



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

VOL. 114]

PRETORIA, 6 DECEMBER 1974
PRETORIA, 6 DESEMBER 1974

[No. 4535

DEPARTMENT OF JUSTICE

The following Draft Bill is published for general information. Any person desiring to comment on the contents thereof may do so in writing to the Secretary for Justice, Private Bag X81, Pretoria, 0001, before 10 January 1975.

30276—A

DEPARTEMENT VAN JUSTISIE

Die volgende Konsepwetsontwerp word vir algemene inligting gepubliseer. Enige persoon wat kommentaar op die inhoud daarvan wil lewer, kan dit voor 10 Januarie 1975 skriftelik aan die Sekretaris van Justisie, Privaatsak X81, Pretoria, 0001, rig.

1—4535

EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions.
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 Words underlined with solid line indicate insertions.

BILL

To amend the Liquor Act, 1928, so as to further regulate the supply and sale of liquor.

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:—

Amendment of section 5 of Act 30 of 1928, as amended by section 2 of Act 41 of 1934, section 1 of Act 88 of 1963, section 1 of Act 6 of 1965, section 1 of Act 12 of 1965, section 1 of Act 23 of 1969 and section 5 of Act 83 of 1969.

1. Section 5 of the Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the addition to subsection (1) of the following paragraphs:

- (f) the sale of liquor in any refreshment room in premises in which the Coloured Persons Representative Council of the Republic of South Africa, established under the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), is held, if sold under the permission of the Council or of any committee thereof; 10
- (g) the sale of liquor in any refreshment room in premises in which the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), is held, if sold under the permission of the Council or of any committee thereof; 15
- (h) any *bona fide* manufacturer of sweets who sells any sweet containing more than two per cent. of alcohol by mass which is manufactured by him in the Republic, to any licensee, holder of an authority under section 100bis or 100sex or person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex, or (d)sept or under the provisions of paragraphs (d), (e), (f) or (g) of this subsection; 20
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Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964, section 1 of Act 98 of 1965, section 1 of Act 62 of 1966, section 2 of Act 23 of 1969, section 1 of Act 17 of 1970, section 10 of Act 80 of 1971, section 1 of Act 102 of 1972 and section 7 of Act 94 of 1974.

2. Section 6 of the principal Act is hereby amended by the insertion after paragraph (d)sex of subsection (1) of the following paragraph:

- (d)sept any person who on behalf of the principal of any college for advanced technical education established or deemed to have been established under the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), and in a restaurant utilized for the training of hotel-personnel in catering services and which is on premises controlled and maintained by such college, sells, for consumption in such restaurant, any liquor under the authority of the Minister and subject to such conditions or restrictions imposed by him; 30
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VERDUIDELIKENDE NOTA:

- []** Woorde in yet druk tussen vierkantige hake dui skrappings aan.
— Woorde met 'n volstreep daaronder, dui invoegings aan.

WETSONTWERP

Tot wysiging van die Drankwet, 1928, ten einde die verstreking en verkoop van drank verder te reël.

Ingedien deur die Minister van Justisie

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

1. Artikel 5 van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende paragrawe by subartikel (1) te voeg:
- (f) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika wat kragtens die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), ingestel is, sitting hou, indien verkoop met toestemming van die Raad of 'n komitee daarvan;
 - (g) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin die Suid-Afrikaanse Indiërraad wat by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), ingestel is, sitting hou, indien verkoop met toestemming van die Raad of 'n komitee daarvan;
 - (h) 'n *bona fide* vervaardiger van lekkers wat enige lekker wat meer as twee persent alkohol volgens massa bevat en deur hom in die Republiek vervaardig is, verkoop aan 'n lisensiehouer, die houer van 'n magtiging kragtens artikel 100bis of 100sex of iemand wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex of (d)sept bedoelde magtiging of kragtens die bepalings van paragrawe (d), (e), (f) of (g) van hierdie subartikel.".
2. Artikel 6 van die Hoofwet word hierby gewysig deur na paragraaf (d)sex van subartikel (1) die volgende paragraaf in te voeg:
- "(d)sept iemand wat namens die hoof van 'n kollege vir gevorderde tegniese onderwys wat kragtens die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967), ingestel is of wat geag word daarkragtens ingestel te gewees het en in 'n restaurant wat aangewend word vir die opleiding van hotelpersoneel in spyseniërsdienste en wat in 'n gebou is wat deur bedoelde kollege beheer en in stand gehou word, drank op gesag van die Minister en behoudens die voorwaardes of beperkings deur hom opgelê, verkoop vir verbruik in bedoelde restaurant;".
- Wysiging van artikel 5 van Wet 30 van 1928, soos gewysig deur artikel 2 van Wet 41 van 1934, artikel 1 van Wet 88 van 1963, artikel 1 van Wet 6 van 1965, artikel 1 van Wet 12 van 1965, artikel 1 van Wet 23 van 1969 en artikel 5 van Wet 83 van 1969.
- Wysiging van artikel 6 van Wet 30 van 1928, soos gewysig deur artikel 3 van Wet 41 van 1934, artikel 1 van Wet 39 van 1937, artikel 2 van Wet 72 van 1961, artikel 1 van Wet 89 van 1962, artikel 2 van Wet 88 van 1963, artikel 1 van Wet 85 van 1964, artikel 1 van Wet 98 van 1965, artikel 1 van Wet 62 van 1966, artikel 2 van Wet 23 van 1969, artikel 1 van Wet 17 van 1970, artikel 10 van Wet 80 van 1971, artikel 1 van Wet 102 van 1972 en artikel 7 van Wet 94 van 1974.

Amendment of section 6A of Act 30 of 1928, as inserted by section 3 of Act 23 of 1969 and amended by section 8 of Act 94 of 1974.

3. Section 6A of the principal Act is hereby amended—

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

“(b) Save in the case of a sale or disposal to the holder of a [wholesale] liquor licence or of an authority under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex or (d)sept or under the provisions of section 5 (1) (d), (e), (f), or (g), such wine or other fermented beverage may only be sold, disposed of or, unless it is dispatched by rail to the purchaser thereof or the person acquiring it, delivered upon or at such land, cellar, factory or brewery.”;

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(b) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) No such authority shall authorize the sale or disposal of wine or other fermented beverage to any person other than the holder of a [wholesale] liquor licence or of an authority referred to in subsection (2) (b) or any other person referred to in that subsection at premises other than premises situated on the land upon which such wine or other fermented beverage has been produced or manufactured.”;

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(c) by the deletion of paragraph (c) of the said subsection (4); and

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(d) by the insertion after the said subsection (4) of the following subsections:

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“(4A) (a) Any holder of an authority granted under subsection (4) may apply in the prescribed manner to the Minister through the magistrate of the district for the transfer of such authority to any other person or association, and the Minister or any person acting under his directions may, after considering all relevant documents, information, objections, police reports and representations submitted to him under this Act, grant the application for such transfer.

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(b) Any person to whom or association to which an authority has been transferred, shall possess all the rights and be subject to all the duties, obligations and penalties of the original holder of the authority.

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(4B) Any authority granted under subsection (4) or transferred under subsection (4A) may at any time be withdrawn by the Minister without giving any reason therefor.”.

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4. Section 22 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

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(b) If an application made to the chairman of a licensing board for the renewal of a licence—

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(i) should have been made or could not be made at the last previous annual meeting of the board and in the opinion of the chairman the circumstances connected with the failure or inability to make such application at that meeting are such as to render it just that relief should be granted, or

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Amendment of section 22 of Act 30 of 1928, as amended by section 4 of Act 12 of 1954, section 6 of Act 61 of 1956, section 12 of Act 88 of 1963 and section 6 of Act 23 of 1969.

3. Artikel 6A van die Hoofwet word hierby gewysig—

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

5 “(b) Behalwe in die geval van 'n verkoop of vandiehandsit aan die houer van 'n **[groothandelaarsdranklisensie]** dranklisensie of van 'n magtiging kragtens artikel 100bis of 100sex of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1)

10 (a), (b), (c), (c), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex of (d)sept bedoelde magtiging, of kragtens die bepalings van artikel 5 (1) (d), (e), (f) of (g) mag sodanige wyn of ander gegiste drank slegs op of by sodanige grond, kelder, fabriek of brouery verkoop, van die hand gesit of, tensy dit per spoor versend word, aan die koper of verkryer daarvan, afgeliever word.”;

15 (b) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

20 “(b) Geen sodanige magtiging word verleent vir die verkoop of vandiehandsit van wyn of ander gegiste drank aan iemand anders as die houer van 'n **[groothandelaarsdranklisensie]** dranklisensie of van 'n in subartikel (2) (b) bedoelde magtiging of enige ander in daardie subartikel bedoelde persoon in 'n ander gebou as 'n gebou wat op die grond geleë is waar sodanige wyn of ander gegiste drank geproduseer of vervaardig is nie.”;

25 (c) deur paragraaf (c) van genoemde subartikel (4) te skrap; en

30 (d) deur na genoemde subartikel (4) die volgende subartikels in te voeg:

“(4A) (a) 'n HOUER VAN 'N MAGTIGING KRAGTENS SUBARTIKEL

35 (4) verleen, mag op die voorgeskrewe wyse by die Minister deur bemiddeling van die magistraat van die distrik aanvraag doen om die oordrag van die magtiging aan 'n ander persoon of vereniging, en die Minister of iemand wat op sy gesag handel, mag na oorweging van alle relevante dokumente, inligting, besware, polisieraporte en vertoe wat kragtens hierdie Wet aan hom voorgelê is, die aanvraag om die oordrag toestaan.

40 (b) Enige persoon aan wie of vereniging waaraan 'n magtiging oorgedra is, besit al die regte en is onderworpe aan al die pligte, verpligtings en strawwe van die oorspronklike houer van die magtiging.

45 (4B) 'n MAGTIGING KRAGTENS SUBARTIKEL (4) VERLEEN OF KRAGTENS SUBARTIKEL (4A) OORGEDRA, KAN TE ENIGER TYD DEUR DIE MINISTER, SONDER VERSKAFFING VAN ENIGE REDE DAARVOOR, INGETREK WORD.”

50 **4. Artikel 22 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:**

55 “(b) Indien 'n aanvraag by die voorsitter van 'n lisensieraad ingedien om die vernuwing van 'n lisensie—

60 (i) op die jongste voorafgaande jaarlikse vergadering van die raad gemaak moet gewees het of nie daarop gemaak kon word nie, en die omstandighede in verband met die versuim of onvermoë om dié aanvraag op daardie vergadering te maak, volgens die oordeel van die voorsitter sodanig is dat dit billik is dat verligting verleent moet word; of

Wysiging van artikel 6A van Wet 30 van 1928, soos ingevoeg deur artikel 3 van Wet 23 van 1969 en gewysig deur artikel 8 van Wet 94 van 1974.

Wysiging van artikel 22 van Wet 30 van 1928, soos gewysig deur artikel 4 van Wet 12 van 1954; artikel 6 van Wet 61 van 1956; artikel 12 van Wet 88 van 1963 en artikel 6 van Wet 23 van 1969.

(ii) was at such meeting found not to have complied with the prescribed requirements and was for that reason not considered by the board at such meeting,

the chairman on application made to him, may, and if the Minister on appeal to him so directs, the chairman shall, at any time other than in the month of November convene a special meeting of the board for the consideration of such application, but such meetings shall not be convened more often than once in any calendar month.”.

Substitution of section 32ter of Act 30 of 1928, as inserted by section 17 of Act 88 of 1963.

5. The following section is hereby substituted for section 32ter of the principal Act:

“Application for 32ter Any person desiring the grant of a grant of a temporary liquor licence or a late hours temporary liquor or late hours occasional licence, shall make application occasional thereof in the prescribed manner to the magistrate, additional magistrate or assistant magistrate of the district in which the premises concerned are situate who may, subject to the provisions of this Act, in his discretion, grant such application subject to such conditions or restrictions as he may deem fit to impose.”.

Amendment of section 47 of Act 30 of 1928, as amended by section 12 of Act 41 of 1934, section 24 of Act 61 of 1956 and section 31 of Act 88 of 1963.

15. Section 47 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

“Provided that—

- (i) the chairman of the licensing board or, in the case of a licence which may be granted or renewed by a magistrate, the magistrate of the district, may, pending the appointment of such executor, curator or trustee, as the case may be, and if no specific provision for the circumstances is made in this Act, authorize any person whom he thinks fit in writing to carry on such business until such executor, curator or trustee is appointed but not for a longer period than four months;
- (ii) no such authority shall be granted unless reasonable notice to the satisfaction of such chairman or magistrate, as the case may be, has been given of the proposal to every person who is financially interested in the business.”.

Amendment of section 66 of Act 30 of 1928, as amended by section 18 of Act 41 of 1934, section 6 of Act 85 of 1964 and section 17 of Act 23 of 1969.

20. Section 66 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Subject to the provisions of section 73, a late hours occasional licence shall not be granted to any person other than—

- (a) the holder of an hotel liquor licence, a wine and malt liquor licence, a club liquor licence or a restaurant liquor licence; or
- (b) the holder of an authority granted or renewed in terms of section 100bis or 100sex for the sale of liquor for consumption on the premises described in such authority.”.

Amendment of section 69 of Act 30 of 1928, as amended by section 49 of Act 88 of 1963, section 7 of Act 85 of 1964, section 3 of Act 98 of 1965 and section 18 of Act 23 of 1969.

25. Section 69 of the principal Act is hereby amended—

- (a) by the addition to paragraph (a) of subsection (1) of the following words:

“or authorized by the chairman of the licensing board concerned at any time during the year on application made to him in writing and after consultation with the other members of such board and subject to such conditions or restrictions as he may deem fit to impose”; and

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(ii) op daardie vergadering bevind is nie aan die voorgeskrewe vereistes te voldoen het nie en om daardie rede nie deur die raad op daardie vergadering oorweeg is nie,

5 kan die voorsitter op aanvraag by hom ingedien, en indien die Minister by appèl na hom aldus gelas, moet die voorsitter, te eniger tyd, behalwe in die maand November, 'n spesiale vergadering van die raad belê vir die oorweging van dié aanvraag, maar sodanige vergaderings word nie meer dikwels as een maal in 'n kalendermaand belê nie.”.

10 5. Artikel 32ter van die Hoofwet word hierby deur die volgende artikel vervang:

15 "Aanvraag om 32ter Iemand wat die verlening van 'n verlening van 'n tydelike dranklisensie of 'n nagtelike geleentheidslisensie verlang, moet op die voor- geskrewe wyse daarom aanvraag maak by die magistraat, addisionele magistraat of assistent-magistraat van die distrik waarin die betrokke gebou geleë is, wat behoudens die bepalings van hierdie Wet, na goeddunke die aanvraag mag toestaan onderworpe aan die voorwaardes of beperkings wat hy na goedvinde ople.”.

20 25 6. Artikel 47 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

"Met dien verstande dat—

30 (i) die voorsitter van die licensieraad of, in die geval van 'n licensie wat deur 'n magistraat verleen of vernuwe mag word, die magistraat van die distrik, hangende die aanstelling van bedoelde eksekuteur of kurator na gelang van die geval, en as hierdie Wet nie uitdrukklik in die omstandighede voorsien nie, iemand wat hy geskik ag, skriftelik mag magtig om die besigheid voort te set totdat bedoelde eksekuteur of kurator aangestel word maar nie vir 'n langer tydperk as vier maande nie;

35 (ii) so 'n magtiging nie verleen mag word nie tensy van die voorstel redelike kennis gegee is, tot tevredenheid van bedoelde voorsitter of magistraat, na gelang van die geval, aan elkeen wat in die besigheid geldelike belang het.”.

40 7. Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

45 "(5) Behoudens die bepalings van artikel 73 mag 'n nagtelike geleentheds-lisensie [mag] aan niemand anders verleen word nie as aan—

50 (a) die houer van 'n hotel-dranklisensie, 'n wyn- en bier-lisensie, 'n klub-dranklisensie, of 'n restaurant-dranklisensie [verleen word nie]; of (b) die houer van 'n magtiging wat ingevolge artikel 100bis of 100sex verleen of vernuwe is vir die verkoop van drank vir verbruik binne die in die magtiging omskreve gebou.”.

55 8. Artikel 69 van die Hoofwet word hierby gewysig—

(a) deur die volgende woorde by paragraaf (a) van subartikel (1) te voeg:

60 "of wat die voorsitter van die betrokke licensieraad te eniger tyd gedurende die loop van die jaar op skriftelike aanvraag by hom gedoen en na oorlegpleging met die ander lede van dié raad veroorloof behoudens die voorwaardes of beperkings wat hy na goedvinde ople”; en

Vervanging van artikel 32ter van Wet 30 van 1928, soos ingevoeg deur artikel 17 van Wet 88 van 1963.

Wysiging van artikel 47 van Wet 30 van 1928, soos gewysig deur artikel 12 van Wet 41 van 1934, artikel 24 van Wet 61 van 1956 en artikel 31 van Wet 88 van 1963.

Wysiging van artikel 66 van Wet 30 van 1928, soos gewysig deur artikel 18 van Wet 41 van 1934, artikel 6 van Wet 85 van 1964 en artikel 17 van Wet 23 van 1969.

Wysiging van artikel 69 van Wet 30 van 1928, soos gewysig deur artikel 49 van Wet 88 van 1963, artikel 7 van Wet 85 van 1964, artikel 3 van Wet 98 van 1965 en artikel 18 van Wet 23 van 1969.

<p>Amendment of section 71bis of Act 30 of 1928, as inserted by section 53 of Act 88 of 1963 and amended by section 8 of Act 85 of 1964, section 35 of Act 70 of 1965 and section 19 of Act 23 of 1969.</p> <p>Amendment of section 73 of Act 30 of 1928, as amended by section 55 of Act 88 of 1963 and section 20 of Act 23 of 1969.</p>	<p>(b) by the substitution for subsection (4) of the following subsection:</p> <p>"(4) Notwithstanding anything in [paragraph (a) of] subsection (3) contained, any two portions of any premises separated from each other by a wall or walls, may be regarded as being separate premises for the purposes of the grant or renewal of—</p> <p>(a) a restaurant liquor licence in respect of one portion and a theatre liquor licence in respect of the other; or</p> <p>(b) an on-consumption licence in respect of one portion providing residential accommodation for guests, if the other is used for the garaging of motor vehicles,</p> <p>even though the two portions are connected by a door or other means of communication."</p> <p>9. (1) Section 71bis of the principal Act is hereby amended—</p> <p>(a) by the substitution for subparagraph (i) of paragraph (c) of subsection (7) of the following subparagraph:</p> <p>"(i) to sell, subject to such conditions or restrictions as the Minister may deem fit to impose, liquor under that licence for consumption off the licensed premises, in any place approved of by the Minister and situated, if such accommodation establishment is situate within an urban area, [at any place] within such urban area [approved of by the Minister] and within the district within which such accommodation establishment is situate; or, if such accommodation establishment is situate in a rural area, [at any place] within the district within which such accommodation establishment is situate [approved of by the Minister]: Provided that if such first-mentioned place does not form part of the premises in respect of which such licence is held, such place shall for all purposes be deemed to form part of the licensed premises;";</p> <p>(b) by the deletion of subparagraphs (iii) and (iv) of the said paragraph (c).</p> <p>(2) Any authority granted under the said subparagraphs (iii) and (iv) prior to their repeal by this section, shall be deemed to have been granted respectively under sections 103A and 102A (1) (a) of the principal Act as substituted by this Act, and any condition or restriction imposed under the said subparagraphs, shall be deemed to have been imposed under the said section 103A or 102A, as the case may be.</p> <p>(3) Any authority, condition or restriction referred to in subsection (2) and endorsed on any licence in terms of section 71bis (8) of the principal Act, shall be deemed to have been endorsed on such licence in terms of the said section 103A or 102A, as the case may be.</p> <p>10. Section 73 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:</p> <p>"(1) A late hours occasional licence may be granted only in respect of premises in respect of which—</p> <p>(a) there has been issued a restaurant liquor licence, a wine and malt liquor licence, an hotel liquor licence, or a club liquor licence; or</p> <p>(b) there has been granted or renewed an authority referred to in section 66 (5) (b), and</p>	<p style="text-align: right;">5</p> <p style="text-align: right;">10</p> <p style="text-align: right;">15</p> <p style="text-align: right;">20</p> <p style="text-align: right;">25</p> <p style="text-align: right;">30</p> <p style="text-align: right;">35</p> <p style="text-align: right;">40</p> <p style="text-align: right;">45</p> <p style="text-align: right;">50</p> <p style="text-align: right;">55</p> <p style="text-align: right;">60</p> <p style="text-align: right;">65</p>
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- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- 5 “(4) Ondanks die bepalings van [paragraaf (a) van] subartikel (3), kan twee gedeeltes van 'n gebou wat deur 'n muur of mure van mekaar geskei word, as afsonderlike geboue beskou word by die verlening of vernuwing van—
- 10 (a) 'n restaurant-dranklisensie ten opsigte van een gedeelte en 'n teater-dranklisensie ten opsigte van die ander; of
- 15 (b) 'n binneverbryk-lisensie ten opsigte van een gedeelte wat woonakkommodasie vir gaste voorsien, indien die ander aangewend word vir die stalling van motorvoertuie,
selfs al word die twee gedeeltes deur 'n deur of ander verkeersweg verbind.”
- 20 9. (1) Artikel 71bis van die Hoofwet word hierby gewysig—
- 25 (a) deur subparagraaf (i) van paragraaf (c) van subartikel (7) deur die volgende subparagraaf te vervang:
- 30 “(i) kragtens daardie lisensie drank vir gebruik buite die gelisensieerde gebou te verkoop in enige plek wat die Minister goedkeur en wat geleë is, indien daardie akkommodesie-inrigting binne 'n stadsgebied geleë is; **[op enige plek]** binne daardie stadsgebied **[wat die Minister goedkeur]** en binne die distrik waarbinne daardie akkommodesie-inrigting geleë is, of, indien daardie akkommodesie-inrigting binne 'n plattelandse gebied geleë is, **[op enige plek]** binne die distrik waarbinne daardie akkommodesie-inrigting geleë is **[wat die Minister goedkeur]**; Met dien verstande dat indien eersbedoelde plek nie deel uitmaak van die gebou in verband waarmee daardie lisensie gehou word nie, bedoelde plek vir alle doeleindes geag word deel uit te maak van die gelisensieerde gebou;”;
- 35 (b) deur subparagrawe (iii) en (iv) van genoemde paragraaf (c) te skrap.
- 40 (2) Enige magtiging kragtens genoemde subparagrawe (iii) en (iv) verleen voor die herroeping daarvan deur hierdie artikel, word geag onderskeidelik kragtens artikel 103A en 102A (1) (a) van die Hoofwet soos deur hierdie Wet vervang, verleen te gewees het, en enige voorwaarde of beperking kragtens bedoelde subparagrawe opgelê, word geag kragtens genoemde artikel 103A of 102A, na gelang van die geval, opgelê te gewees het.
- 45 (3) Enige in subartikel (2) bedoelde magtiging, voorwaarde of beperking wat ingevolge artikel 71bis (8) van die Hoofwet op 'n lisensie aangeteken is, word geag ingevolge genoemde artikel 103A of 102A, na gelang van die geval, op dié lisensie aangeteken te gewees het.
- 50 10. Artikel 73 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 55 “(1) 'n Nagtelike geleentheidslisensie mag slegs verleen word in verband met 'n gebou ten opsigte waarvan—
- 60 (a) 'n restaurant-dranklisensie, 'n wyn- en bier-lisensie, 'n hotel-dranklisensie, of 'n klub-dranklisensie uitgereik is; of
- 65 (b) 'n in artikel 66 (5) (b) bedoelde magtiging verleen of vernuwe is;

Wysiging van artikel 71bis van Wet 30 van 1928, soos ingevoeg deur artikel 53 van Wet 88 van 1963 en gewysig deur artikel 8 van Wet 85 van 1964, artikel 35 van Wet 70 van 1965 en artikel 19 van Wet 23 van 1969.

Wysiging van artikel 73 van Wet 30 van 1928, soos gewysig deur artikel 55 van Wet 88 van 1963 en artikel 20 van Wet 23 van 1969.

Amendment of section 75 of Act 30 of 1928, as substituted by section 58 of Act 88 of 1963 and amended by section 10 of Act 85 of 1964, section 4 of Act 70 of 1968, section 21 of Act 23 of 1969, section 2 of Act 17 of 1970 and section 14 of Act 94 of 1974.

upon which it is proved to the satisfaction of the magistrate to whom application for the licence is made that on the occasion for which the licence is sought a *bona fide* social function is to be held.”,

11. Section 75 of the principal Act is hereby amended— 5

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

“(a) the holder of a wholesale liquor licence who does not deal directly with the public and the holder of a brewer's licence—

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(i) shall not sell or deliver liquor earlier than seven o'clock in the morning or later than [six] eight o'clock in the evening: and

(ii) may, notwithstanding anything to the contrary in any law contained, on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant convey liquor from his licensed premises or place of storage approved of in terms of section 79ter (2) for delivery [to any licensee in any rural area, or for delivery]

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(aa) at any place of storage approved of in terms of section 79ter (2);

(bb) to any licensee, holder of an authority under section 100bis or 100sex, or person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex, or (d)sept or under the provisions of section 5 (1) (d), (e), (f) or (g); or

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(cc) at any place on the railway system controlled by the Railway Administration for transport by rail to any such licensee, holder or person;”;

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

“(f) the holder of a bar licence [a wine and malt liquor licence] or an hotel liquor licence shall not sell or deliver liquor earlier than ten o'clock in the morning or later than half past eleven o'clock at night: Provided that—

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(i) if a certificate of classification has been issued under section 71bis in respect of the licensed premises, the holder of the hotel liquor licence concerned may sell and deliver liquor until such hour, including such hour in the morning of the following day, as the Minister may determine;

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(ii) [Provided further that] the holder of a bar licence may sell or deliver liquor until such later hour as the Minister may, upon application and on the recommendation of the National Liquor Board, authorize in writing;

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en as **[aan]** dit tot bevrediging van die magistraat,
by wie die lisenzie aangevra word, **[blyk]** bewys
word dat by die geleentheid waarvoor die lisenzie
aangevra word, 'n *bona fide* gesellige byeenkoms
daarin sal plaasvind.”

11. Artikel 75 van die Hoofwet word hierby gewysig—

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

“(a) mag die houer van 'n groothandelaars-drank-
lisenzie wat nie regstreeks met die publiek
handel dryf nie en die houer van 'n bierbrouers-
lisenzie—

(i) nie drank voor sewenuur in die môre of
na **[sesuur]** agtuur in die aand verkoop of
aflewer nie; en

(ii) mag hy, ondanks andersluidende wets-
bepalings op enige gesloten dag behalwe
Sondag, Kersdag, Goeie Vrydag, Hemel-
vaartdag en Geloftedag drank vanaf sy
geliensieerde gebou of opbergplek wat
ingevolge artikel 79ter (2) goedgekeur is,
vervoer vir aflewing **[aan 'n lisenziehouer**
in 'n plattelandse gebied of vir aflewe-
ring]—

25 (aa) by enige opbergplek wat ingevolge
artikel 79ter (2) goedgekeur is;

30 (bb) aan 'n lisenziehouer, houer van 'n
magtiging kragtens artikel 100bis of
100sex of iemand wat drank verkoop
kragtens 'n in artikel 6 (1) (a), (b)
(c), (cA), (dA), (d)bis, (d)ter,
(d)quat, (d)quin, (d)sex of (d)sept
bedoelde magtiging of kragtens die
bepalings van artikel 5 (1) (d), (e),
(f) of (g); of

35 (cc) op enige plek aan die spoorweg-
netwerk beheer deur die Spoorweg-
administrasie, vir vervoer per spoor
na so 'n lisenziehouer, houer of
persoon;”;

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

45 “(f) mag die houer van 'n kantien-lisenzie **[In wyn-**
en bier-lisenzie] of 'n hotel-dranklisenzie **[ver-**
koop of lewer drank] nie **[af]** vroeër as
tienuur in die môre of later as half-twaalfuur
in die aand drank verkoop of aflewer nie: Met
die verstande dat—

50 (i) indien 'n klassifikasiesertificaat ingevolge
artikel 71bis ten opsigte van die geliensie-
erde gebou uitgereik is, die houer van die
betrokke hotel-dranklisenzie drank mag
verkoop en aflewer tot die uur, ook die
uur in die môre van die volgende dag, wat
die Minister bepaal;

55 (ii) **[Met dien verstande voorts dat]** die houer
van 'n kantien-lisenzie drank mag verkoop
of aflewer tot die later tydstip wat die
Minister op aanvraag en op aanbeveling
van die Nasionale Drankraad skriftelik
magtig;

Wysiging van
artikel 75 van
Wet 30 van 1928,
soos vervang
deur artikel 58
van Wet 88 van
1963 en gewysig
deur artikel 10
van Wet 85 van
1964, artikel 4
van Wet 70 van
1968, artikel 21
van Wet 23 van
1969, artikel 2
van Wet 17 van
1970 en artikel 14
van Wet 94 van
1974.

(iii) if a condition has been imposed under section 78 (1) (b) (i) in respect of the supply of liquor to any particular class of persons under a bar licence [or a wine and malt liquor licence] or an hotel liquor licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may, on the recommendation of the National Liquor Board made after enquiry in terms of section 118ter direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;";

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(c) by the insertion after the said paragraph (f) of the following paragraphs, the existing paragraph (fA) becoming paragraph (fC):

"(fA) the holder of a wine and malt liquor licence granted prior to 15 July 1964 in respect of any premises or granted or renewed at any time in respect of premises providing residential accommodation for guests, shall not sell or deliver liquor earlier than ten o'clock in the morning or later than half-past eleven o'clock at night: Provided that if a condition has been imposed under section 78 (1) (b) (i) in respect of the supply of liquor to any particular class of persons under such licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may on the recommendation of the National Liquor Board, made after enquiry in terms of section 118ter, direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;

(fB) the holder of a wine and malt liquor licence granted after 14 July 1964 in respect of premises not providing residential accommodation for guests, shall only sell or deliver liquor between the hours of twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock in the evening and half-past eleven o'clock at night, unless the authority granting or renewing the licence, on application, determines other hours, which shall not be earlier than ten o'clock in the morning or later than half-past eleven o'clock at night;"

(d) by the substitution for paragraph (k) of the said subsection (2) of the following paragraph:

"(k) a late hours occasional licence shall not authorize the sale or supply of liquor save upon the one day mentioned in such licence or at any other times than between the hour of closing of the licensed or authorized premises in respect of which such late hours occasional licence is granted and such hour, not being later than two o'clock in the morning of the following day, not being a closed day, as the authority granting the licence may determine;" and

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- (iii) indien 'n voorwaarde kragtens artikel 78 (1) (b) (i) opgelê is ten opsigte van die verstrekking van drank aan 'n bepaalde klas persone kragtens 'n kantien-lisensie [of 'n wyn- en bier-lisensie] of 'n hotel-drank-lisensie ten opsigte van 'n gebou geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en afgelewer word slegs gedurende die tye (wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand is nie) wat die Minister, op aanbeveling van die Nasionale Drankraad gedoen na ondersoek ingevolge artikel 118ter, gelas of, indien die Minister nie aldus gelas nie, wat vasgestel word deur die gesag wat die lisensie verleen of vernuwe;";
- (c) deur na genoemde paragraaf (f) die volgende paragrave in te voeg terwyl die bestaande paragraaf (fA) paragraaf (fC) word:
- “(fA) mag die houer van 'n wyn- en bier-lisensie wat voor 15 Julie 1964 ten opsigte van enige gebou verleen is of wat te eniger tyd verleen of vernuwe is ten opsigte van 'n gebou wat woonakkommodasie vir gaste voorsien, nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand drank verkoop of aflewer nie: Met dien verstande dat indien 'n voorwaarde kragtens artikel 78 (1) (b) (i) opgelê is ten opsigte van die verstrekking van drank aan 'n bepaalde klas persone kragtens bedoelde lisensie ten opsigte van 'n gebou geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en afgelewer word slegs gedurende die tye (wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand is nie) wat die Minister op aanbeveling van die Nasionale Drankraad, gedoen na ondersoek ingevolge artikel 118ter, gelas of, indien die Minister nie aldus gelas nie, wat vasgestel word deur die gesag wat die lisensie verleen of vernuwe;
- (fB) mag die houer van 'n wyn- en bier-lisensie wat na 14 Julie 1964 verleen is ten opsigte van 'n gebou wat nie woonakkommodasie vir gaste voorsien nie, slegs tussen twaalfuur middag en half-drie-uur in die namiddag en tussen sesuur en half-twaalfuur in die aand drank verkoop of aflewer, tensy die gesag wat die lisensie verleen of vernuwe op aanvraag ander ure bepaal, wat nie vroeër as tienuur in die môre of later as half-twaalfuur in die aand mag wees nie;”; en
- (d) deur paragraaf (k) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
- “(k) mag 'n nagtelike geleentheidslisensie nie die verkoop of verstrekking van drank veroorloof nie, behalwe op die een dag wat in die lisensie genoem word, of op enige ander tye dan tussen die sluitingsuur van die gelisensieerde of gemagtigde gebou in verband waarmee die nagtelike geleentheidslisensie verleen is, en die uur, synde nie later nie dan twee-uur in die môre van die volgende dag, wat nie 'n gesloten dag is nie, wat die gesag wat die lisensie verleen, bepaal.”; en

(e) by the substitution for subsection (9) of the following subsection:

"(9) The provisions of subsections (1) and (2) (a) and (b) shall not apply to the sale and delivery of liquor by the holder of a wholesale liquor licence to the master of a ship about to sail from any port, if permission for such sale and delivery has been granted in writing by the magistrate of the district in which the sale takes place or any person acting under his authority.".

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Amendment of section 76 of Act 30 of 1928, as amended by section 59 of Act 88 of 1963, section 11 of Act 85 of 1964, section 22 of Act 23 of 1969, section 3 of Act 17 of 1970, section 2 of Act 102 of 1972 and section 15 of Act 94 of 1974.

12. Section 76 of the principal Act is hereby amended—

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

"(a) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to—

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(i) any one customer other than a licensee or holder of an authority under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (dbis), (d)ter, (d)quat, (d)quin [or] (d)sex or (d)sept or under the provisions of section 5(1) (d), (e), (f) or (g), at any one time shall not be less than—

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(aa) two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), in a receptacle or receptacles properly and securely corked or stoppered; or

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(bb) in the case of sweets containing more than two per cent of alcohol by mass, 10 pounds in a receptacle or receptacles properly and securely sealed; or [to]

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(ii) any one licensee or holder of an authority under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (dbis), (d)ter, (d)quat, (d)quin, [or] (d)sex or (d)sept or under the provisions of section 5 (1) (d), (e), (f) or (g), at any one time shall not be less than—

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(cc) one quart, in a receptacle or receptacles properly and securely corked or stoppered; or

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(dd) in the case of such sweets, one pound in a receptacle properly and securely sealed;

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Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than 14 per cent of alcohol by volume, such table wine need not be of the same description or brand.";

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(e) deur subartikel (9) deur die volgende subartikel te vervang:

5 “(9) Die bepalings van subartikels (1) en (2) (a) en (b) is nie van toepassing nie op die verkoop en aflewing van drank deur die houer van 'n groothandelaars-dranklisensie aan die gesagvoerder van 'n skip wat op die punt staan om uit 'n hawe te vertrek, indien verlof vir sodanige verkoop en aflewing skriftelik verleen is deur die magistraat van die distrik waarin die verkoop plaasvind of iemand wat op sy gesag handel.”.

10 12. Artikel 76 van die Hoofwet word hierby gewysig—

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

20 “(a) Die hoeveelheid drank wat die houer van 'n groothandelaarsdranklisensie ineens aan—

25 (i) één klant, behalwe 'n lisensiehouer of houer van 'n magtiging kragtens artikel 100bis of 100sex of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, [of] (d)sex of (d)sept bedoelde magtiging of kragtens die bepalings van artikel 5 (1) (d), (e), (f) of (g), mag verkoop of aflewer, mag nie minder bedra nie dan—

30 (aa) twee gallon (waarvan minstens een gallon van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees), in 'n houer of houers wat behoorlik en dig gekurk of geprop moet wees, of

35 (bb) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 10 pond in 'n houer of houers wat behoorlik en dig verseël moet wees, of [ineens aan]

40 (ii) één lisensiehouer of houer van 'n magtiging kragtens artikel 100bis of 100sex of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, [of] (d)sex of (d)sept bedoelde magtiging of kragtens die bepalings van artikel 5 (1) (d), (e), (f) of (g), mag verkoop of aflewer, mag nie minder bedra nie dan—

45 (cc) een kwart, in 'n houer of houers wat behoorlik en dig gekurk of geprop moet wees, of

50 (dd) in die geval van bedoelde lekkers, een pond in 'n houer wat behoorlik en dig verseël moet wees:

55 Met dien verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of afgelewer word nie minder nie dan een gallon tafelwyn insluit wat uitsluitend die produk is van die alkoholieke gisting van die sap van vars druie en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk hoef te wees nie.”;

Wysiging van artikel 76 van Wet 30 van 1928, soos gewysig deur artikel 59 van Wet 88 van 1963, artikel 11 van Wet 85 van 1964, artikel 22 van Wet 23 van 1969, artikel 3 van Wet 17 van 1970, artikel 2 van Wet 102 van 1972 en artikel 15 van Wet 94 van 1974.

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

"(2)*bis* The quantity of liquor to be sold or delivered by the holder of a foreign liquor licence to any one customer at any one time shall not be less than—

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(i) two gallons in receptacle or receptacles properly and securely corked or stoppered, or

(ii) in the case of sweets containing more than two per cent of alcohol by mass, 10 pounds in receptacle or receptacles properly and securely sealed."; and

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

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"(4) The quantity of liquor to be sold or delivered by the holder of a bottle liquor licence or a grocer's wine licence to any one customer at any one time shall not be less than one half pint in bottle or receptacle properly and securely corked or stoppered or, in the case of the sale or delivery by the holder of a bottle liquor licence of sweets containing more than two per cent. of alcohol by mass, not be less than one pound in a receptacle or receptacles properly and securely sealed.". 25

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Insertion of
section 76A in
Act 30 of 1928,
and repeal of
section 23 of Act
23 of 1969.

13. (1) The following section is hereby inserted in the principal Act after section 76:

"Dealing directly with public by holder of wholesale liquor licence. 76A. (1) It shall be a condition of every wholesale liquor licence that the holder of such a licence shall not deal directly with the public unless the Minister has, upon application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorized such holder to do so subject to such conditions or restrictions as the Minister may deem fit to impose.

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(2) Any authority granted by the Minister under subsection (1) shall be endorsed on the licence concerned by the chairman of the liquor licensing board in whose liquor licensing area the licensed premises are situated.

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(3) For the purposes of this section the holder of a licence shall not be considered to 'deal directly with the public' if he sells, supplies or delivers liquor to—

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(a) any person *bona fide* employed by him in connection with the conduct of the licensed business;

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(b) any person referred to in item 602.00 of Schedule No. 6 to the Customs and Excise Act, 1964 (Act No. 91 of 1964); and

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(c) any person who supplies grapes or wine in bulk to such holder for purposes of processing or blending".

(2) Section 23 of the Liquor Amendment Act, 1969 (Act No. 23 of 1969), is hereby repealed.

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- (b) deur subartikel (2)bis deur die volgende subartikel te vervang:
- "(2)bis Die hoeveelheid drank wat die houer van 'n buitelandse dranklisensie ineens aan een klant mag verkoop of aflewer, mag nie minder bedra nie dan—
- (i) twee gallon in 'n houer of houers wat behoorlik en dig gekurk of geprop moet wees; of
- 10 (ii) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 10 pond in 'n houer of houers wat behoorlik en dig verseël moet wees."; en
- (c) deur subartikel (4) deur die volgende subartikel te vervang:
- 15 "4) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie of 'n kruideniers-wynlisensie ineens aan 'n klant mag verkoop of aflewer, mag nie minder bedra nie dan een halfpoint in 'n bottel of houer wat behoorlik en dig gekurk of geprop moet wees of, in die geval van die verkoop of aflewing deur die houer van 'n bottel-dranklisensie van lekkers wat meer as twee persent alkohol volgens massa bevat, dan een pond in 'n houer of houers wat behoorlik en dig verseël moet wees.".

13. (1) Die volgende artikel word hierby in die Hoofwet na artikel 76 ingevoeg:

- 30 "Regstreekse handel dryf met publiek deur lisensie is onderworpe aan die voorwaarde houer van groot-dat die houer van die lisensie nie regstreeks handelaarsdrank-met die publiek handel dryf nie, tensy die lisensie. Minister op aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Nasionale Drankraad, sodanige houer gemagtig het om dit te doen behoudens die voorwaardes of beperkings wat die Minister na goedvinde ople." Invoeging van artikel 76A in Wet 30 van 1928, en herroeping van artikel 23 van Wet 23 van 1969.
- 35 (2) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, word deur die voorstander van die dranklisensieraad in wie se dranklisensiegebied die gelisensieerde gebou geleë is, op die betrokke lisensie aangeteken.
- 40 (3) Vir doeleindes van hierdie artikel word dit beskou dat 'n lisensiehouer nie 'regstreeks met die publiek handel dryf' nie indien hy drank verkoop, verstrek of aflewer aan—
- 45 (a) enige persoon wat *bona fide* deur hom in diens gestel is in verband met die dryf van die gelisensieerde besigheid;
- 50 (b) enige persoon bedoel in item 602.00 van Bylae No. 6 by die Doeane- en Aksynswet, 1964 (Wet 91 van 1964);
- 55 (c) enige persoon wat druiwe of wyn in grootmaat aan sodanige houer lever vir verwerking of versnyding.".
- 60 (2) Artikel 23 van die Drankwysigingswet, 1969 (Wet No. 23 van 1969), word hierby herroep.

Amendment of section 79ter of Act 30 of 1928, as inserted by section 5 of Act 35 of 1956 and amended by section 63 of Act 88 of 1963, section 12 of Act 85 of 1964, section 26 of Act 23 of 1969, section 4 of Act 17 of 1970, section 3 of Act 102 of 1972 and section 16 of Act 94 of 1974.

14. Section 79ter of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A licensee shall store all liquor received or manufactured by him and not immediately required for sale in the place so determined: Provided that—

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(i) the holder of a wholesale liquor licence or a brewer's licence may store such liquor also in a place which the magistrate of the district in which such place is situate, may, **[approve]** on **[the]** application made in the prescribed manner **[of]** by such licensee, approve subject to such conditions or restrictions as he may deem fit to impose;

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(ii) **[Provided further that]** the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who is not the master of a ship or his agent or who does not hold a licence for the sale of liquor under this Act or an authority referred to in section 100bis or 100sex or who is not a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, **[or]** (d)sex or (d)sept or who is not a person selling liquor under the provisions of section 5 (1) (d), (e), (f) or (g); and

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(iii) **[Provided further that]** the holder of such licence shall keep at such place a daily record in one of the official languages of all liquor brought into that place and all liquor removed, sold or delivered therefrom, showing the place to which or the name and address of the person to whom it was so removed, delivered or sold.”.

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Substitution of section 80 of Act 30 of 1928, as amended by section 64 of Act 88 of 1963.

"Condition of licences as to place of consumption of liquor.

15. The following section is hereby substituted for section 80 of the principal Act:

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80. (1) It shall be a condition of every off-consumption licence that, no liquor shall be consumed by any customer upon the licensed premises, or in any premises or place adjoining or near the licensed premises which are in the occupation or under the control of the licensee: Provided that the holder of a wholesale liquor licence who does not deal directly with the public and the holder of a brewer's licence, may upon application, be authorized in writing by the Minister or any person acting under his directions to supply, subject to such conditions or restrictions as he may impose, liquor distilled, brewed, produced or manufactured by such licensee, free of charge to a *bona fide* visitor to the licensed premises or to a person *bona fide* employed in connection with the conduct of the licensed business, for consumption on the premises in a room or other place specially set aside for that purpose and approved by the Minister or person acting under his directions.

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14. Artikel 79ter van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n Licensiehouer moet alle drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop benodig is nie, in die aldus bepaalde plek opberg; Met die verstande dat—

(i) die houer van 'n groothandelaars-dranklisensie of 'n bierbrouerslisensie sodanige drank ook kan opberg in 'n plek wat die magistraat van die distrik waarin genoemde plek geleë is, op aansoek, [van] op die voorgeskrewe wyse gedaan deur die licensiehouer, goedkeur onderworpe aan die voorwaardes of beperkings wat hy na goedvindie ople;

(ii) Met dien verstande voorts dat die houer van 'n groothandelaarsdranklisensie geen drank by of vanuit daardie plek mag verkoop of aflewer aan iemand wat nie die gesagvoerder van 'n skip of sy verteenwoordiger is nie of wat nie 'n lisensie vir die verkoop van drank ingevolge hierdie Wet of 'n in artikel 100bis of 100sex bedoelde magtiging hou nie of wat nie iemand is wat drank kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, [of] (d)sex of (d) sept bedoelde magtiging verkoop nie of wat nie iemand is wat drank kragtens die bepalings van artikel 5 (1) (d), (e), (f) of (g) verkoop nie; en

(iii) Met die verstande voorts dat die houer van so 'n lisensie 'n daaglikske aantekening in een van die ampelike tale in daardie plek moet hou van alle drank wat in daardie plek gebring word en alle drank wat daaruit verwyder, verkoop of afgelewer word, wat die plek aantoon waarheen of die naam en adres van die persoon na wie dit aldus verwyder is of aan wie dit aldus afgelewer of verkoop is.”.

15. Artikel 80 van die Hoofwet word hierby deur die volgende artikel vervang:

40 "Voorwaarde in lisensie omrent plek van drank gebruik.

45 20. (1) Elke buiteverbruik-lisensie is onderworpe aan die voorwaarde dat geen drank deur 'n klant gebruik mag word in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of digby geleë is en wat die licensiehouer besit of beheer: Met dien verstande dat die houer van 'n groothandelaars-dranklisensie wat nie regstreeks met die publiek handel dryf nie en die houer van 'n bierbrouerslisensie op aanvraag, skriftelik deur die Minister of iemand wat op sy gesag handel, gemagtig kan word om, behoudens die voorwaardes of beperkings wat hy ople, drank wat deur bedoelde licensiehouer gestook, gebrou, geproduceer of vervaardig is, kosteloos te verstrek aan 'n bona fide besoeker aan die gelisensieerde gebou of aan 'n persoon wat te goeder trou in verband met die dryf van die gelisensieerde besigheid in diens gestel is, vir verbruik in die gebou in 'n vertrek of ander plek wat spesiaal vir daardie doel opsygesit is en wat deur die Minister of iemand wat op sy gesag handel, goedgekeur is.

Wysiging van artikel 79ter van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 35 van 1956 en gewysig deur artikel 63 van Wet 88 van 1963, artikel 12 van Wet 85 van 1964, artikel 26 van Wet 23 van 1969, artikel 4 van Wet 17 van 1970, artikel 3 van Wet 102 van 1972, en artikel 16 van Wet 94 van 1974.

Vervanging van artikel 80 van Wet 30 van 1928, soos gewysig deur artikel 64 van Wet 88 van 1963.

(2) Subject to the provisions of section 64, 64ter or 71bis it shall be a condition of every on-consumption licence that no part of the liquor sold shall be consumed elsewhere than upon the licensed premises.”.

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Amendment of section 100bis of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961 and amended by section 2 of Act 89 of 1962, section 75 of Act 88 of 1963 and section 32 of Act 23 of 1969.

16. Section 100bis of the principal Act is hereby amended—

(a) by the substitution for the proviso to subsection (12) of the following proviso:

“Provided that any such authority shall only be granted [or renewed] after consultation also with the Minister of Mines.”; and

(b) by the deletion of subsection (13).

Amendment of section 100quin of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961, and substituted by section 5 of Act 98 of 1965 and amended by section 1 of Act 92 of 1970.

17. Section 100quin of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

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“(2) (a) Notwithstanding the provisions of subsection (1), the Minister may, after [considering a police report and such other evidence, whether verbal or in writing, as may be presented to him or any person appointed by him for the purpose, and after he has afforded the licensee concerned or his principal, if any, an opportunity to make representations to him within such period as he may determine, in writing prohibit] having obtained a report and recommendation of the National Liquor Board, made after an enquiry under section 118ter, by notice under his hand delivered or tendered to any holder of an off-consumption licence or any holder of a licence who has been authorized under section 64 or 71bis to sell liquor for consumption off the licensed premises, prohibit such holder as from a date specified in the notice from selling any liquor, or any liquor of a specified kind, or any liquor other than liquor of a specified kind, or any liquor of any kind in excess of any specified quantity, to any member of any specified class of persons [during such period, not exceeding twelve months at any time, as the Minister may determine,] for consumption off the licensed premises.

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(b) Any prohibition referred to in paragraph (a)—

(i) may be imposed—

(aa) for an indefinite period;

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(bb) for such period as the Minister may specify in the notice concerned; or

(cc) until the conditions or requirements specified by the Minister in the notice concerned, have been fulfilled or complied with to the satisfaction of the Minister;

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(ii) may be withdrawn by the Minister in the circumstances contemplated in subparagraph (i) (cc).”.

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5 (2) Met ingang van die bepalings van artikel 64, 64ter of 71bis is elke binneverbruik-lisensie onderworpe aan die voorwaarde dat geen deel van die verkoopde drank érens anders gebruik mag word nie dan in die gelisencierde gebou.”.

16. Artikel 100bis van die Hoofwet word hierby gewysig—

- (a) deur die voorbehou/sbepaling by subartikel (12) deur die volgende voorbehou/sbepaling te vervang: "Met die verstande dat so 'n magtiging alleenlik verleen **[of vernuwe]** word na oorlegpleging ook met die Minister van Mynwese."; en

(b) deur subartikel (13) te skrap.

Wysiging van artikel 100bis van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en gewysig deur artikel 2 van Wet 89 van 1962, artikel 75 van Wet 88 van 1963 en artikel 32 van Wet 23 van 1969.

17. Artikel 100*quin* van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

(2) (a) Ondanks die bepalings van subartikel (1) mag die Minister, [na oorweging van 'n polisie-rapport en die ander getuenis, hetsy mondeling of skriftelik, wat aan hom of 'n persoon deur hom vir dié doel aangestel, voorgelê word, en nadat hy die betrokke licensiehouer of sy prinsaal, indien enige, 'n geleentheid gegee het om binne die tydperk wat hy bepaal, vertoë tot hom te rig,] nadat hy 'n verslag en aanbeveling van die Nasionale Drankraad, gedoen na ondersoek kragtens artikel 118ter, verkry het, by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan enige houer van 'n buiteverbruik-lensie of enige licensiehouer wat kragtens artikel 64 of 71bis gemagtig is om drank vir gebruik buite die gelisensieerde gebou te verkoop, daardie licensiehouer [skriftelik] verbied om, [gedurende die tydperk, nie twaalf maande op 'n keer te bowe gaande nie, wat die Minister bepaal] vanaf 'n in die kennisgewing bepaalde datum, enige drank, of enige drank van 'n vermelde soort, of enige drank behalwe drank van 'n vermelde soort, of 'n groter hoeveelheid van enige soort drank as 'n vermelde hoeveelheid, aan enige lid van 'n vermelde klas van persone vir gebruik buite die gelisensieerde gebou te verkoop.

Wysiging van artikel 100*quin* van Wet 30 van 1928, soos ingevoeg deur artikel 8 van Wet 72 van 1961 en vervang deur artikel 5 van Wet 98 van 1965 en gewysig deur artikel 1 van Wet 92 van 1970.

(b) Enige verbod in paragraaf (a) bedoel—

- (i) kan opgelê word—

45 (aa) vir 'n onbepaalde tydperk;

(bb) vir die tydperk wat die Minister in die betrokke kennisgewing vermeld; of

50 (cc) totdat ten genoeë van die Minister aan die voorwaardes of vereistes wat hy in die betrokke kennisgewing vermeld, voldoen is of hulle nagekom is;

55 (ii) kan deur die Minister opgehef word onder die omstandighede beoog in subparagraaf (i) (cc)."

Amendment of section 100sex of Act 30 of 1928, as inserted by section 5 of Act 89 of 1962 and amended by section 6 of Act 98 of 1965 and section 33 of Act 23 of 1969.

Substitution of section 102A of Act 30 van 1928, as inserted by section 18 of Act 94 of 1974.

18. Section 100sex of the principal Act is hereby amended by the deletion of subsection (1).

19. (1) The following section is hereby substituted for section 102A of the principal Act:

"Employment of women in specified restricted and other portions of premises licensed for on-consumption.

102A. (1) The Minister may, after consideration of a written application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorize the holder of [a club liquor licence, a restaurant liquor licence, a theatre liquor licence, a bar licence or a wine and malt liquor licence] any on-consumption licence (other than a temporary liquor licence or a late hours occasional licence) to employ, subject to such conditions or restrictions as the Minister may deem fit to impose, females of the age of eighteen years or more in or in connection with the sale of liquor—

(a) in any specified restricted portion of his premises [referred to in section 103A, females of the age of eighteen years or more]; or

(b) in any other portion of his premises which is not a restricted portion.

(2) Any authority granted under subsection (1) and any condition or restriction attached thereto by virtue of the provisions of the said subsection, shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned."

(2) Any authority granted under the said section 102A prior to its substitution by this section, shall be deemed to have been granted under subsection (1) (a) thereof as so substituted.

Substitution of section 103A of Act 30 of 1928, as inserted by section 36 of Act 23 of 1969 and substituted by section 19 of Act 94 of 1974.

20. The following section is hereby substituted for section 103A of the principal Act:

"Presence of women and children in certain restricted portions of premises licensed for on-consumption.

103A. (1) The Minister may, after consideration of a written application made in the prescribed manner and upon the recommendation of the National Liquor Board, authorize the holder of [a club liquor licence, a restaurant liquor licence, a theatre liquor licence, a bar licence or a wine and malt liquor licence] any on-consumption licence (other than a temporary liquor licence or a late hours occasional licence), subject to such conditions or restrictions as he may deem fit to impose, to permit females of the age of eighteen years or more or such females as well as persons under the age of eighteen years to be in any specified restricted portion of the licensed premises.

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18. Artikel 100sex van die Hoofwet word hierby gewysig deur subartikel (11) te skrap.

Wysiging van artikel 100sex van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 89 van 1962 en gewysig deur artikel 6 van Wet 98 van 1965 en artikel 33 van Wet 23 van 1969.

19. (1) Artikel 102A van die Hoofwet word hierby deur die volgende artikel vervang:

- 5 "Indienstelling van vroue in bepaalde beperkte en ander gedeeltes van geboue wat vir binneverbruik gelisensieer is."
- 10 **102A.** (1) Die Minister mag, na oorweging van 'n skriftelike aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Nasionale Drankraad, die houer van [n klub-dranklisensie, 'n restaurante-dranklisensie, 'n teater-dranklisensie, 'n kantienlisensie of 'n wyn- en bier-lisensie] enige binne-verbruiklisensie (behalwe 'n tydelike dranklisensie of 'n nagtelike geleentheds-lisensie) magtig om, onderworpe aan die voorwaardes of beperkings wat die Minister na goeddunke ople, vrouspersone van die ouderdom van agtien jaar of ouer in diens te hê by of in verband met die verkoop van drank—
- 15 (a) in [n in artikel 103A bedoelde] enige bepaalde beperkte gedeelte van sy gebou, [vrouspersone van die ouderdom van agtien jaar of ouer in diens te hê]; of
- 20 (b) in enige ander gedeelte van sy gebou wat nie 'n beperkte gedeelte is nie.
- 25 (2) Enige magtiging kragtens subartikel (1) verleen en enige voorwaarde of beperking daaraan geheg uit hoofde van die bepalings van genoemde subartikel, word deur die voorsitter van die betrokke lisensieraad aangeteken op die lisensie deur die betrokke persoon gehou."
- 30 (3) Enige magtiging kragtens bedoelde artikel 102A verleen voor die vervanging daarvan deur hierdie artikel, word geag kragtens subartikel (1) (a) daarvan, soos aldus vervang, verleen te gewees het.
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20. Artikel 103A van die Hoofwet word hierby deur die volgende artikel vervang:

- 40 "Teenwoordigheid van vrouspersone en kinders in sekere beperkte gedeeltes van geboue wat vir binnegebruik gelisensieer is."
- 45 **103A.** (1) Die Minister mag, na oorweging van 'n skriftelike aanvraag op die voorgeskrewe wyse gedoen en op aanbeveling van die Nasionale Drankraad, die houer van (n klub-dranklisensie, 'n restaurante-dranklisensie, 'n teater-dranklisensie, 'n kantienlisensie of 'n wyn- en bier-lisensie) enige binne-verbruiklisensie (behalwe 'n tydelike dranklisensie of 'n nagtelike geleentheds-lisensie) magtig om, onderworpe aan die voorwaardes of beperkings wat hy goedvind om op te lê, vrouspersone van die ouderdom van agtien jaar of ouer of sodanige vrouspersone sowel as persone onder die ouderdom van agtien jaar toe te laat om in enige bepaalde beperkte gedeelte van die gelisensieerde gebou te wees.

Vervanging van artikel 102A van Wet 30 van 1928, soos ingevoeg deur artikel 18 van Wet 94 van 1974.

Vervanging van artikel 103A van Wet 30 van 1928, soos ingevoeg deur artikel 36 van Wet 23 van 1969 en vervang deur artikel 19 van Wet 94 van 1974.

Amendment of section 104 of Act 30 of 1928, as substituted by section 37 of Act 23 of 1969.

(2) Any authority granted under subsection (1) and any condition or restriction attached thereto by virtue of the provisions of the said subsection (1), shall be endorsed by the chairman of the licensing board concerned on the licence held by the person concerned.”.

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21. Section 104 of the principal Act is hereby amended—

(a) by the deletion of the word “or” at the end of paragraph (a) of subsection (2); and

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

“(c) any female or person under the age of eighteen years who is in any portion of premises in respect of which there has been issued a temporary liquor licence to the secretary of a bona fide agricultural show for the sale of wine as defined in section 6A.”.

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Amendment of section 114bis of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 6 of Act 58 of 1957, section 6 of Act 89 of 1962, section 87 of Act 88 of 1963 and section 2 of Act 62 of 1966.

22. Section 114bis of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) if any wine is sold or kept for sale on the licensed premises, wine [for which there is a reasonable demand by the public,] of at least eight different [producers or manufacturers of wine each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer] persons each of whom shall either be the holder of a wine farmer’s licence or the holder of an authority under section 6A or a producer or manufacturer of wine, and, in the case of such a producer or manufacturer, be an independent producer or manufacturer in relation to the holder of the licence referred to in subsection (1), and to every other such producer or manufacturer taken into account for the purpose of calculating that number of persons.”.

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Amendment of section 117 of Act 30 of 1928.

23. Section 117 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

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“(2) Nothing in this section contained shall be deemed to prohibit—

(a) the advertising of liquor for sale at any licensed premises; [or]

(b) the soliciting, taking, accepting or receiving of orders or offers for the sale or purchase of liquor where the transaction is between licensees, distillers, brewers or persons authorized under this Act to sell liquor without a licence; or

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(c) the taking, accepting or receiving of orders or offers for the sale or purchase of wine as defined in section 6A and which has been produced or manufactured by the holder of a written authority granted in terms of that section, where the transaction takes place at premises in respect of which the secretary of a bona fide agricultural show holds a temporary liquor licence under which such wine may be sold”.

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| | <p>(2) Enige magtiging ingevolge artikel (1) verleen en enige voorwaarde of beperking daaraan geheg uit hoofde van die bepalings van genoemde subartikel (1), word deur die voorsitter van die betrokke lisensieraad op die lisensie deur die betrokke persoon gehou, aangeteken.”.</p> | |
| | <p>21. Artikel 104 van die Hoofwet word hierby gewysig—</p> <ul style="list-style-type: none"> (a) deur die woord “of” aan die end van paragraaf (a) van subartikel (2) te skrap; en (b) deur die volgende paragraaf by genoemde subartikel (2) te voeg: <p>“(c) op ’n vroupersoon of ’n persoon wat onder agtien jaar oud is wat in enige gedeelte van ’n gebou verkeer ten opsigte waarvan ’n tydelike dranklisensie aan die sekretaris van ’n <i>bona fide</i>-landboutentoonstelling uitgereik is vir die verkoop van wyn soos omskryf in artikel 6A.”.</p> | <p>Wysiging van artikel 104 van Wet 30 van 1928, soos vervang deur artikel 37 van Wet 23 van 1969.</p> |
| | <p>22. Artikel 114bis van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:</p> <p>“(a) indien wyn in die gelisensieerde gebou verkoop of vir verkoop aangehou word, wyn [waarvoor daar ’n redelike aanvraag deur die publiek is,] van minstens agt verskillende [produsente of vervaardigers van wyn van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, ’n onafhanklike produsent of vervaardiger moet wees] persone elk van wie of die houer van ’n wynboer-lisensie of die houer van ’n magtiging kragtens artikel 6A of ’n produsent of vervaardiger van wyn moet wees, en, in die geval van so ’n produsent of vervaardiger, ’n onafhanklike produsent of vervaardiger moet wees met betrekking tot die houer van die lisensie bedoel in subartikel (1), en iedere ander sodanige produsent of vervaardiger wat vir die doeleindes van die berekening van daardie getal persone in aanmerking geneem word.”.</p> | <p>Wysiging van artikel 114bis van Wet 30 van 1928, soos ingevoeg deur artikel 35 van Wet 61 van 1956 en gewysig deur artikel 6 van Wet 58 van 1957, artikel 6 van Wet 89 van 1962, artikel 87 van Wet 88 van 1963 en artikel 2 van Wet 62 van 1966.</p> |
| | <p>23. Artikel 117 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:</p> <p>“(2) Die bepalings van hierdie artikel belet nie dat—</p> <ul style="list-style-type: none"> (a) drank vir verkoop in ’n gelisensieerde gebou geadverteer word; [of dat] (b) bestellings of aanbiedings van verkoop of koop van drank versoek, geneem, aangeneem of ontvang word, as dit ’n transaksie is tussen lisensiehouers, drankstokers, bierbrouers of persone wat kragtens hierdie Wet sonder ’n lisensie drank mag verkoop; (c) bestellings of aanbiedings van verkoop of koop van wyn soos omskryf in artikel 6A en wat geproduseer of vervaardig is deur die houer van ’n skriftelike magtiging verleent ingevolge daardie artikel, geneem, aangeneem of ontvang word, as die transaksie plaasvind by ’n gebou ten opsigte waarvan die sekretaris van ’n <i>bona fide</i>-landboutentoonstelling ’n tydelike dranklisensie hou waarkragtens sodanige wyn verkoop mag word.”. | <p>Wysiging van artikel 117 van Wet 30 van 1928.</p> |

Amendment of section 135 of Act 30 of 1928, as amended by section 9 of Act 35 of 1956, section 14 of Act 72 of 1961, section 7 of Act 89 of 1962, section 97 of Act 88 of 1963 and section 42 of Act 23 of 1969.

Amendment of section 139 of Act 30 of 1928, as substituted by section 8 of Act 98 of 1965 and amended by section 46 of Act 23 of 1969.

24. Section 135 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Nothing in subsection (1) shall apply to the supply, distribution, or delivery of intoxicating liquor in the ordinary course of business to a licensee, the holder of an authority granted or renewed under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex, or (d)sept or under the provisions of section 5 (1) (d), (e), (f) or (g).".

25. Section 139 of the principal Act is hereby amended—

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

"(b) at all times enter and search any premises, room or place, whether licensed under this Act or not, or any vehicle, or search any person or any receptacle, object or thing of whatever nature, whether found in or upon such premises, room, place or vehicle or not, if—

(i) there are reasonable grounds to suspect that any contravention of a provision of this Act is taking place in or upon such premises, room, place or vehicle or is being committed by such person or by means of such vehicle [or] receptacle, object or thing or that it is being used in connection with the commission of any contravention of any such provision;

(ii) there are reasonable grounds to suspect that—

(aa) such person has in his possession any liquor, vehicle, receptacle, object or thing [or that];

(bb) any liquor, vehicle, receptacle, object or thing is kept in or upon such premises, room or place [vehicle or receptacle];

(cc) any liquor is kept in any such vehicle, receptacle, object or thing;

(dd) any receptacle, object or thing is kept in any such vehicle; or

(ee) any object or thing is kept in any such receptacle,

in contravention or in connection with a contravention of any provision of this Act; or

(iii) there are reasonable grounds to believe that—

(aa) such person has in his possession any liquor, vehicle, receptacle, object or thing [or that];

(bb) there is in or upon such premises, room or place [vehicle or receptacle] any liquor, vehicle, receptacle, object or thing;

(cc) there is in any such vehicle any liquor, receptacle, object or thing;

(dd) there is in any such receptacle any liquor, object or thing; or

(ee) there is in any such object or thing any liquor,

intended to be used for the purpose of committing, or in connection with the commission of, any offence under this Act;";

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- 24. Artikel 135 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:**
- 5 "(2) Subartikel (1) is nie van toepassing nie op die verstrekking, uitgifte of aflewering van sterke drank as 'n gewone besigheidstransaksie aan 'n lisensiehouer, die houer van 'n magtiging kragtens artikel 100bis of 100sex verleen of vernuwe of iemand wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (cA), (dA), (d)bis, (d)ter, (d)quat, (d)quin, (d)sex, (d)sept bedoelde magtiging of kragtens die bepalings van artikel 5 (1) (d), (e), (f), of (g)."
- Wysiging van artikel 135 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 35 van 1956, artikel 14 van Wet 72 van 1961, artikel 7 van Wet 89 van 1962, artikel 97 van Wet 88 van 1963 en artikel 42 van Wet 23 van 1969.
- 25. Artikel 139 van die Hoofwet word hierby gewysig—**
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- 15 "(b) te eniger tyd enige gebou, kamer of plek, hetsy ingevolge hierdie Wet gelisensieer al dan nie, of enige voertuig binne gaan en visenteer of enigiemand of enige houer, voorwerp of ding van watter aard ook al, hetsy in of by so 'n gebou, kamer, plek of voertuig gevind al dan nie, visenteer, indien—
- 20 (i) daar gegronde redes bestaan om te vermoed dat 'n oortreding van 'n bepaling van hierdie Wet in of by so 'n gebou, kamer, plek of voertuig plaasvind of deur so 'n persoon of deur middel van so 'n voertuig [of], houer, voorwerp of ding gepleeg word of dat dit in verband met die pleging van 'n oortreding van so 'n bepaling gebruik word;
- 25 (ii) daar gegronde redes bestaan om te vermoed dat—
- 30 (aa) so 'n persoon enige drank, voertuig, houer, [of] voorwerp of ding in sy besit het [of dat];
- 35 (bb) enige drank, voertuig, houer [of] voorwerp of ding in of by so 'n gebou, kamer, of plek [voertuig of houer] gehou word;
- 40 (cc) enige drank in so 'n voertuig, houer, voorwerp of ding gehou word;
- 45 (dd) enige houer, voorwerp of ding in so 'n voertuig gehou word; of
- 50 (ee) enige voorwerp of ding in so 'n houer gehou word; in stryd met of in verband met 'n oortreding van 'n bepaling van hierdie Wet; of
- 55 (iii) daar redelike gronde bestaan om te dink dat—
- 60 (aa) so 'n persoon enige drank, voertuig, houer, [of] voorwerp of ding in sy besit het, [of dat];
- 65 (bb) in of by so 'n gebou, kamer, of plek, [voertuig of houer] enige drank, voertuig, houer, [of] voorwerp of ding is;
- 66 (cc) in so 'n voertuig enige drank, houer, voorwerp of ding is;
- 67 (dd) in so 'n houer enige drank, voorwerp of ding is; of
- 68 (ee) in so 'n voorwerp of ding enige drank is;
- 69 wat bestem is om vir die doel van die pleeg of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik te word;" en
- Wysiging van artikel 139 van Wet 30 van 1928, soos vervang deur artikel 8 van Wet 98 van 1965 en gewysig deur artikel 46 van Wet 23 van 1969.

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

"(2) Any member of the police holding a rank or post so designated shall seize and remove [anything] any liquor, vehicle, receptacle, object or thing in possession of the person so searched or in or upon the premises, room, place, vehicle or receptacle so entered or searched if, in his opinion, the possession thereof by such person or the keeping, [or] possession or use thereof in or upon such premises, room, place, vehicle or receptacle is unlawful, or if he suspects that any offence has been committed in respect or by means thereof or if he has reason to believe that such liquor, vehicle, receptacle, object or thing is intended to be used for the purpose of committing or in connection with the commission of any offence under this Act."

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Amendment of section 162 of Act 30 of 1928, as amended by section 15 of Act 72 of 1961, section 102 of Act 88 of 1963, section 9 of Act 70 of 1968 and section 49 of Act 23 of 1969.

26. Section 162 of the principal Act is hereby amended— 20

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

"(a) subject to the proviso to section 80 (1), permits any customer to consume liquor upon the licensed premises or in any premises or place adjoining or near the licensed premises which are in the occupation or under the control of such holder;" and

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

"(b) sells, supplies or delivers to any person any liquor other than in a cask, jar, bottle or other receptacle securely corked or stoppered or any sweets containing more than two per cent. of alcohol by mass other than in a receptacle or receptacles properly and securely sealed;"

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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, section 10 of Act 58 of 1957, section 17 of Act 72 of 1961, section 20 of Act 63 of 1962, section 10 of Act 89 of 1962, section 106 of Act 88 of 1963, section 18 of Act 85 of 1964, section 36 of Act 70 of 1965, section 10 of Act 98 of 1965, section 12 of Act 70 of 1968 and section 51 of Act 23 of 1969.

27. Section 166 of the principal Act is hereby amended by the insertion after paragraph (h) of the following paragraph:

"(hA) introduces into, possesses or consumes any liquor in any portion of a sportsground to which members of the public have or are granted access, other than such portion of licensed premises on such sportsground as may be indicated in the licence concerned as a place where liquor may be delivered;"

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

"(2) 'n Lid van die polisiemag wat 'n aldus aangewese rang of pos beklee, moet [enigets] enige drank, voertuig, houer, voorwerp of ding wat in besit is van die persoon wat aldus geviseenteer word, of wat in of by die gebou, kamer, plek, voertuig of houer is wat aldus binnegegaan of geviseenteer word, in beslag neem en verwyder indien, na sy oordeel, die besit daarvan deur dié persoon of die hou, [of] besit of gebruik daarvan in of by sodanige gebou, kamer, plek, voertuig of houer onwettig is, of indien hy vermoed dat 'n misdryf ingevolge hierdie Wet ten opsigte of deur middel daarvan gepleeg is, of indien hy rede het om te dink dat [so iets] bedoelde drank, voertuig, houer, voorwerp of ding bestem is om vir die doel van die pleeg of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik te word."

26. Artikel 162 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- "(a) behoudens die voorbehoudsbepaling by artikel 80 (1), toelaat dat 'n klant drank gebruik in die gelisensieerde gebou of in 'n gebou of op 'n plek wat aan die gelisensieerde gebou grens of digby geleë is en wat die lisensiehouer besit of beheer," en
- (b) deur paragraaf (b) van genoemde subartikel deur die volgende paragraaf te vervang:
- "(b) enige drank behalwe in 'n vat, kruik, bottel of ander dig gekurkte of gepropste houer, of enige lekkers wat meer as twee persent alkohol volgens massa bevat, behalwe in 'n houer of houers wat behoorlik en dig verseël is, aan iemand verkoop, verstrek of aflewer."

Wysiging van artikel 162 van Wet 30 van 1928, soos gewysig deur artikel 15 van Wet 72 van 1961, artikel 102 van Wet 88 van 1963, artikel 9 van Wet 70 van 1968 en artikel 49 van Wet 23 van 1969.

27. Artikel 166 van die Hoofwet word hierby gewysig deur na paragraaf (h) die volgende paragraaf in te voeg:

- (hA) drank inbring, besit of verbruik in enige gedeelte van 'n sportgrond waartoe lede van die publiek toegang het of verleen word, ander dan die gedeelte van 'n gelisensieerde gebou in so 'n sportgrond wat in die betrokke lisensie aangewys mag wees as 'n plek waar drank gelewer kan word,"

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, artikel 10 van Wet 58 van 1957, artikel 17 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 10 van Wet 89 van 1962, artikel 106 van Wet 88 van 1963, artikel 18 van Wet 85 van 1964, artikel 36 van Wet 70 van 1965, artikel 10 van Wet 98 van 1965, artikel 12 van Wet 70 van 1968 en artikel 51 van Wet 23 van 1969.

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, section 43 of Act 61 of 1956, section 18 of Act 72 of 1961, section 20 of Act 63 of 1962, section 12 of Act 89 of 1962, section 108 of Act 88 of 1963, section 13 of Act 70 of 1968 and section 53 of Act 23 of 1969.

Substitution of section 171 of Act 30 of 1928, as amended by section 115 of Act 46 of 1935 and section 110 of Act 88 of 1963,

28. Section 168 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) if the contravention is of the provisions of section 100bis (8) or section 100sex (7) or of a provision of section 166 (d), (f), (hA), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) or (u), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months;”,

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29. The following section is hereby substituted for section 171 of the principal Act: 10

“Forfeiture of seized liquor, etc.

171. (1) Any liquor, vehicle, receptacle, object or thing seized under the authority of this Act or of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or any amendment thereof, shall, together with any vessels in which [the same] any such liquor, receptacle, object or thing is contained, be forfeited unless—

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(a) in the case where such liquor, vehicle, receptacle, object or thing forms the subject of the prosecution of the person in whose possession it was seized, the court finds that the liquor, vehicle, receptacle, object, or thing was not possessed or used by him in contravention or in connection with a contravention of any provision of this Act or any other law; or 20

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(b) in any other case if the person from whom such liquor, vehicle, receptacle, object or thing was taken [proves] submits, through the Secretary for Justice, within thirty days of the seizure, proof in writing, to the satisfaction of the Minister, that the possession [of it] or use thereof by himself or any other person was not for or in connection with an unlawful purpose. 30
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(2) Any liquor, vehicle, receptacle, object, or thing or vessels so forfeited may be sold or destroyed, [or may be dealt with in such other manner as the Minister may direct] and shall be sold or destroyed or be dealt with in some other manner, if the Minister so directs.

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28. Artikel 168 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

5 "(b) as dit 'n oortreding is van die bepalings van artikel 100bis (8) of artikel 100sex (7) of van 'n bepaling in artikel 166 (d), (f), (hA), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p), of (u), met 'n boete van hoogstens twee honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande;".

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, artikel 43 van Wet 61 van 1956, artikel 18 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 12 van Wet 89 van 1962, artikel 108 van Wet 88 van 1963, artikel 13 van Wet 70 van 1968 en artikel 53 van Wet 23 van 1969.

29. Artikel 171 van die Hoofwet word hierby deur die volgende artikel vervang:

15 "Verbeuring van drank, ens., wat in beslag geneem is.

171. (1) Enige drank, voertuig, houer, [of] voorwerp of ding wat kragtens hierdie Wet of die Strafprosesewet, 1955 (Wet No. 56 van 1955), of 'n wysiging daarvan in beslag geneem [geword] is, word met die houers waarin [dit] enige sodanige drank, houers, voorwerp of ding bevat is, verbeur, tensy—

Vervanging van artikel 171 van Wet 30 van 1928, soos gewysig deur artikel 115 van Wet 46 van 1935 en artikel 110 van Wet 88 van 1963.

20 (a) in geval die drank, voertuig, houer, [of] voorwerp of ding die onderwerp uitmaak van die vervolging van die persoon in wie se besit dit was toe dit in beslag geneem [geword] is, die hof bevind dat hy nie die drank, voertuig, houer [of] voorwerp of ding [in besit gehad het nie] in stryd met, of in verband met 'n oortreding van, 'n bepaling van hierdie of enige ander wet in sy besit gehad of gebruik het nie; of

25 (b) in enige ander geval die persoon van wie die drank, voertuig, houer, [of] voorwerp of ding weggeneem is binne dertig dae na die inbeslagname, die Minister deur skrifte-like bewyse, voorgelê deur bemiddeling van die Sekretaris van Justisie, oortuig dat die besit of gebruik van die drank, [of] voertuig, houer, voorwerp of ding deur homself of iemand anders nie vir of in verband met 'n onwettige doel was nie.

30 (2) Enige aldus verbeurde drank, voertuig, voorwerp [of], houers of ding mag verkoop of vernietig word, [of daar mag op die ander wyse daarmee gehandel word wat die Minister gelas] en moet verkoop of vernietig of op 'n ander wyse oor beskik word, indien die Minister aldus gelas.

(3) The provisions of subsections (1) and (2), in so far as they relate to a vehicle, shall not effect the rights which any person (other than the person from whom it was taken) may have to such vehicle, if he submits, through the Secretary for Justice, within thirty days of the seizure, proof in writing, to the satisfaction of the Minister, that he did not know that the vehicle was used or would be used for an unlawful purpose or in connection with such purpose or that he could not prevent such use.”.

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Short title and commencement.

30. This Act shall be called the Liquor Amendment Act, 1975, and the provisions of sections 3, 5, 7, 9 (1) (b), 9 (2), 9 (3), 10, 11 (b), 11 (c), 11 (d), 13, 14, 19 and 20 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Provided that different dates may be so fixed in respect of different such provisions.

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(3) In sover die bepalings van subartikels (1) en (2) op 'n voertuig betrekking het, raak hulle geen regte wat iemand (anders dan die persoon van wie dit weggeneem is) op bedoelde voertuig het nie, indien hy binne dertig dae na die inbeslagnameing die Minister deur skriftelike bewyse, voorgelê deur bemiddeling van die Sekretaris van Justisie, oortuig dat hy nie geweet het dat die voertuig vir 'n onwettige doel of in verband daarmee gebruik was of sou word nie of dat hy sodanige gebruik nie kon verhoed nie."

30. Hierdie Wet heet die Drankwysigingswet, 1975, en die bepalings van artikels 3, 5, 7, 9 (1) (b), 9 (2), 9 (3), 10, 11 (b),
15 11 (c), 11 (d), 13, 14, 19 en 20 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van verskillende sodanige bepalings aldus bepaal kan word.

Kort titel en
inwerking-
treding,