



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 328.

3 Maart 1982.

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

No. 4 van 1982: Lugvaartwysigingswet, 1982.

OFFICE OF THE PRIME MINISTER

No. 328.

3 March 1982.

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

No. 4 of 1982: Aviation Amendment Act, 1982.

Wet No. 4, 1982

LUGVAARTWYSIGINGSWET, 1982

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 Lugvaartwet, 1962, ten einde sekere verouderde woorde en uitdrukkings te vervang; en aan die Minister van Vervoerwese die bevoegdheid te verleen om regulasies uit te vaardig betreffende die vereistes wat nagekom moet word en die maatreëls wat getref moet word in verband met die vervoer in lugvaartuie van sekere diere en visse; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Februarie 1982.)

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

Wysiging van
artikel 1 van
Wet 74 van 1962,
soos gewysig deur
artikel 3 van
Wet 12 van 1965,
artikel 1 van
Wet 83 van 1969
en artikel 1 van
Wet 63 van 1981.

1. Artikel 1 van die Lugvaartwet, 1962 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die volgende omskrywing voor die omskrywing 5 van „eienaar” in te voeg:
„„drank’ drank soos omskryf in artikel 1 van die Drankwet, 1977 (Wet No. 87 van 1977);” en

(b) deur die omskrywing van „sterk drank” te skrap.

Wysiging van
artikel 2 van
Wet 74 van 1962.

2. Artikel 2 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „Departement van Verdediging” deur die woorde „Suid-Afrikaanse Weermag” te vervang.

Wysiging van
artikel 6bis van
Wet 74 van 1962,
soos ingevoeg deur
artikel 4 van
Wet 12 van 1965
en gewysig deur
artikel 2 van
Wet 83 van 1969.

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

(a) deur subartikel (1) deur die volgende subartikel te 15
vervang:

„(1) Ondanks andersluidende bepalings van enige wet kan die Minister—

(a) deur middel van die Departement van Vervoer die verkoop van **[sterk]** drank vir gebruik in of op die gebou bedoel in subartikel (3) van hierdie 20 artikel, behoudens die bepalings van artikel **[5 (3) van die Drankwet, 1928 (Wet No. 30 van 1928)]** 209 (3) (b) van die Drankwet, 1977 (Wet No. 87 van 1977), ander verversings, rookartikels, leesstof, en die ander goedere wat die Minister 25 goedvind, onderneem by 'n vliegveld wat ingevolge artikel 6 opgerig is en in stand gehou word, en die verkoop, in 'n transitogebied kragtens subartikel (4) van hierdie artikel by so 'n vliegveld aangewys, van **[sterk]** drank vir gebruik buite die 30 Republiek, onderneem;

(b) aan iemand of aan twee of meer persone gesamentlik of afsonderlik toestemming verleen om, onderworpe aan die voorwaardes wat die Minister oplê wanneer hy sodanige toestemming 35 verleen of wat voorgeskryf is, by enige sodanige

AVIATION AMENDMENT ACT, 1982

Act No. 4, 1982

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 Aviation Act, 1962, so as to substitute certain obsolete words and expressions; and to empower the Minister of Transport Affairs to make regulations relating to the requirements to be observed and the steps to be taken in connection with the conveyance in aircraft of certain animals and fish; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 16 February 1982.)

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

1. Section 1 of the Aviation Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the deletion of the definition of “intoxicating liquor”; and
 - (b) by the insertion of the following definition before the definition of “Minister”:

“‘liquor’ means liquor as defined in section 1 of the
 10 Liquor Act, 1977 (Act No. 87 of 1977);”.
 2. Section 2 of the principal Act is hereby amended by the substitution in subsection (3) for the words “Department of Defence” of the words “South African Defence Force”.

Amendment of section 1 of Act 74 of 1962, as amended by section 3 of Act 12 of 1965, section 1 of Act 83 of 1969 and section 1 of Act 63 of 1981.
 3. Section 6bis of the principal Act is hereby amended—
 - 15 (a) by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in any law contained, the Minister may—

20 (a) through the Department of Transport undertake the sale of **[intoxicating]** liquor for consumption in or on the premises referred to in subsection (3) of this section, subject to the provisions of section **[5 (3) of the Liquor Act, 1928 (Act No. 30 of 1928)]** 209 (3) (b) of the Liquor Act, 1977 (Act No. 87 of
 25 1977), other refreshments, smokers’ requisites, reading-matter and such other goods as the Minister may deem fit, at any aerodrome established and maintained in terms of section 6, and the sale, in any transit area designated under subsection (4) of this section at any such aerodrome, of **[intoxicating]** liquor for consumption outside the Republic;

30 (b) grant permission to any person or to two or more persons jointly or separately to sell, subject to such conditions as the Minister may impose when granting such permission or as may be prescribed,

35
- Amendment of section 2 of Act 74 of 1962.
- Amendment of section 6bis of Act 74 of 1962, as inserted by section 4 of Act 12 of 1965 and amended by section 2 of Act 83 of 1969.

vliegveld een of meer van of al die volgende klasse goedere, naamlik **[sterk]** drank vir gebruik in of op die gebou bedoel in subartikel (3) van hierdie artikel, behoudens die bepalings van artikel **[5 (3) van die Drankwet, 1928]** 209 (3) (b) van die Drankwet, 1977, ander verversings, rookartikels, leesstof en die ander goedere wat die Minister goedvind, en, in 'n transitogebied kragtens subartikel (4) van hierdie artikel by so 'n vliegveld aangewys, **[sterk]** drank vir gebruik buite die Republiek, te verkoop: Met dien verstande dat sodanige toestemming om **[sterk]** drank te verkoop nie verleen mag word nie aan iemand aan wie, ingevolge die bepalings van artikel **[65 van die Drankwet, 1928]** 25 van die Drankwet, 1977, 'n kantienlisensie nie verleen mag word nie, of aan 'n produsent, **[vervaardiger, brouer, agent, genomineerde]** bierbrouer, verteenwoordiger, persoon of maatskappy beoog in artikel **[114ter]** 32 van genoemde Wet.”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Ondanks die bepalings van artikel **[vyf-ensewentig van die Drankwet, 1928]** 89 van die Drankwet, 1977, kan die Minister ten opsigte van 'n gedeelte of gedeeltes van 'n gebou vermeld in subartikel (3) van hierdie artikel wat deur hom as 'n transitogebied of transitogebiede, na gelang van die geval, aangewys is, dae en ure van verkoop en **[aflewering]** verskaffing van **[sterk]** drank vasstel, en enige dae of ure aldus vasgestel, word geag te wees die dae waarop of die ure waartydens drank ingevolge genoemde artikel **[vyf-ensewentig]** 89 van die Drankwet, 1977, in so 'n gebied of gebiede verkoop of **[afgelewer]** verskaf mag word.”;

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

„(5) **[a]** Waar die gebou in subartikel (3) bedoel of 'n gedeelte van sodanige gebou in 'n gebied geleë is wat vir die binnekoms en vertrek van internasionale lugverkeer by die betrokke vliegveld aangewys is, kan die Minister, by die uitoefening van sy bevoegdhede kragtens subartikel (1) (a), of 'n persoon aan wie ingevolge subartikel (1) (b) toestemming verleen is om in daardie gebou **[sterk]** drank te verkoop en wat deur die Minister daartoe gemagtig is, onderworpe, in die geval van so 'n persoon, aan die voorwaardes wat die Minister oplaë wanneer hy die magtiging verleen of wat voorgeskryf is—

- (a) **[(i)]** in daardie gebou of in die gedeelte daarvan wat in bedoelde gebied geleë is, na gelang van die geval, **[sterk]** drank verkoop of verskaf aan **[’n Swarte soos omskryf in die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)]** enige persoon wat nie 'n Blanke is nie;

- (b) **[(ii)]** ondanks die bepalings van **[artikel 104 van die Drankwet, 1928]** artikels 70 en 73 van die Drankwet, 1977, 'n vrouspersoon van of bo die ouderdom van agtien jaar in 'n beperkte gedeelte van daardie gebou wat in bedoelde gebied geleë is, toelaat.

- [(b) ’n Swarte soos aldus omskryf kan sterk drank wat uit hoofde van magtiging by of kragtens paragraaf (a) (i) verleen aan hom verkoop of verskaf is, verkry en besit vir die doel waarvoor dit aan hom verkoop of verskaf is.]”**; en

AVIATION AMENDMENT ACT, 1982

Act No. 4, 1982

at any such aerodrome any one or more of or all the following classes of goods, namely, **[intoxicating]** liquor for consumption in or on the premises referred to in subsection (3) of this section, subject to the provisions of section **[5 (3) of the Liquor Act, 1928]** 209 (3) (b) of the Liquor Act, 1977, other refreshments, smokers' requisites, reading-matter and such other goods as the Minister may deem fit, and, in any transit area designated under subsection (4) of this section at any such aerodrome, **[intoxicating]** liquor for consumption outside the Republic: Provided that such permission to sell **[intoxicating]** liquor shall not be granted to a person to whom, in terms of the provisions of section **[65 of the Liquor Act, 1928]** 25 of the Liquor Act, 1977, a bar licence may not be granted, or to a producer, **[manufacturer]** brewer, agent, **[nominee]** person or company contemplated in section **[114ter]** 32 of the said Act.”;

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

“(4) Notwithstanding the provisions of section **[seventy-five of the Liquor Act, 1928]** 89 of the Liquor Act, 1977, the Minister may in respect of any portion or portions of any premises referred to in subsection (3) of this section designated by him as a transit area or transit areas, as the case may be, fix days and hours of sale and **[delivery]** supply of **[intoxicating]** liquor, and any days or hours so fixed shall be deemed to be the days on which or the hours during which liquor may, in terms of the said section **[seventy-five]** 89 of the Liquor Act, 1977, be sold or **[delivered]** supplied in such area or areas.”;

- (c) by the substitution for subsection (5) of the following subsection:

“(5) **[(a)]** Where the premises referred to in subsection (3) are, or any portion of such premises is, situated within an area designated for the entry and departure of international air traffic at the aerodrome in question, the Minister, in the exercise of his powers under subsection (1) (a), or any person to whom permission to sell **[intoxicating]** liquor on those premises was granted in terms of subsection (1) (b) and who has been authorized thereto by the Minister, may, subject, in the case of such a person, to such conditions as the Minister may impose when granting the authority or as may be prescribed—

(a) [(i)] in such premises or in the portion thereof situated within such area, as the case may be, sell or supply **[intoxicating]** liquor to **[a Black as defined in the Population Registration Act, 1950 (Act No. 30 of 1950)]** any person who is not a white person;

(b) [(ii)] notwithstanding the provisions of **[section 104 of the Liquor Act, 1928]** sections 70 and 73 of the Liquor Act, 1977, permit any female of or above the age of eighteen years to be in any restricted portion of those premises situated within such area.

[(b)] A Black as so defined may obtain and possess, for the purpose for which it is sold or supplied to him, any intoxicating liquor sold or supplied to him by virtue of authority conferred by or under paragraph (a) (i)”; and

Wet No. 4, 1982

LUGVAARTWYSIGINGSWET, 1982

(d) deur in subartikel (6) die woorde „sterk drank” deur die woord „drank” te vervang.

Wysiging van
artikel 9 van
Wet 74 van 1962.

4. Artikel 9 van die Hoofwet word hierby gewysig deur in paragraaf (a) die woorde „driehonderd voet” deur die woorde „vyf-en-negentig meter” te vervang.

5

Wysiging van
artikel 10 van
Wet 74 van 1962.

5. Artikel 10 van die Hoofwet word hierby gewysig deur die uitdrukking „Hoofstuk IX van die ‘Precious and Base Metals Act, 1908’ (Wet No. 35 van 1908, Transvaal)” deur die uitdrukking „Hoofstuk X van die Wet op Mynregte, 1967 (Wet No. 20 van 1967)” te vervang.

10

Wysiging van
artikel 21 van
Wet 74 van 1962.

6. Artikel 21 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „Gekonsolideerde Inkomstefonds” deur die woord „Staatsinkomstefonds” te vervang.

Wysiging van
artikel 22 van
Wet 74 van 1962,
soos gewysig deur
artikel 5 van
Wet 12 van 1965,
artikel 3 van
Wet 83 van 1969,
artikel 25 van
Wet 62 van 1973
en artikel 1 van
Wet 64 van 1980.

7. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur in subparagraaf (vi)*bis* van paragraaf (e) van 15
subartikel (1) die woorde „sterk drank” deur die
woord „drank” te vervang; en

(b) deur die woord „en” aan die end van paragraaf (y) van
subartikel (1) te skrap en die volgende paragraaf by
daardie subartikel te voeg: 20

„(z) die vereistes wat nagekom moet word en die
maatreëls wat getref moet word in verband met
die vervoer in lugvaartuie van enige dier soos
omskryf in artikel 1 van die Dierebeskermingswet,
1962 (Wet No. 71 van 1962), of enige vis soos 25
omskryf in artikel 1 van die Wet op Seevisserye,
1973 (Wet No. 58 van 1973), en”.

Kort titel.

8. Hierdie Wet heet die Lugvaartwysigingswet, 1982.

AVIATION AMENDMENT ACT, 1982

Act No. 4, 1982

- (d) by the substitution in subsection (6) for the words "intoxicating liquor" of the word "liquor".

4. Section 9 of the principal Act is hereby amended by the substitution in paragraph (a) for the words "three hundred feet" of the words "ninety-five metres".

Amendment of section 9 of Act 74 of 1962.

5. Section 10 of the principal Act is hereby amended by the substitution for the expression "Chapter IX of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908, Transvaal)" of the expression "Chapter X of the Mining Rights Act, 1967 (Act No. 10 20 of 1967)".

Amendment of section 10 of Act 74 of 1962.

6. Section 21 of the principal Act is hereby amended by the substitution in subsection (2) for the words "Consolidated Revenue Fund" of the words "State Revenue Fund".

Amendment of section 21 of Act 74 of 1962.

7. Section 22 of the principal Act is hereby amended—

15 (a) by the substitution in subparagraph (vi)*bis* of paragraph (e) of subsection (1) for the words "intoxicating liquor" of the word "liquor"; and

(b) by the deletion of the word "and" at the end of paragraph (y) of subsection (1) and the addition of the

20 following paragraph to that subsection:

"(z) the requirements to be observed and the steps to

25 be taken in connection with the conveyance in aircraft of any animal as defined in section 1 of the Animals Protection Act, 1962 (Act No. 71 of 1962), or any fish as defined in section 1 of the Sea Fisheries Act, 1973 (Act No. 58 of 1973), and".

Amendment of section 22 of Act 74 of 1962, as amended by section 5 of Act 12 of 1965, section 3 of Act 83 of 1969, section 25 of Act 62 of 1973 and section 1 of Act 64 of 1980.

8. This Act shall be called the Aviation Amendment Act, 1982.

Short title.

