

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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HOUSE OF ASSEMBLY.

[8th June, 1961.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 163 (2).

PAGE

A.B. 76—'61: Liquor Amendment Bill 2

R. J. McFARLANE,
Secretary to the House of Assembly.

BILL

To amend the Liquor Act, 1928.

(Introduced by the MINISTER OF JUSTICE.)

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

Substitution for "Governor-General" in Act 30 of 1928, as amended by Act 41 of 1934, Act 46 of 1935, Act 39 of 1939, Act 20 of 1943, Act 38 of 1945, Act 40 of 1945, Proclamation No. 219 of 1946, Act 14 of 1951, Act 5 of 1952, Act 12 of 1954, Act 38 of 1954, Act 62 of 1955, Act 35 of 1956, Act 61 of 1956 and Act 58 of 1957 of "State President".

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934 and section 1 of Act 39 of 1937.

Amendment of section 53 of Act 30 of 1928, as amended by section 2 of Act 39 of 1937 and section 25 of Act 61 of 1956.

1. The Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "Governor-General" wherever it occurs therein of the words "State President".

2. Section six of the principal Act is hereby amended—

- (a) by the deletion at the end of paragraph (g) of sub-section (1) of the word "or";
- (b) by the addition at the end of paragraph (h) of the said sub-section of the word "or"; and
- (c) by the addition to the said sub-section of the following paragraph:

"(i) any person or the nominee of any urban local authority, any association of persons, any divisional council or any Bantu territorial, regional or tribal authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), acting under an authority granted or renewed under section one hundred bis."

3. (1) Section fifty-three of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "licence under this Act shall" of the words "licence under this Act other than a temporary liquor licence or a late hours occasional licence shall";
- (b) by the addition to the said sub-section of the following paragraph:

"(d) in or within half a mile of the boundary of any area set apart for the occupation of coloured or Asiatic persons";
- (c) by the substitution for the first and second provisos to the said sub-section of the following proviso:

"Provided that the State President may, subject to the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), and subject to such conditions and restrictions as he may impose, authorize the licensing board to consider and grant an application for a licence for the sale of liquor in any place to which any prohibition of paragraph (a), (b) or (d) applies."; and
- (d) by the insertion after sub-section (1) of the following sub-sections:

"(1)bis (a) No licence for the sale of liquor granted or renewed under this Act shall be removed whether temporarily or permanently to premises situate in any place to which any prohibition of paragraph (a), (b) or (d) of sub-section (1) applies unless the State President has, subject to the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), authorized the licensing board to consider an application for such removal.

WETSONTWERP

Tot wysiging van die Drankwet, 1928.

(Ingedien te word deur die MINISTER VAN JUSTISIE.)

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

1. Die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur die woord „Goewerneur-generaal” waar dit oral daarin voorkom deur die woord „Staatspresident” te vervang.

Vervanging van „Goewerneur-generaal” in Wet 30 van 1928, soos gewysig deur Wet 41 van 1934, Wet 46 van 1935, Wet 39 van 1939, Wet 20 van 1943, Wet 38 van 1945, Wet 40 van 1945, Proklamasie No. 219 van 1946, Wet 14 van 1951, Wet 5 van 1952, Wet 12 van 1954, Wet 38 van 1954, Wet 62 van 1955, Wet 35 van 1956, Wet 61 van 1956 en Wet 58 van 1957 deur „Staatspresident”.
2. Artikel ses van die Hoofwet word hierby gewysig—
 - (a) deur aan die end van paragraaf (g) van sub-artikel (1) die woord „of” te skrap;
 - (b) deur aan die end van paragraaf (h) van gemelde sub-artikel die woord „of” by te voeg; en
 - (c) deur aan gemelde sub-artikel die volgende paragraaf by te voeg:

„(i) iemand of die benoemde van ’n stedelike plaaslike bestuur, vereniging van persone, afdelingsraad of Bantoe-gebieds-, -streeks- of -stamowerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), wat handel kragtens ’n magtiging wat ingevolge artikel honderd bis verleen of vernuwe is.”.

Wysiging van artikel 6 van Wet 30 van 1928, soos gewysig deur artikel 3 van Wet 41 van 1934 en artikel 1 van Wet 39 van 1937.
3. (1) Artikel drie-en-vyftig van die Hoofwet word hierby gewysig—
 - (a) deur in sub-artikel (1) die woorde „lisensies mag kragtens hierdie Wet” deur die woorde „lisensie behalwe ’n tydelike dranklisensie of ’n nagtelike geleentheidslisensie mag kragtens hierdie Wet” te vervang;
 - (b) deur aan gemelde sub-artikel die volgende paragraaf by te voeg:

„(d) in of binne ’n halfmyl van die grens van ’n streek wat opgesit is vir besetting deur Kleurlinge of Asiëte.”;
 - (c) deur die eerste en tweede voorbehoudsbepalings by gemelde sub-artikel deur die volgende voorbehoudsbepaling te vervang:

„Met die verstande dat die Staatspresident, met inagneming van die bepaling van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), en onderworpe aan die voorwaardes en beperkings wat hy mag opleë, die lisensieraad kan magtig om ’n aanvraag om ’n lisensie vir die verkoop van drank in enige plek waarop die verbod van paragraaf (a), (b) of (d) van toepassing is, te oorweeg en toe te staan.”; en
 - (d) deur na sub-artikel (1) die volgende sub-artikels in te voeg:

„(1)bis (a) Geen lisensie vir die verkoop van drank ingevolge hierdie Wet verleen of vernuwe mag verplaas word, hetsy tydelik of permanent, na ’n gebou geleë in ’n plek waarop ’n verbod van paragraaf (a), (b) of (d) van sub-artikel (1) van toepassing is nie, tensy die Staatspresident, met inagneming van die bepaling van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), die lisensieraad gemagtig het om ’n aanvraag om sodanige verplasing te oorweeg.

Wysiging van artikel 53 van Wet 30 van 1928, soos gewysig deur artikel 2 van Wet 39 van 1937 en artikel 25 van Wet 61 van 1956.

(b) No licence for the sale of liquor granted or renewed under this Act in respect of premises situate in any place to which any prohibition of paragraph (a), (b) or (d) of sub-section (1) applies, shall be transferred to any person unless the State President has, subject to the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), authorized the licensing board to consider an application for such transfer. 5

(c) The State President may attach to any authority granted under paragraph (a) or (b) such conditions and restrictions as he may deem fit and may, in respect of any licence granted, renewed, removed or transferred pursuant to the provisions of sub-section (1) or of this sub-section, whatever the case may be, veto the issue, removal or transfer of such licence. 10 15

(1)*ter* The licensing board shall set forth in or endorse upon or attach to any licence granted, renewed, removed or transferred pursuant to the provisions of this section, any condition or restriction imposed or attached by the State President. 20

(1)*quat* Every licence granted and every removal or transfer of a licence authorized contrary to the provisions of sub-section (1) or (1)*bis*, on or after the date of coming into operation thereof, shall be null and void unless the licensee obtains the authority of the State President on or before the first day of November, 1961. 25

(1)*quin* If an application for the grant of a licence or the removal or transfer of a licence is to be considered at the annual meeting of the licensing board, the application for the authority of the State President shall reach the Secretary for Justice not later than the first day of September of that year.”; and 30 35

(e) by the insertion in paragraph (c) of sub-section (2) after the word “Act” of the words “but subject to the provisions of sub-section (1)*quat*,”.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the tenth day of May, 1960. 40

Repeal of section 81 of Act 30 of 1928, as amended by section 31 of Act 61 of 1956.

4. Section *eighty-one* of the principal Act is hereby repealed.

Repeal of section 91 of Act 30 of 1928.

5. Section *ninety-one* of the principal Act is hereby repealed.

Amendment of section 94 of Act 30 of 1928.

6. Section *ninety-four* of the principal Act is hereby amended by the insertion after the word “Act” of the words “or by the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and notwithstanding anything in any other law contained,”. 45

Repeal of section 95 of Act 30 of 1928.

7. Section *ninety-five* of the principal Act is hereby repealed.

Substitution of section 96 of Act 30 of 1928.

8. The following section is hereby substituted for section *ninety-six* of the principal Act: 50

“Supply of liquor to native, Asiatic or coloured employees by employer. 96. (1) Subject to the provisions of sub-section (2) and of section *one hundred and twenty-seven*, no person shall supply any kaffir beer or any liquor to any native, Asiatic or coloured person in his employment. 55

(2) The provisions of sub-section (1) do not prohibit the supply by an employer of wine containing not more than twelve per cent by volume of alcohol and malt liquor to any native, Asiatic or coloured person of or over the age of eighteen years in his employment: Provided that any such liquor supplied to any such employee shall be supplied gratis and shall not be given or purport to be given as, or as supplementing, the employee's wages or remuneration or as a reward.”. 60 65

Insertion of section 100*bis*, 100*rer*, 100*quat* and 100*quin* in Act 30 of 1928.

9. The following sections are hereby inserted in the principal Act after section *one hundred*:

- (b) Geen lisensie vir die verkoop van drank ingevolge hierdie Wet verleen of vernuwe ten opsigte van 'n gebou geleë in 'n plek waarop 'n verbod van paragraaf (a), (b) of (d) van sub-artikel (1) van toepassing is, mag aan iemand oorgedra word nie, tensy die Staatspresident, met inagneming van die bepalings van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), die lisensieraad gemagtig het om 'n aanvraag om sodanige oordrag te oorweeg.
- (c) Die Staatspresident mag aan enige magtiging kragtens paragraaf (a) of (b) verleen sodanige voorwaardes en beperkings heg as wat hy mag goedvind en kan, ten opsigte van enige lisensie ooreenkomstig die bepalings van sub-artikel (1) of van hierdie sub-artikel verleen, vernuwe, verplaas of oorgedra, wat ook al die geval mag wees, die uitreiking, verplasing of oordrag van daardie lisensie verbied.
- (1)ter Die lisensieraad moet uiteensit in of aanteken op of aanheg aan 'n lisensie verleen, vernuwe, verplaas of oorgedra ooreenkomstig die bepalings van hierdie artikel, enige voorwaarde of beperking opgelê of aangeheg deur die Staatspresident.
- (1)quat Elke lisensie verleen en elke verplasing of oordrag van 'n lisensie gemagtig strydig met die bepalings van sub-artikel (1) of (1)bis op of na die datum van die inwerkingtreding daarvan, is nietig tensy die lisensiehouer die magtiging van die Staatspresident op of voor die eerste dag van November, 1961 verkry.
- (1)quin Indien 'n aanvraag om die verlening van 'n lisensie of die verplasing of oordrag van 'n lisensie by die jaarlikse vergadering van die lisensieraad oorweeg moet word, moet die aansoek om die magtiging van die Staatspresident die Sekretaris van Justisie nie later as die eerste dag van September van daardie jaar bereik nie."; en
- (e) deur aan die end van paragraaf (c) van sub-artikel (2) die volgende woorde by te voeg „dog behoudens die bepalings van sub-artikel (1)quat;”.
- (2) Die bepalings van sub-artikel (1) word geag op die tiende dag van Mei 1960 in werking te getree het.

4. Artikel *een-en-tagtig* van die Hoofwet word hierby herroep.

Herroeping van artikel 81 van Wet 30 van 1928, soos gewysig deur artikel 31 van Wet 61 van 1956.

5. Artikel *een-en-negentig* van die Hoofwet word hierby herroep.

Herroeping van artikel 91 van Wet 30 van 1928.

6. Artikel *vier-en-negentig* van die Hoofwet word hierby gewysig deur die woorde „uitdruklik anders bepaal” deur die woorde „of die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), uitdruklik anders bepaal, en niteenstaande andersluidende wetsbepalings,” te vervang.

Wysiging van artikel 94 van Wet 30 van 1928.

7. Artikel *vyf-en-negentig* van die Hoofwet word hierby herroep.

Herroeping van artikel 95 van Wet 30 van 1928.

8. Artikel *ses-en-negentig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 96 van Wet 30 van 1928.

96. (1) Behoudens die bepalings van sub-artikel (2) en van artikel *honderd-sewen-en-twintig* mag niemand kafferbier of drank aan 'n naturel, Asiaat of Kleurling wat hy in sy diens het, verstrek nie.
- (2) Die bepalings van sub-artikel (1) verbied nie die verstrekking deur 'n werkgewer van wyn wat nie meer alkohol bevat dan twaalf persent van sy volume en bier aan 'n naturel, Asiaat of Kleurling van of bo die ouderdom van agtien jaar wat hy in sy diens het: Met die verstande dat enige sodanige drank wat aan so 'n bediende verstrek word, verniet verstrek moet word en nie gegee mag word of heet gegee te word as die bediende se loon of besoldiging of as 'n aanvulling daarvan of as 'n beloning nie.”.

9. Die volgende artikels word hierby in die Hoofwet na artikel *honderd* ingevoeg:

Invoeging van artikels 100bis, 100ter, 100quat en 100quin in Wet 30 van 1928.

"Special
authority
for sale
of liquor
to natives.

100bis. (1) The Minister or any person acting under his directions may, subject to such conditions or restrictions whatsoever as he may deem fit to impose, grant written authority to any person or the nominee of—
(a) any urban local authority,
(b) any association of persons,
(c) any divisional council, or
(d) any Bantu territorial, regional or tribal authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), to sell liquor or such kinds of liquor as he may determine, to any native or class of natives of the age of eighteen years or more, for consumption on or off such premises as may be described in such authority.

(2) Any authority granted under sub-section (1) shall remain in force for a period of twelve months from the date of issue thereof and may from time to time on application be renewed by the Minister or any person acting under his directions, for a period not exceeding twelve months at a time and subject to such conditions or restrictions as may then be imposed.

(3) The Minister may at any time revoke any authority granted under sub-section (1) or renewed under sub-section (2), and his decision shall be final.

(4) The Minister or any person acting under his directions may, in addition to any conditions or restrictions which he may impose under this section, specify in the written authority that such provisions of this Act as are set forth in such authority, shall *mutatis mutandis* be applicable to the holder of the authority and to or in respect of the premises in respect of which it has been granted or renewed.

(5) Any conditions or restrictions imposed under this section may at any time be amended or withdrawn by the Minister or any person acting under his directions.

(6) No authority shall be issued under sub-section (1) to any person or the nominee of an association of persons in respect of premises situate in an area under the control of an urban local authority unless the Minister or the person acting under his directions, has first consulted such urban local authority.

(7) All profits derived from the sale of liquor under any authority granted or renewed under this section, shall be dealt with in the manner specified in such authority by the Minister or the person acting under his directions, and the Minister is hereby empowered to cause action to be brought in any court of competent jurisdiction against the holder of such authority for the recovery of an amount equal to such profits.

(8) Any person to whom written authority has been granted or whose authority has been renewed under this section, who fails or neglects to comply with any condition or restriction imposed or with any provision of this Act which has been made applicable to him or to or in respect of the premises concerned, by the Minister or the person acting under his directions, shall be guilty of an offence.

(9) The person to whom an authority is granted or in whose name it is renewed under this section, shall pay to the receiver of revenue for the benefit of the Consolidated Revenue Fund, such fee, not exceeding two hundred pounds, as the Minister may in each case determine.

(10) Any person to whom authority has been granted or whose authority has been renewed under this section, may, subject to such conditions or restrictions imposed and any provisions of this Act which have been made applicable to him or to or in respect of the premises concerned sell and supply liquor to any native, and any native may purchase liquor from such person and possess it.

„Spesiale
magtiging
vir die ver-
koop van
drank aan
5 naturelle.

100bis. (1) Die Minister of iemand wat op sy gesag handel mag, onderworpe aan watter voorwaardes of beperkings ook wat hy mag wenslik ag om op te lê, skriftelike magtiging verleen aan iemand of die benoemde van—

- (a) 'n stedelike plaaslike bestuur,
- (b) 'n vereniging van persone,
- (c) 'n afdelingsraad, of
- (d) 'n Bantoe-gebieds-, -streeks- of -stamowerheid

10 kragtens die bepalings van die Wet op Bantoe-owerhede 1951 (Wet No. 68 van 1951) ingestel, om drank of sodanige soorte van drank as wat hy mag bepaal, te verkoop aan enige naturel of klas van naturelle van die ouderdom van agtien jaar of meer, vir gebruik binne of buite die gebou wat in daardie magtiging beskryf word.

15 (2) 'n Kragtens sub-artikel (1) verleende magtiging bly van krag vir 'n tydperk van twaalf maande vanaf die datum van uitreiking daarvan en kan van tyd tot tyd op aanvraag vernuwe word deur die Minister of iemand wat op sy gesag handel, vir 'n tydperk wat nie twaalf maande op 'n keer te bowe gaan nie en onderworpe aan die voorwaardes of beperkings wat dan opgelê word.

20 (3) Die Minister kan te eniger tyd 'n magtiging kragtens sub-artikel (1) verleen of kragtens sub-artikel (2) vernuwe intrek, en sy besluit is finaal.

25 (4) Die Minister of iemand wat op sy gesag handel mag, benewens enige voorwaardes of beperkings wat hy kragtens hierdie artikel mag oplê, in die skriftelike magtiging vermeld dat die bepalings van hierdie Wet wat in daardie magtiging uiteengesit word, *mutatis mutandis* van toepassing is op die houer van die magtiging en op of met betrekking tot die gebou in verband waarmee dit verleen of vernuwe is.

30 (5) Enige voorwaardes of beperkings wat kragtens hierdie artikel opgelê is, mag te eniger tyd gewysig of teruggetrek word deur die Minister of iemand wat op sy gesag handel.

35 (6) Geen magtiging mag kragtens sub-artikel (1) uitgereik word nie aan iemand of die benoemde van 'n vereniging van persone met betrekking tot 'n gebou geleë in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur tensy die Minister of die persoon wat op sy gesag handel, eers daardie stedelike plaaslike bestuur geraadpleeg het.

40 (7) Oor alle winste verkry van die verkoop van drank kragtens 'n magtiging wat kragtens hierdie artikel verleen of vernuwe is, word beskik op die wyse in die magtiging vermeld deur die Minister of die persoon wat op sy gesag handel, en die Minister word hierby gemagtig om 'n geding in 'n bevoegde hof in te stel teen die houer van die magtiging vir die verhaal van 'n bedrag gelykstaande aan daardie winste.

45 (8) Iemand aan wie skriftelike magtiging verleen is of wie se magtiging vernuwe is kragtens hierdie artikel, wat versuim of nalaat om te voldoen aan 'n voorwaarde of beperking opgelê, of aan 'n bepaling van hierdie Wet wat deur die Minister of die persoon wat op sy gesag handel, op hom of op of met betrekking tot die betrokke gebou van toepassing gemaak is, is aan 'n misdryf skuldig.

50 (9) Die persoon aan wie 'n magtiging verleen word of op wie se naam dit vernuwe word kragtens hierdie artikel, moet aan die ontvanger van staatsinkomste ten voordele van die Gekonsolideerde Inkomstefonds die fooi, wat nie tweehonderd pond te bowe gaan nie, betaal wat die Minister in iedere geval vasstel.

55 (10) Iemand aan wie magtiging verleen is of wie se magtiging vernuwe is kragtens hierdie artikel, mag, onderworpe aan die voorwaardes of beperkings opgelê en enige bepalings van hierdie Wet wat op hom of op of met betrekking tot die betrokke gebou van toepassing gemaak is, drank aan enige naturel verkoop en lewer, en enige naturel kan drank van so iemand koop en dit besit.

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(11) The powers conferred on the Minister by this section shall be exercised by him or the person acting under his directions after consultation with the Minister of Bantu Administration and Development or any person acting under his directions. 5

Sale of liquor to natives by holders of certain licences.

100ter. The holder of an off-consumption licence and a licensee who has been granted a special right of off-sale in terms of section *sixty-four* may sell liquor to any native of the age of eighteen years or more, for consumption off the licensed premises 10 and any such native may purchase and be in possession of liquor.

Consumption and possession of liquor by natives, Asiatics and coloured persons, on private premises.

100quat. Any native, Asiatic or coloured person who—
(a) consumes any liquor on any private premises, or 15
(b) is in possession of any liquor on any private premises,
without the consent of the owner or lawful occupier of such premises first having been obtained, shall be guilty of an offence. 20

Prohibition of sale or supply of liquor in certain areas.

100quin. The State President may, by proclamation in the *Gazette*, declare that within any area defined in such proclamation, no liquor shall be sold or supplied to any particular class of persons by the holder of an off-consumption licence or a 25 licensee who has been granted a special right of off-sale in terms of section *sixty-four*.”

Amendment of section 101 of Act 30 of 1928, as substituted by section 16 of Act 62 of 1955 and amended by section 33 of Act 61 of 1956.

10. Section *one hundred and one* of the principal Act is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (1) 30 of the words “Asiatic or coloured person”;
- (b) by the deletion of paragraph (b) of the said sub-section; and
- (c) by the deletion of sub-sections (2) and (3).

Amendment of section 102 of Act 30 of 1928, as amended by section 24 of Act 41 of 1934.

11. Section *one hundred and two* of the principal Act is 35 hereby amended by the deletion in paragraph (a) of sub-section (2) of the words “or as a member of a class”; and by the deletion in the said paragraph of all the words after the word “prohibited”.

Amendment of section 103 of Act 30 of 1928.

12. Section *one hundred and three* of the principal Act is 40 hereby amended by the deletion in paragraph (a) of sub-section (3) of the words “Asiatic, coloured person or”.

Insertion of section 118bis in Act 30 of 1928.

13. The following section is hereby inserted in the principal Act after section *one hundred and eighteen*:

“National Liquor Board.

118bis. (1) The State President may establish 45 a board, to be known as the National Liquor Board, to advise him or the Minister, as the case may be, as to any matter arising out of the application of the provisions of this Act or the general distribution of liquor which may be referred to it. 50

(2) The Board shall consist of—

- (a) an officer in the Department of Justice who has attained the rank of at least magistrate, to be nominated by the Minister and who shall be the chairman thereof; 55
- (b) the Secretary for Justice or a person nominated by him;
- (c) the Commissioner of the South African Police or a person nominated by him; and
- (d) three other members to be appointed by the 60 State President for a period of two years.

(3) The members of the Board appointed by the State President under paragraph (d) of sub-section (2) shall receive such allowances to meet the reasonable expenses to which they are put in connection 65 with the business of the Board as the Minister in consultation with the Minister of Finance, may determine.

(4) Retiring members of the Board shall be eligible for re-appointment. 70

(5) Whenever for any reason the office of any member of the Board appointed under paragraph (d) of sub-section (2) becomes vacant before the expiration of the period for which he has been appointed, the State President may appoint any 75 other person to fill the vacancy until the expiration of the period for which the vacating member was appointed.

- (11) Die bevoegdheid deur hierdie artikel aan die Minister verleen word deur hom of die persoon wat op sy gesag handel uitgeoefen na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling of iemand wat op gesag van laasgenoemde Minister handel.

- 5 Verkoop van drank aan natuurlike deur houe van sekere lisensies. **100ter.** Die houer van 'n buiteverbruik-lisensie en 'n lisensiehouer aan wie 'n spesiale reg van buiteverkoop ingevolge artikel *vier-en-sestig* verleen is, mag drank verkoop aan enige natuurel van die ouderdom van agtien jaar of meer, vir gebruik buite die gelisensieerde gebou, en enige sodanige natuurel kan drank koop en in besit daarvan wees.
- 10 Gebruik en besit van drank deur natuurelle, Asiate en Kleurlinge op 'n private perseel. **100quat.** 'n Natuurel, Asiaat of Kleurling wat—
(a) drank op 'n private perseel gebruik, of
(b) in besit is van drank op 'n private perseel, sonder dat die toestemming van die eienaar of wet-tige bewoner van daardie perseel vooraf verkry is, is aan 'n misdryf skuldig.
- 15 Verbod op verkoop of verstrekking van drank in sekere gebiede. **100quin.** Die Staatspresident mag, by proklamasie in die *Staatskoerant*, verklaar dat binne 'n gebied in daardie proklamasie omskryf, geen drank verkoop of verstrek mag word aan 'n bepaalde klas van persone deur die houer van 'n buiteverbruik-lisensie of 'n lisensiehouer aan wie 'n spesiale reg van buiteverkoop ingevolge artikel *vier-en-sestig* verleen is."
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- 10. Artikel honderd-en-een** van die Hoofwet word hierby gewysig—
30 (a) deur in paragraaf (a) van sub-artikel (1) die woorde „Asiaat, Kleurling of” te skrap;
(b) deur paragraaf (b) van gemelde sub-artikel te skrap; en
(c) deur sub-artikels (2) en (3) te skrap.

Wysiging van artikel 101 van Wet 30 van 1928, soos vervang deur artikel 16 van Wet 62 van 1955 en gewysig deur artikel 33 van Wet 61 van 1956.

- 11. Artikel honderd-en-twee** van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die woorde „of as lid van 'n klas” te skrap; en deur in gemelde paragraaf al die woorde na die woord „nie” te skrap.

Wysiging van artikel 102 van Wet 30 van 1928, soos gewysig deur artikel 24 van Wet 41 van 1934.

- 12. Artikel honderd-en-drie** van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) die woorde „'n Asiaat, 'n Kleurling of” te skrap.

Wysiging van artikel 103 van Wet 30 van 1928.

- 13. Die volgende artikel** word hierby in die Hoofwet ingevoeg na artikel *honderd-en-agtien*:

Invoeging van artikel 118bis in Wet 30 van 1928.

- „Nasionale Drankraad. **118bis.** (1) Die Staatspresident mag 'n raad instel, bekend te staan as die Nasionale Drankraad, om hom of die Minister, na gelang van die geval, met advies te dien betreffende enige aangeleentheid wat ontstaan uit die toepassing van die bepalings van hierdie Wet of die algemene distribusie van drank en wat na hom verwys word.

- (2) Die Raad bestaan uit—
(a) 'n beampte in die Departement van Justisie wat minstens die rang van magistraat bereik het, deur die Minister benoem te word, en wat die voorsitter daarvan is;
(b) die Sekretaris van Justisie of iemand deur hom benoem;
(c) die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom benoem; en
(d) drie ander lede deur die Staatspresident aangestel te word vir 'n tydperk van twee jaar.

- (3) Die lede van die Raad aangestel deur die Staatspresident kragtens paragraaf (d) van sub-artikel (2) ontvang sodanige toelaes ter dekking van die redelike uitgawes wat hulle aangaan in verband met die besigheid van die Raad as wat die Minister in oorleg met die Minister van Finansies, vasstel.

- (4) Aftredende lede van die Raad mag weer aangestel word.

- (5) Wanneer om enige rede die amp van 'n kragtens paragraaf (d) van sub-artikel (2) aangestelde lid van die Raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, mag die Staatspresident iemand anders aanstel om die vakature te vul totdat die tydperk verstryk waarvoor die lid wat sy amp ontruim, aangestel was.

(6) Three members of the Board shall form a quorum."

Amendment of section 134 of Act 30 of 1928.

14. Section *one hundred and thirty-four* of the principal Act is hereby amended—

- (a) by the substitution for the words "Save in circumstances in which the possession and use of liquor for medicinal or sacramental purposes is rendered lawful by sections *ninety-seven, ninety-eight and ninety-nine*" of the words "Save in circumstances in which the sale, possession and use of liquor to or by a native is rendered lawful by this Act,";
- (b) by the deletion at the end of paragraph (a) of the word "or"; and
- (c) by the deletion of paragraph (b).

Amendment of section 135 of Act 30 of 1928, as amended by section 9 of Act 35 of 1956.

15. Section *one hundred and thirty-five* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (3) after the word "licensee" where it occurs for the second time, of the words "or the holder of an authority granted or renewed under section *one hundred bis*".

Amendment of section 154 of Act 30 of 1928.

16. Section *one hundred and fifty-four* of the principal Act is hereby amended by the deletion of the words "shall be deemed not to have been *bona fide* at the time of the supply employed by the accused in farming operations in terms of sub-section (2) of that section or"; and by the substitution for the words "in terms of sub-section (3) of that section (as the case may be)" of the words "in terms of that section".

Amendment of section 162 of Act 30 of 1928.

17. Section *one hundred and sixty-two* of the principal Act is hereby amended by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

"(b)*bis* sells or supplies liquor in contravention of a proclamation issued under section *one hundred quin*,";

Amendment of section 164 of Act 30 of 1928.

18. Section *one hundred and sixty-four* of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) gives, sells, supplies or delivers liquor to any person contrary to the provisions of this Act or any prohibition, restriction or condition imposed under any authority therein contained, or places liquor in the possession or under the control of any such person,";

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956 and section 10 of Act 58 of 1957.

19. Section *one hundred and sixty-six* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (h) after the word "premises" wherever it occurs, of the words "or any premises in respect of which an authority under section *one hundred bis* has been granted or renewed"; and by the insertion in the said paragraph after the word "licensee" of the words "or holder of such authority";
- (b) by the insertion in paragraph (i) after the words "licensed premises" of the words "or any premises in respect of which an authority under section *one hundred bis* has been granted or renewed";
- (c) by the insertion after paragraph (i) of the following paragraphs:
 - "(i)*bis* consumes any liquor in any street, road, lane or other public thoroughfare or on vacant land adjoining any street, road, lane or other public thoroughfare, in any urban area (except where such liquor has been sold and supplied on such land under an on-consumption licence): Provided that the provisions of this paragraph shall not apply in relation to any entertainment provided on such vacant land as aforesaid by any person who owns or otherwise lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof;
 - (i)*ter* consumes or possesses liquor in contravention of section *one hundred quat*,";
- (d) by the deletion in paragraph (q) of the words "or purchases or possesses any yeast, malt or other substance or thing in contravention of any provision of sub-section (1) or (4) of section *one hundred and twenty-three*"; and

(6) 'n Kworum bestaan uit drie lede van die Raad."

14. Artikel *honderd-vier-en-dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 134 van Wet 30 van 1928.

- 5 (a) deur die woorde „Behalwe onder die omstandighede waarin artikels *sewen-en-negentig*, *ag-en-negentig* en *negen-en-negentig* die besit en gebruik van drank vir medisyne of as 'n sakrament wettig" deur die woorde „Behalwe onder die omstandighede waarin die verkoop, besit en gebruik van drank aan of deur 'n natuurel deur hierdie Wet wettig gemaak word," te vervang;
- 10 (b) deur aan die end van paragraaf (a) die woord „of" te skrap; en
- 15 (c) deur paragraaf (b) te skrap.

15. Artikel *honderd-vyf-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) na die woord „lisensiehouer" waar dit die tweede maal voorkom die woorde „of die houer van 'n magtiging verleen of vernuwe kragtens artikel *honderd bis*" in te voeg. Wysiging van artikel 135 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 35 van 1956.

16. Artikel *honderd-vier-en-vyftig* van die Hoofwet word hierby gewysig deur die woorde „beskou nie te goeder trou tydens die verstrekking by die boerderybedryf in diens van die beskuldigde te gewees het nie, volgens sub-artikel (2) van daardie artikel of word hy" te skrap; en deur die woorde „volgens sub-artikel (3) van daardie artikel (na gelang van omstandighede)" deur die woorde „volgens daardie artikel," te vervang. Wysiging van artikel 154 van Wet 30 van 1928.

17. Artikel *honderd-twee-en-sestig* van die Hoofwet word hierby gewysig deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg: Wysiging van artikel 162 van Wet 30 van 1928.

(b) *bis* enige drank verkoop of verstrek in stryd met 'n kragtens artikel *honderd quin* uitgereikte proklamasie;"

18. Artikel *honderd-vier-en-sestig* van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang: Wysiging van artikel 164 van Wet 30 van 1928.

(b) drank aan iemand gee, verkoop, verstrek of aflewer in stryd met die bepalings van hierdie Wet of 'n verbod, beperking of voorwaarde opgelê kragtens 'n magtiging daarin vervat, of drank in die besit of onder die beheer van so iemand plaas;"

19. Artikel *honderd-ses-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956 en artikel 10 van Wet 58 van 1957.

(a) deur in paragraaf (h) na die woord „gebou" waar dit oral voorkom die woorde „of 'n gebou in verband waarmee 'n magtiging kragtens artikel *honderd bis* verleen of vernuwe is," in te voeg; en deur in gemelde paragraaf na die woord „lisensiehouer" die woorde „of houer van so 'n magtiging" in te voeg;

(b) deur in paragraaf (i) na die woorde „gelisensieerde gebou" die woorde „of 'n gebou in verband waarmee 'n magtiging kragtens artikel *honderd bis* verleen of vernuwe is," in te voeg;

(c) deur na paragraaf (i) die volgende paragraawe in te voeg:

55 „(i) *bis* drank gebruik in 'n straat, pad, steeg of ander publieke deurgang, of op oop grond wat grens aan 'n straat, pad, steeg of ander publieke deurgang, in 'n stadsgebied (behalwe waar daardie drank op sodanige grond verkoop en verstrek is kragtens 'n binneverbruik-lisensie): Met die verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie met betrekking tot enige onthaal wat op enige sodanige oop grond verskaf word deur iemand aan wie daardie grond behoort of wat dit wettig okkupeer, of met betrekking tot die gebruik van enige sodanige grond deur so iemand in die gewone loop van sy okkupasie daarvan;

(i) *ter* drank in stryk met die bepalings van artikel *honderd quat* gebruik of besit;"

(d) deur in paragraaf (q) die woorde „of gis of mout of 'n ander stof of ding in stryd met 'n bepaling van sub-artikel (1) of (4) van artikel *honderd-drie-en-twintig* koop of besit" te skrap; en

- (e) by the insertion after paragraph (q) of the following paragraph:

“(q)*bis* purchases or possesses any yeast, malt or other substance or thing in contravention of any provision of sub-section (1) or (4) of section 5 *one hundred and twenty-three*.”.

Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, and section 43 of Act 61 of 1956.

20. Section *one hundred and sixty-eight* of the principal Act is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (1) of the expression “(i)” where it occurs for the second time; and by the substitution in the said paragraph for the words “twenty-five pounds” of the words “fifty pounds or in default of payment to imprisonment for a period not exceeding three months”;
- (b) by the insertion in paragraph (b) of the said sub-section after the word “is” of the words “of the provisions of sub-section (8) of section *one hundred bis* or”; by the insertion in the said paragraph after the expression “(f)” of the expression “(i), (i)*bis*, (i)*ter*,”; by the substitution in the said paragraph for the expression “(q)” of the expression “(q)*bis*”; and by the substitution in the said paragraph for the words “one hundred pounds” of the words “two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months”; and
- (c) by the insertion after paragraph (c) of the said sub-section of the following paragraph:
- “(d) if the contravention is of a provision of paragraph (q) of section *one hundred and sixty-six*, on a first conviction, to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment; and upon a second or subsequent conviction, to imprisonment for a period of not less than six months but not exceeding five years and a fine not exceeding five hundred pounds, or to such imprisonment only.”.

Repeal of section 9 of Act 54 of 1949, as amended by section 21 of Act 32 of 1952.

21. Section *nine* of the General Law Amendment Act, 1949 (Act No. 54 of 1949), is hereby repealed.

Short title and commencement.

22. This Act shall be called the Liquor Amendment Act, 1961, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the different provisions of this Act.

- (e) deur na paragraaf (q) die volgende paragraaf in te voeg:
 „(q)*bis* gis, mout of 'n ander stof of ding in stryd met
 'n bepaling van sub-artikel (1) of (4) van artikel
 honderd-drie-en-twintig koop of besit;”.

5 20. Artikel *honderd-agt-en-sestig* van die Hoofwet word
 hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die uitdrukking
 „(i)” waar dit die tweede maal voorkom te skrap;
 en deur in gemelde paragraaf die woorde „vyf-en-
 10 twintig pond” deur die woorde „vyftig pond of by
 wanbetaling met gevangenisstraf van hoogstens drie
 maande;” te vervang;
 (b) deur in paragraaf (b) van gemelde sub-artikel na die
 woord „is” die woorde „van die bepalings van sub-
 15 artikel (8) van artikel *honderd bis* of” in te voeg;
 deur in gemelde paragraaf na die uitdrukking „(f)”
 die uitdrukking „(i), (i)*bis*, (i)*ter*,” in te voeg; deur in
 gemelde paragraaf die uitdrukking „(q)” deur die uit-
 20 drukking „(q)*bis*” te vervang; en deur in gemelde
 paragraaf die woorde „honderd pond” deur die woorde
 „tweehonderd pond of by wanbetaling met ge-
 vangenisstraf vir 'n tydperk van hoogstens twaalf
 maande.” te vervang; en
 (c) deur na paragraaf (c) van gemelde sub-artikel die vol-
 25gende paragraaf in te voeg:
 „(d) as dit 'n oortreding is van 'n bepaling van paragraaf
 (q) van artikel *honderd ses-en-sestig*, op 'n eerste
 veroordeling, met 'n boete van hoogstens vyf-
 30 honderd pond of met gevangenisstraf vir 'n tyd-
 perk van hoogstens vyf jaar of met daardie boete
 sowel as daardie gevangenisstraf; en op 'n tweede
 of daaropvolgende veroordeling, met gevangenis-
 35 straf vir 'n tydperk van minstens ses maande
 maar hoogstens vyf jaar en 'n boete van hoog-
 stens vyfhonderd pond, of met sodanige gevangenis-
 straf alleen.”.

Wysiging van
 artikel 168 van
 Wet 30 van 1928,
 soos gewysig deur
 artikel 34 van
 Wet 41 van 1934,
 artikel 12 van
 Wet 35 van 1956
 en artikel 43 van
 Wet 61 van 1956.

21. Artikel *nege* van die Algemene Regswysigingswet,
 1949 (Wet No. 54 van 1949), word hierby herroep.

Herroeping van
 artikel 9 van
 Wet 54 van 1949,
 soos gewysig deur
 artikel 21 van
 Wet 32 van 1952.

22. Hierdie Wet heet die Drankwysigingswet, 1961, en tree
 40 in werking op 'n datum deur die Staatspresident by proklamasie
 in die *Staatskoerant* bepaal: Met dien verstande dat verskillende
 datums ten opsigte van verskillende bepalings van hierdie Wet
 aldus bepaal mag word.

Kort titel en
 inwerkingtreding.