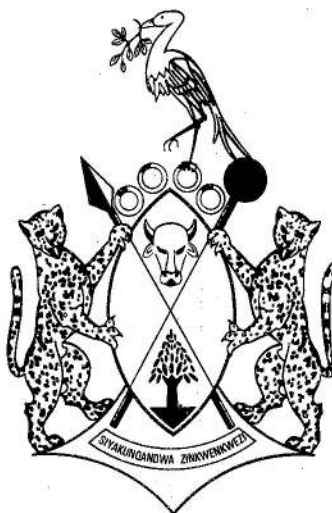


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**DEPARTMENT OF JUSTICE, POLICE AND PRISONS**

**GOVERNMENT NOTICE NO. 44**

**LIQUOR AMENDMENT ACT, 1985  
(ACT NO. 3 OF 1985)**

# LIQUOR AMENDMENT ACT, 1985

## A C T

To amend the Liquor Act, 1983 and to provide for incidental matters.

(English text signed by the President. Assented to on 18th June 1985).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-

*Amendment of section 1 of Act 13 of 1983, as amended by section 1 of Act 23 of 1984.*

1. Section 1 of the Liquor Act, 1983 (hereinafter in this Act referred to as the principal Act) is hereby amended by the insertion after the definition of "chief" of the following definition:

" 'Ciskei' means the Republic of Ciskei;".

*Substitution of Schedule 1 of Act 13 of 1983, as amended by section 6 of Act 23 of 1984.*

2. (1) Schedule 1 of the principal Act is hereby amended by the substitution for item 10 of the following item:

"Item 10 Tavern licence For a yearly licence R40 and in addition, where the gross receipts from the business during the preceding year exceeded R4 000, R10 for every R2 000 or part thereof in excess of R4 000 but not exceeding R6 000, and R20 for every R2 000 or part thereof exceeding R6 000.  
For a half-yearly licence one-half of the yearly fee.

Under a tavern licence the licence-holder may, subject to any restriction imposed upon him by the licensing authority and unless he has expressly been authorised otherwise in terms of this Act, sell, on any day including a closed day (other than polling day) for consumption on the licensed premises but not earlier than ten o'clock in the morning or later than eleven o'clock at night, liquor which he has lawfully acquired within Ciskei from the holder of a bottle store licence or an hotel licence, and no other liquor."

- (2) Subsection (1) shall come into operation on 1 January 1986.

*Provisions regarding withdrawal of certain privileges, the imposition of certain restrictions and the invalidity of certain licences.*

3. (1) Notwithstanding anything in section 2 of this Act or in any other law (including the common law) contained —
  - (a) the President may at any time prior to 1 January 1986 and by proclamation in the *Gazette* —
    - (i) withdraw any special right of off-sale held in conjunction with any particular tavern licence or with tavern licences generally; either indefinitely or for a specified period;
    - (ii) restrict as from a specified date, which shall be reasonable, the sale or supply of liquor under a tavern licence to the sale or supply of liquor which has been lawfully acquired within Ciskei by the holder of such licence from the holder of a bottle store licence or an hotel licence and no other liquor, and may in like manner amend or withdraw any such proclamation;
  - (b) every tavern licence issued for the year 1985 by any issuing officer except in compliance with a certificate signed as prescribed in section 4 (2) (a) or (c) of the principal Act shall, as from the commencement of this Act or if such licence has already been surrendered by the holder to the issuing officer as from the date of such surrender, become null and void and of no force or effect: Provided that, notwithstanding the foregoing provisions of this paragraph, the holder of a tavern licence which has so become null and void but which has not been surrendered to the issuing officer may, for a period of one month after the commencement of this Act, sell upon the licensed premises for consumption thereon any liquor which was on such premises on the day of such commencement.

- (2) In this section any word or expression to which a meaning has been assigned in the principal Act bears that meaning.

*Indemnity.*

4. (1) No proceedings shall be brought in any court of law against —
  - (a) the President;
  - (b) any Minister of State;
  - (c) any Member of the Ciskeian Police; or
  - (d) any Magistrate or Receiver of Revenue,by reason of any act done by him in good faith on or after the second day of January 1985 for the purpose of carrying out or enforcing the provisions of Proclamations 1 and 5 of 1985 of the President of the Republic of Ciskei.
- (2) Every such proceeding which may have been brought or commenced prior to the coming into operation of this Act shall lapse and shall be deemed void.
- (3) If in any proceedings brought against any holder of an office, person or member referred to in subsection (1), the question arises whether any act was done in good faith for the purpose mentioned in the said subsection, it shall be presumed until the contrary is proved that such act was done in good faith for the said purpose.

*Short title.*

5. This Act shall be called the Liquor Amendment Act, 1985.

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**DEPARTMENT OF JUSTICE, POLICE AND PRISONS**

**GOVERNMENT NOTICE NO. 44**

**LIQUOR AMENDMENT ACT, 1985**

# ACTS

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22	✓ Marketing Act	77	v14,no.104, 26.9.86			
23	✓ Mental Helath Act	78	v14,no.105, 26.9.86	20.2.87	Proc 4	v15,no.8, 20.2.87