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KAAPSTAD, 18 SEPTEMBER 1987

No. 10917

STATE PRESIDENT'S OFFICE

No. 2070.

18 September 1987

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

No. 50 of 1987: Liquor Amendment Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2070.

18 September 1987

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

No. 50 van 1987: Drankwysigingswet, 1987.

Act No. 50, 1987

LIQUOR AMENDMENT ACT, 1987

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Liquor Act, 1977, so as to further regulate the granting of liquor store licences; and to provide that certain acts purporting to have been done in terms of the said Act, are valid; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 9 September 1987.)*

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

Amendment of section 34 of Act 87 of 1977, as amended by section 4 of Act 55 of 1979, section 4 of Act 61 of 1983 and section 5 of Act 31 of 1985.

1. (1) Section 34 of the Liquor Act, 1977, is hereby amended—

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

“(1) (a) Subject to the provisions of this Act, the Minister may, if, after consideration of a recommendation in this regard by the Board, he is satisfied that it is in the public interest, grant a liquor store licence in respect of premises in an urban area.

(b) Notwithstanding anything to the contrary in this Act or in any other law contained, but subject to the provisions of subsection (2), the Minister or a person acting on his authority may at any time, without furnishing any reasons, if, after consideration of an application in writing by a holder of a hotel liquor licence to whom an authority to sell liquor for consumption off the licensed premises has been granted, he is of the opinion that it is in the public interest, cancel such authority and issue a liquor store licence in respect of the premises on which business was carried on under such authority, on such conditions and subject to such restrictions as he may determine, and thereupon—

(i) such liquor store licence shall be issued to such holder free of charge as if the applicable fees contemplated in section 42 were paid upon the issue thereof; and

(ii) the provisions of this Act, save the provisions of section 128A, shall apply as if it were a liquor store licence granted under paragraph (a).”; and

(b) by the insertion after subsection (1) of the following subsection:

“(1A) If the holder of a hotel liquor licence who is not the owner of the premises in respect of which the licence is held, makes any application contemplated in

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Drankwet, 1977, ten einde die verlening van drankwinkellisensies verder te reël; en te bepaal dat sekere handeling wat ingevolge genoemde Wet heet gedoen te wees, geldig is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 September 1987.)*

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

1. (1) Artikel 34 van die Drankwet, 1977, word hierby gewysig—
- 5 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) (a) Behoudens die bepalings van hierdie Wet kan die Minister, indien hy, na oorweging van 'n aanbeveling in dié verband deur die Raad, oortuig is dat dit in die openbare belang is, 'n drankwinkellisensie ten opsigte van 'n perseel in 'n stadsgebied verleen.
- 10 (b) Ondanks andersluidende bepalings van hierdie Wet of enige ander wet, maar behoudens die bepalings van subartikel (2), kan die Minister of iemand wat op sy gesag handel te eniger tyd, sonder opgawe van redes, indien hy, na oorweging van 'n skriftelike aansoek deur 'n houer van 'n hotel-dranklisensie aan wie 'n magtiging om drank vir gebruik buite die gelisensieerde perseel te verkoop, verleen is, van mening is dat dit in die openbare belang is, bedoelde magtiging intrek en 'n drankwinkellisensie ten opsigte van die perseel waarop sake kragtens bedoelde magtiging gedoen was, uitrek op die voorwaardes en onderworpe aan die beperkings wat hy bepaal, en daarop—
- 15 (i) word bedoelde drankwinkellisensie kosteloos aan bedoelde houer uitgereik asof die toepaslike gelde in artikel 42 bedoel by die uitreiking daarvan betaal is; en
- 20 (ii) is die bepalings van hierdie Wet, behalwe die bepalings van artikel 128A, van toepassing asof dit 'n drankwinkellisensie is wat kragtens paragraaf (a) verleen is.”; en
- 25 (b) deur na subartikel (1) die volgende subartikel in te voeg:
- “(1A) Indien die houer van 'n hotel-dranklisensie wat nie die eienaar van die perseel is ten opsigte waarvan die lisensie gehou word nie, 'n aansoek beoog in subar-
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Wysiging van artikel 34 van Wet 87 van 1977, soos gewysig deur artikel 4 van Wet 55 van 1979, artikel 4 van Wet 61 van 1983 en artikel 5 van Wet 31 van 1985.

Act No. 50, 1987

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subsection (1) (b), the application shall not be considered unless proof to the satisfaction of the competent authority is adduced that reasonable notice of any intention to make the application has been given to the owner of such premises and any other person who has a financial interest in the business." 5

(2) Subsection (1) (a) shall be deemed to have come into operation on 10 April 1985.

Validation of
the granting of
certain liquor
store licences.

2. Any liquor store licence purporting to have been granted under paragraph (b) of section 34 (1) of the Liquor Act, 1977 10 (Act No. 87 of 1977), with effect from 10 April 1985 until the date immediately prior to the commencement of this Act, and which has not been set aside by a court of law at the time of the commencement of this Act, shall, for all purposes, be deemed to be valid and to have been issued in terms of the said section 34 15 (1), as substituted by section 1 of this Act.

Short title.

3. This Act shall be called the Liquor Amendment Act, 1987.

DRANKWYSIGINGSWET, 1987

Wet No. 50, 1987

5 tikel (1) (b) doen, word die aansoek nie oorweeg nie tensy bewys tot bevrediging van die bevoegde gesag gelewer word dat redelike kennis van 'n voorneme om die aansoek te doen aan die eienaar van bedoelde perseel en enige ander persoon wat 'n geldelike belang in die besigheid het, gegee is."

(2) Subartikel (1) (a) word geag op 10 April 1985 in werking te getree het.

10 2. Enige drankwinkellisensie wat met ingang van 10 April 1985 tot op die datum onmiddellik voor die inwerkingtreding van hierdie Wet heet verleen te gewees het kragtens die bepalings van paragraaf (b) van artikel 34 (1) van die Drankwet, 1977 (Wet No. 87 van 1977), en wat nie reeds by die inwerkingtreding van hierdie Wet deur 'n geregshof tersyde gestel is nie, word vir 15 alle doeleindes geag geldig te wees en uitgereik te gewees het in-gevolge die bepalings van genoemde artikel 34 (1), soos vervang deur artikel 1 van hierdie Wet.

Geldigheids-
verklaring van die
verlening van sekere
drankwinkellisensies.

3. Hierdie Wet heet die Drankwysigingswet, 1987.

Kort titel.

