56. (1) Die wette genoem in Bylae 2 word hierby herroep, in die mate uiteengesit in die derde kolom van daardie Bylae.

(2) Behoudens die bepalings van subartikel (3), word enigets wat gedoen is ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is en wat ingevolge 'n bepaling van die Hoofwet gedoen moet of kan word, geag ingevolge 35 laasgenoemde bepaling gedoen te wees.

(3)(a) Enige aansoek ingevolge 'n wet wat by subartikel (1) herroep is waaroor 'n Drankraad 'n aanbeveling vir goedkeuring gedoen het voor die datum van inwerkingtreding van die herroeping en wat op daardie datum nog nie deur die Minister van Handel en Nywerheid afgehandel is nie, word geag deur daardie 40 Minister goedgekeur te wees.

(b) Enige aansoek ingevolge 'n wet wat by subartikel (1) herroep is waaroor 'n Drankraad 'n aanbeveling vir weierung gedoen het voor die datum van inwerkingtreding van die herroeping en wat op daardie datum nog nie deur die Minister van Handel en Nywerheid afgehandel is nie, word geag nog nie deur 45 daardie Drankraad oorweeg te wees nie.

(4) Enige aansoek of ander aangeleentheid wat voor die datum van inwerkingtreding van hierdie Wet deur 'n bevoegde gesag van die voormalige Republiek van Transkei, Bophuthatswana, Venda of Ciskei, of van die voormalige selfregerende gebied van Gazankulu, KaNgwane, KwaNdebele, KwaZulu, 50 Lebowa of QwaQwa, voorgelê is en wat op daardie datum nog nie afgehandel is nie of geag word nie afgehandel te wees nie, word verwys na die bevoegde gesag in die provinsie waarin die gelisensieerde of beoogde perseel geleë is, vir afhandeling ingevolge die wet waarkragtens die aansoek gedoen is asof sodanige wet nie deur hierdie Wet herroep is nie.

#### **55 Hangende sake ingevolge Wet 27 van 1989**

57. Enige aansoek of aangeleentheid wat voor die inwerkingtreding van hierdie Wet ingevolge die Hoofwet deur 'n bevoegde gesag ontvang is en wat by

principal Act before the commencement of this Act and not disposed of at such commencement, may, by that competent authority—

- (a) be disposed of in terms of the principal Act as it existed immediately before the commencement of this Act; or
- (b) be referred to the competent authority in the province concerned for disposal in terms of the principal Act as amended by this Act. 5

#### **Substitution of expressions in Act 27 of 1989**

**58.** The principal Act is hereby amended by the substitution for the expressions "he", "him", "his" and "chairman", wherever they occur, of the expressions "he or she", "him or her", "his or her" and "chairperson", respectively. 10

#### **Short title**

**59.** This Act shall be called the Liquor Amendment Act, 1995.

sodanige inwerkingtreding nog nie afgehandel is nie, kan deur daardie bevoegde gesag—

- (a) afgehandel word ingevolge die Hoofwet soos dit bestaan het onmiddellik voor die inwerkingtreding van hierdie Wet; of  
5 (b) verwys word na die bevoegde gesag in die betrokke provinsie vir afhandeling ingevolge die Hoofwet soos deur hierdie Wet gewysig.

**Vervanging van uitdrukkingen in Wet 27 van 1989**

**58.** Die Hoofwet word hierby gewysig deur die uitdrukkingen “hy”, “hom”, en “sy” (behalwe met verwysing na die Drankraad), waar hulle ook al voorkom, 10 deur onderskeidelik die uitdrukkingen “hy of sy”, “hom of haar” en “sy of haar” te vervang.

**Kort titel**

**59.** Hierdie Wet heet die Drankwysigingswet, 1995.

**SCHEDULE 1****LICENCES CONVERTED**

(Section 52)

<b>Kind of licence or authority in force immediately before the date of commencement of section 52 of this Act</b>	<b>Kind of licence deemed to be in force as from that date</b>
(a) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1973 (Act No. 7 of 1973) (Lebowa):	
Club licence Restaurant liquor licence Hotel licence (within or outside an urban area) Bantu beer licence Bottle store licence Special right to sell for off-consumption under a hotel licence Bantu beer brewer's licence Wholesale liquor licence	Club liquor licence Restaurant liquor licence Hotel liquor licence Sorghum beer licence Liquor store licence Liquor store licence Sorghum beer brewer's licence Wholesale liquor licence
(b) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1973 (Act No. 8 of 1973) (Gazankulu):	
Club licence Restaurant liquor licence Employer's liquor licence Bar lounge licence Hotel licence (within or outside an urban area) Bottle store licence Special right to sell for off-consumption under a hotel licence Sorghum beer brewer's licence Wholesale liquor licence Sorghum beer licence	Club liquor licence Restaurant liquor licence Special licence (employers) Special licence (eating house) Hotel liquor licence Liquor store licence Liquor store licence Sorghum beer brewer's licence Wholesale liquor licence Sorghum beer licence
(c) The following licences or authorities which were issued in terms of the Liquor Act, 1928 (Act No. 30 of 1928), and the Liquor Act, 1977 (Act No. 87 of 1977) (KaNgwane):	
Liquor store licence Brewer's licence Foreign liquor licence Grocer's wine licence Wholesale liquor licence Wine farmer's licence Bar licence Club liquor licence Hotel liquor licence Meal time wine and malt licence  Restaurant liquor licence Theatre liquor licence Wine and malt licence Wine house licence	Liquor store licence Brewer's licence Wholesale liquor licence Grocer's wine licence Wholesale liquor licence Wine farmer's licence Special licence (eating house) Club liquor licence Hotel liquor licence Restaurant liquor licence  Restaurant liquor licence Theatre liquor licence Restaurant liquor licence Wine house licence
An authority referred to in section 23 of the Liquor Act, 1977 (Act No. 87 of 1977), for the sale of liquor for consumption on the licensed premises.	Special licence
An authority referred to in section 23 of the Liquor Act, 1977 (Act No. 87 of 1977), for the sale of liquor for consumption off the licensed premises.	Liquor store licence
An authority referred to in section 24 of the Liquor Act, 1977 (Act No. 87 of 1977).	Producer's licence
An authority granted under section 87(1)(a) of the Liquor Act, 1977 (Act No. 87 of 1977), to the holder of a hotel liquor licence.	Liquor store licence
An authority granted under section 64(2) of the Liquor Act, 1928 (Act No. 30 of 1928), to the holder of a wine and malt licence.	Liquor store licence

**BYLAE 1****LISENSIES OMSKEP****(Artikel 52)**

<b>Soort licensie of magtiging onmiddellik voor die datum van die inwerkingtreding van artikel 52 van hierdie Wet van krag</b>	<b>Soort licensie geag vanaf daardie datum van krag te wees</b>
(a) Die volgende licensies of magtigings wat ingevolge die Wet op Bedwelmende Drank, 1973 (Wet No. 7 van 1973)(Lebowa), uitgereik is:	
Klublisensie Restaurantdranklisensie Hotellisensie (binne of buite 'n stadsgebied) Bantoebierlisensie (Sorghumbierlisensie) Bottelstoorlisensie of Drankwinkellisensie Spesiale reg van buiteverbruik ingevolge 'n hotel-lisensie Bantoebierbrouerslisensie (Sorghumbierbrouers-lisensie) Groothandelaarsdranklisensie	Klubdranklisensie Restaurantdranklisensie Hoteldranklisensie Sorghumbierlisensie Drankwinkellisensie Drankwinkellisensie Sorghumbierbrouerslisensie Groothandelaarsdranklisensie
(b) Die volgende licensies of magtigings wat ingevolge die Wet op Bedwelmende Drank, 1973 (Wet No. 8 van 1973)(Gazankulu), uitgereik is:	
Klublisensie Restaurantdranklisensie Werkgewersdranklisensie Krogsitkamerlisensie Hotellisensie (binne of buite 'n stadsgebied) Drankwinkellisensie Spesiale reg van buiteverbruik ingevolge 'n hotellisensie Sorghumbierbrouerslisensie Groothandelaarsdranklisensie Sorghumbierlisensie	Klubdranklisensie Restaurantdranklisensie Spesiale lisensie (werkgewers) Spesiale lisensie (eethuis) Hoteldranklisensie Drankwinkellisensie Drankwinkellisensie Sorghumbierbrouerslisensie Groothandelaarsdranklisensie Sorghumbierlisensie
(c) Die volgende licensies of magtigings wat ingevolge die Drankwet, 1928 (Wet No. 30 van 1928), en die Drankwet, 1977 (Wet No. 87 van 1977)(KaNgwane), uitgereik is:	
Drankwinkellisensie Bierbrouerslisensie Buitelandse dranklisensie Kruidenierswynlisensie Groothandelaarsdranklisensie Wynboerlisensie Kantienlisensie Klubdranklisensie Hoteldranklisensie Maaltydwyn- en -bierlisensie Restaurantdranklisensie Teaterdranklisensie Wyn-en-bierlisensie Wynhuislisensie	Drankwinkellisensie Bierbrouerslisensie Groothandelaarsdranklisensie Kruidenierswynlisensie Groothandelaarsdranklisensie Wynboerlisensie Spesiale lisensie (eethuis) Klubdranklisensie Hoteldranklisensie Restaurantdranklisensie Restaurantdranklisensie Teaterdranklisensie Restaurantdranklisensie Wynhuislisensie Spesiale lisensie
'n Magtiging vermeld in artikel 23 van die Drankwet, 1977 (Wet No. 87 van 1977), vir die verkoop van drank vir verbruik op die gelisensieerde perseel.	Drankwinkellisensie
'n Magtiging vermeld in artikel 23 van die Drankwet, 1977 (Wet No. 87 van 1977), vir die verkoop van drank vir verbruik buite die gelisensieerde perseel.	Drankwinkellisensie
'n Magtiging vermeld in artikel 24 van die Drankwet, 1977 (Wet No. 87 van 1977)	Produsentelisensie
'n Magtiging kragtens artikel 87(1)(a) van die Drankwet, 1977 (Wet No. 87 van 1977), aan die houer van 'n hoteldranklisensie verleen.	Drankwinkellisensie
'n Magtiging kragtens artikel 64(2) van die Drankwet, 1928 (Wet No. 30 van 1928), aan die houer van 'n wyn-en-bierlisensie verleen.	Drankwinkellisensie

Kind of licence or authority in force immediately before the date of commencement of section 52 of this Act	Kind of licence deemed to be in force as from that date
An authority granted under section 64(2) of the Liquor Act, 1928 (Act No. 30 of 1928), to the holder of a bar licence.	Liquor store licence
(d) The following licences or authorities which were issued in terms of the Liquor Act, 1978 (Act No. 37 of 1978)(Transkei):	
Club licence Restaurant liquor licence Hotel licence Bottle store licence Special right to sell for off-consumption under a hotel licence Sorghum beer brewer's licence Brewer's licence Wholesale liquor licence	Club liquor licence Restaurant liquor licence Hotel liquor licence Liquor store licence Liquor store licence Sorghum beer brewer's licence Brewer's licence Wholesale liquor licence
(e) The following licences or authorities which were issued in terms of the Liquor Act, 1980 (Act No. 7 of 1980)(KwaZulu):	
Club liquor licence Hotel liquor licence Bar licence Restaurant liquor licence Mealtime wine and malt licence Wine and malt liquor licence Theatre liquor licence Liquor store licence Special right to sell for off-consumption under a hotel liquor licence Brewer's licence Wholesale liquor licence	Club liquor licence Hotel liquor licence Special licence (eating house) Restaurant liquor licence Restaurant liquor licence Restaurant liquor licence Theatre liquor licence Liquor store licence Liquor store licence Brewer's licence Wholesale liquor licence
(f) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1980 (Act No. 36 of 1980)(Bophuthatswana):	
Club liquor licence Restaurant liquor licence Employer's liquor licence Lounge liquor licence Hotel licence (within or outside an urban area) Sorghum beer licence Bottle store licence Special right to sell for off-consumption under a hotel licence Sorghum beer brewer's licence Malt liquor brewer's licence Distiller's licence Wholesale liquor licence	Club liquor licence Restaurant liquor licence Special licence (employers) Special licence (eating house) Hotel liquor licence Sorghum beer licence Liquor store licence Liquor store licence Sorghum beer brewer's licence Brewer's licence Wholesale liquor licence Wholesale liquor licence
(g) The following licences or authorities which were issued in terms of the Liquor Act, 1981 (Act No. 6 of 1981)(Qwaqwa):	
Bar licence Club licence Restaurant liquor licence Hotel licence (within or outside an urban area) Sorghum beer licence Bottle store licence Special right to sell for off-consumption under a hotel licence Sorghum beer brewer's licence Wholesale liquor licence	Special licence (eating house) Club liquor licence Restaurant liquor licence Hotel liquor licence Sorghum beer licence Liquor store licence Liquor store licence Sorghum beer brewer's licence Wholesale liquor licence

<b>Soort lisenzie of magtiging onmiddellik voor die datum van die inwerkingtreding van artikel 52 van hierdie Wet van krag</b>	<b>Soort lisenzie geag vanaf daardie datum van krag te wees</b>
'n Magtiging kragtens artikel 64(2) van die Drankwet, 1928 (Wet No. 30 van 1928), aan die houer van 'n kantienlisenzie verleen.	Drankwinkellisenzie
(d) Die volgende lisenzes of magtigings wat ingevolge die Drankwet, 1978 (Wet No. 37 van 1978)(Transkei), uitgereik is:	
Klublisenzie	Klubdranklisenzie
Restaurantdranklisenzie	Restaurantdranklisenzie
Hotellisenzie	Hoteldranklisenzie
Bottelstoornlisenzie of Drankwinkellisenzie	Drankwinkellisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotellisenzie	Drankwinkellisenzie
Sorghumbierbrouerslisenzie	Sorghumbierbrouerslisenzie
Brouerslisenzie	Bierbrouerslisenzie
Groothandelaarsdranklisenzie	Groothandelaarsdranklisenzie
(e) Die volgende lisenzes of magtigings wat ingevolge die Drankwet, 1980 (Wet No. 7 van 1980)(KwaZulu), uitgereik is:	
Klubdranklisenzie	Klubdranklisenzie
Hoteldranklisenzie	Hoteldranklisenzie
Kroeglisenzie of Kantienlisenzie	Spesiale lisenzie (eethuis)
Restaurantdranklisenzie	Restaurantdranklisenzie
Maaltydwyn- en -bierlisenzie	Restaurantdranklisenzie
Wyn- en bierdranklisenzie	Restaurantdranklisenzie
Teaterdranklisenzie	Teaterdranklisenzie
Drankwinkellisenzie	Drankwinkellisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotel-dranklisenzie	Drankwinkellisenzie
Bierbrouerslisenzie	Bierbrouerslisenzie
Groothandelaarsdranklisenzie	Groothandelaarsdranklisenzie
(f) Die volgende lisenzes of magtigings wat ingevolge die Wet op Bedwelende Drank, 1980 (Wet No. 36 van 1980)(Bophuthatswana), uitgereik is:	
Klublisenzie	Klubdranklisenzie
Restaurantdranklisenzie	Restaurantdranklisenzie
Werkgewersdranklisenzie	Spesiale lisenzie (werkgewers)
Sitkamerdranklisenzie	Spesiale lisenzie (eethuis)
Hotellisenzie (binne of buite 'n stadsgebied)	Hoteldranklisenzie
Sorghumbierlisenzie	Sorghumbierbrouerslisenzie
Bottelstoornlisenzie of Drankwinkellisenzie	Drankwinkellisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotel-lisenzie	Drankwinkellisenzie
Sorghumbierbrouerslisenzie	Sorghumbierbrouerslisenzie
Moutdrankbrouerslisenzie	Bierbrouerslisenzie
Distilleerderslisenzie	Groothandelaarsdranklisenzie
Groothandelaarsdranklisenzie	Groothandelaarsdranklisenzie
(g) Die volgende lisenzes of magtigings wat ingevolge die Drankwet, 1981 (Wet No. 6 van 1981)(Qwaqwa), uitgereik is:	
Kroeglisenzie	Spesiale lisenzie (eethuis)
Klublisenzie	Klubdranklisenzie
Restaurantdranklisenzie	Restaurantdranklisenzie
Hotellisenzie (binne of buite 'n stadsgebied)	Hoteldranklisenzie
Sorghumbierlisenzie	Sorghumbierlisenzie
Drankwinkellisenzie	Drankwinkellisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotellisenzie	Drankwinkellisenzie
Sorghumbierbrouerslisenzie	Sorghumbierbrouerslisenzie
Groothandelaar-dranklisenzie	Groothandelaarsdranklisenzie

## Act No. 57, 1995

## LIQUOR AMENDMENT ACT, 1995

Kind of licence or authority in force immediately before the date of commencement of section 52 of this Act	Kind of licence deemed to be in force as from that date
(h) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1982 (Act No. 6 of 1982)(KwaNdebele):	
Club licence Restaurant liquor licence Hotel licence (within or outside an urban area) Special licence (on-consumption) Bottle store licence Special right to sell for off-consumption under a hotel licence Special licence (off-consumption) Mabele brewer's licence Wholesale liquor licence Mabele licence	Club liquor licence Restaurant liquor licence Hotel liquor licence Special licence (eating house) Liquor store licence Liquor store licence Special licence (off-consumption) Sorghum beer brewer's licence Wholesale liquor licence Sorghum beer licence
(i) The following licences or authorities which were issued in terms of the Liquor Act, 1983 (Act No. 13 of 1983)(Ciskei):	
Club licence Restaurant liquor licence Mealtime wine and malt liquor licence Tavern licence Hotel licence Bottle store licence (within or outside an urban area) Special right to sell for off-consumption under a hotel licence Wholesale liquor licence Brewer's licence	Club liquor licence Restaurant liquor licence Restaurant liquor licence Special licence (eating house) Hotel liquor licence Liquor store licence Liquor store licence Wholesale liquor licence Brewer's licence
(j) The following licences or authorities which were issued in terms of the Proclamation on Intoxicating Liquor, 1991 (Proclamation No. 15 of 1991)(Venda):	
Club licence Hotel licence Restaurant licence Bar lounge licence Sorghum beer licence Bottle store licence Wholesale licence Special right to sell for off-consumption under a hotel licence Sorghum beer brewer's licence Grocer's wine licence	Club liquor licence Hotel liquor licence Restaurant liquor licence Special licence (eating house) Sorghum beer licence Liquor store licence Wholesale liquor licence Liquor store licence Sorghum beer brewer's licence Grocer's wine licence

## DRANKWYSIGINGSWET, 1995.

Wet No. 57, 1995

Soort lisenzie of magtiging onmiddellik voor die datum van die inwerkingtreding van artikel 52 van hierdie Wet van krag	Soort lisenzie geag vanaf daardie datum van krag te wees
(h) Die volgende lisenzesies of magtigings wat ingevolge die Wet op Bedwelende Drank, 1982 (Wet No. 6 van 1982)(KwaNdebele), uitgereik is:	
Klublisensie	Klubdranklisenzie
Restaurantdranklisenzie	Restaurantdranklisenzie
Hotellisensie (binne of buite 'n stadsgebied)	Hoteldranklisenzie
Spesiale lisenzie (buiteverbruik)	Spesiale lisenzie (eethuis)
Bottelstoornlisenzie of Drankwinkellisenzie	Drankwinkellisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotellisenzie	Drankwinkellisenzie
Spesiale lisenzie (buiteverbruik)	Spesiale lisenzie (buiteverbruik)
Mabele-brouerslisenzie	Sorghumbierbrouerslisenzie
Groothandelaarsdranklisenzie	Groothandelaarsdranklisenzie
Mabele-lisenzie	Sorghumbierlisenzie
(i) Die volgende lisenzesies of magtigings wat ingevolge die Drankwet, 1983 (Wet No. 13 van 1983)(Ciskei), uitgereik is:	
Klublisensie	Klubdranklisenzie
Restaurantdranklisenzie	Restaurantdranklisenzie
Maaltydwyn- en- bierdranklisenzie	Restaurantdranklisenzie
Tavernelisenzie	Spesiale lisenzie (eethuis)
Hotellisensie	Hoteldranklisenzie
Bottelstoornlisenzie of Drankwinkellisenzie (binne of buite 'n stadsgebied)	Drankwinkellisenzie
Brouerslisenzie	Bierbrouerslisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotel-lisenzie	Drankwinkellisenzie
Groothandelaarsdranklisenzie	Groothandelaarsdranklisenzie
Bierbrouerslisenzie	Bierbrouerslisenzie
(j) Die volgende lisenzesies of magtigings wat ingevolge die Proklamasie op Bedwelende Drank, 1991 (Proklamasie No. 15 van 1991) (Venda), uitgereik is:	
Klublisensie	Klubdranklisenzie
Hotellisensie	Hoteldranklisenzie
Restaurantlisenzie	Restaurantdranklisenzie
Kroegsitkamerlisenzie	Spesiale lisenzie (eethuis)
Sorghumbierlisenzie	Sorghumbierlisenzie
Bottelstoornlisenzie of Drankwinkellisenzie	Drankwinkellisenzie
Groothandelslisenzie	Groothandelaarsdranklisenzie
Spesiale reg van buiteverbruik ingevolge 'n hotellisenzie	Drankwinkellisenzie
Sorghumbierbrouerslisenzie	Sorghumbierbrouerslisenzie
Kruidenierswynlisenzie	Kruidenierswynlisenzie

**SCHEDULE 2****LAWS REPEALED****(SECTION 56)**

<b>Number and year of law</b>	<b>Short title of law</b>	<b>Extent of repeal</b>
Act 7 of 1973	Intoxicating Liquor Act, 1973 (Lebowa)	The whole
Act 8 of 1973	Intoxicating Liquor Act, 1973 (Gazankulu)	The whole
Act 87 of 1977	Liquor Act, 1977 (KaNgwane)	The whole
Act 37 of 1978	Liquor Act, 1978 (Transkei)	The whole
Act 9 of 1979	Sorghum Beer Act, 1979 (KwaZulu)	The whole
Act 7 of 1980	Liquor Act, 1989 (KwaZulu)	The whole
Act 36 of 1980	Intoxicating Liquor Act, 1980 (Bophuthatswana)	The whole
Act 6 of 1981	Liquor Act, 1981 (Qwaqwa)	The whole
Act 6 of 1982	Intoxicating Liquor Act, 1982 (KwaNdebele)	The whole
Act 13 of 1983	Liquor Act, 1983 (Ciskei)	The whole
Proclamation 15 of 1991	Intoxicating Liquor Proclamation, 1991 (Venda)	The whole

**BYLAE 2****WETTE HERROEP****(ARTIKEL 56)**

Nommer en jaar van wet	Kort titel van wet	Mate van herroeping
Wet 7 van 1973	Wet op Bedwelmende Drank, 1973 (Lebowa)	Die geheel
Wet 8 van 1973	Wet op Bedwelmende Drank, 1973 (Gazankulu)	Die geheel
Wet 87 van 1977	Drankwet, 1977 (KaNgwane)	Die geheel
Wet 37 van 1978	Drankwet, 1978 (Transkei)	Die geheel
Wet 9 van 1979	Sorghumbierwet, 1979 (KwaZulu)	Die geheel
Wet 7 van 1980	Drankwet, 1980 (KwaZulu)	Die geheel
Wet 36 van 1980	Wet op Bedwelmende Drank, 1980 (Bophuthatswana)	Die geheel
Wet 6 van 1981	Drankwet, 1981 (Qwaqwa)	Die geheel
Wet 6 van 1982	Wet op Bedwelmende Drank, 1982 (KwaNdebele)	Die geheel
Wet 13 van 1983	Drankwet, 1983 (Ciskei)	Die geheel
Proklamasie 15 van 1991	Proklamasie op Bedwelmende Drank, 1991 (Venda)	Die geheel

