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GOEWERMENSKENNISGEWING.**DEPARTEMENT VAN JUSTISIE.**

No. R. 753.]

[22 September 1961.]

**REGULASIES UITGEVAARDIG KRAGTENS
 ARTIKEL HONDERD DRIE-EN-SESTIG VAN
 DIE DRANKWET, 1928.**

Kragtens die bevoegdheid my verleen by artikel honderd drie-en-sewentig van die Drankwet, 1928 (Wet No. 30 van 1928), vaardig ek, BALTHAZAR JOHANNES VORSTER, Minister van Justisie van die Republiek van Suid-Afrika, hierby die volgende regulasies uit:—

WOORDOMSKRYWING.

1. In hierdie regulasies en in die vorms in die Bylae daarvan, tensy uit die samehang anders blyk—

word „geldelike belang” geag enige belang wat ontstaan uit eiendomsreg op die betrokke gebou of uit enige voorskot van geld by wyse van ’n lening aan die eienaar of huurder van sodanige gebou of aan die aanvrager om ’n spesiale magtiging in te sluit;

sluit „landdros” nie ’n addisionele landdros of assistent-landdros in nie;

beteken „Nasionale Raad” die Nasionale Drankraad ingevolge artikel honderd-en-agtien bis van die Wet ingestel;

beteken „spesiale magtiging” ’n skriftelike magtiging om drank aan Naturelle te verkoop, wat in artikel honderd bis van die Wet genoem word;

beteken „die Wet” die Drankwet, 1928 (Wet No. 30 van 1928);

en het ’n woord of uitdrukking waaraan ’n betekenis in die Wet geheg is, dieselfde betekenis.

**AANVRAAG OM SPESIALE MAGTIGING KRAGTENS ARTIKEL
 honderd bis VAN DIE WET.**

2. (1) Iemand of ’n benoemde in subartikel (1) van artikel honderd bis van die Wet genoem, wat die verlening of vernuwing van ’n spesiale magtiging verlang, moet aanvraag daarom doen wesenlik in die vorm van Vorm No. A in die Bylae, en in genoemde aanvraag die inligting wat in genoemde vorm gevra word, verstrek.

(2) Elke sodanige aanvraag moet vergesel wees van—

(a) ’n beskrywing van die gebou en ’n plan, volgens skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnegebou, met alle deure en buite- en binneverbindinge en die strate of plekke waarheen die buiteverbindinge lei: Met dien verstande dat so ’n plan by ’n aanvraag om die vernuwing van ’n spesiale magtiging nie nodig is nie as die aanvrager met sy aanvraag ’n beëdigde verklaring voorlê dat sedert die laaste aanvraag om so ’n magtiging die gebou nie verander is nie, of slegs deur ’n geringe verbouing verander is waarvan volledige besonderhede voorgelê moet word ten tyde van die indiening van die aanvraag om vernuwing;

GOVERNMENT NOTICE.**DEPARTMENT OF JUSTICE**

No. R. 753.]

[22 September 1961.]

**REGULATIONS MADE UNDER SECTION ONE
 HUNDRED AND SEVENTY-THREE OF THE
 LIQUOR ACT, 1928.**

By virtue of the powers vested in me by section one hundred and seventy-three of the Liquor Act, 1928 (Act No. 30 of 1928), I, BALTHAZAR JOHANNES VORSTER, Minister of Justice of the Republic of South Africa, hereby make the following regulations:—

INTERPRETATION OF TERMS.

1. In these regulations and in the forms contained in the Annexure thereto, unless the context otherwise indicates—

“financial interest” shall be deemed to include any interest arising from ownership in the premises concerned or from any advance of money by way of a loan to the owner or lessee of such premises or to the applicant for a special authority;

“magistrate” shall not include an additional magistrate or an assistant magistrate;

“National Board” means the National Liquor Board established under section one hundred and eighteen bis of the Act;

“special authority” means a written authority to sell liquor to Natives, referred to in section one hundred bis of the Act;

“the Act” means the Liquor Act, 1928 (Act No. 30 of 1928);

and a word or expression to which a meaning has been assigned in the Act, shall bear that meaning.

**APPLICATION FOR SPECIAL AUTHORITY IN TERMS OF
 SECTION one hundred bis OF THE ACT.**

2. (1) Any person or a nominee referred to in subsection (1) of section one hundred bis of the Act desiring the grant or renewal of a special authority, shall make application therefor substantially in the form of Form No. A contained in the Annexure, and furnish in the said application such information as is solicited in the said form.

(2) Every such application shall be accompanied by—

(a) a description of the premises and a plan drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows and means of internal and external communication, and the streets or places to which such means of external communication lead: Provided that no such plan shall be necessary in the case of an application for the renewal of a special authority if the applicant with his application submits an affidavit that since the last application for such authority, the premises have undergone no change, or have undergone only a minor change of structural arrangement, of which full particulars shall be submitted at the time of filing the application for renewal;

- (b) 'n beëdigde verklaring deur die aanvrager waarin uiteengesit word die naam en adres van elke ander persoon as die aanvrager wat 'n geldelike belang van watter aard ook al in die besigheid het of aan wie dit die voorneme is om enige sodanige belang te verleen, en die aard en omvang van daardie belang, of dat niemand anders as hy self so 'n belang in die besigheid het of daarin sal verkry nie, as dit die geval is;
 - (c) 'n juiste afskrif van enige dokument waarby die ooreenkoms omtrent enige geldelike belang in paragraaf (b) van hierdie subregulasie genoem, aangegaan is;
 - (d) 'n juiste afskrif van enige huurkontrak of kontrak waarkragtens die gebou waarin die besigheid gedryf of volgens voorneme gedryf sal word, besit word of sal word;
 - (e) 'n volmag deur die stedelike plaaslike bestuur, assosiasie van persone, afdelingsraad, Bantoegebieds-, -streeks- of -stamowerheid, of werkgewer, indien die aanvrager aanvraag doen in sy hoedanigheid van 'n benoemde; en
 - (f) afdoende bewys dat kennis van die voorneme om aanvraag om die verlening of vernuwing van 'n spesiale magtiging te doen, gegee is soos vereis by regulasie 3.
- (3) 'n Aanvrager kan by sy aanvraag die skriftelike versoë ter ondersteuning daarvan aanheg wat hy verlang in ag geneem moet word by die oorweging daarvan.
- (4) Elke sodanige aanvraag tesame met die dokumente en versoë in subregulasies (2) en (3) genoem, moet in agtvoud ingedien word by die landdros van die distrik waarin die gebou waarop die aanvraag betrekking het, geleë is of sal wees, en indien sodanige gebou geleë is of sal wees in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur, moet 'n afskrif van genoemde aanvraag, die dokumente en versoë terselfdertyd aan daardie bestuur gestuur word tensy die applikant die benoemde van daardie bestuur is.
- (5) (a) Die aanvraag om die verlening van 'n spesiale magtiging moet, tensy die Minister of iemand wat op sy gesag handel, anders toestem, minstens twee maande voor die eerste dag van die maand waarin dit deur die Nasionale Raad oorweeg moet word, ooreenkomstig subregulasie (4) ingedien word.
- (b) Die houër van 'n spesiale magtiging wat die vernuwing daarvan verlang, moet minstens twee maande voor die datum waarop die magtiging verstryk, 'n aanvraag om sodanige vernuwing ooreenkomstig subregulasie (4) indien.

KENNISGEWING VAN VOORNEME OM AANVRAAG OM DIE VERLENING OF VERNUWING VAN 'N SPESIALE MAGTIGING TE DOEN.

3. 'n Persoon of benoemde in regulasie 2 genoem, moet minstens sewe dae voor die datum waarop hy sy aanvraag ooreenkomstig subregulasie (4) van voormelde regulasie indien, kennis van sy voorneme om aanvraag om die verlening of vernuwing van 'n spesiale magtiging te doen, gee by wyse van 'n kennisgewing in 'n Afrikaanse en 'n Engelse koerant in omloop in die distrik waarin die betrokke gebou geleë is of sal wees, wesenlik in die vorm van Vorm No. B in die Bylae.

INSAE IN EN BESWAAR TEEN AANVRAAG OM VERLENING OF VERNUWING VAN SPESIALE MAGTIGING.

4. (1) Gedurende 'n tydperk van veertien dae vanaf die datum waarop 'n aanvraag om die verlening of vernuwing van 'n spesiale magtiging by 'n landdros ingedien is, kan enige persoon op aansoek en sonder betaling van enige gelde insae daarin en in die dokumente en versoë in subregulasie (4) van regulasie 2 genoem, hê en hy kan binne voormelde tydperk by daardie landdros 'n beswaarskrif in agtvoud indien teen sodanige aanvraag.

(2) Die beswaarskrif moet duidelik vermeld teen watter aanvraag beswaar gemaak word en breedvoerig die gronde van beswaar uiteensit.

- (b) an affidavit by the applicant setting forth the name and address of every person, other than the applicant, who has or to whom it is proposed to grant any financial interest whatsoever in the business, and the nature and extent of such interest, or that no other person than himself has, or is to receive any financial interest therein, if such be the case;
- (c) a true copy of any document by which the agreement respecting any financial interest referred to in paragraph (b) of this sub-regulation was concluded;
- (d) a true copy of any lease or contract under which the premises are held or to be held upon which the business is or is proposed to be carried on;
- (e) a power of attorney granted by the urban local authority, association of persons, divisional council, Bantu territorial, regional or tribal authority, or employer, if the applicant applies in his capacity as a nominee; and
- (f) conclusive proof that notice of the intention to apply for the grant or renewal of special authority, has been given as required by regulation 3.

(3) An applicant may attach to his application such representations in writing in support thereof as he may desire should be taken into account in the consideration thereof.

(4) Every such application, together with the documents and representations referred to in sub-regulations (2) and (3), shall be submitted in octuple to the magistrate of the district in which the premises forming the subject of the application are or will be situate, and, if such premises are or will be situate in an area under the control of an urban local authority, a copy of the said application, documents and representations shall at the same time be forwarded to that authority, unless the applicant is the nominee of that authority.

(5) (a) The application for the grant of a special authority shall, unless the Minister or the person acting under his directions otherwise consents, be submitted in terms of sub-regulation (4) at least two months before the first day of the month in which it must be considered by the National Board.

(b) The holder of a special authority desiring the renewal thereof, shall at least two months before the date upon which the authority expires, submit an application for such renewal in terms of sub-regulation (4).

NOTICE OF INTENTION TO APPLY FOR THE GRANT OR RENEWAL OF A SPECIAL AUTHORITY.

3. A person or nominee referred to in regulation 2 shall, at least seven days before the date upon which he submits his application in terms of sub-regulation (4) of the said regulation, notify his intention to apply for the grant or renewal of a special authority, by notice in an Afrikaans and an English newspaper circulating in the district in which the premises concerned are or will be situate, substantially in the form of Form No. B contained in the Annexure.

INSPECTION OF AND OBJECTION TO APPLICATION FOR THE GRANT OR RENEWAL OF SPECIAL AUTHORITY.

4. (1) During a period of fourteen days from the date upon which an application for the grant or renewal of a special authority has been submitted to a magistrate, any person may, upon request and free of charge, inspect it and the documents and representations referred to in sub-regulation (4) of regulation 2, and may within the said period lodge with that magistrate a written objection in octuple to such application.

(2) The written objection shall clearly indicate the application to which objection is taken and shall state in detail the grounds of the objection.

(3) Die landdros wat so 'n beswaarskrif ontvang, moet die betrokke aanvrager onverwyld skriftelik daarvan in kennis stel, hom toelaat om 'n afskrif daarvan te maak en hom die geleentheid bied om binne sewe dae na die datum waarop hy aldus in kennis gestel word, skriftelik en in agtvoud daarop te antwoord.

POLISIEVERSLAG OMTRENT 'N AANVRAAG.

5. Ten opsigte van elke aanvraag wat ooreenkomstig subregulasie (4) van regulasie 2 by 'n landdros ingedien word, moet die polisie-offisier wat vir dié doel deur die Kommissaris van die Suid-Afrikaanse Polisie aangewys is, aan die landdros vir die inligting van die Minister verslag doen of—

- (a) die betrokke gebou goed onderhou is, redelike en geskikte akkommodasie bevat en in elke opsig voldoende ingerig is vir die behoorlike dryf van die voorgestelde besigheid;
 - (b) die gebou, indien nog nie opgerig of voltooi nie, na voltooiing in ooreenstemming met die planne in elke opsig geskik sal wees vir die behoorlike dryf van die voorgestelde besigheid;
 - (c) in die geval van 'n voorheen gemagtigde besigheid, dit op 'n behoorlike en ordelike manier gedryf is, en aantekeninge wat gehou moet word, behoorlik gehou is, en aan enige voorwaarde of beperking opgelê en enige bepaling van die Wet wat op die houder van die spesiale magtiging of op of met betrekking tot die betrokke gebou kragtens artikel honderd bis van die Wet van toepassing gemaak is, voldoen is;
 - (d) die applikant van goeie karakter en 'n geskikte persoon is om 'n spesiale magtiging aan toe te staan;
- en moet die aandaag van die Minister vestig op enige verdere aangeleentheid wat na die mening van sodanige offisier by die oorweging van die aanvraag in aanmerking geneem behoort te word.

DEURSTUUR VAN AANVRAE AAN DIE SEKRETARIS VAN JUSTISIE.

6. Nie vroeër nie as veertien dae na die ontvangs van 'n aanvraag moet die landdros dit tesame met die dokumente en verhoë in subregulasies (2) en (3) van regulasie 2 genoem, asook enige beswaarskrif en antwoord daarop en die polisieverslag in regulasie 5 genoem, stuur aan die Sekretaris van Justisie vir voorlegging aan die Nasionale Raad [in 'n geval waar die aanbeveling van daardie Raad ingevolge subartikel (11) van artikel honderd bis van die Wet vereis word] en die Minister, en die verdere inligting met betrekking tot die aanvraag wat hy nodig ag, verstrek.

VERGADERINGS VAN DIE NASIONALE RAAD VIR DIE OORWEGING VAN AANVRAE OM SPESIALE MAGTIGINGS.

7. Tensy anders deur die Minister daartoe gelas, vergader die Nasionale Raad gedurende die maand Januarie van die jaar 1962 en daarna gedurende die maand Junie van elke daaropvolgende jaar op die datum en plek wat die voorsitter daarvan bepaal, vir die oorweging van aanvrae om die verlening van spesiale magtigings ten opsigte waarvan die Nasionale Raad se aanbeveling ingevolge subartikel (11) van artikel honderd bis van die Wet vereis word.

8. Die volgorde van werksaamhede op enige vergadering van die Nasionale Raad word deur hom bepaal.

9. Alle vergaderings van die Nasionale Raad vind agter geslote deure plaas, en geen applikant of beswaarmaker is geregtig om by die oorweging van enige aanvraag om 'n spesiale magtiging persoonlik of deur 'n advokaat of prokureur voor genoemde Raad te verskyn nie.

10. Aanbevelings van die Nasionale Raad oor enige aanvraag ten opsigte waarvan sy aanbeveling deur die Wet vereis word, word gedoen na oorweging van die aanvraag en alle relevante dokumente, inligting, besware, die polisieverslag en verhoë in verband daarmee wat aan die Nasionale Raad deur die Sekretaris van Justisie voorgelê word, en indien die Raad nie in staat is om tot 'n beslissing daaroor te geraak nie, kan hy daardie aanvraag na die Sekretaris van Justisie terugverwys vir die verdere inligting en verslag wat die Raad nodig mag ag.

(3) The magistrate receiving such a written objection shall forthwith in writing inform the applicant concerned thereof, allow him to make a copy thereof and shall afford him an opportunity of replying thereto in writing in octuple within seven days from the date upon which he was so informed.

POLICE REPORT UPON AN APPLICATION.

5. In respect of every application submitted to a magistrate in terms of sub-regulation (4) of regulation 2, the commissioned officer of police designated for this purpose by the Commissioner of Police, shall report to the magistrate, for the information of the Minister, whether—

- (a) the premises concerned are in good repair, have reasonable and proper accommodation, and are in every respect adequately equipped for the proper carrying on of the business proposed;
- (b) the premises, if not yet erected or completed, would, upon completion in accordance with the plans, be suitable in all respects for the proper carrying on of the business proposed;
- (c) in the case of a business previously authorised, it has been carried on in a proper and orderly manner and any records required to be kept, have been duly and properly kept and any condition or restriction which has been imposed and any provision of the Act which has been made applicable to the holder of the special authority and to or in respect of the premises concerned in terms of section one hundred bis of the Act, have been complied with;
- (d) the applicant is of good character and a fit and proper person to be granted a special authority;

and shall draw the attention of the Minister to any further matter which in the opinion of such officer, should be taken into account in the consideration of the application.

SUBMISSION OF APPLICATIONS TO THE SECRETARY FOR JUSTICE.

6. The magistrate shall, not earlier than fourteen days from the receipt of an application, forward it, together with the documents and representations referred to in sub-regulations (2) and (3) of regulation 2 as well as any written objection and reply thereto and the police report referred to in regulation 5, to the Secretary for Justice for submission to the National Board [in a case where the recommendation of that Board is required in terms of sub-section (11) of section one hundred bis of the Act] and the Minister, and shall furnish such further information in respect of the application as he deems fit.

MEETINGS OF THE NATIONAL BOARD FOR THE CONSIDERATION OF APPLICATIONS FOR SPECIAL AUTHORITIES.

7. Unless otherwise directed by the Minister, the National Board shall meet during the month of January of the year 1962 and thereafter during the month of June of each successive year on such date and at such place as may be determined by the chairman thereof, for the consideration of applications for the grant of special authorities in respect of which the recommendation of the National Board is required in terms of sub-section (11) of section one hundred bis of the Act.

8. The order of business at any meeting of the National Board shall be determined by it.

9. All meetings of the National Board shall take place in private and at the consideration of any application for a special authority, no applicant or objector shall be entitled to appear before the said Board either personally or by counsel or attorney.

10. Recommendations by the National Board concerning any application in respect of which its recommendation is required by the Act, shall be made after considering the application and all relevant documents, information, objections, police report and representations in respect thereof which are submitted to the National Board by the Secretary for Justice, and, if the Board is unable to arrive at a decision thereon, it may refer that application back to the Secretary for Justice for such further information and report as the Board may deem necessary.

SPESIALE ONBEVOEGDHEID VAN LEDE VAN DIE NASIONALE RAAD.

11. Geen lid van die Nasionale Raad mag aan die oorweging van enige aanvraag om 'n spesiale magtiging deelneem nie indien hy of sy eggenote of kind—

- (a) 'n eienaar, verbandhouer, verhuurder of huurder is van die gebou ten opsigte waarvan die aanvraag gedoen word;
- (b) 'n vennoot, agent of dienaar is van die applikant of van iemand wat teen die aanvraag beswaar maak;
- (c) 'n direkteur, bestuurder of ander beampte, dienaar of agent is van enige assosiasie van persone namens wie die aanvraag gedoen word; en
- (d) 'n geldelike belang het by die besigheid ten opsigte waarvan so 'n magtiging aangevra word.

SERTIFIKAAT VAN SPESIALE MAGTIGING.

12. Indien 'n aanvraag om die verlening of vernuwing van 'n spesiale magtiging toegestaan word, moet 'n sertifikaat wesenlik in die vorm van Vorm No. C in die Bylae aan die aanvrager uitgereik word.

13. 'n Persoon aan wie 'n spesiale magtiging verleen is of wie se spesiale magtiging vernuwe is, moet op alle tye gedurende die geldigheidsduur daarvan 'n juiste afskrif van die sertifikaat ooreenkomstig regulasie 12 aan hom uitgereik, tesame met 'n juiste afskrif van die voorwaardes of beperkings wat kragtens artikel *honderd bis* van die Wet opgelê is, op 'n in die oog vallende plek in die betrokke gebou vertoon.

14. 'n Afskrif van die sertifikaat in regulasie 12 genoem, tesame met 'n afskrif van die voorwaardes of beperkings wat kragtens artikel *honderd bis* van die Wet opgelê is, moet in die kantoor van die landdros van die distrik waarin die betrokke gebou geleë is, bewaar word en enige persoon mag insae daarin hê en afskrifte daarvan verkry op dieselfde voorwaardes en teen betaling van dieselfde gelde asof dit siviele notule van 'n landdroshof is.

OORDRAG VAN SPESIALE MAGTIGING BY VERANDERING VAN BENOEMDE.

15. (1) Ingeval die benoemde van 'n stedelike plaaslike bestuur, assosiasie van persone, 'n afdelingsraad, 'n Bantoegebieds-, -streeks- of -stamowerheid of 'n werkgewer in subartikel (1) van artikel *honderd bis* van die Wet genoem, op wie se naam 'n sertifikaat van spesiale magtiging uitgereik is, om enige rede ophou om sy posisie as sodanige benoemde te beklee, moet sodanige plaaslike bestuur, assosiasie van persone, afdelingsraad, Bantoegebieds-, -streeks-, of -stamowerheid of werkgewer onverwyld die landdros van die distrik waarin die gebou geleë is, skriftelik in kennis stel, vir die inligting van die Minister, van die naam van die persoon wat in die plek van sodanige benoemde benoem is.

(2) Indien die Minister of die persoon wat op sy gesag handel, oortuig is na oorweging van verslae van die polisie-offisier in regulasie 5 genoem, en die landdros van die betrokke distrik, dat die persoon wat in die plek van sodanige benoemde benoem is, van goeie karakter en 'n geskikte persoon is om 'n spesiale magtiging aan te verleen, teken hy op die sertifikaat uitgereik ooreenkomstig regulasie 12 die naam van daardie persoon aan en laasgenoemde persoon het dan al die regte en is onderworpe aan al die verpligtings en strawwe wat die oorspronklike benoemde gehad het of waaraan hy onderworpe was.

OORDRAG VAN SPESIALE MAGTIGING BY VERKOOP OF VAN DIE HAND SIT VAN BESIGHEID.

16. Indien tydens die geldigheidsduur van 'n spesiale magtiging die besigheid ten opsigte waarvan dit verleen is, verkoop of van die hand gesit word, kan die houer van die sertifikaat uitgereik ooreenkomstig regulasie 12, by die Minister deur bemiddeling van die landdros van die distrik waarin die gebou geleë is, aanvraag doen om die oordrag van die spesiale magtiging aan die koper of sy benoemde, en die Minister of die persoon wat op sy gesag

SPECIAL DISQUALIFICATION OF MEMBERS OF THE NATIONAL BOARD.

11. No member of the National Board shall take part in the consideration of any application for a special authority if he, or his spouse or child—

- (a) is an owner, mortgagee, lessor or lessee of the premises in respect of which the application is made;
- (b) is a partner, agent or employee of the applicant or of any objector to the application;
- (c) is a director, manager or other officer, employee or agent of any association of persons on whose behalf the application is made; and
- (d) has a financial interest in the business in respect of which such an authority is applied for.

CERTIFICATE OF SPECIAL AUTHORITY.

12. If an application for the grant or renewal of a special authority is granted, a certificate substantially in the form of Form No. C in the Annexure shall be issued to the applicant.

13. A person to whom a special authority has been granted or whose special authority has been renewed, shall at all times during the currency thereof display, at a prominent place in the premises concerned, a true copy of the certificate issued to him in terms of regulation 12 together with a true copy of the conditions or restrictions which have been imposed in terms of section *one hundred bis* of the Act.

14. A copy of the certificate referred to in regulation 12 together with a copy of the conditions or restrictions which have been imposed in terms of section *one hundred bis* shall be filed in the office of the magistrate of the district in which the premises concerned are situate and the same may be inspected and copies thereof obtained by any person upon like conditions and upon payment of the same fees as if they were civil records in a magistrate's court.

TRANSFER OF SPECIAL AUTHORITY UPON CHANGE OF NOMINEE.

15. (1) In the event of the nominee of an urban local authority, association of persons, a divisional council, a Bantu territorial, regional or tribal authority or an employer referred to in sub-section (1) of section *one hundred bis* of the Act, in whose name certificate of special authority has been issued, ceasing for any reason to hold his position as such nominee, such local authority, association of persons, divisional council, Bantu territorial, regional or tribal authority or employer shall forthwith give notice in writing to the magistrate of the district in which the premises are situate, for the information of the Minister, of the name of the person nominated in the stead of such nominee.

(2) If after considering reports by the commissioned officer of police referred to in regulation 5 and the magistrate of the district concerned the Minister or the person acting under his directions is satisfied that the person nominated in the stead of such nominee, is of good character and a fit and proper person to be granted a special authority he shall endorse upon the certificate issued in terms of regulation 12 the name of that person who shall thereupon have all the rights and be subject to all the obligations and penalties which the original nominee had or was subject to.

TRANSFER OF SPECIAL AUTHORITY ON SALE OR DISPOSAL OF BUSINESS.

16. If during the currency of a special authority the business in respect of which it was granted is sold or disposed of, the holder of the certificate issued in terms of regulation 12 may apply to the Minister through the magistrate of the district in which the premises are situate for the transfer of the special authority to the purchaser or his nominee, and the Minister or the person acting under his directions may, after considering reports by the

handel, kan, na oorweging van verslae van die polisie-offisier in regulasie 5 genoem en die landdros van die betrokke distrik, by wyse van 'n aantekening op voornoemde sertifikaat die oordrag van so 'n magtiging aan daardie koper of sy benoemde toestaan, wat dan al die regte het en onderworpe is aan al die verpligtings en strawwe wat die oorspronklike houer van die spesiale magtiging gehad het of waaraan hy onderworpe was.

VERPLASING VAN GEMAGTIGDE BESIGHEID NA 'N ANDER GEBOU.

17. (1) Indien die houer van 'n sertifikaat in regulasie 12 genoem, die besigheid wat daarkragtens gedryf mag word, wil verplaas, hetsy tydelik of permanent, na 'n ander gebou in dieselfde distrik as dié in gemelde sertifikaat beskryf, moet hy by die Minister deur bemiddeling van die landdros van die distrik waarin die gebou geleë is of sal wees, daarom aanvraag doen.

(2) So 'n aanvraag word skriftelik en in viervoud ingedien en moet vergesel wees van—

- (a) 'n beskrywing van die gebou waarheen die gemagtigde besigheid verplaas gaan word en 'n plan daarvan, volgens skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnegebou, met alle deure en buite- en binneverbindinge en die strate of plekke waarheen die buiteverbindinge lei;
 - (b) 'n juiste afskrif van enige huurkontrak of kontrak waarkragtens die gebou, waarin die gemagtigde besigheid volgens voorneme gedryf sal word, besit word of sal word;
 - (c) 'n volmag, in die geval van 'n benoemde, verstrekk deur die nomineerder;
 - (d) afdoende bewys dat kennis van die voorneme om so 'n aanvraag te doen, gegee is soos by subregulasie (3) vereis; en
 - (e) 'n verklaring deur die applikant waarin die rede vir die verplasing en enige verhoë ter ondersteuning daarvan uiteengesit word.
- (3) 'n Houer in subregulasie (1) genoem, moet minstens sewe dae voor die datum waarop hy ooreenkomstig daardie subregulasie aanvraag doen, kennis van sy voorneme om dit te doen, gee by wyse van 'n kennisgewing in 'n Afrikaanse en 'n Engelse koerant in omloop in die distrik waarin die betrokke gebou geleë is of sal wees, en daarin enigeen wat teen die verplasing beswaar wil maak, versoek om voor of op 'n dag in die kennisgewing vasgestel (wat minstens veertien en hoogstens een-en-twintig dae vanaf die datum waarop aldus kennis gegee word, moet wees) sy beswaar en sy redes daarvoor skriftelik by die landdros van die distrik waarin die gebou geleë is of sal wees, in viervoud in te dien.

18. Die bepalinge van regulasie 4 is *mutatis mutandis* van toepassing op enige aanvraag en beswaar daarteen wat ingevolge regulasie 17 ingedien word.

19. Ten opsigte van elke aanvraag wat ooreenkomstig regulasie 17 by 'n landdros ingedien word, moet die polisie-offisier in regulasie 5 genoem, aan die landdros, vir die inligting van die Minister, verslag doen of—

- (a) die betrokke gebou, indien reeds opgerig, redelike en geskikte akkommodasie bevat en in elke opsig voldoende ingerig is vir die behoorlike dryf van die gemagtigde besigheid;
- (b) die betrokke gebou, indien nog nie opgerig of voltooi nie, na voltooiing in ooreenstemming met die planne in elke opsig geskik sal wees vir die behoorlike dryf van die gemagtigde besigheid;

en moet die aandag van die Minister vestig op enige verdere aangeleentheid wat na die mening van sodanige offisier by oorweging van die aanvraag in aanmerking geneem behoort te word.

20. Nie vroeër nie as veertien dae na die ontvangs van 'n aanvraag in subregulasie (1) van regulasie 17 genoem, moet die landdros dit tesame met die dokumente in subregulasie (2) van daardie regulasie genoem, asook enige beswaarskrif en antwoord daarop, en die polisieverslag in regulasie 19 genoem, stuur aan die Sekretaris van Justisie vir voorlegging aan die Minister of die persoon wat op sy gesag handel, en die verdere inligting met betrekking tot die aanvraag wat hy nodig ag, verstrekk.

commissioned officer of police referred to in regulation 5 and the magistrate of the district concerned, by way of endorsement on the said certificate, grant the transfer of such authority to that purchaser or his nominee, who shall thereupon have all the rights and be subject to all the obligations and penalties which the original holder of the special authority had or was subject to.

REMOVAL OF AUTHORISED BUSINESS TO OTHER PREMISES.

17. (1) If the holder of a certificate referred to in regulation 12 desires to remove the business which may be carried on thereunder, whether permanently or temporarily, to other premises in the same district as that described in the said certificate, he shall make application therefor to the Minister through the magistrate of the district in which the premises are or will be situate.

(2) Such application shall be submitted in writing and in quadruplicate and shall be accompanied by—

- (a) a description of the premises to which the authorised business is to be removed and a plan thereof, drawn to scale, clearly showing the dimensions and arrangements of the internal structure together with all doors and means of external and internal communication and the streets or places to which the means of external communication lead;
- (b) a true copy of any lease or contract under which the premises are held or to be held upon which the authorised business is or is proposed to be carried on;
- (c) in the case of a nominee, a power of attorney furnished by the nominator;
- (d) conclusive proof that notice of the intention to make such an application has been given as required by sub-regulation (3); and
- (e) a declaration by the applicant in which the reason for the removal and any representations in support thereof are set out.

(3) A holder referred to in sub-regulation (1) shall at least seven days before the date upon which he makes application in terms of that sub-regulation, notify his intention to do so by notice in an Afrikaans and an English newspaper circulating in the district in which the premises concerned are or will be situate, calling upon any person who desires to object to the transfer, to lodge his objection and his reasons therefor in writing and in quadruplicate with the magistrate of the district in which the premises are or will be situate, on or before a day fixed in the notice (which shall be at least fourteen but not more than twenty-one days from the date upon which notice is thus given).

18. The provisions of regulation 4 shall *mutatis mutandis* apply to any application and objection thereto lodged in terms of regulation 17.

19. In respect of every application submitted to a magistrate in terms of regulation 17, the commissioned officer of police referred to in regulation 5 shall for the information of the Minister, report to the Magistrate whether—

- (a) the premises concerned, if already erected, have reasonable and proper accommodation and are in all respects adequately equipped for the proper carrying on of the business authorised;
- (b) the premises concerned, if not yet erected or completed, would, upon completion in accordance with the plans, be suitable in every respect for the proper carrying on of the business authorised;

and shall draw the attention of the Minister to any further matter which, in the opinion of such officer, should be taken into account in the consideration of the application.

20. The magistrate shall, not earlier than fourteen days from the receipt of an application referred to in sub-regulation (1) of regulation 17, forward it together with the documents referred to in sub-regulation (2) of that regulation, as well as any written objection and reply thereto and the police report referred to in regulation 19, to the Secretary for Justice for submission to the Minister or the person acting under his directions, and shall furnish such further information relating to the application as he deems fit.

21. Indien die Minister of die persoon wat op sy gesag handel, na oorweging van die aanvraag en alle relevante dokumente, inligting, besware, die polisieverlag en ver- toë in verband daarmee wat aan hom voorgelê word, die verplasing magtig, teken hy dit op die sertifikaat in regulasie 12 genoem, aan.

POLISIERAPPORT OMTRENT VERSUIM VAN HOUER VAN SPESIALE MAGTIGING OM AAN VOORWAARDES OF BEPERKINGS TE VOLDOEN EN SKULDIGBEVINDING VAN HOUER.

22. Die polisie-offisier in regulasie 5 genoem, moet onverwyld aan die Sekretaris van Justisie, vir die inligting van die Minister, rapporteer indien die houer van 'n spesiale magtiging—

- (a) versuim om te voldoen aan enige voorwaarde of beperking opgelê of 'n bepaling van die Wet wat op hom of op of met betrekking tot die betrokke gebou ingevolge artikel honderd bis van toepassing gemaak is; of
- (b) skuldig bevind word aan enige misdryf, en bedoelde polisie-offisier van mening is dat die houer van daardie spesiale magtiging weens daardie misdryf nie 'n geskikte persoon is om so 'n spesiale magtiging te hou nie.

B. J. VORSTER,
Minister van Justisie.

BYLAE.

DRANKWET, 1928.

Vorm No. A.

AANVRAAG OM MAGTIGING OM DRANK AAN NATURELLE TE VERKOOP.

Die Minister van Justisie
(Deur bemiddeling van die landdros van _____)

Ek doen hierby aanvraag om die *verlening/vernuwing** van 'n magtiging om drank ingevolge artikel honderd bis van die Drankwet, 1928, aan Naturelle te verkoop.

Ek verklaar dat die inligting en dokumente ter stawing van die aansoek na my beste wete en oortuiging waar en juis is.

Handtekening van aanvrager.

Plek _____

Datum _____

*Skrap wat nie van toepassing is nie.

1. (i) Volle naam van aanvrager _____
(ii) Ouderdom _____ Ras _____ Nasionaliteit _____
(iii) Beroep _____
(iv) Woon- en besigheidsadres van aanvrager _____
2. Indien aanvrager aanvraag doen as benoemde, meld—
(i) volle naam en adres van nomineerder _____
(ii) verhouding waarin aanvrager tot nomineerder staan _____ en _____
(iii) in die geval van 'n aanvraag as benoemde van 'n assosiasie van persone die name en adresse van al die direkteure/vennote _____
3. Meld of aanvraag gedoen word om magtiging om drank vir gebruik *binne* of *buite* die gebou te verkoop _____
(Opmerking.—'n Aparte aanvraag word in elke geval vereis.)
4. Onder watter naam sal die besigheid gedryf word? _____
5. Beskryf die ligging van die gebou waar die besigheid gedryf sal word met vermelding van die nommer of naam (as daar is) van die huis en van die straat of weg, en die nommer of ander beskrywing van die perseel of erf _____
6. Is 'n beskrywing van die gebou minder en 'n plan aangeheg? _____
Bylae _____
7. Is die dokumente by regulasie voorgeskryf (vir sover hulle op hierdie aanvraag van toepassing is) aangeheg? _____
Bylae _____
8. Kragtens watter reg okkupeer aanvrager die gebou in 5 genoem? _____
9. Waar sal aanvrager drank wat deur hom ontvang word en nie onmiddellik vir verkoop nodig is nie, opberg? _____
10. (i) In die geval van 'n aanvraag om die verlening van 'n magtiging, op watter datum is die aanvrager van voorneme om besigheid te begin dryf? _____
(ii) In die geval van 'n aanvraag om die vernuwing van 'n magtiging, op watter datum verval die lopende magtiging? _____

21. If after considering the application and all relevant documents, information, objections, police report and representations relating thereto which are submitted to him, the Minister or the person acting under his directions, authorise the removal, he shall endorse it on the certificate referred to in regulation 12.

POLICE REPORT ON FAILURE OF HOLDER OF SPECIAL AUTHORITY TO COMPLY WITH CONDITIONS OR RESTRICTIONS, AND CONVICTION OF HOLDER.

22. The commissioned officer of police referred to in regulation 5 shall forthwith report to the Secretary for Justice, for the information of the Minister, if the holder of a special authority—

- (a) fails to comply with any condition or restriction imposed or with any provision of the Act which has been made applicable to him or to or in respect of the premises concerned in terms of section *one hundred bis*; or
- (b) is convicted of any offence and the said police officer is of the opinion that, because of that offence, the holder of that special authority is not a fit and proper person to hold such a special authority.

B. J. VORSTER,
Minister of Justice.

ANNEXURE.

LIQUOR ACT, 1928.

Form No. A.

APPLICATION FOR AUTHORITY TO SELL LIQUOR TO NATIVES.

The Minister of Justice
(Through the Magistrate of _____)

I hereby apply for the *grant/renewal** of an authority to sell liquor to Natives in terms of section *one hundred bis* of the Liquor Act, 1928.

I certify that the information and documents in support of the application are to the best of my knowledge and belief, true and correct.

Signature of Applicant.

Place _____

Date _____

*Delete whichever not applicable.

1. (i) Full name of applicant _____
(ii) Age _____ Race _____ Nationality _____
(iii) Occupation _____
(iv) Residential and business address of applicant _____
2. If applicant applies as a nominee, state—
(i) full name and address of nominator _____
(ii) relationship in which applicant stands to nominator _____ and _____
(iii) in the case of an application as nominee of an association of persons, the names and addresses of all the directors/partners _____
3. State whether application is made for authority to sell liquor for consumption *on* or *off* the premises _____
(Note.—A separate application is required in each case.)
4. Under what name is the business to be carried on? _____
5. Describe the situation of the premises where the business is to be carried on, including the number or name (if any) of the house and of the street or road and the number or other designation of the lot or erf _____
6. Is a description of the premises and a plan attached? _____
Annexure _____
7. Are the documents prescribed by regulation (in so far as they are applicable to this application) attached? _____
Annexure _____
8. Under what right does applicant occupy the premises referred to in 5? _____
9. Where will applicant store liquor received by him and not immediately required for sale? _____
10. (i) In the case of an application for the grant of an authority, on what date does the applicant propose to commence business? _____
(ii) In the case of an application for the renewal of an authority, on what date will the current authority expire? _____

11. Watter ander besigheid is die aanvrager van voorneme om in die gebou in 5 genoem, te dryf?
12. Op watter dae van die week en gedurende welke ure verlang aanvrager om drank te verkoop?
13. Vir die verkoop van watter soorte drank word die magtiging verlang?
14. Aan watter klas Naturelle is dit die voorneme om drank te verkoop?
15. Is die aanvrager of sy nomineerder die houer van enige drank-lisensie uitgereik kragtens die Wet of van 'n magtiging kragtens artikel honderd bis daarvan of het hy of sy nomineerder enige geldelike belang hoegenaamd in so 'n lisensie of magtiging? (Verstrek volledige besonderhede)
16. In die geval van 'n aanvraag om die vernuwing van 'n magtiging ten opsigte waarvan die bepalinge van artikel honderd-en-veertien bis van die Wet *mutatis mutandis* van toepassing gemaak is, heg hierby aan—
 - (i) dokumentêre bewys dat aan die vereistes van genoemde artikel voldoen is.
Bylae
 - (ii) 'n bylae wat die name en adresse vermeld van die onafhanklike produsente of vervaardigers wie se wyn- en brandewyn-produkte die aanvrager, na hy beweer, geadvarteer, uitgestal en ooreenkomstig die vermelde artikel beskikbaar gehad het.
Bylae
17. Op watter wyse doen die applikant aan die hand dat oor die winste uit die verkoop van drank kragtens die magtiging beskik moet word? (Vermeld redes.)
Bylae
18. Is skriftelike verhoë ter ondersteuning van hierdie aansoek aangeheg?
Bylae

DRANKWET, 1928.

Vorm No. B.

KENNISGEWING VAN VOORNEME OM AANVRAAG TE DOEN OM VERLENING/VERNUWING* VAN MAGTIGING OM Kragtens ARTIKEL HONDERD BIS VAN DIE DRANKWET, 1928, DRANK AAN NATURELLE TE VERKOOP.

Ek, _____ as
prinsipaal/benoemde van _____
wie se woonadres _____ is,
gee hierby kennis dat ek van voorneme is om 'n aanvraag om die verlening/vernuwing* aan my van magtiging om _____ (vermeld soorte drank) aan _____ (vermeld klas Naturelle) vir gebruik binne/buite* 'n gebou geleë te _____ (beskryf die ligging van die gebou volledig) op die _____ dag van _____ 19_____, in te dien.

Enige persoon mag, gedurende 'n tydperk van veertien dae na die datum waarop die aanvraag ingedien word, insae daarin en in die dokumente en verhoë wat daarby aangeheg is, hê by die kantoor van die landdros van die distrik _____, en mag binne voormelde tydperk by daardie landdros 'n skriftelike beswaarskrif in agtvoud teen die aanvraag indien waarin duidelik vermeld word teen watter aanvraag beswaar gemaak word met breedvoerige vermelding van die gronde van beswaar.

Gedateer te _____ op die _____ dag van _____ 19_____.
Aanvrager.

*Skrap wat nie van toepassing is nie.

DRANKWET, 1928.

Vorm No. C.

SERTIFIKAAT VAN MAGTIGING OM DRANK AAN NATURELLE TE VERKOOP.

Verlening/Vernuwing* van magtiging.

Kragtens artikel honderd bis van die Drankwet, 1928, word magtiging hierby verleen aan _____ as prinsipaal/benoemde van _____ *
wie se woonadres _____ is om _____ (vermeld soorte drank) aan _____ (vermeld klas Naturelle) van die ouderdom van agtien jaar of meer te verkoop vir gebruik binne/buite* 'n gebou geleë te _____

Behoudens die bepalinge van subartikel (3) van voormelde artikel is hierdie magtiging geldig vir die tydperk vanaf die _____ dag van _____ 19_____, tot die _____ dag van _____ 19_____.
Die houer van hierdie magtiging mag, behoudens nakoming van die bepalinge van die Licenties Konsolidasie Wet, 1925 (Wet No. 32 van 1925), of enige ander wetsbepaling wat op die aangeleentheid betrekking het, die besigheid van _____ in die voormelde gebou dryf of toelaat dat dit gedryf word.

11. What other business does applicant propose to carry on on the premises referred to in 5?
12. On what days of the week and during what hours does applicant desire to sell liquor?
13. For the sale of what kinds of liquor is the authority applied for?
14. To what class of Natives is it proposed to sell liquor?
15. Is the applicant or his nominator the holder of any liquor licence issued under the Act or of an authority under section one hundred bis thereof, or has he or his nominator any financial interest whatever in such a licence or authority? (Give full details)
16. In the case of an application for the renewal of an authority to which the provisions of section one hundred and fourteen bis of the Act have been made applicable *mutatis mutandis* attach hereto—
 - (i) documentary proof that the requirements of the said section have been complied with.
Annexure
 - (ii) a schedule indicating the names and addresses of the independent producers or manufacturers whose wine and brandy products applicant claims to have advertised, exposed and to have had available in compliance with the said section.
Annexure
17. In what manner does the applicant suggest that the profits derived from the sale of liquor under the authority should be dealt with? (State reasons).
Annexure
18. Are written representations in support of this application attached?
Annexure

LIQUOR ACT, 1928.

Form No. B

NOTICE OF INTENTION TO APPLY FOR GRANT/RENEWAL* OF AUTHORITY TO SELL LIQUOR TO NATIVES IN TERMS OF SECTION ONE HUNDRED BIS OF THE LIQUOR ACT, 1928.

I, _____ as
principal/nominee of _____,
whose residential address is _____,

hereby give notice that I intend submitting an application on the _____ day of _____ 19_____,

for the grant/renewal* to me of authority to sell _____ (state kinds of liquor) to _____ (state class of Natives) for consumption on/off* premises situate at _____

(describe the situation of the premises in full).

Any person may, during a period of fourteen days from the date upon which this application is submitted, inspect it and the documents and representations attached thereto at the office of the magistrate of the district of _____, and may within the aforementioned period lodge with that magistrate a written objection to the application in octuple clearly indicating the application to which objection is taken and stating in detail the grounds of the objection.

Dated at _____ this _____ day of _____ 19_____.
Applicant.

*Delete whichever not applicable.

LIQUOR ACT, 1928.

Form No. C.

CERTIFICATE OF AUTHORITY TO SELL LIQUOR TO NATIVES.

Grant/Renewal* of authority.

In terms of section one hundred bis of the Liquor Act, 1928, authority is hereby granted to _____ as principal/nominee of _____ *
whose residential address is _____ to sell _____ (state kinds of liquor) to _____ (state class of Natives) of the age of eighteen years or more for consumption on/off premises situate at _____

Subject to the provisions of sub-section (3) of the said section this authority is valid for the period from the _____ day of _____ 19_____, to the _____ day of _____ 19_____.
The holder of this authority may, subject to compliance with the provisions of the Licences Consolidation Act, 1925 (Act No. 32 of 1925), or any other law governing the matter, carry on or permit to be carried on upon the said premises, the business of _____

Hierdie magtiging is onderworpe aan die voorwaardes en beperkings in Bylae..... hiervan vervat.

Die bepalinge van die Drankwet, 1928, uiteengesit in Bylae..... hiervan, is *mutatis mutandis* van toepassing op die houer van hierdie magtiging en op of met betrekking tot die genoemde gebou.

Ingevolge subartikel (7) van voormelde artikel *honderd bis* word oor alle winste verkry uit die verkoop van drank kragtens hierdie magtiging op die volgende wyse beskik:—

Ingevolge subartikel (9) van die voormelde artikel is 'n bedrag van..... vasgestel as die gelde betaalbaar ten opsigte van hierdie magtiging.

Minister van Justisie of persoon wat op gesag van die Minister van Justisie handel.

Plek.....
Datum.....

*Skrap wat nie van toepassing is nie.

This authority shall be subject to the conditions and restrictions contained in Annexure..... hereto.

The provisions of the Liquor Act, 1928, set forth in Annexure..... hereto shall *mutatis mutandis* be applicable to the holder of this authority and to or in respect of the said premises.

In terms of sub-section (7) of the said section *one hundred bis* all profits derived from the sale of liquor under this authority shall be dealt with in the following manner:—

In terms of sub-section (9) of the said section a fee of..... has been determined as being payable in respect of this authority.

Minister of Justice or Person Acting under the Direction of the Minister of Justice.

Place.....
Date.....

*Delete whichever not applicable.

INHOUD.

No.	Departement van Justisie. GOEWERMENTSKENNISGEWING.	BLADSY
R. 753.	Regulasies Uitgevaardig Kragtens Artikel 173 van die Drankwet, 1928	1

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