



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

CAPE TOWN, 21 JUNE 1978

KAAPSTAD, 21 JUNIE 1978

[No. 6062]

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

1266.

21 June 1978.

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

82 of 1978: Liquor Amendment Act, 1978.

No. 1266.

21 Junie 1978.

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

No. 82 van 1978: Drankwysigingswet, 1978.

Wet No. 82, 1978

DRANKWYSIGINGSWET, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Drankwet, 1977, betreffende die datums met ingang waarvan jaarlikse gelde ten opsigte van spesiale magtigings en sekere lisensies betaalbaar word; om voorsiening te maak vir die geldigheid van spesiale magtigings; om die vervreemding van sekere drankwinkels of aandele of belange daarin te beperk en te beheer; om sekere diensgelde te verbied; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1978.)

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

Wysiging van
artikel 23 van
Wet 87 van 1977.

1. Artikel 23 van die Drankwet, 1977 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van subartikel 5 (8) deur die volgende paragraaf te vervang:

„(b) Vir die jaar **[1978]** 1979 en vir elke daaropvolgende kalenderjaar moet ten opsigte van 'n spesiale magtiging die gelde betaal word, wat nie die bedrae bedoel in paragraaf (a) te bowe gaan nie, wat die Minister na 10 oorlegpleging met die Minister van Finansies bepaal.”.

Wysiging van
artikel 42 van
Wet 87 van 1977.

2. Artikel 42 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) word vir die jaar **[1978]** 1979 en vir elke daaropvolgende kalenderjaar, ten opsigte van elke lisensie, uitgesonderd 'n geleentheidslisensie, 'n tydelike dranklisensie en 'n lisensie wat geag word kragtens artikel 209 gehou te word, die toepaslike jaarlikse gelde uiteengesit in Deel B van Bylae 1, betaal.”. 20

Wysiging van
artikel 43 van
Wet 87 van 1977.

3. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikels (2) en (5) en andersluidende bepalings van hierdie Wet, is en bly elke lisensie of spesiale magtiging van krag vanaf die datum van 25 uitreiking daarvan.”.

Invoeging van
artikel 128A in
Wet 87 van 1977.

4. Die volgende artikel word hierby in die Hoofwet voor artikel 129 ingevoeg:

„Besondere voorwaardes van sekere drankwinkel-lisensies.

128A. (1) Dit is 'n besondere voorwaarde van elke drankwinkellisensie wat op of na die datum van inwerkingtreding van hierdie artikel verleen word dat— 30
(a) die saak ten opsigte waarvan daardie lisensie gehou word of 'n aandeel of belang in daardie saak; 35

LIQUOR AMENDMENT ACT, 1978.

Act No. 82, 1978

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Liquor Act, 1977, relating to the dates as from which annual fees shall become payable in respect of special authorities and certain licences; to provide for the validity of special authorities; to restrict and control the alienation of certain liquor stores or shares or interests therein; to prohibit certain service charges; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 12 June 1978.)

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

1. Section 23 of the Liquor Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (8) of the following paragraph: Amendment of section 23 of Act 87 of 1977.

“(b) For the year **[1978]** 1979 and for every calendar year thereafter, there shall be paid in respect of any special authority such fees, not exceeding the amounts referred to in paragraph (a), as the Minister may, after consultation with the Minister of Finance, determine.”

2. Section 42 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 42 of Act 87 of 1977.

“(b) there shall for the year **[1978]** 1979 and for every calendar year thereafter, be paid in respect of each licence, excluding an occasional licence, a temporary liquor licence and a licence deemed to be held under section 209, the applicable annual fees set out in Part B of Schedule 1.”

3. Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 43 of Act 87 of 1977.

“(1) Subject to the provisions of subsections (2) and (5) and any other provision to the contrary in this Act contained, every licence or special authority shall be and remain of force and effect from the date of issue thereof.”

4. The following section is hereby inserted in the principal Act before section 129: Insertion of section 128A in Act 87 of 1977.

“Special conditions of certain liquor store licences. **128A.** (1) It shall be a special condition of every liquor store licence granted on or after the date of commencement of this section that—
(a) the business in respect of which such licence is held or any share or interest in such business;

Wet No. 82, 1978

DRANKWYSIGINGSWET, 1978.

(b) indien die betrokke lisensiehouer 'n private maatskappy, vennootskap of ander vereniging van persone is, 'n aandeel of belang in bedoelde private maatskappy, vennootskap of ander vereniging van persone,

nie binne 'n tydperk van vyf jaar vanaf die datum waarop daardie lisensie verleen is, vervreem mag word nie tensy die betrokke lisensiehouer in 'n skriftelike aansoek die Minister oortuig het dat daar goeie en voldoende redes bestaan waarom hy voornemens is om daardie saak, aandeel of belang, na gelang van die geval, te vervreem, en die Minister, op aanbeveling van die Raad, skriftelik toestemming verleen het dat daardie saak, aandeel of belang aldus vervreem mag word.

(2) Elke vervreemding in stryd met die bepalings van subartikel (1) is ongeldig.

(3) By die toepassing van hierdie artikel beteken 'vervreem' ook verkoop, verruil, verhuur of skenk, maar nie ook voldoening aan 'n hofbevel, testamenteêre beskikking of die reg betreffende intestate erfopvolging of vervreem deur of op las van die eksekuteur of administrateur in 'n bestorwe boedel, die kurator in 'n insolvente boedel of die likwidateur van 'n private maatskappy, ten einde daardie boedel te beredder of daardie maatskappy te likwideer nie, en het 'vervreemding' 'n ooreenstemmende betekenis.'.

Wysiging van
artikel 182 van
Wet 87 van 1977.

5. Artikel 182 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (1) in te voeg:

„(1A) (i) op 'n geldtarief of rekeningstaat ten opsigte van

enige huisvesting, maaltyd, verversing of diens aangebied of voorsien by enige gelisensieerde perseel waar drank kragtens 'n binneverbruiklisensie verkoop of verskaf word, 'n bedrag aangee of byvoeg wat 'n heffing, toeslag, bedieningsgeld of vordering van 'n soortgelyke aard op die prys van sodanige huisvesting, maaltyd, verversing of diens verteenwoordig; of

(ii) van iemand anders vereis om ten opsigte van enige sodanige huisvesting, maaltyd, verversing of diens benewens genoemde prys 'n bedrag by wyse van 'n heffing, toeslag, bedieningsgeld of vordering van 'n soortgelyke aard te betaal:

Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie op 'n toeslag wat ingevolge artikel 28 (1) van die Wet op Hotelle, 1965 (Wet No. 70 van 1965), betaalbaar is of op 'n telefoondiens wat deur 'n hotel voorsien word.'.

Kort titel en
inwerkingtreding.

6. Hierdie Wet heet die Drankwysigingswet, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van die onderskeie bepalings daarvan aldus bepaal kan word.

LIQUOR AMENDMENT ACT, 1978.

Act No. 82, 1978

(b) if the licensee concerned is a private company, partnership or other association of persons, any share or interest in such private company, partnership or other association of persons,

shall not be alienated within a period of five years as from the date on which such licence was granted unless the licensee concerned has in an application in writing satisfied the Minister that good and sufficient cause exists for his intention to alienate such business, share or interest, as the case may be, and the Minister, on the recommendation of the Board, has granted permission in writing for such business, share or interest to be so alienated.

(2) Every alienation contrary to the provisions of subsection (1) shall be invalid.

(3) For the purposes of this section 'alienate' includes sell, exchange, lease or donate, but does not include compliance with any order of court, testamentary disposition or the law relating to intestate succession, or alienate by or on instructions given by the executor or administrator in a deceased estate, the trustee in an insolvent estate or the liquidator of a private company, for the purpose of administering such estate or winding-up such company, and 'alienation' shall have a corresponding meaning."

5. Section 182 of the principal Act is hereby amended by the insertion after paragraph (l) of the following paragraph:

Amendment of section 182 of Act 87 of 1977.

"(1A) (i) reflects on or adds to any tariff of charges or

statement of account in respect of any accommodation, meal, refreshment or service offered or provided at any licensed premises where liquor is sold or supplied under an on-consumption licence, any amount representing a levy, surcharge, service charge or charge of a like nature on the price of such accommodation, meal, refreshment or service; or

(ii) requires any other person to pay in respect of any such accommodation, meal, refreshment or service any amount by way of a levy, surcharge, service charge or charge of a like nature in addition to the said price:

Provided that the provisions of this paragraph shall not apply to any surcharge payable in terms of section 28 (1) of the Hotels Act, 1965 (Act No. 70 of 1965), or to any telephone service provided by an hotel."

6. This Act shall be called the Liquor Amendment Act, 1978, and 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 the several provisions thereof.

Short title and commencement.

(10) If the licensee concerned is a private company, partnership or other association of persons, any share or interest in such private company, partnership or other association of persons shall not be alienated within a period of five years from the date on which such licence was granted unless the licensee concerned has in an application in writing satisfied the Minister that good and sufficient cause exists for his intention to alienate such business share or interest as the case may be, and the Minister, on the recommendation of the Board, has granted permission in writing for such business share or interest to be so alienated.

(11) Every alienation contrary to the provisions of subsection (10) shall be invalid.

(12) For the purposes of this section "alienate" includes all exchange, lease or demise, but does not include compliance with any order of court, testamentary disposition or the law relating to intestate succession, or alienate by or on instruction given by the executor or administrator of a deceased estate, the trustee in an insolvent estate or the liquidator of a private company, for the purpose of administering such estate or winding up such company, and "alienation" shall have a corresponding meaning.

Section 182 of the principal Act is hereby amended by the insertion after paragraph (1) of the following paragraph:

(1A) (i) refers to or adds to any tariff of charges or statement of account in respect of any accommodation, meal, refreshment or service offered or provided at any licensed premises which liquor is sold or supplied under its on-consumption licence, any amount representing a levy, surcharge, service charge or charge of a like nature on the price of such accommodation, meal, refreshment or service; or

(ii) requires any other person to pay in respect of any such accommodation, meal, refreshment or service any amount by way of a levy, surcharge, service charge or charge of a like nature in addition to the said price.

Provided that the provisions of this paragraph shall not apply to any surcharge payable in terms of section 28 (1) of the Hotels Act, 1955 (Act No. 30 of 1955) or to any telephone service provided by an hotel.

6. This Act shall be called the Liquor Amendment Act, 1957, and 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 the several provisions thereof.