

EXTRAORDINARY



UITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

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VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CLXIII]

PRICE 6d.

CAPE TOWN, 24TH JANUARY, 1951.
KAAPSTAD, 24 JANUARIE 1951.

PRYS 6d.

[No. 4530.]

DEPARTMENT OF JUSTICE.

DEPARTEMENT VAN JUSTISIE.

The following Bill is published for general information. It has been drafted by officers of the Department of Justice and is based largely on the recommendations of an inter-departmental Committee consisting of representatives of the Departments of Justice, Police, Native Affairs, Health, Agriculture and Social Welfare.

It does not purport to represent the considered views of the Government, but is intended solely as a basis for discussion when it is introduced into Parliament.

It is proposed to refer the Bill to a Select Committee for consideration and interested persons and organizations may in due course submit representations to the said Committee.

Onderstaande Wetsontwerp word ter algemene inligting gepubliseer. Dit is deur amptenare van die Departement van Justisie opgestel en is grootliks gebaseer op die aanbevelings van 'n inter-departementele Komitee bestaande uit verteenwoordigers van die Departemente van Justisie, Polisie, Naturellesake, Gesondheid, Landbou en Volkswelsyn.

Dit gee nie voor om die oorwoë sienswyse van die Regering te wees nie, maar is slegs bedoel as 'n basis vir bespreking wanneer dit in die Parlement ingedien word.

Die bedoeling is om die Wetsontwerp na 'n Gekose Komitee vir oorweging te verwys en belanghebbende persone en organisasies mag mettertyd vertoë aan genoemde Komitee rig.

BILL

To consolidate and amend the laws for the control of the supply of intoxicating liquor.

(To be introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Division of Act.

1. This Act is divided into Chapters and parts as follows:

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WETSONTWERP

Tot samevatting en wysiging van die wette op die reëling van die verstrekking van sterke drank.

(Deur die MINISTER VAN JUSTISIE ingedien te word.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Hierdie Wet is ingedeel in hoofstukke en dele, soos volg: Indeling van Wet

5 INLEIDINGSBEPALINGS—ARTIKELS een TOT drie.

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HOOFSTUK II.

10 Klassifikasie en uitreiking Artikels sewe tot elf.
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koop mag word.
40 (B) Plek van verkoop en Artikels sewen-en-sewentig
perseel. tot agt-en-sewentig.
(C) Drank gebruik in of Artikel negen-en-sewentig.
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(D) Klas- en ander per- Artikels tagtig tot twee-en-
soonlike beperkings. tagtig.
45 (E) Kwaliteit en soorte Artikels drie-en-tagtig tot
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mag word.

HOOFSTUK IX.

50 Verbod of beperking van verkoop, verstrekking of ver-
kryging van drank.

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digers. negen-en-tagtig.
55 (B) Drankverstrekking aan Artikels negentig tot twee-
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persone.
(C) Drankverstrekking aan Artikels drie-en-negentig tot
natuurle, Asiate en honderd.
kleurlinge.

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- (D) Ties Sections *one hundred and six and one hundred and seven.* 10
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- Supplementary Sections *one hundred and sixty-nine to one hundred and seventy-six.*

Act not to apply to Transkeian Territories.

2. This Act shall not apply to the Transkeian Territories 65 except in so far as it may, in whole or in part, be extended thereto by proclamation issued according to law.

Repeal of law and certain consequential provisions.

3. (1) The laws mentioned in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule: Provided that, save as may be otherwise 70 provided in this Act—

- (a) any officer or person appointed under any law hereby repealed shall, for the period of such appointment, be deemed to have been appointed under this Act;
- (b) any proclamation, bye-law, rule or regulation made 75 or in force under any law repealed by this section, shall, save where repugnant to or inconsistent with any provision of this Act, remain of force and effect

HOOFSTUK X.

Beheer van gelisensieerde besighede:

- (A) Verbode inwerkning Artikel *honderd-en-een*.
 (B) Verbode toegang tot Artikels *honderd-en-twee* en
 5 gelisensieerde gebou. *honderd-en-drie*.
 (C) Aantekenings... Artikels *honderd-en-vier* en
honderd-en-vyf.
 (D) Koopverpligtings .. Artikels *honderd-en-ses* en
honderd-en-sewe.
 10 (E) Die lisensiehouer en sy Artikels *honderd-en-agt* tot
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 (B) Huurtermynne.. Artikel *honderd-en-agtien*.
 20 (C) Uitwerking van Wet Artikel *honderd-en-negen-*
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- 30 Brandspiritus .. Artikel *honderd agt-en-*
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- 35 Vervoer en aflewering van Artikels *honderd-en-dertig*
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 45 regtelike aanspreeklik- tot *honderd agt-en-vyftig*.
 heid.
 (B) Misdrywe .. Artikels *honderd negen-en-*
vyftig tot *honderd vier-en-*
sestig.
 50 (C) Strawwe .. Artikels *honderd vyf-en-*
sestig tot *honderd agt-*
en-sestig.

HOOFSTUK XVIII.

- 55 Aanvullingsbepalings.. Artikels *honderd negen-en-*
sestig tot *honderd ses-en-*
sewentig.

2. Hierdie Wet is nie van toepassing op die Transkeise gebied Wet nie van toe-
 nie behalwe vir sover dit deur 'n wettig uitgevaardigde prokla- passing op
 masie geheel of gedeeltelik daarop toepaslik gemaak mag word. Transkei.

- 60 3. (1) Die wette opgenoem in die Eerste Bylae by hierdie Wetsherroeping
 Wet, word hiermee herroep, tot die mate in die derde kolom en sekere daar-
 van daardie Bylae vermeld: Met dien verstande, dat, tensy uit spruitende
 hierdie Wet anders bepaal— bepalinge.

- (a) 'n beampde of persoon wat ingevolge 'n wet deur
 65 hierdie artikel herroep, aangestel is, beskou word vir
 die termyn van so 'n aanstelling ingevolge hierdie Wet
 aangestel te gewees het;

- (b) 'n proklamasie, verordening, reël of regulasie, uitge-
 vaardig of van krag kragtens 'n Wet deur hierdie
 70 artikel herroep, vir so ver hy nie in stryd is of on-
 bestaanbaar is met 'n bepaling van hierdie Wet nie,

until repealed, superseded or amended under the authority of this Act, or by the Governor-General by proclamation in the *Gazette*, or by the Minister by notice in the *Gazette*, in respect of matters falling within the powers of the Minister in terms of the provisions of this Act;

- (c) all licences issued under any law repealed by this section which have not expired at the date of commencement of this Act shall be dealt with in respect of the sales and dealings which they authorize and the rights and liabilities of the holders thereof and of all persons in relation to such sales and dealings as if the said laws still remain in force, and for the purpose of applications for renewal, as if the said licences were issued under this Act;
- (d) nothing in this Act contained shall affect any proceedings of whatever character which have been instituted at the commencement thereof under any law repealed by this section, and such proceedings shall be continued and concluded in every respect as if this Act had not been passed.

(2) Nothing in this Act shall be deemed to affect the operation of any provision of the Native Administration Act, 1927 (Act No. 38 of 1927), or any proclamation issued thereunder.

CHAPTER I.

GENERAL EXEMPTIONS.

Transaction exempted from operation of Act.

4. (1) Nothing in this Act shall apply to—

- (a) any person selling any spirituous or distilled perfume or perfumery, or medicated spirit if such perfume, perfumery or spirit is not, or has not been declared, methylated spirit under sub-section (6) of section *one hundred and twenty-eight*;
- (b) any registered medical practitioner, or chemist and druggist *bona fide* administering or selling, for purely medicinal purposes and in accordance with any law governing the administration and sale of medicine, any medicine containing liquor;
- (c) any person selling *bona fide* for medicinal purposes and in reasonable quantities for consumption as medicine, under any general dealer's licence or other licence permitting such sale, any patent, proprietary or Dutch medicine containing liquor: Provided that any such medicine declared under section *one hundred and twenty-nine* to be an intoxicating medicine shall be sold or supplied only in accordance with the provisions of that section;
- (d) the sale of liquor in any refreshment room at the Houses of Parliament if sold under the permission of either House of Parliament or of any committee thereof;
- (e) the sale of liquor in any refreshment room in premises in which a Provincial Council is held if sold under the permission of the Council or of any committee thereof.

(2) Nothing in this Act contained shall affect the operation of any provision of Chapter V of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916).

For the purposes of this Act every refreshment room at a railway station in which liquor is sold shall be deemed to be premises in respect of which an on-consumption licence has been issued and the person in charge of such room shall be deemed to be the holder of such licence and to be the employer of all persons working in such room.

Exemption from obligation to hold licence.

5. (1) Nothing in this Act relating to the application for or the holding of licences shall apply to—

- (a) any person selling under the authority of the Minister of Defence liquor in any canteen referred to in section *eleven* of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922);
- (b) any person selling, under the authority of the Commissioner of Police, liquor in a canteen where liquor is supplied solely to, and for consumption on the premises by, members of the police force;

- van krag bly totdat hy kragtens hierdie Wet, of deur die Goewerneur-generaal by proklamasie in die *Staatskoerant*, of deur die Minister by kennisgewing in die *Staatskoerant* (in verband met aangeleenthede wat ooreenkomstig die bepalings van hierdie Wet binne die perke van die Minister se bevoegdhede val), herroep, vervang of gewysig word;
- (c) alle lisensies wat kragtens 'n Wet deur hierdie artikel herroep uitgereik is, en wat by die datum van inwerking-treding van hierdie Wet nie verval het nie, behandel word ten opsigte van die verkoop en die handelings daardeur veroorloof en die regte en verpligtings van die houters daarvan, en van alle persone in verband met sodanige verkope en handelings, asof genoemde wette nog van krag is, en wat aanvrae om hernuwing betref, asof genoemde lisensies ingevolge hierdie Wet uitgereik is;
- (d) hierdie Wet geen inbreuk maak op enige verrigtinge van watter aard ook wat by die inwerkingtreding daarvan ingevolge 'n Wet deur hierdie artikel herroep ingestel is, en dat sodanige verrigtinge in elke opsig voortgesit en voltooi word asof hierdie Wet nie ingevoer was nie.
- (2) Geen bepaling van hierdie Wet word geag inbreuk te maak op die toepassing van enige bepaling van die Naturelle-administrasie Wet 1927 (Wet No. 38 van 1927), of van 'n proklamasie daarkragtens uitgereik nie.

HOOFSTUK I.

ALGEMENE VRYSTELLINGS.

4. (1) Hierdie Wet is nie van toepassing op—
- (a) iemand wat alkoholhoudende of gedistilleerde leventel of reukwerk of met medisyne gemengde spiritualieë verkoop, as daardie leventel, reukwerk of spiritualieë, nie ingevolge sub-artikel (6) van artikel *honderd agt-en-twintig* brandspiritus is of tot brandspiritus verklaar is nie;
- (b) 'n geregistreerde geneesheer of apteker wat te goeder trou drankhoudende medisyne uitsluitend as genees-middel toedien of verkoop in ooreenstemming met 'n wet op die toediening en verkoop van medisyne;
- (c) iemand wat gepatenteerde, private of Hollandse drank-houdende medisyne te goeder trou as geneesmiddel in redelike hoeveelhede om as medisyne gebruik te word, verkoop kragtens 'n algemene handelaarslisensie of 'n ander lisensie wat die verkoop veroorloof: Met dien verstande dat sodanige medisyne wat ingevolge artikel *honderd negen-en-twintig* tot bedwelmende medisyne verklaar is, alleen volgens die bepalings van daardie artikel verkoop of verstrek mag word;
- (d) die verkoop van drank in 'n verversingslokaal in die Parlementsgebou, indien verkoop met toestemming van een van beide Huise van die Parlement of 'n komitee daarvan;
- (e) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin 'n Provinsiale Raad sitting hou, indien verkoop met toestemming van die Raad of 'n komitee daarvan.
- (2) Die bepalings van hierdie Wet, maak geen inbreuk op die uitwerking van 'n bepaling van Hoofstuk V van die „Spoor-wegen en Havens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916) nie.
- Vir die doeleindes van hierdie Wet word elke verversings-lokaal op 'n spoorwegstasie waarin drank verkoop word beskou as 'n gebou ten opsigte waarvan 'n binneverbruikslisensie uitgereik is, en die persoon onder wie se beheer daardie lokaal staan word beskou as die houer van daardie lisensie en as die werkgewer van alle persone wat in daardie lokaal werk.
5. (1) Die bepalings van hierdie Wet aangaande die aansoek om of hou van lisensies is nie van toepassing nie op—
- (a) iemand wat op gesag van die Minister vir Verdediging drank verkoop in 'n winkel vermeld in artikel *elf* van die Zuid-Afrika Verdedigings Wet, Wijzigings Wet, 1922 (Wet No. 22 van 1922);
- (b) iemand wat op gesag van die Kommissaris van Polisie drank verkoop in 'n kantien waar drank verstrek word alleen aan lede van die Polisiemag en vir gebruik in die perseel;

Handelings
waarop Wet nie
van toepassing
is nie.

Vrystelling van
verpligting om
lisensie te hou.

- (c) any person selling, under the authority of the Director of Prisons, liquor in a canteen in which liquor is supplied solely to, and for consumption on the premises by, members of the Prisons Department;
- (d) any person selling liquor in any hotel established and maintained by any department of State, including the Railways and Harbours Administration: Provided that—
 - (i) nothing in this paragraph shall be deemed to affect any provision of Chapter V of Act No. 22 of 1916;
 - (ii) for all purposes of this Act the manager or person in charge of such hotel, shall be deemed to be a licensee in respect thereof, and such hotel shall be deemed to be premises in respect of which an hotel liquor licence has been granted and issued under this Act;
- (e) any sheriff, deputy sheriff, messenger or other officer acting under the authority of any judge, magistrate or court, or any officer of Customs in the exercise or discharge of his duties;
- (f) the executor in the estate of a deceased person or the trustee of an insolvent estate who sells to a licensee liquor belonging to that estate;
- (g) any duly licensed auctioneer selling by auction, upon the licensed premises of the holder of any wholesale liquor licence or of any licensee authorized by any provision of this Act to dispose of his stock of liquor by auction, liquor belonging to such a licensee or selling by auction at a place approved of by the magistrate of the district in which the sale takes place, any liquor belonging to a deceased estate or to an insolvent estate, in either case in quantities not less than such as are authorized to be sold under a wholesale liquor licence;
- (h) any owner or lawful occupier of land selling to a licensee in terms of any permit granted under section *eighty-nine* liquor from fruit or other produce grown on such land; or
- (i) the master of a vessel in any dock or harbour of the Union or within the territorial waters of the Union in respect of the sale on board such vessel to any passenger thereon of liquor taken from duty paid stores freed by the Department of Customs: Provided that, such vessel ordinarily plies between places situate not less than one hundred miles apart.

(2) Subject to the provisions of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), or any amendment thereof, any person who, or association of persons which, is *bona fide* engaged in viticulture may, without obtaining a licence under this Act, sell or dispose of wine or brandy (as defined in sections *six* and *fourteen* respectively of the first mentioned Act) which—

- (a) is made from grapes the produce of the vine grown on land owned or lawfully occupied by such person or association or from grapes purchased or otherwise procured by such person or association; and
- (b) is made upon such land or in a central cellar owned or lawfully occupied by such person or association:

Provided that—

- (i) the sale, delivery or disposal of such wine or brandy shall be to a lawful manufacturer of vinegar or to a person who holds a licence under this Act, and to no other person;
- (ii) the sale, delivery or disposal shall be in quantities not less than four gallons contained in one receptacle securely corked or stoppered;
- (iii) save in the case of a sale to or order by the holder of a wholesale liquor licence, such wine or brandy shall have been sold or ordered before being removed from the cellar of the owner or occupier;
- (iv) such person or association of persons shall keep a record, which shall be open to the inspection of any member of the police, showing particulars in the English or Afrikaans language of—

- (c) iemand wat op gesag van die Direkteur van Gevangnisse drank verkoop in 'n kantien waar drank verstrek word alleen aan lede van die Gevangenisdepartement en vir gebruik in die perseel;
- 5 (d) iemand wat drank verkoop in 'n hotel wat opgerig en onderhou is deur 'n Staatsdepartement (met inbegrip van die Spoorweë- en Hawe-administrasie): Met dien verstande dat—
- 10 (i) hierdie paragraaf geen inbreuk maak op enige bepaling van Hoofstuk V van Wet No. 22 van 1916 nie;
- 15 (ii) vir alle doeleindes van hierdie Wet die bestuurder van daardie hotel, of die persoon wat aan die hoof daarvan staan, as lisensiehouer ten opsigte daarvan beskou word en dat daardie hotel beskou word as 'n gebou ten opsigte waarvan 'n hotel-dranklisensie kragtens hierdie Wet verleen en uitgereik is;
- 20 (e) 'n balju, onder-balju, geregsbode of ander amptenaar wat handel op gesag van 'n regter, magistraat of hof, of op 'n doeanebeampte by die uitoefening van sy pligte;
- 25 (f) die eksekuteur in 'n bestorwe boedel of die kurator in 'n insolvente boedel wat aan 'n lisensiehouer drank wat aan daardie boedel behoort verkoop.
- 30 (g) 'n behoorlik gelisensieerde venduaafslaer wat by opveiling in die gelisensieerde perseel van die houer van 'n groothandelaars-dranklisensie, of van 'n lisensiehouer wat kragtens 'n bepaling van hierdie Wet sy drankvoorraad by opveiling van die hand mag sit, drank, wat aan so 'n lisensiehouer behoort, verkoop of wat by opveiling op 'n plek, goedgekeur deur die magistraat van die distrik waarin die verkoop plaasvind, drank verkoop wat behoort aan 'n bestorwe boedel of aan 'n insolvente boedel, in die een sowel as in die ander geval, in hoeveelhede wat nie minder bedra as die wat kragtens 'n groothandelaars-dranklisensie verkoop mag word nie;
- 35 (h) enige eienaar of wettige okkupeerder van grond wat aan 'n lisensiehouer, ooreenkomstig 'n permit verleen ingevolge artikel *agt-en-tagtig* drank uit vrugte of ander produkte op daardie grond verbou verkoop; of
- 40 (i) die skipper van 'n vaartuig in 'n dok of hawe in die Unie of in die territoriale waters van die Unie met betrekking tot die verkoop aan boord van daardie vaartuig, aan 'n passasier daarop, van drank geneem uit 'n voorraad waarop invoerregte betaal is en wat deur die Doeanedepartement vrygelaat is, mits daardie vaartuig gewoonlik plekke aandoen wat nie minder as
- 45 honderd myl van mekaar geleë is nie.
- 50 (2) Met inagneming van die bepalinge van die Wijn, Spiritualiën en Azijn Wet, 1913 (Wet No. 15 van 1913) of enige wysiging daarvan, mag enige persoon of vereniging van persone wat te goeder trou die wynbou beoefen, sonder om 'n lisensie
- 55 ingevolge hierdie Wet te verkry, wyn of brandewyn, soos omskrywe in artikels *ses* en *veertien* onderskeidelik van eersgenoemde Wet, verkoop of van die hand sit, wat—
- (a) gemaak is uit druiwe wat die produk is van die wynstok op grond wat behoort aan of wettig deur daardie persoon of vereniging geokkupeer word, of uit druiwe wat deur daardie persoon of vereniging gekoop of verkry is; en
- 60 (b) gemaak is op daardie grond of in 'n sentrale kelder wat behoort aan of wettig deur daardie persoon of vereniging geokkupeer word:
- 65 Met dien verstande dat—
- (i) daardie wyn of brandewyn verkoop, gelewer of van die hand gesit word aan 'n wettige fabrikant van asyn of aan iemand wat ingevolge hierdie Wet 'n lisensie hou, en aan niemand anders nie;
- 70 (ii) hoeveelhede van nie minder dan vier gallon, in een digtoegekurkte of gepropte houer aldus verkoop, gelewer of van die hand gesit word;
- 75 (iii) behalwe by 'n verkoop aan of bestelling van die houer van 'n groothandelaars-dranklisensie, daardie wyn of brandewyn verkoop of bestel is voordat dit uit die eienaar of besitter se kelder vervoer word;
- (iv) daardie persoon of vereniging aantekenings hou wat ter insage van enige lid van die polisiemag beskikbaar moet wees, en wat in die Engelse of Afrikaanse taal besonderhede aangee omtrent—
- 80

- (a) the quality and description of the wine or brandy manufactured or sold and the price at which it has been sold;
- (b) the names and addresses of the purchasers; and
- (c) the date of each sale.

5

(3) The Minister may by notice in the *Gazette* declare that the provisions of sub-section (2) shall, with such modifications as the Minister may in such notice set forth, apply to any person or association of persons named therein engaged in the production of cider or any other liquor in such notice defined 10 which is made from apples or other fruit grown on land owned or lawfully occupied by such person or association or from apples or other fruit purchased or procured by such person or association, and is made upon such property or in a central cellar, factory or brewery owned or lawfully occupied by such 15 person or association.

Exemption from certain differential provisions of certain accredited persons.

6. No provision of, or condition imposed under the authority of, this Act which differentially affects any native, Asiatic or coloured person shall apply to any person who is duly accredited to the Union by the Government of any other 20 state, or to any member of his family living with him or to such members of his staff as are not domiciled within the Union.

CHAPTER II.

CLASSIFICATION AND ISSUE OF LICENCES.

Classification and description of licences.

7. The licences which may be granted or renewed under this Act are of the several descriptions following—

- (a) off-consumption licences, that is to say, licences for the sale of liquor to be consumed off the premises where it is sold—
 - (i) wholesale liquor licences; 30
 - (ii) foreign liquor licences;
 - (iii) brewer's licences;
 - (iv) bottle liquor licences;
 - (v) wine farmers' licences;
- (b) on-consumption licences, that is to say, licences for 35 the sale of liquor to be consumed on the premises where it is sold—
 - (i) restaurant liquor licences;
 - (ii) hotel liquor licences;
 - (iii) bar licences; 40
 - (iv) wine and malt liquor licences;
 - (v) club liquor licences;
 - (vi) theatre or sports ground liquor licences;
 - (vii) temporary liquor licences;
 - (viii) late hours occasional licences. 45

Duration of licences.

8. Save as otherwise expressly provided in this Act, a licence granted or renewed under this Act shall be of force from the first day of January, or from the date of grant or renewal if such date be later than the first day of January, in the year for which the licence is to be available, until the thirty-first day 50 of December in the same year, both days inclusive: Provided that wherever a local board has been compelled to adjourn beyond the thirty-first day of December without having come to a decision upon an application for the renewal of a licence, such licence shall continue in force until the said board shall 55 have decided upon the application.

Form of licences.

9. (1) Licences issued under this Act shall be in prescribed form.

(2) Every such licence shall contain—

- (a) a statement as to the situation of the premises in 60 respect of which it is granted; and
- (b) any special conditions imposed upon, and any privilege granted to, the holder thereof by the local board.

(3) Failure to endorse any condition upon a licence shall not relieve the holder thereof from any obligation whatsoever in 65 respect of such condition, nor shall failure to endorse upon a licence a privilege granted to the licence holder by the board deprive such holder of such privilege.

Issue of licences.

10. (1) A temporary liquor licence, a late hours occasional licence and a wine farmer's licence shall be granted and issued 70 by the magistrate of the district.

- (a) die hoeveelheid en soort van wyn of brandewyn wat gemaak of verkoop is en die prys waarteen dit verkoop is;
- (b) die name en adresse van die kopers; en
- (c) die datum van elke verkoop.
- (3) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat die bepalings van sub-artikel (2), met sodanige wysigings as wat die Minister in daardie kennisgewing mag bepaal, van toepassing is op enige daarin genoemde persoon of vereniging van persone wat hom toelê op die vervaardiging van appelwyn of enige ander drank in daardie kennisgewing omskrywe, wat gemaak word uit appels of ander vrugte, wat verbou is op grond wat behoort aan, of wettig geokkupeer word deur daardie persoon of vereniging, of uit appels of ander vrugte, deur daardie persoon of vereniging gekoop of verkry, en wat gemaak is op daardie grond of in 'n sentrale kelder, fabriek of brouery wat behoort aan, of wettig geokkupeer word deur daardie persoon of vereniging.
6. Geen bepaling van, of voorwaarde gestel kragtens hierdie Wet, wat 'n onderskeid maak ten opsigte van naturelle, Asiatische of kleurlinge, is van toepassing op iemand wat aan die Unie geakkrediteer is deur die regering van 'n ander staat, of op 'n lid van sy familie wat by hom inwoon, of op die lede van sy personeel wat nie in die Unie gedomisileer is nie.

Sekere persone word vrygestel van sekere onderskeidmakende bepalings.

25

HOOFSTUK II.

KLASSIFIKASIE EN UITREIKING VAN LISENSIES.

7. (1) Die lisensies wat kragtens hierdie Wet uitgereik of vernuwe mag word is van die volgende onderskeie soorte—
- (a) buiteverbruik-lisensies, dit wil sê lisensies vir die verkoop van drank om gebruik te word buite die perseel waar dit verkoop word—
- (i) groothandelaars-dranksiensies;
- (ii) buitelandse dranksiensies;
- (iii) bierbrouers-lisensies;
- (iv) bottel-dranksiensies;
- (v) wynboer-lisensies;
- (b) binneverbruik-lisensies, dit wil sê lisensies vir die verkoop van drank om gebruik te word in die perseel waar dit verkoop word—
- (i) restaurant-dranksiensies;
- (ii) hotel-dranksiensies;
- (iii) kantien-lisensies;
- (iv) wyn- en bier-lisensies;
- (v) klub-dranksiensies;
- (vi) teater- of sportgronde-dranksiensies;
- (vii) tydelike dranksiensies;
- (viii) nagtelike geleentheidslisensies.
8. Behalwe waar hierdie Wet uitdruklik anders bepaal is 'n lisensie wat ingevolge hierdie Wet verleen of vernuwe word, van krag vanaf die eerste dag van Januarie, of vanaf die dag van verlening of vernuwing as daardie dag later is dan die eerste dag van Januarie, in die jaar waarin die lisensie van krag sal wees, tot en met die een-en-dertigste dag van Desember van dieselfde jaar: Met dien verstande dat wanneer 'n plaaslike raad verplig gewees is om tot na die een-en-dertigste dag van Desember te verdaag sonder om tot 'n beslissing te kom omtrent 'n aansoek om vernuwing van 'n lisensie, daardie lisensie van krag bly totdat genoemde raad omtrent die aansoek beslis het.
9. (1) Lisensies ingevolge hierdie Wet uitgereik moet in die voorgeskrewe vorm wees.
- (2) Elke sodanige lisensie moet bevat—
- (a) 'n beskrywing van die ligging van die perseel waarvoor dit verleen is; en
- (b) enige besondere voorwaardes en enige voorreg wat die lisensieraad aan die houer daarvan opgelê of verleen het.
- (3) 'n Versuim om 'n voorwaarde op 'n lisensie aan te teken onthef die houer daarvan nie van enige verpligting hoegenaamd met betrekking tot daardie voorwaarde nie en 'n versuim om 'n voorreg, wat die raad aan die lisensiehouer verleen het, op die lisensie aan te teken, ontnem aan hom ook nie daardie voorreg nie.
10. (1) 'n Tydelike dranksiensie, 'n nagtelike geleentheids-lisensie en 'n wynboer-lisensie word deur die magistraat van die distrik verleen en uitgereik.

Klassifikasie en soorte van lisensies.

Duur van lisensie.

Vorm van lisensie.

Uitreiking van lisensies.

(2) A foreign liquor licence shall be issued by the receiver of revenue of the district, but only on the written authority of the magistrate of the district.

(3) Any other licence authorized to be granted under this Act shall be issued by the receiver of revenue of the district. 5

(4) No licence shall be issued under this Act except on payment of the prescribed fee, and (save in the cases of a foreign liquor licence, a temporary liquor licence, a late hours occasional licence, or a wine farmer's licence) except upon production to the issuing authority of a certificate signed by the chairman or the secretary of the local board concerned, setting forth that the said board has authorized the issue of such licence, and the terms and conditions, if any, which the said board has decided shall be annexed thereto. 10

(5) Every licence issued under this Act shall be made out in quadruplicate, of which one part shall be retained by the issuing officer, one transmitted by him to the local board concerned and one to the senior officer in police charge of the district respectively, and one handed by him to the licensee. 15

(6) The issuer of any licence under this Act shall, as to the form thereof, and as to endorsements thereon, conform to the relative provisions of this Act. 20

Licence fees.

11. (1) Save as otherwise provided in this section, the fees set out in the Second Schedule to this Act shall be paid, upon the issue under this Act of any new licence or of a licence in renewal of a licence held or deemed to be held thereunder, or upon the issue of any authority for the transfer or removal of a licence, in respect of such issue, renewal, transfer or removal. 25

(2) The fees payable in terms of the Second Schedule to this Act on the issue, renewal, transfer or removal of an hotel liquor licence shall be reduced to— 30

(a) one half of the sum set forth in the said Schedule if the hotel in question is situate in an urban area wherein there reside less than one thousand five hundred parliamentary voters; or 35

(b) one fifth of the sum set forth in the said Schedule if the hotel in question is situate in a rural area.

(3) The fee payable in terms of the Second Schedule to this Act on the issue of a temporary liquor licence shall be reduced to one pound per diem in respect of each bar kept under the licence, if it is issued to the secretary of an agricultural show or an exhibition conducted by an association or institution whose members do not share in any profit derived from such exhibition or show. 40

(4) Whenever after the thirty-first day of January in any year a licence is granted, or renewed, under the authority of this Act, the amount payable in terms of the Second Schedule to this Act in respect of such grant or renewal shall be reduced by one twelfth in respect of each complete calendar month which has passed from the preceding thirty-first day of December to the date of the actual issue of the licence. 50

(5) The Minister may by notice in the *Gazette* declare any area to be one in which no new bottle liquor licence shall be issued by a receiver of revenue save upon payment, in addition to the fees payable in terms of sub-section (1), of a sum not exceeding ten thousand pounds to be specified by the Minister in such notice. 55

CHAPTER III.

LICENSING BOARDS.

(A) *Central Board and Local Boards.*

Appointment of Central Licensing Board.

12. (1) The Minister shall appoint a Central Licensing Board consisting of seven members, one of whom shall be designated by the Minister as the chairman thereof. Of the six other members three shall be persons who by reason of their experience possess special knowledge of the Tourist Industry, the Agricultural Industry and the Liquor Industry, respectively and one shall be a representative of the Municipal Association of South Africa. The appointment of a member of the Board shall be notified in the *Gazette*. 60

(2) Subject to the provisions of section *eighteen* the members of the Board shall hold office during the Minister's pleasure 70

(2) 'n Buitelandse dranklisensie word deur die ontvanger van staatsinkomste van die distrik uitgereik, maar alleen op skriftelike magtiging van die magistraat van die distrik.

(3) Elke ander lisensie, wat kragtens hierdie Wet verleen mag word, word deur die ontvanger van staatsinkomste van die distrik uitgereik.

(4) Geen lisensie mag ingevolge hierdie Wet uitgereik word nie tensy die voorgeskrewe fooi betaal word en tensy (behalwe in die geval van 'n buitelandse dranklisensie, 'n tydelike drank-
10 lisensie, 'n nagtelike geleentheids-lisensie of 'n wynboer-lisensie) aan die uitreikende gesag voorgelê word 'n sertifikaat, geteken deur die voorsitter of die sekretaris van die betrokke plaaslike raad waarin verklaar word dat bedoelde raad die uitreiking van die lisensie gemagtig het en waarin die voorwaardes (as
15 die gestel is) wat volgens besluit van die raad daaraan geheg moet word uiteengesit word.

(5) Elke ingevolge hierdie Wet uitgereikte lisensie moet in viervoud opgestel word, en een eksemplaar daarvan moet deur die uitreikende beamppte behou word een deur hom aan die
20 betrokke plaaslike raad, en een aan die senior beamppte onder wie se polisie-toesig die distrik staan respektieffik gestuur word, en een deur hom aan die lisensiehouer oorhandig word.

(6) Die uitreiker van 'n lisensie ingevolge hierdie Wet moet wat betref die vorm daarvan en wat betref die aantekeninge
25 daarop, aan die toepaslike bepalinge van hierdie Wet voldoen.

11. (1) Tensy hierdie artikel anders bepaal, moet die fooie *Lisensiefooie.* wat in die Tweede Bylae by hierdie Wet uiteengeset is betaal word by die uitreiking ingevolge hierdie Wet, van 'n nuwe lisensie of van 'n lisensie as vernuwing van 'n lisensie wat
30 ingevolge daarvan gehou of as 'n aldus gehoue lisensie beskou word, of by die verlening van yêrlof om 'n lisensie oor te dra of te verplaas, ten opsigte van sodanige uitreiking, vernuwing, oordrag of verplasing.

(2) Die fooie wat ingevolge die Tweede Bylae by hierdie Wet betaalbaar is ten opsigte van die uitreiking, vernuwing, oordrag of verplasing van 'n hotel-dranklisensie word verminder tot—

(a) die helfte van die in genoemde Bylae vermelde bedrag, indien die betrokke hotel geleë is in 'n stadsgebied
40 waarin minder dan eenduizend vyfhonderd parlementêre kiesers woonagtig is; of

(b) een vyfde van die in genoemde Bylae vermelde bedrag indien die betrokke hotel op die platteland is.

(3) Die fooi wat ingevolge die Tweede Bylae by hierdie Wet by uitreiking van 'n tydelike dranklisensie verskuldig is word
45 verlaag tot een pond per dag vir elke kantien wat kragtens die lisensie gehou word, as dit uitgereik word aan die sekretaris van 'n landbou- of ander tentoonstelling wat gedryf word deur 'n vereniging of inrigting wie se lede nie deel in enige wins wat sodanige tentoonstelling mag oplewer nie.

(4) Wanneer 'n lisensie na die een-en-dertigste dag van Januarie van enige jaar kragtens hierdie Wet verleen, of vernuwe word, dan word die bedrag wat ingevolge die Derde Bylae by hierdie Wet vir daardie verlening, of vernuwing betaalbaar is verminder met een-twaalfde vir elke voltooide kalender-
55 maand wat verstryk is tussen die voorafgaande een-en-dertigste Desember en die datum waarop die lisensie werklik uitgereik word.

(5) Die Minister kan 'n gebied proklameer tot 'n gebied waarin 'n ontvanger van staatsinkomste geen nuwe bottel-
60 dranklisensie mag uitreik nie dan teen betaling (buiten die fooie wat kragtens sub-artikel (1) betaalbaar is), van 'n bedrag van hoogstens tienduizend pond, wat deur die Minister in so 'n kennisgewing vasgestel word.

HOOFSTUK III.

65

LISENSIERADE.

(A) Sentrale Raad en Plaaslike Rade.

12. (1) Die Minister stel 'n Sentrale Lisensieraad aan, wat bestaan uit sewe lede, een waarvan deur die Minister as die
voorsitter daarvan benoem word. Van die ander ses lede moet
70 drie persone wees wat om rede van hulle ondervinding besondere kennis het van die toeristebedryf, die landboubedryf en die dranknywerheid onderskeidelik, en een moet 'n verteenwoordiger wees van die Munisipale Vereniging van Suid-Afrika. Die aanstelling van 'n lid van die Raad word in die *Staatskoerant*
75 bekend gemaak.

(2) Behoudens die bepalinge van artikel *agtien* behou die lede van die Raad hulle amp solank dit die Minister behaag

Aanstelling
van Sentrale
Lisensieraad.

and on such conditions as the Minister may determine, in consultation with the Minister of Finance, when making any such appointment.

Functions and powers of the Board.

13. (1) It shall be the function and duty of the Board—

(a) to determine—

- (i) the duration of the licences which may be granted or renewed in respect of any class or classes of licences;
- (ii) subject to the provisions of section *sixty-one*, the days and hours of sale and delivery of liquor, 10 which may be different in respect of different areas, different classes of licences and different classes of persons;
- (iii) the method of fixing the number of licences of different classes which may be granted or re- 15 newed in respect of urban areas, including particular urban areas or classes of urban areas;
- (iv) the different classes of licences and the circumstances in which such licences may be granted or renewed in rural areas, including particular rural 20 areas or classes of rural areas;
- (v) the standards required in respect of structure, accommodation, equipment and service in regard to licensed premises, which may be different in respect of particular licences, and in respect of 25 different areas;
- (vi) the qualifications required in respect of licensees, which may be different in respect of different areas and different classes of licences.

(b) to endeavour to ensure that the objects of this Act 30 are achieved, and for that purpose it may, *inter alia*—

- (i) furnish advice and assistance and give general directions to local boards in connection with the exercise of their functions;
- (ii) require any local board to submit reports on 35 the administration of this Act in the area of jurisdiction of that local board;
- (iii) employ any competent technical adviser to assist it, on such conditions as the Minister may determine; 40
- (iv) alter or rescind any determination made under paragraph (a) of this sub-section;

(c) generally to exercise the powers conferred, and to perform the duties imposed upon it by this Act.

(2) For the purpose of carrying out its duties, the Board or 45 any member thereof shall be entitled at all times—

- (a) to enter and inspect any premises licensed under this Act, any room or other portion thereof, or any premises in respect of which an application is made for the grant, renewal or removal of a licence or for any 50 authority under this Act;
- (b) to call for and inspect any book, record or permit required to be kept by any licensee in terms of sub-section (1) of section *one hundred and four* or of any condition imposed by a local board in terms of sub- 55 section (2) of the said section;
- (c) to obtain all such information from licensees, or from their agents or employees as may be necessary for the exercise of its powers and duties under this Act.

(3) The Board shall prepare and submit to the Minister 60 annually, as early as practicable after the thirty-first day of December, a report concerning its work during the twelve months which ended on the said date. The Minister shall, as soon as possible after having received any such report, lay it on the Tables of both Houses of Parliament. 65

Coming into operation of determinations of the Board.

14. (1) No determination or alteration or rescission of a determination shall take effect until it has been approved by the Minister and published in three consecutive ordinary issues of the *Gazette* so that the last publication thereof shall be at least one month before the day on which it is expressed to take 70 effect: Provided that any determination made under the pro-

en onder sodanige voorwaardes as wat die Minister in oorleg met die Minister van Finansies mag vasstel, wanneer hy die aanstelling maak.

13. (1) Dit is die bevoegdheid en die plig van die Raad— Pligte en bevoegdhede van die Raad.
- 5 (a) om die volgende sake vas te stel—
- (i) die duur van die lisensies wat ten opsigte van 'n klas of klasse van lisensies verleen of vernuwe word;
- 10 (ii) behoudens die bepalings van artikel *een-en-sestig*, die dae en ure vir verkoop en aflewering van drank, wat mag verskil ten opsigte van verskillende gebiede, verskillende klasse van lisensies en verskillende klasse van persone;
- 15 (iii) die wyse waarop dit bepaal word wat die getal is van lisensies van verskillende klasse wat ten opsigte van stadsgebiede verleen of hernuwe mag word, met inbegrip van besondere stadsgebiede of klasse van stadsgebiede;
- 20 (iv) die verskillende klasse van lisensies en die omstandighede waaronder sodanige lisensies op die platteland verleen of vernuwe mag word, met inbegrip van besondere plattelandsgebiede of klasse van plattelandsgebiede;
- 25 (v) die standaarde wat vereis word ten opsigte van struktuur, akkommodasie, uitrusting en bediening in verband met 'n gelisensieerde perseel, wat kan verskil ten opsigte van besondere lisensies, en van verskillende gebiede;
- 30 (vi) die vereistes wat ten opsigte van lisensiehouers benodig is, wat kan verskil ten opsigte van verskillende gebiede en verskillende klasse van lisensies.
- (b) Om te probeer om te verseker dat die doeleindes van hierdie Wet bereik word, en met die oog daarop kan die raad, onder andere—
- 35 (i) aan plaaslike rade, in verband met die uitoefening van hulle pligte, raad en hulp verstrek en algemene aanwysings gee;
- (ii) vereis dat 'n plaaslike raad verslae lewer oor die toepassing van hierdie Wet in die regsgebied van so 'n plaaslike raad;
- 40 (iii) Onder sodanige voorwaardes as wat die Minister mag vasstel 'n bevoegde tegniese adviseur in diens neem om hom behulpsaam te wees;
- 45 (iv) 'n vasstelling kragtens paragraaf (a) van hierdie sub-artikel gemaak wysig of herroep;
- (c) in die algemeen om die bevoegdhede aan hom deur hierdie Wet verleen en die pligte op hom deur hierdie Wet gelê uit te voer.
- 50 (2) Ten einde sy pligte uit te voer is die Raad of enige lid daarvan te alle tye geregtig—
- (a) om 'n ingevolge hierdie Wet gelisensieerde perseel, of 'n kamer of ander gedeelte daarvan, of 'n perseel ten opsigte waarvan aansoek gedoen is om die verlening, vernuwing of verplasing van 'n lisensie of van 'n magtiging kragtens hierdie Wet, binne te tree en na te sien;
- 55 (b) om enige boek, aantekening of permit wat deur 'n lisensiehouer gehou moet word, ooreenkomstig sub-artikel (1) van artikel *honderd-en-vier* of ooreenkomstig een of ander voorwaarde wat deur 'n plaaslike raad ingevolge sub-artikel (2) van genoemde artikel opgelê is, op te eis en na te sien;
- 60 (c) om enige inligting wat nodig mag wees vir die uitoefening van sy bevoegdhede en pligte ingevolge hierdie Wet van lisensiehouers of van hulle agente of werknemers te verkry.
- 65 (3) Die Raad moet jaarliks, so vroeg as doenlik na die een-en-dertigste dag van Desember, 'n verslag aangaande sy werk gedurende die twaalf maande wat op genoemde datum geëindig het, opstel en aan die Minister voorlê. Die Minister moet, so spoedig moontlik nadat hy so 'n verslag ontvang het, dit in beide Huise van die Parlement ter Tafel lê.
14. (1) Geen vasstelling of wysiging of herroeping van 'n Inwerkingtreding van vasstellings van die Raad.
- 75 vasstelling tree in werking totdat dit deur die Minister goedgekeur is, en in drie agtereenvolgende gewone uitgawes van die *Staatskoerant* bekendgemaak is nie, sodat die laaste bekendmaking daarvan plaasvind ten minste een maand voor die datum waarop dit verklaar word dat dit in werking tree. Met

visions of sub-paragraphs (v) and (vi) of paragraph (a) of sub-section (1) of section *thirteen* shall not apply for a period of three years after the date of commencement of this Act to premises in respect of which an hotel liquor licence is held at the said date or to the holder of an hotel liquor licence at the said date, as the case may be. 5

(2) All determinations shall be binding on local boards in the consideration and determination of any application or matter which such local boards are authorized to consider.

Declaration of
local licensing
areas.

15. The Minister may by notice in the *Gazette*— 10

- (a) declare any area defined in such notice to be a local licensing area;
- (b) alter the boundaries of an area so defined;
- (c) withdraw or vary any notice under this section.

Appointment of
local licensing
boards.

16. (1) The Minister may by notice in the *Gazette* appoint 15 for every local licensing area a local licensing board consisting of five members, one of whom shall be designated by the Minister as chairman. Of the remaining members, two shall be representative of the Tourist Industry, and one of the Municipal Association of the province concerned, except in the 20 Province of the Cape of Good Hope, where he shall be representative of the Divisional Councils of that province. The fourth member shall be the Magistrate of the district from which applications are received for consideration. Where more than one district is concerned, the membership shall, in every case, be 25 adjusted accordingly from time to time. The appointment of a member of a local board shall be notified in the *Gazette*.

(2) Subject to the provisions of section *eighteen* the members of local boards other than Magistrates, shall hold office during the Minister's pleasure and on such conditions as the Minister 30 may determine, in consultation with the Minister of Finance, when making their appointment.

Functions and
duties of local
boards.

17. (1) It shall be the function and duty of a local board—

- (a) to hold at any place within the limits of the area for which it was appointed the meetings referred to in 35 section *twenty-six* for the consideration and determination of the matters mentioned in that section;
- (b) to employ any technical adviser to assist it on such conditions as the Minister may determine;
- (c) to submit such reports and to furnish such information 40 to the Board as it may require;
- (d) generally to exercise the powers conferred, and to perform the duties imposed upon it by this Act.

(2) In authorizing the grant, renewal or removal of any licence, a local board may impose any conditions authorized 45 by this Act, and in particular may impose such conditions as it may deem fit in respect of—

- (a) any structural alteration or arrangement of, or addition or repairs to, the premises in respect of which the application is made; or 50
- (b) accommodation to be afforded therein to the public, including the provision of seats in the restricted portion; or
- (c) any other provision deemed by the local board to be necessary in order to meet the reasonable require- 55 ments of the public or visitors upon such premises or to facilitate supervision by the police, or in any other respect,

and may stipulate the period of time within which any such condition shall be complied with by the licensee, or may stipulate that a licence shall not be issued until the chairman of such local board has certified in writing that the condition has been fulfilled.

(3) For the purpose of carrying out its duties, a local board shall have all the powers conferred upon the Board by sub- 65 section (2) of section *thirteen*.

General dis-
qualification for
membership.

18. (1) The following persons shall be disqualified for appointment or, if appointed, from sitting as members of either the Board or of a local board—

- (a) The holder of, or applicant for, any licence for the sale 70 of intoxicating liquors;
- (b) any brewer or distiller;
- (c) any person engaged in making wine or spirits for sale;

dien verstande dat 'n vasstelling wat gemaak is ingevolge die bepalings van sub-paragrafe (v) en (vi) van paragraaf (a) van sub-artikel (1) van artikel *dertien* vir 'n tydperk van drie jaar na die datum van inwerkingtreding van hierdie Wet, nie van toepassing sal wees nie op 'n perseel ten opsigte waarvan 'n hotel-dranklisensie op genoemde datum gehou is, of, na gelang van die geval, op die houder van 'n hotel-dranklisensie op genoemde datum.

(2) Alle vasstellings bind plaaslike rade by die oorweging en vasstelling van 'n aansoek of aangeleentheid wat so 'n plaaslike raad bevoeg is om te oorweeg.

15. Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) 'n gebied wat in so 'n kennisgewing omskryf is verklaar 'n plaaslike lisensiegebied te wees; Verklaring van plaaslike lisensiegebiede.
- 15 (b) die grense van 'n aldus omskrewe gebied wysig;
- (c) 'n kennisgewing ingevolge hierdie artikel intrek of wysig.

16. (1) Die Minister kan by kennisgewing in die *Staatskoerant* vir elke plaaslike lisensiegebied 'n plaaslike lisensieraad aanstel, wat bestaan uit vyf lede, een waarvan deur die Minister as voorsitter benoem word. Van die orige lede moet twee verteenwoordigend wees van die Toeristebedryf, en een van die Munisipale Vereniging van die betrokke provinsie, behalwe in die Provinsie die Kaap die Goede Hoop, waar hy verteenwoordigend moet wees van die Afdelingsrade van daardie provinsie. Die vierde lid moet die magistraat wees van die distrik waarvan daar aansoeke vir oorweging ontvang is. Waar meer as een distrik betrokke is, moet die lidmaatskap dien-ooreenkomstig van tyd tot tyd afwissel.

(2) Behoudens die bepalings van artikel *agtien* behou die lede van plaaslike rade, behalwe magistrate, hul amp so lank dit die Minister behaag, en onder sodanige voorwaardes as wat die Minister in oorleg met die Minister van Finansies mag vasstel, wanneer hy hulle aanstelling maak.

17. (1) Dit is die bevoegdheid en die plig van 'n plaaslike raad— Bevoegdhede en pligte van plaaslike rade.

- (a) om op enige plek binne die perke van die gebied waarvoor hy aangestel is die in artikel *ses-en-twintig* bedoelde vergaderings te hou vir die oorweging en vasstelling van die sake in daardie artikel vermeld;
- (b) om, op sodanige voorwaardes as wat die Minister mag vasstel, 'n tegniese adviseur in diens te neem om hom behulpsaam te wees;
- (c) om aan die Raad sodanige verslae voor te lê en sodanige inligting te verstrek as wat hy mag nodig hê;
- (d) om in die algemeen die bevoegdhede aan hom deur hierdie Wet verleen uit te voer, en die pligte wat hom deur hierdie Wet opgelê is te verrig.

(2) By die magtiging van die verlening, vernuwing of verplasing van 'n lisensie, kan 'n plaaslike raad enige voorwaarde deur hierdie Wet of deur 'n vasstelling toegelaat oplê, en in die besonder kan hy sodanige voorwaardes as wat hy goedgevind oplê ten opsigte van—

- (a) die verbouing, inrigting, aanbou of herstelling van die perseel in verband waarmee die aansoek gedoen word; of
- (b) die akkommodasie wat vir die publiek daarin verstrekt moet wees, met inbegrip van die beskikbaarstelling van sitplekke in die beperkte gedeelte; of
- (c) enige ander saak wat die plaaslike raad nodig ag om te voldoen aan die redelike behoeftes van die publiek of van besoekers op so 'n perseel, of om toesig deur die polisie of in enige ander opsig te vergemaklik, en kan hy 'n termyn stel waarbinne die lisensiehouer aan so 'n voorwaarde moet voldoen, of beding dat 'n lisensie nie uitgereik mag word nie voordat die voorsitter van so 'n plaaslike raad skriftelik gesertifiseer het dat die voorwaarde vervul is.
- (3) Ten einde sy pligte uit te voer het 'n plaaslike raad al die bevoegdhede aan die Raad verleen deur sub-artikel (2) van artikel *dertien*.

18. (1) Die volgende persone is onbevoeg om benoem te word of indien benoem, om sitting te neem as lede van die Raad of 'n plaaslike raad— Algemene onbevoegdheid om lid van raad te wees.

- (a) die houder van, of applikant om, 'n lisensie vir die verkoop van sterke drank;
- (b) 'n bierbrouer of drankstoker;
- (c) iemand wat die vervaardiging van wyn en spiritualieë vir verkoop beoefen;

- (d) any spouse, partner, agent or employee of any person described in paragraph (a), (b) or (c);
 - (e) any officer or agent of any partnership or association of persons or society interested in the sale or the prevention of the sale of intoxicating liquor, and any person who holds, or during the preceding period of three years has held, an official position in an association or society having as its main object the suppression or promotion of the liquor trade;
 - (f) any person employed directly or indirectly as an agent for the purpose of making any application to a local board for any other person, or any partner of any person so employed as an agent;
 - (g) any person who is a director, agent, manager or employee of, or a partner in, any business, trade or calling carried on upon any licensed premises or the owner, lessor, or lessee of or the holder of any mortgage bond upon such premises, or upon any land in respect of which an application is made under section *thirty-nine or forty*;
 - (h) any unrehabilitated insolvent;
 - (i) any person who, within the Union or elsewhere, has had a sentence of imprisonment without the option of a fine imposed upon him for the commission of some crime or offence not of a political character and has not received a free pardon therefor;
 - (j) the chairman or the member of a committee or an officer of any club in respect of which a liquor licence is held within the area in which a local board has jurisdiction.
- (2) The fact that a person is a member of a club holding a club liquor licence shall not of itself disqualify him from being a member of the Board or of a local board.
- (3) Any person who is disqualified from sitting as a member of the Board or of a local board in terms of sub-section (1) shall, as soon as he becomes aware of such disqualification, give notice thereof in writing—
- (a) if he is the chairman of the Board, to the Minister, or in the case of any other member of the Board, to the chairman thereof who in turn shall notify the Minister in writing;
 - (b) if he is the chairman of a local board, to the chairman of the Board, or in the case of any other member of a local board to the chairman of such local board, who shall forthwith notify the chairman of the Board, who in turn shall, in either case, notify the Minister in writing.

Special disqualification of members in particular cases.

19. No member of a local board shall take part in the proceedings relating to any application for or objection to the grant, renewal, transfer or removal of a licence, or any application for the grant of any authority under this Act, and no member of the Board shall take part in the proceedings relating to any appeal or review in respect of such application, objection or grant, if, in either case, he is—

- (a) an owner, mortgagee, lessor or lessee of the premises concerned;
- (b) a partner, agent or employee of the applicant or of any objector to the application;
- (c) a director, manager or other officer, employee or agent of any company or association which would, if it were an individual, fall within the terms of paragraph (a) or (b); or
- (d) related to the applicant or any objector to the application within the fourth degree of consanguinity or affinity.

Filling of vacancies.

20. In the event of a chairman or any member of the Board or of a local board vacating his office for any cause whatever, the vacancy shall be filled by some person appointed by the Minister, who shall in making such appointment, maintain the constitution of the Board or of the local board concerned, as the case may be, as provided in sections *twelve and sixteen*, in so far as this is practicable.

Appointment of staff of the Board or a local board.

21. Subject to the provisions of the law governing the public service, the Minister may appoint for the Board and each local board so many persons as are required to perform the secretarial and clerical work of such boards: Provided that if in the opinion of the Public Service Commission that work, or

- (d) 'n eggenoot, vennoot, agent of werknemer van iemand vermeld in paragraaf (a), (b) of (c);
- (e) 'n beampte of agent van 'n vennootskap of vereniging van persone of genootskap wat belang het by die verkoop of by die verhinderings van die verkoop van sterke drank, en iemand wat 'n offisiële betrekking beklee of gedurende die voorafgaande drie jaar beklee het, in 'n vereniging of genootskap wat die onderdrukking of bevordering van die drankhandel as sy hoofdoel beskou;
- (f) iemand wat direk of indirek as agent opdrag ontvang het om by 'n plaaslike raad namens iemand anders enige aansoek in te dien, of 'n vennoot van iemand wat aldus opdrag ontvang het;
- (g) iemand wat 'n direkteur, agent, bestuurder of werknemer van, of 'n vennoot in 'n besigheid, bedryf of beroep is, wat op 'n gelisensieerde perseel gedryf word, of die eienaar, verhuurder, huurder of verbandhouer is van so 'n perseel, of die verbandhouer van grond ten opsigte waarvan 'n aansoek kragtens artikel *negen-en-dertig* of *veertig* gedoen is;
- (h) 'n ongerehabiliteerde insolvent;
- (i) iemand wat in die Unie of elders tot gevangenisstraf sonder keuse van boete veroordeel is weens een of ander misdryf, wat nie van politieke aard is nie, en aan wie desweë geen gracie verleen is nie;
- (j) die voorsitter of 'n lid van die bestuur of 'n beampte van 'n klub ten opsigte waarvan 'n dranklisensie gehou word in die gebied waarin die raad bevoegdheid het.
- (2) Die feit dat iemand lid is van 'n klub wat 'n klub-dranklisensie besit, maak hom nie om die rede alleen onbevoeg om lid van die Raad of van 'n plaaslike raad te wees nie.
- (3) Iemand wat ingevolge sub-artikel (1) onbevoeg is om sitting te neem as 'n lid van die Raad of van 'n plaaslike raad moet, sodra hy gewaar word dat hy aldus onbevoeg is, skriftelik kennis daarvan gee—
- (a) indien hy die voorsitter van die Raad is, aan die Minister, of in die geval van 'n ander lid van die Raad, aan die voorsitter daarvan, wat op sy beurt die Minister skriftelik in kennis stel;
- (b) indien hy die voorsitter van 'n plaaslike raad is, aan die voorsitter van die Raad, of in die geval van 'n ander lid van 'n plaaslike raad aan die voorsitter van so 'n plaaslike raad, wat onverwyld die voorsitter van die Raad in kennis stel, wat op sy beurt, in elke geval, die Minister skriftelik in kennis stel.

19. Geen lid van 'n plaaslike raad mag deelneem in die verrigtinge in verband met 'n aansoek om, of 'n beswaar teen die verlening, vernuwing, oordrag, of verplasing van 'n lisensie, of 'n aansoek om die verlening van enige magtiging ingevolge hierdie Wet nie, en geen lid van die Raad mag deelneem in die verrigtinge in verband met 'n appèl of hersiening ten opsigte van so 'n aansoek beswaar of verlening nie, indien, in die een of die ander geval—

Spesiale onbevoegdheid van lede in besondere gevalle.

- (a) hy 'n eienaar, verbandhouer, verhuurder of huurder van die betrokke perseel is;
- (b) hy 'n vennoot, agent of werknemer is van die applikant of van iemand wat beswaar maak teen die aanvraag;
- (c) hy 'n direkteur, bestuurder of ander beampte, of 'n werknemer of agent van 'n maatskappy of vereniging is wat onder paragraaf (a) of (b) sou val as dit 'n individu was;
- (d) hy verwant is aan die applikant of iemand wat beswaar maak teen die aansoek, binne die vierde graad van bloedverwantskap of aanverwantskap.

20. Ingeval 'n voorsitter of 'n lid van die Raad of van 'n plaaslike raad sy amp om enige rede hoegenaamd ontruim, word die vakature gevul deur iemand deur die Minister aangestel, en waar hy so 'n aanstelling doen moet die Minister die samestelling van die Raad of, na gelang van die geval, van die betrokke plaaslike raad, soos bepaal in artikels *twaalf* en *sestien*, so ver as doenlik handhaaf.

Aanvulling van vakatures.

21. Met inagneming van die bepalinge van die wet op die staatsdiens, kan die Minister vir die Raad en elke plaaslike raad soveel persone aanstel as wat benodig is om die sekretarieswerk en die klerklike werk van sulke rade te verrig: Met dien verstande dat indien, volgens die mening van die Staatsdiens-

Aanstelling van personeel van die Raad of van 'n plaaslike raad.

any part of it, can satisfactorily be performed by a person or persons who are not members of the public service, the Minister may appoint such person or persons on such conditions as he may determine.

Appointment of inspectors.

22. For the purpose of enabling the powers, duties and functions of the Board and local boards to be effectively carried out the Minister may, subject to the laws governing the public service, appoint so many inspectors as may from time to time be necessary. 5

Powers and duties of inspectors.

23. (1) The inspectors so appointed shall have all the powers which are conferred upon the Board by sub-section (2) of section *thirteen*. 10

(2) It shall be the duty of every inspector—

- (a) to report to local boards in regard to licensed premises as to the standards of structure, accommodation, equipment and service, the keeping of records and generally the manner in which business is conducted; 15
- (b) in respect of applications made to a local board to report to the chairman of the local board, at least fourteen days before the date of the meeting at which such application is to be considered, whether— 20

- (i) the premises in respect of which an application is made for the grant, renewal or removal of a licence, comply in all respects with any determination as to the standards required in respect of structure, accommodation and equipment made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*; or, in the case of applications in terms of section *thirty-nine*, *forty*, or *forty-one*, whether the premises would, upon completion in accordance with the plans, so comply; 25
- (ii) the structure in respect of which an application is made in terms of sub-section (5) of section *forty-one*, is in all respects suitable for conducting the business of supplying liquor only in terms of a club or an hotel liquor licence, as the case may be; 35
- (iii) in the case of a business previously licensed, it has been carried on in a proper manner, any records required to be kept have been duly kept and the provisions of this Act in respect of employment on licensed premises have been observed; 40
- (iv) the applicant, or in the case of a transfer the proposed transferee, is qualified in terms of any determination made under sub-paragraph (vi) of paragraph (a) of sub-section (1) of section *thirteen*, is of good character and is not disqualified under any provision of section *sixty-seven*; 45
- (v) the licence for which application is made is, in the opinion of the inspector, reasonably required to meet the requirements of the public; 50
- (vi) the locality where the premises concerned are situated, or are proposed to be erected, as the case may be, is in all respects suitable for the proper conduct of the business proposed; and 55
- (vii) generally in regard to any matter which, in the opinion of the inspector, is one proper to be taken into account in the consideration of the application; 60

- (c) to ascertain and to report to the chairman of a local board whether any condition imposed by such local board upon any licensee as to any structural alteration or arrangement of, or addition to the premises in respect of which any licence has been granted or renewed or as to the accommodation to be afforded in such premises to the public, or as to any other matter whatsoever has, within any period which may have been stipulated by the local board, been complied with. 65 70

(3) The inspectors shall also observe such directions and shall carry out such other duties as may be given to or imposed upon them by the Board.

kommissie, daardie werk, of 'n gedeelte daarvan, bevredigend deur 'n persoon of persone wat nie lede van die staatsdiens is nie, verrig kan word; die Minister so 'n persoon of sodanige persone onder sodanige voorwaardes as wat hy mag vasstel, kan 5 aanstel.

22. Ten einde die bevoegdhede en pligte van die Raad en van plaaslike rade doeltreffend te doen uitvoer, kan die Minister met inagneming van die wette op die staatsdiens, soveel inspekteurs aanstel as wat van tyd tot tyd nodig mag wees. Aanstelling van inspekteurs.

10 23. (1) Die aldus aangestelde inspekteurs het al die bevoegdhede aan die Raad deur sub-artikel (2) van artikel *dertien* verleen. Bevoegdhede en pligte van inspekteurs.

(2) Dit is die plig van elke inspekteur—

15 (a) om ten opsigte van gelisensieerde persele aan plaaslike rade verslag te doen omtrent standarde van struktuur, akkommodasie, uitrusting en bediening, en die hou van aantekeninge, en in die algemeen die wyse waarop besigheid gedryf word;

20 (b) ten opsigte van aansoeke aan 'n plaaslike raad gedoen, om ten minste veertien dae voor die datum van die vergadering waar so 'n aansoek oorweeg sou word, aan die voorsitter van die plaaslike raad verslag te doen, omtrent—

25 (i) of die perseel ten opsigte waarvan aansoek om die verlening, vernuwing of verplasing van 'n lisensie gedoen is, in alle opsigte voldoen aan enige vaststelling omtrent die benodigde standarde ten opsigte van struktuur, akkommodasie en uitrusting, wat gemaak is ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel *dertien*; of in die geval van aansoeke ooreenkomstig artikel *negen-en-dertig*, *veertig* of *een-en-veertig*, of die perseel na voltooiing ooreenkomstig die ontwerpe aldus sou voldoen;

30 (ii) of die struktuur ten opsigte waarvan aansoek ooreenkomstig sub-artikel (5) van artikel *een-en-veertig* gedoen word, in alle opsigte geskik is om die besigheid van die verskaffing van drank alleen, ooreenkomstig 'n klub- of, na gelang van die geval, 'n hotel-dranklisensie te dryf;

35 (iii) in die geval van 'n besigheid wat tevore gelisensieer was, of dit op 'n behoorlike manier gedryf is, of aantekeninge wat gehou moes gewees het behoorlik gehou is, en of die bepalinge van hierdie Wet ten opsigte van indiensneming op 'n gelisensieerde perseel nagekom is;

40 (iv) of die applikant of in die geval van 'n oordrag, die persoon aan wie daar oorgedra sou word, bevoeg is ooreenkomstig 'n vasstelling gedoen ingevolge sub-paragraaf (vi) van paragraaf (a) van sub-artikel (1) van artikel *dertien*, van goeie karakter is en nie onbevoeg is ingevolge 'n bepaling van artikel *sewen-en-sestig* nie;

45 (v) of die lisensie waarom aansoek gedoen word, volgens die mening van die inspekteur redelik nodig is om aan die benodighede van die publiek te voldoen;

50 (vi) of die omgewing waar die betrokke perseel geleë is, of, na gelang van die geval, waar dit voorgestel word dat daar 'n gebou opgerig word, in alle opsigte geskik is om die betrokke besigheid behoorlik te drywe; en

55 (vii) in die algemeen enige saak wat, volgens die mening van die inspekteur, by die oorweging van die aansoek in aanmerking behoort geneem te word;

60 (c) om vas te stel en aan die voorsitter van 'n plaaslike raad verslag te doen, of voorwaardes deur so 'n plaaslike raad op 'n lisensiehouer opgelê, in verband met die verbouing, inrigting, aanbou of herstelling van die perseel ten opsigte waarvan 'n lisensie verleen of vernuwe is, of in verband met die akkommodasie wat aan die publiek in so 'n perseel beskikbaar gestel moet word, of in verband met enige ander saak hoegenaamd, binne enige termyn wat deur die plaaslike raad vasgestel mag gewees het, nagekom is.

65 (3) Die inspekteurs moet ook die voorskrifte nakom en die pligte uitvoer wat deur die Raad aan hulle gegee word of hulle opgelê word:

(4) The inspectors shall be subject to the control and shall carry out their duties under the guidance of the Board.

(5) The Board may delegate all or any of its powers and functions under this section to local boards.

Legal proceedings
by or against the
Board or local
boards.

24. (1) In any legal proceedings instituted against the Board or a local board in its official capacity service of any process on the chairman of the Board or of a local board and upon the Government Attorney at Pretoria shall, subject to the provisions of sub-section (2), be deemed to be sufficient service on the Board or such local board as the case may be. No action shall be taken by the Board or a local board in any such proceedings, and no legal proceedings shall be instituted by the Board or a local board, save through the Government Attorney.

(2) Save in any case where the court out of which the summons has issued or before which the hearing of the application is to take place shall have specially authorized to the contrary, the time to be allowed for the entering of appearance to a summons issued in any legal proceedings referred to in sub-section (1) shall not be less than one month after service thereof upon the chairman of the Board or of a local board, and the Government Attorney, and in applications by way of motion or petition the time to be allowed for the hearing of the application or for the return of a rule *nisi* shall be not less than fourteen days after service of the notice of motion or of the rule *nisi*, as the case may be, upon the chairman of the Board or of a local board and the Government Attorney.

(3) The costs incurred by members of the Board or of a local board in connection with proceedings instituted by or against them in their official capacity shall, unless the court before which the proceedings are taken orders the costs to be borne by the opposite party or by the said members *de bonis propriis*, be paid out of the Treasury.

(B) Meetings.

Meetings of the
Board.

25. A meeting of the Board shall be held within one week after the coming into force of this Act, and thereafter meetings shall be held from time to time as may be determined by the chairman.

Meetings of local
boards.

26. (1) A local board shall hold a meeting, known as the annual meeting, commencing on the first Wednesday in the month of November of each year or if that day be a public holiday on the following day, for the consideration of—

- (i) applications for the grant, renewal, transfer or removal of licences, or the grant of conditional authorities under sections *thirty-nine* and *forty* or for an authority under section *forty-one*;
- (ii) any other matter which under the provisions of this Act it is authorized to consider.

(2) A local board shall hold a special meeting, at any time when the chairman of a local board so determines or the court in terms of section *thirty-six* or *thirty-seven*, or the chairman of the Board, so directs for the consideration and determination of any matter referred to in sub-paragraphs (i) and (ii) of paragraph (a) of this sub-section.

(3) Not earlier than sixty and not later than thirty days before any meeting referred to in sub-section (1) a local board shall, by notice in the *Gazette* under the hand of its secretary, notify the date, time and place thereof and the matters to be dealt with thereat.

Powers of a local
board to suspend
or cancel licences.

27. (1) A local board may at an annual or special meeting refuse to renew any licence or suspend for a period not exceeding six months or cancel any licence (other than a licence for which the authority of a local board is not required) if—

- (a) the holder of such licence has failed to comply substantially with any condition referred to in sub-section (2) of section *seventeen*; or
- (b) the licensed premises in respect of which such licence is held do not comply in all respects with a determination made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*; or
- (c) the holder of such licence, notwithstanding that he is otherwise qualified to hold such licence, has become

(4) Die inspekteurs is onderworpe aan die beheer en voer hulle pligte uit onder die toesig van die Raad.

(5) Die Raad kan al die magte en bevoegdhede aan hom kragtens hierdie artikel verleen, of sommige daarvan, aan 5 plaaslike rade deleger.

24. (1) In enige regsgeging wat teen die Raad of 'n plaaslike raad in sy amptelike hoedanigheid ingestel is, word 'n diening van geregtelike stukke op die voorsitter van die Raad, of, na gelang van die geval, van 'n plaaslike raad, en op die Regerings- 10 prokureur in Pretoria, met inagneming van die bepalings van sub-artikel (2), beskou as 'n voldoende diening op die Raad of, na gelang van die geval, op so 'n plaaslike raad. Die Raad of plaaslike raad mag in so 'n geding geen stappe doen nie, en geen regsgeging instel nie, behalwe deur middel van die 15 Regeringsprokureur.

Regsgeging deur of teen die Raad of plaaslike rade.

(2) Behalwe wanneer die hof waaruit die dagvaarding afkomstig is of waarin die verhoor van die applikasie sal plaasvind in 'n saak uitdruklik anders gelas, word vir die aantekening van verskyning, op 'n dagvaarding uitgereik in 'n regsgeging 20 vermeld in sub-artikel (1) 'n termyn gestel van nie minder dan een maand nie, na diening van die dagvaarding op die voorsitter van die Raad of van 'n plaaslike raad, en op die Regeringsprokureur, en by 'n applikasie deur mosie of versoekskrif, word vir die verhoor van die applikasie of vir die verskyndag 25 van 'n order *nisi* 'n termyn gestel van nie minder dan veertien dae nie na die diening van die kennisgewing van die mosie of order *nisi*, na gelang van die geval, op die voorsitter van die raad of van 'n plaaslike raad en op die Regeringsprokureur.

(3) Die koste beloop deur lede van die Raad of 'n plaaslike 30 raad in verband met 'n regsgeging deur of teen hulle in hul amptelike hoedanigheid ingestel, word, tensy die hof wat die geding hoor gelas dat die koste deur die teenparty of deur die genoemde lede *de bonis propriis* gedra moet word, uit die Skatkis betaal.

35

(B) Vergaderings.

25. 'n Vergadering van die Raad moet gehou word binne 'n week na die inwerkingtreeding van hierdie Wet, en daarna word vergaderings van tyd tot tyd gehou soos deur die voorsitter gereël. Vergaderings van die Raad.

40 26. (1) 'n Plaaslike raad hou 'n vergadering wat bekend sal wees as die jaarlikse vergadering, en wat begin op die eerste Woensdag in die maand November van elke jaar, of as daardie dag 'n publieke vakansiedag is op die volgende dag, ter oorweging van— Vergaderings van plaaslike rade.

45 (i) aansoeke om verlening, vernuwing, oordrag of verplasing van lisensies, of om verlening van voorwaardelike magtiging kragtens artikels *negen-en-dertig* en *veertig*, of van 'n magtiging kragtens artikel *een-en-veertig*;

50 (ii) enige ander saak wat hy kragtens die bepalings van hierdie Wet gemagtig is om te oorweeg.

(2) 'n Plaaslike raad hou 'n spesiale vergadering te eniger tyd wanneer die voorsitter van 'n plaaslike raad dit reël, of die hof ingevolge artikel *ses-en-dertig* of *sewen-en-dertig*, of die 55 voorsitter van die Raad, dit aldus gelas ter oorweging en beslissing van een of ander saak vermeld in sub-paragrafe (i) en (ii) van paragraaf (a) van hierdie sub-artikel.

(3) Nie meer dan sestig en nie minder dan dertig dae voor 'n in sub-artikel (i) bedoelde vergadering nie, moet 'n plaaslike 60 raad, by kennisgewing in die *Staatskoerant* onderteken deur sy sekretaris, die dag plek en tyd daarvan aankondig, asook die sake wat daarby behandel word.

27. (1) 'n Plaaslike raad kan by 'n jaarlikse of spesiale vergadering weier om 'n lisensie te vernuwe of 'n lisensie vir 65 'n tydperk van hoogstens ses maande opskort, of 'n lisensie intrek (behalwe 'n lisensie waarvoor die magtiging van 'n plaaslike raad nie nodig is nie), indien— Bevoegdhede van plaaslike raad om lisensies op te skort of in te trek.

(a) die houder van so 'n lisensie versuim het om wesenlik 'n in sub-artikel (2) van artikel *sewentien* bedoelde voorwaarde na te kom;

70 (b) die gelisensieerde perseel ten opsigte waarvan so 'n lisensie gehou is nie in alle opsigte voldoen aan 'n vasstelling gedoen ooreenkomstig sub-paragraaf (4) van paragraaf (a) van sub-artikel (1) van artikel *dertien* nie; of

75 (c) die houder van so 'n lisensie, niesteenstaande dat hy andersins bevoeg is om so 'n lisensie te hou, onbekwaam

unfit and by reason of and during the continuation of such unfitness, should not in the public interest hold such licence; or

(d) the holder of such licence is or has become disqualified in terms of section *sixty-seven*; or

(e) in the opinion of the local board such licence is not necessarily required to meet the convenience of the public; or

(f) the continuation of such licence is not in the public interests.

(2) A licence suspended in terms of sub-section (1) shall be subject to renewal and payment of licence fees under this Act as if it had not been so suspended and shall for the purpose of any determination made under sub-paragraph (iii) of paragraph (a) of sub-section (1) of section *thirteen* be deemed to be a licence actually in existence.

(3) Nothing contained in sub-section (1) shall derogate from the powers conferred on a local board by the subsequent provisions of this Act.

(4) Whenever a local board receives in respect of any licence referred to in sub-section (1) information, which if correct would entitle such local board to refuse to renew, or suspend or cancel such licence, the secretary of the local board shall, at least thirty days prior to the meeting, whether annual or special, at which the matter is to be considered, send by registered post or personally deliver a copy of every document containing such information to the licensee, the lessor of the premises and to every person described in sub-paragraph (ii) of paragraph (a) of sub-section (3) of section *thirty-eight*.

(5) A local board may at an annual or special meeting cancel as many licences as may be necessary to comply with any requirement as to number and classes of licences which may be granted under any determination made in terms of sub-paragraphs (iii) and (iv) of paragraph (a) of sub-section (1) of section *thirteen*: Provided that for a period of three years after the commencement of this Act, no licence shall be cancelled in terms of this sub-section.

(6) Whenever a local board proposes to cancel a licence in terms of sub-section (5) the secretary of such local board, shall, at least thirty days prior to the meeting, whether annual or special, at which such cancellation is to be considered send by registered post or personally deliver a notice setting forth that the local board proposes to cancel such licence in terms of that sub-section to the persons referred to in sub-section (4).

(7) If a licence is suspended in terms of sub-section (1), or of any other provision of this Act, the licensee shall be deemed not to be licensed during the period of suspension, and the premises concerned may be closed for the sale of liquor by order of the magistrate of the district in which they are situated.

Meetings of local boards open to the public.

28. All meetings of a local board shall be open to the public: Provided that, if the local board so determines, the deliberations and voting upon any matter shall be in private.

Quorum.

29. Five members of the Board and three members of a local board respectively shall form a quorum. The chairmen of such boards shall preside at every meeting, but if a chairman is absent, the members present shall choose one of their number to preside.

Evidence on oath.

30. (1) When either the Board or a local board deems it necessary to take evidence respecting any question to be determined by such board, such evidence shall be given on oath to be administered by the chairman and shall be recorded.

(2) A local board may, by written notice under the hand of its chairman or secretary, require the attendance before it of any person who has made application to it for a new licence or for the renewal, transfer or removal of any licence, or for any authority under this Act, or in the case of the absence of the holder of any licence, of any person who in such absence is charged with the conduct of the business carried on under such licence, or of any other person who, in the opinion of the local board, is able to testify as to any matter which such board has to determine; and may also by like notice require such applicant or person to produce any books or documents relevant to the matter before the said board in his possession or under his control.

- geword het, en om rede daarvan en solank as sodanige onbekwaamheid aanhou, in die publieke belang nie so 'n lisensie behoort te hou nie; of
- (d) die houer van so 'n lisensie ingevolge artikel *sewen-en-sestig* onbevoeg is, of geword het; of
- (e) volgens die mening van die plaaslike raad so 'n lisensie nie vir die gerief van die publiek 'n noodsaaklike vereiste is nie; of
- (f) die voortdoring van so 'n lisensie nie in die publieke belang is nie.
- (2) 'n Lisensie wat ingevolge sub-artikel (1) opgeskort is, is onderworpe aan vernuwing en betaling van lisensiefooie ingevolge hierdie Wet, asof dit nie aldus opgeskort was nie, en word vir die doel van 'n vasstelling kragtens sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) van artikel *dertien* geag 'n lisensie te wees wat werklik bestaan.
- (3) Die bepalinge van sub-artikel (1) doen geen afbreuk aan die bevoegdhede aan 'n plaaslike raad deur hieropvolgende bepalinge van hierdie Wet verleen nie.
- (4) Wanneer ook al 'n plaaslike raad ten opsigte van 'n in sub-artikel (1) vermelde lisensie inligting ontvang wat, indien dit korrek is, so 'n plaaslike raad sou geregtig om te weier om so 'n lisensie te vernuwe, of om dit op te skort of in te trek, dan moet die sekretaris van die plaaslike raad, minstens dertig dae voor die vergadering, (hetsy dit jaarliks of spesiaal is) waarop die saak oorweeg sou word, 'n afskrif van elke dokument wat sodanige inligting bevat per aangetekende pos aan die lisensiehouer, die verhuurder van die perseel en elke persoon vermeld in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (3) van artikel *agt-en-dertig*, stuur of persoonlik aan genoemde persone aflewer.
- (5) By 'n jaarlikse of spesiale vergadering kan 'n plaaslike raad so veel lisensies intrek as wat nodig mag wees om te voldoen aan 'n vereiste insake die getal en die klasse van lisensies wat verleen kan word ingevolge 'n vasstelling gedoen ooreenkomstig sub-paragrafe (iii) en (iv) van paragraaf (a) van sub-artikel (1) van artikel *dertien*: Met dien verstande dat vir 'n tydperk van drie jaar na die inwerkingtreding van hierdie Wet, geen lisensie ingevolge hierdie sub-artikel ingetrek word nie.
- (6) Wanneer ook al 'n plaaslike raad voornemens is om 'n lisensie ingevolge sub-artikel (5) in te trek, moet die sekretaris van so 'n plaaslike raad minstens dertig dae voor die vergadering (hetsy dit jaarliks of spesiaal is) waarop so 'n intrekking oorweeg sal word, aan die in sub-artikel (4) vermelde persone per aangetekende pos 'n kennisgewing stuur (of aan hulle persoonlik aflewer) wat vermeld dat die plaaslike raad voornemens is om so 'n lisensie ingevolge genoemde sub-artikel in te trek.
- (7) Indien 'n lisensie ingevolge sub-artikel (1) of 'n ander bepaling van hierdie Wet opgeskort word, word dit geag dat die lisensiehouer gedurende die opskortingstermyn nie gelisensieer is nie, en die betrokke perseel kan op las van die magistraat van die distrik waarin dit geleë is vir die verkoop van drank gesluit word.
28. Alle vergaderings van 'n plaaslike raad is vir die publiek toeganklik: Met dien verstande dat, indien die plaaslike raad aldus besluit, die besprekings en stemming omtrent een of ander saak privaat kan plaasvind.
29. Vyf lede van die Raad en drie lede van 'n plaaslike raad maak onderskeidelik 'n kworum uit. Die voorsitters van sulke rade presideer by elke vergadering, maar indien 'n voorsitter afwesig is, kies die teenwoordige lede een uit hulle getal om te presideer.
30. (1) Wanneer die Raad of 'n plaaslike raad dit nodig ag om getuienis af te neem in verband met enige kwessie wat hy moet beslis, moet daardie getuienis gegee word onder eed, opgelê te word deur die voorsitter, en genotuleer word.
- (2) 'n Plaaslike raad mag iemand wat by die raad aansoek gedoen het om 'n nuwe lisensie of om die vernuwing, oordrag of verplasing van 'n lisensie of om 'n magtiging kragtens hierdie Wet, of as die houer van so 'n lisensie afwesig is, iemand wat in sy afwesigheid belas is met die verrigting van die besigheid wat kragtens die lisensie gedryf word, of iemand anders wat, volgens oordeel van die plaaslike raad, in staat is om getuienis te gee omtrent iets wat bedoelde raad moet beslis, by skriftelike kennisgewing, geteken deur sy voorsitter of sekretaris, voor hom daag en daag, by 'n dergelike kennisgewing die gedaagde gelas om enige boeke, of dokumente in verband met die saak voor die raad, wat hy besit of waaroor hy beskik, oor te lê.

Publiek het toegang tot vergaderings van plaaslike rade.

Kworum.

Getuienis onder eed.

(3) The Board shall *mutatis mutandis* have all the powers referred to in sub-section (2) in respect of any appeal to it in terms of section *thirty-five*.

Decisions of matters of law.

31. (1) Any matter of law arising for decision at any meeting of the Board or of a local board, and any question arising at any such meeting as to whether a matter for decision is a matter of fact or a matter of law, shall be decided by the chairman of the Board or of the local board, and no other member of the Board or of the local board, as the case may be, shall have a voice in the decision of any such matter. 5 10

(2) The chairman concerned may adjourn the argument upon any such matter as may arise in terms of sub-section (1) and may sit without any other member for the hearing of such argument and the decision of such matter.

(3) Whenever the chairman concerned shall give any decision in terms of sub-section (1), he shall state his reasons for that decision. 15

Decisions of matters of fact.

32. (1) Upon all matters of fact the decision or opinion of the majority of the members present and qualified to vote shall be the decision or opinion of the Board or of a local board, as the case may be: Provided that in the event of an equality of votes the chairman concerned shall have a casting vote in addition to his deliberative vote. 20

(2) It shall be incumbent upon the Board or a local board to give reasons for its decision upon any matter decided under sub-section (1). 25

Record of proceedings of the Board or of a local board.

33. A record of the proceedings in public of a local board at every meeting and of the proceedings at every hearing of an appeal by the Board shall be kept and shall be filed in the office of the local board or of the Board, as the case may be, and the same may be inspected and copies thereof obtained upon like conditions and upon payment of the same fees as if they were civil records of a magistrate's court. 30

(C) Reviews and Appeals.

Powers of the Board on review.

34. (1) The Board may in its discretion call upon any local board to submit any decision of such board for review. No party interested in any matter under review shall be entitled to appear before the Board either personally or by representative. 35

(2) The Board may, subject to the provisions of this Act—

- (a) confirm, vary or reverse the decision of a local board; 40
- (b) if the record of proceedings does not contain sufficient evidence or information to enable the Board to give a decision upon review, remit the matter to the local board and direct it to take such further evidence or to furnish such additional information as the Board 45 may deem necessary.

(3) Any order made by the Board upon a review under this section shall for all purposes be deemed to be an order of the local board whose decision was reviewed.

Powers of the Board on appeal.

35. (1) Whenever a local board has given any direction or made any decision, any person affected thereby may appeal therefrom to the Board. 50

(2) The provisions of sub-sections (2) and (3) of section *thirty-four* shall apply *mutatis mutandis* in the case of any appeal to the Board. 55

(3) The Board shall have power to award costs to the successful party according to the scale, in civil cases, of magistrates' courts.

(4) Any costs awarded as aforesaid shall be taxed by the Clerk of the Court of the Magistrate of the district in which the appeal was heard by the Board, as if such costs were awarded by such court, and all rules applicable by law to the taxation and recovery of costs in magistrates' courts shall in such case *mutatis mutandis* apply. 60

(5) Any party to an appeal in terms of sub-section (1) may appear before the Board personally or by counsel or attorney. 65

Review of the Board's proceedings.

36. (1) The proceedings of the Board on review in terms of section *thirty-four* or on appeal in terms of section *thirty-five* may be reviewed by any provincial or local division of the Supreme Court having jurisdiction, on the petition of any applicant or objector if it appears to the court that— 70

(3) Die Raad het in verband met 'n appèl na hom ingevolge artikel *vyf-en-dertig mutatis mutandis* al die in sub-artikel (2) vermelde bevoegdhede.

31. (1) Enige regspunt wat op 'n vergadering van die Raad of van 'n plaaslike raad, ter beslissing opkom, en enige kwessie wat op so 'n vergadering ontstaan of 'n punt, wat beslis moet word, 'n regspunt is dan wel of dit 'n feitepunt is, word beslis deur die voorsitter van die Raad of van die plaaslike raad, en geen ander lid van die Raad of, na gelang van die geval, van die plaaslike raad, het seggenskap by die beslissing van so 'n punt nie.

Beslissing van regspunte.

(2) Die betrokke voorsitter kan die bepleiting van 'n punt wat ingevolge sub-artikel (1) ontstaan uitstel, en kan sonder die ander lede sit om die bepleiting te hoor en die punt te beslis.

(3) Wanneer die betrokke voorsitter 'n beslissing ingevolge sub-artikel (1) gee, moet hy sy redes vir daardie beslissing meld.

32. (1) By alle feitekweessies is die beslissing of oordeel van die meerderheid van die aanwesige en stembevoegde lede die beslissing of oordeel van die Raad of, na gelang van die geval, van 'n plaaslike raad. Met dien verstande dat by staking van stemme die betrokke voorsitter 'n beslissende stem sowel as sy beraadslagende stem het.

Beslissings op feitevrae.

(2) Dit is die plig van die Raad of 'n plaaslike raad om redes aan te voer vir sy beslissing op 'n kwessie wat ingevolge sub-artikel (1) beslis word.

33. Van die openbare verrigtinge van elke vergadering van 'n plaaslike raad, en van die verrigtinge by elke verhoor van 'n appèl deur die Raad, moet notule gehou en op die kantoor van die plaaslike raad of, na gelang van die geval, van die Raad, bewaar word, en insage en afskrifte daarvan kan verkry word op dieselfde voorwaardes en teen betaling van dieselfde fooie asof dit siviele notule van 'n magistraatshof was.

Notule van verrigtinge van die Raad of van 'n plaaslike raad.

(C) *Hersienings en Appèlle.*

34. (1) Die Raad kan na goeddunke 'n plaaslike raad gelas om 'n beslissing van so 'n raad vir hersiening voor te lê. Geen party wat belang het by 'n saak wat hersien word is geregtig om voor die Raad te verskyn, hetsy persoonlik of deur 'n verteenwoordiger nie.

Bevoegdhede van die Raad by hersiening.

(2) Die Raad kan, behoudens die bepalings van hierdie Wet—
(a) die beslissing van 'n plaaslike raad bekragtig, wysig of herroep;

(b) indien die notule van die verrigtinge nie voldoende getuienis of gegewens bevat, om die Raad in staat te stel om 'n beslissing by die hersiening te gee nie, die saak na die plaaslike raad verwys en hom opdrag gee om sulke verdere getuienis af te neem of om sodanige addisionele gegewens te verstrek as wat die Raad mag nodig ag.

(3) 'n Order deur die Raad gegee by 'n hersiening ingevolge hierdie artikel word vir alle doeleindes geag 'n order te wees van die plaaslike raad waarvan die beslissing hersien is.

35. (1) Wanneer ook al 'n plaaslike raad 'n voorskrif gemaak het of 'n beslissing gedoen het, kan enige persoon wat daardeur geraak is na die Raad daarteen appelleer.

Bevoegdhede van die Raad by 'n appèl.

(2) Die bepalings van sub-artikels (2) en (3) van artikel *vier-en-dertig* is *mutatis mutandis* van toepassing in die geval van 'n appèl na die Raad.

(3) Die Raad het die bevoegdheid om aan die geslaagde party koste toe te ken teen die tarief van magistraatshowe in siviele sake.

(4) Koste wat soos voormeld toegeken is word getakseer deur die klerk van die magistraatshof van die distrik waar die appèl deur die Raad verhoor is asof sodanige koste deur so 'n hof toegeken is, en alle reëls wat regtens toepaslik is op die taksasie en verhaling van koste in magistraatshowe is *mutatis mutandis* in so 'n geval van toepassing.

(5) 'n Party in 'n appèl ingevolge sub-artikel (1) kan persoonlik of deur 'n advokaat of prokureur voor die Raad verskyn.

36. (1) Die verrigtinge van die Raad by hersiening ingevolge artikel *vier-en-dertig*, of by appèl ingevolge artikel *vyf-en-dertig*, kan deur 'n provinsiale of plaaslike afdeling van die Hooggeregshof wat regsbevoeg is op die versoekskrif van enige applikant of beswaarmaker, hersien word, indien dit aan die hof blyk dat—

Hersiening van verrigtinge van die Raad.

- (a) in the proceedings in question the Board exceeded its powers, or refused to exercise powers which it was bound to exercise or exercised its powers in an arbitrary or *mala fide* or grossly unreasonable manner; or
 - (b) a person who was disqualified from being a member, or if a member, from taking any part in the proceedings in question, took part in such proceedings.
- (2) If upon the consideration on review of any proceedings referred to in sub-section (1) the court finds that the allegations of the petitioner have been proved, it may set aside the proceedings in question and make such order as it deems fit, including an order that a special meeting of the local board be convened for the rehearing or reconsideration of the matter: Provided that no proceedings shall be set aside—
- (a) by reason merely of a formal or technical defect in any of the proceedings which has not in the opinion of the court resulted in substantial injustice; or
 - (b) in any other case, unless the court is satisfied that the matter proved, caused or was calculated to cause substantial prejudice to the petitioner or any other person.
- (3) Save as provided in this section there shall be no review of the proceedings of the Board.

Cases in which
appeal allowed.

37. (1) In respect of any matter decided upon by the chairman of the Board solely in terms of section *thirty-one*, an appeal shall lie at the instance of any applicant in respect of or in connection with whose application, or of any objector in respect of or in connection with whose objection, such decision was given.

(2) Such appeal shall be noted and prosecuted as if it were an appeal from a judgment of a magistrate's court in a civil matter, and all rules applicable by law to such last-mentioned appeal, whether in respect of the hearing thereof or of the confirmation or setting aside of the proceedings appealed against, or otherwise, shall *mutatis mutandis* apply to an appeal under this section.

(3) Save as provided in this section, there shall be no appeal from the decision of the Board.

CHAPTER IV.

APPLICATIONS FOR LICENCES AND OBJECTIONS THERETO.

Applications
for licences.

38. (1) Any person desiring to obtain a licence under this Act for which the authority of a local board is required, or the renewal of any such licence, or the removal of any such licence whether permanently or temporarily from the licensed premises to any other premises in the same district, or the transfer of any such licence by the holder thereof to any other person, may make application in writing to the secretary of the local board having jurisdiction, on or before the first day of September if the matter is to be heard at an annual meeting, and at any time if the matter is to be heard at a special meeting: Provided that if the matter is to be heard at a special meeting a period of not less than two months shall intervene between the date on which the application is received, and the date of the meeting at which it is to be considered.

(2) Every application shall set forth—

- (a) the full name and address of the applicant and the full names of his partners, if any;
- (b) the nature and description of the licence sought to be obtained, renewed, removed or transferred;
- (c) in the case of a transfer, the full name and address of the proposed transferee and the cause of the proposed transferee's nomination;
- (d) the situation of the premises where the business is intended to be carried on, including the number or name (if any) of the house and of the street or road and the number or other designation of the lot or erf;
- (e) a description of the premises, accompanied by a plan drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows and means of external and internal communication, and the streets or places to which such means of external communication lead: Provided that no such plan shall be necessary in the case of—
 - (i) a second and subsequent application for the renewal of a licence in existence at the commencement of this Act;

- (a) die raad by die betrokke verrigtings sy bevoegdheid te buite gegaan het of geweier het om bevoegdhede uit te oefen wat hy verplig was om uit te oefen, of sy bevoegdhede willekeurig of te kwader trou of uiters onbillik uitgeoefen het; of
- (b) iemand wat onbevoeg was om lid te wees, of as hy lid was, om aan die betrokke verrigtings deel te neem, daaraan deelgeneem het.
- (2) Indien die hof, by die hersiening van enige in sub-artikel (1) bedoelde verrigtinge, bevind dat die bewerings van die petisionaris bewys is, kan hy die betrokke verrigtings vernietig en 'n sodanige order verleen as wat hy wenslik ag, met inbegrip van 'n order dat 'n spesiale vergadering van die plaaslike raad belê word om die saak opnuut te verhoor en te oorweeg: Met dien verstande dat geen verrigtings vernietig mag word nie—
- (a) alleen weens 'n formele of tegniese gebrek in enige van die verrigtings, wat volgens oordeel van die hof nie 'n wesenlike onreg ten gevolge gehad het nie; of
- (b) in enige ander geval, tensy die hof oortuig is dat die bewese feite die petisionaris of iemand anders wesenlik benadeel het of sou kon benadeel het.
- (3) Behalwe volgens bepaling van hierdie artikel is die verrigtinge van die Raad aan geen hersiening onderworpe nie.
37. (1) Wanneer die voorsitter van die Raad alleen enige kwessie kragtens artikel een-en-dertig beslis, kan 'n applikant ten opsigte van of in verband met wie se aansoek, of 'n beswaarmaker ten opsigte van of in verband met wie se beswaar daardie beslissing gegee is, daarteen appelleer.
- (2) So 'n appèl moet aangeteken en voortgesit word asof dit 'n appèl was teen 'n vonnis van 'n magistratuurshof in 'n siviele saak, en alle reëls wat regtens op laasgenoemde appèl van toepassing is, wat betref sy verhoor of wat betref die bekragtiging of vernietiging van die verrigtinge waarteen geappelleer word of andersins, is *mutatis mutandis* van toepassing op 'n appèl ingevolge hierdie artikel.
- (3) Behalwe soos in hierdie artikel bepaal, kan teen die beslissing van die Raad nie geappelleer word nie.

Wanneer appèl veroorloof is.

HOOFSTUK IV.

AANSOEKE OM LSENSIES EN BESWARE DAARTEEN.

38. (1) Iemand wat 'n lisensie ingevolge hierdie Wet, waartoe magtiging deur 'n plaaslike raad nodig is, of 'n vernuwing van so 'n lisensie, of die verplasing van so 'n lisensie, hetsy permanent of tydelik, van die gelisensieerde perseel na 'n ander perseel in dieselfde distrik, of die oordrag van so 'n lisensie deur die houer daarvan aan iemand anders verlang, kan by die sekretaris van die plaaslike raad wat regsbevoegdheid het 'n skriftelike aansoek indien, en wel op of voor die eerste dag van September, as die saak op 'n jaarlikse vergadering verhoor moet word, en te enige tyd indien die saak op 'n spesiale vergadering verhoor moet word: Met dien verstande dat indien die saak op 'n spesiale vergadering verhoor moet word 'n tydperk van minstens twee maande sal verstryk tussen die datum waarop die aansoek ontvang is en die datum van die vergadering waarop dit oorweeg word.
- (2) Elke aansoek moet die volgende vermeld—
- (a) die volledige naam en adres van die applikant en die volledige name van sy vennote (as hy het);
- (b) die aard of soort van lisensie waarvan die verkryging, vernuwing, verplasing of oordrag verlang word;
- (c) in die geval van 'n oordrag, die volledige naam en adres van die voorgestelde nemer, en die oorsaak vir die benoeming van die voorgestelde nemer;
- (d) die ligging van die perseel waar die besigheid volgens voorneme gedryf sal word, met vermelding van die nommer of naam (as die bestaan) van die huis en van die straat of weg, en van die nommer of ander beskrywing van die perseel of erf;
- (e) 'n beskrywing van die perseel, wat vergesel moet wees van 'n plan, volgens 'n skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnegeboue met alle deure, vensters en uitwendige en inwendige verkeersweë, en die strate of plekke waarheen die uitwendige verkeersweë loop: Met dien verstande dat so 'n plan nie nodig is nie in die geval van—
- (i) 'n tweede en daaropvolgende aansoek om die vernuwing van 'n lisensie wat by die inwerking-treding van hierdie Wet bestaan;

Aansoeke om lisensies.

- (ii) an application for the renewal of a licence granted under this Act,
if the applicant with his application submits an affidavit that since the last application for a licence the premises have undergone no change of structural arrangement; and
 - (f) that a special meeting of the local board is desired, if such be the fact, and the grounds on which the request therefor is based.
- (3) Save as provided in sub-section (4) there shall be submitted to the local board with every such application—
- (a) an affidavit by the applicant fully setting forth—
 - (i) particulars of any tie by which the applicant is or is proposed to be, bound in respect of the business conducted under the licence; and
 - (ii) the name and address of any person, other than the applicant, who has, or to whom it is proposed to grant, any financial interest in such business, and the nature and extent of such interest, or that no other person than himself has, or is to receive, any financial interest, if such be the case;
 - (b) a true copy of any documents by which the agreement respecting any such tie or financial interest was concluded; and
 - (c) a true copy of any lease or contract under which the premises on which the licensed business is or is proposed to be carried on, are held or to be held.
- (4) The provisions of sub-section (3) shall not apply to—
- (i) a second and subsequent application for the renewal of a licence in existence at the commencement of this Act;
 - (ii) an application for the renewal of a licence granted under this Act,

if the applicant with his application submits an affidavit setting forth that the particulars previously supplied in terms of sub-section (3) remain unchanged.

(5) If there are reasonable grounds for believing that an application for a transfer or removal to be heard at a special meeting will, if granted, be granted after the first day of September in any year and before the date of the annual meetings of local boards to be held in that year, the application referred to in sub-section (2) shall state in addition—

- (a) in the case of a transfer that the transferee of the licence will, if the application for the transfer be granted, at the next then ensuing annual meeting of the local board apply for the substitution of the name of the transferee for the name of the transferor wherever necessary in any application for the renewal made in due form by the transferor, and if such transfer was granted, the local board shall cause such substitution to be duly made; or
- (b) in the case of a removal that the licensee will, if the application for the removal be authorized, at the next then ensuing annual meeting of the local board apply for the substitution of the new premises for the premises described in any application made by the licensee in due form for the renewal of his licence, and if such removal was authorized, the local board shall cause such substitution to be duly made.

(6) In case any application for the renewal of a licence to be heard at an annual meeting of a local board is not made in due time, but is made within seven days after the last date on which it should have been made, the secretary shall accept the same for the consideration thereof by the local board at the annual meeting or any adjournment thereof, upon payment of the sum of twenty pounds in addition to any sum ordinarily payable under section *forty-two*, and upon such terms as to notice being given as the chairman of the local board may prescribe. Such additional sum shall be denoted by revenue stamps to be affixed to the application and cancelled by the secretary.

- (ii) 'n aansoek om die vernuwing van 'n lisensie wat ingevolge hierdie Wet verleen is, indien die applikant met sy aansoek 'n beëdigde verklaring voorlê dat sedert die laaste aansoek om 'n lisensie die perseel nie verbou is nie;
- 5 (f) die feit dat 'n spesiale vergadering van die plaaslike raad versoek word, as dit die geval is, en die redes waarop die versoek steun.

(3) Behalwe soos in sub-artikel (4) bepaal word, moet met 10 elke sodanige aansoek aan die plaaslike raad voorgelê word—

- (a) 'n beëdigde verklaring van die applikant waarin volledig aangegee word—
- 15 (i) besonderhede van enige koopverpligting wat op die applikant rus of volgens voorneme op hom sal rus met betrekking tot die besigheid wat kragtens die lisensie gedryf word; en
- 20 (ii) die naam en adres van enige persoon, behalwe die applikant, wat geldelike belang in daardie besigheid het, of aan wie so 'n belang volgens voorneme verleen sal word, en die aard en omvang van daardie belang, of dat niemand anders as hyself enige geldelike belang het of staan te ontvang, as dit die geval is;
- 25 (b) 'n juiste kopie van enige dokumente waardeur die ooreenkoms omtrent so 'n koopverpligting of geldelike belang aangegaan is; en
- 30 (c) 'n juiste kopie van enige huur of kontrak waaronder die perseel, waarin die gelisensieerde besigheid gedryf word of volgens voorneme gedryf sal word, besit word of besit sal word.

(4) Die bepalings van sub-artikel (3) is nie van toepassing nie—

- 35 (i) op 'n tweede en daaropvolgende aansoek om die vernuwing van 'n lisensie wat by die inwerkingtreding van hierdie Wet bestaan;
- (ii) op 'n aansoek om die vernuwing van 'n lisensie ingevolge hierdie Wet verleen,

indien die applikant tesame met sy aansoek 'n beëdigde verklaring voorlê wat vermeld dat die besonderhede voorheen 40 ingevolge sub-artikel (3) verskaf onveranderd bly.

(5) Indien daar redelike gronde is om aan te neem dat indien 'n aansoek om 'n oordrag of verplasing wat by 'n spesiale vergadering oorweeg sal word, indien dit verleen word, na die eerste September in enige jaar verleen sal word en voor die 45 datum van die jaarlikse vergaderings van plaaslike rade wat in daardie jaar gehou moet word, moet die in sub-artikel (2) vermelde aansoekskrif daarbenewens verklaar—

- 50 (a) in die geval van 'n oordrag dat indien die aansoek om oordrag verleen word die nemer van die lisensie by die volgende jaarlikse vergadering van die plaaslike raad aansoek sal doen om die vervanging van die naam van die nemer vir die naam van die oordraer, waarook al dit nodig mag wees in 'n aansoek om vernuwing behoorlik deur die oordraer gedoen, en 55 indien so 'n oordrag verleen was, moet die plaaslike raad sorg dra dat so 'n vervanging behoorlik gedoen word; of
- 60 (b) in die geval van 'n verplasing dat indien die aansoek om 'n verplasing gemagtig word, die lisensiehouer by die volgende jaarlikse vergadering sal aansoek doen om die vervanging van die perseel, wat behoorlik beskryf is in 'n aansoek gedoen deur die lisensiehouer om die vernuwing van sy lisensie, deur die nuwe perseel, en indien sodanige verplasing gemagtig was, 65 moet die plaaslike raad daarvoor sorg dat so 'n vervanging behoorlik gedoen word.

(6) In geval 'n aansoek om vernuwing van 'n lisensie wat op die jaarlikse vergadering van 'n plaaslike raad verhoor moet word nie intyds ingedien word nie, maar ingedien word binne 70 sewe dae na die laaste dag waarop dit kon ingedien geword het, dan moet die sekretaris dit aanneem ter oorweging deur die plaaslike raad op die jaarlikse vergadering of 'n verdagting daarvan, teen betaling van die bedrag van twintig pond benewens die bedrag wat ingevolge artikel twee-en-veertig in die gewone 75 loop betaalbaar is, en op sodanige voorwaardes wat betref kennisgewing as wat die voorsitter van die plaaslike raad mag stel. Daardie bykomende bedrag moet betaal word in belastingseëls wat aan die aansoekskrif geheg en deur die sekretaris gerojêer word.

Application for
authority for
liquor licence in
respect of pro-
posed premises.

39. (1) Any person desiring to obtain an authority under sub-section (3) of this section in respect of premises proposed to be used for conducting the business authorized by a licence (other than a licence for which the authority of a local board is not required), which premises are not erected, or which, if already erected, require additions or alterations to make them suitable for conducting such business, and which when erected, altered or added to will comply in all respects with any determination as to the standards required in respect of structure, accommodation and equipment made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*, may, before or after the commencement of such erection or of the making of such additions or alterations, make application in writing to the secretary of the local board for such authority to be granted by such board at its next annual or special meeting.

(2) If such application is to be considered by the local board at an annual meeting, it shall be made not later than the preceding first day of September, or if it is to be considered by the local board at a special meeting, a period of not less than two months shall intervene between the date on which the application is received and the date of the meeting of the local board at which it is to be considered.

(3) Such application shall set forth—

- (a) the full name and address of the applicant and the full names of his partners, if any;
- (b) the exact situation of the premises proposed to be added to or altered or of the land on which the premises are proposed to be built;
- (c) a description of the premises as they will be when completed, which shall be accompanied by a plan drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows and means of external and internal communication and the streets or places to which such means of external communication will lead,

and shall be accompanied by an affidavit fully setting forth the particulars described in paragraph (a) of sub-section (3) of section *thirty-eight* and by the copies of documents described in paragraphs (b) and (c) of that sub-section.

(4) A local board considering any such application and any objection thereto, if satisfied that—

- (a) the premises in respect of which the application is made will, on completion, comply in all respects with any determination as to the standards required in respect of structure, accommodation and equipment made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*;
- (b) having regard to the number of existing licences and to any determination made in terms of sub-paragraphs (iii) and (iv) of paragraph (a) of sub-section (1) of section *thirteen*, it would be competent, if the premises were completed at the date of the consideration of the application, to grant the licence for which authority is sought;
- (c) it is *bona fide* the intention of the applicant, if the application is granted, to complete the erection, addition to or alteration of the premises within twelve months from the date of the grant of the application, or such longer period as the local board may determine;
- (d) the premises when completed will be suitable in all respects for conducting the business for which authority is sought;
- (e) generally it is desirable that the class of licence for which authority is sought should be granted in respect of the premises;

may issue to the applicant a conditional authority for such licence in respect of such premises.

(5) If the chairman of the local board in whose area the premises are situated endorses upon an authority granted under sub-section (4) a certificate that the premises to which such authority refers have been completed substantially in accordance with the plans produced under sub-section (3) to the local board, and are, in his opinion, in a suitable condition for occupation and for conducting thereon a business of the class for which the authority was granted, the issuer of licences to whom there is produced the authority so endorsed shall issue in re-

39. (1) Iemand wat 'n magtiging ingevolge sub-artikel (3) van hierdie artikel wens te verkry ten opsigte van 'n perseel wat volgens voorneme gebruik sal word om 'n besigheid deur 'n lisensie gemagtig te dryf (behalwe 'n lisensie waarvoor die magtiging van 'n plaaslike raad nie nodig is nie), maar wat nog nie opgerig is nie, of waaraan, as dit reeds opgerig is, aanbou of verander moet word om dit geskik te maak om so 'n besigheid daar te dryf, en wat, na die oprigting, verandering of aanbou, in alle opsigte sal voldoen aan enige vasstelling insake die standaard benodig ten opsigte van struktuur, akkommodasie en uitrusting wat gedoen is ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel dertien, kan (voor of na die begin van die oprigting of van die aanbou of verandering) skriftelik aansoek doen by die sekretaris van die plaaslike raad dat sodanige magtiging deur so 'n raad by sy volgende jaarlikse of spesiale vergadering verleen word.
- (2) Indien so 'n aansoek deur die plaaslike raad by 'n jaarlikse vergadering oorweeg moet word, moet dit nie later as die voorafgaande eerste dag van September gedoen word nie, of indien dit deur die plaaslike raad by 'n spesiale vergadering moet oorweeg word, moet daar 'n tydperk van minstens twee maande verstryk tussen die datum waarop die aansoek ontvang is en die datum van die vergadering van die plaaslike raad waarop dit oorweeg moet word.
- (3) Die aansoek moet bevat—
- (a) die volledige naam en adres van die applikant en van sy vennote, as hy het;
 - (b) die juiste ligging van die perseel waarvan die aanbou of verandering voorgestel word, of van die grond waarop dit voorgestel word om die gebou op te rig;
 - (c) 'n beskrywing van die perseel soos dit na voltooiing sal wees, wat vergesel moet wees van 'n plan, volgens 'n skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnegebou met alle deure, vensters en uitwendige en inwendige verkeersweë en die strate of plekke waarheen die uitwendige verkeersweë loop,
- en moet vergesel wees van 'n beëdigde verklaring volledig uiteensettende die besonderhede in paragraaf (a) van sub-artikel (3) van artikel agt-en-dertig beskreef en ook van afskrifte van die dokumente in paragrafe (b) en (c) van daardie sub-artikel beskreef.
- (4) Indien 'n plaaslike raad wat die aansoek en enige beswaar daarteen oorweeg, oortuig is—
- (a) dat die perseel ten opsigte waarvan die aansoek gedoen word, na sy voltooiing in alle opsigte sal voldoen aan 'n vasstelling insake die standaard benodig ten opsigte van struktuur, akkommodasie en uitrusting, gedoen ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel dertien;
 - (b) met die oog op die aantal van bestaande lisensies en op 'n vasstelling gedoen ingevolge sub-paragrafe (iii) en (iv) van paragraaf (a) van sub-artikel (1) van artikel dertien, dit in orde sou wees, indien die perseel voltooi was op die datum waarop die aansoek oorweeg word, om die lisensie te verleen waarvoor magtiging gevra word;
 - (c) dat die applikant te goeder trou beoog indien die aansoek bewillig word, om die oprigting, aanbou of verandering van die perseel te voltooi binne twaalf maande vanaf die datum waarop die aansoek bewillig is, of binne so 'n langere termyn as wat die plaaslike raad mag vasstel;
 - (d) dat die perseel na sy voltooiing in alle opsigte geskik sal wees om die besigheid te dryf waarvoor daar magtiging verlang word;
 - (e) dat dit oor die algemeen wenslik is om die klas van lisensie waarvoor magtiging verlang word ten opsigte van die perseel te verleen;
- dan kan hy aan die applikant 'n voorwaardelike magtiging vir so 'n lisensie ten opsigte van daardie perseel verleen.
- (5) As die voorsitter van die plaaslike raad in die gebied waarvan die perseel geleë is, op die magtiging, verleen ingevolge sub-artikel (4), 'n sertifikaat aanteken dat die perseel, waarop daardie magtiging betrekking het, voltooi is, en wel wesenlik ooreenkomstig die planne wat ingevolge sub-artikel (3) aan die lisensieraad voorgelê is, en dat dit na sy oordeel in 'n geskikte toestand is om bewoon te word en om die besigheid daarop te dryf van die klas waarvoor magtiging verleen is, dan moet die uitreiker van lisensies aan wie die magtiging met daardie aantekening daarop vertoon word ten opsigte van daardie

Aansoek om magtiging vir dranklisensie ten opsigte van voorgestelde perseel.

spect of such premises to the person to whom the authority was granted the licence so authorized, which shall be of force and effect until the thirty-first day of December inclusive in the year in which the certificate was granted.

Application for authority for removal of licence to proposed premises.

40. (1) The holder of any licence (other than a licence for which the authority of a local board is not required) who may desire to remove his licence permanently from the licensed premises to such premises as are described in sub-section (1) of section *thirty-nine*, situated or proposed to be erected in the same district, may apply to the local board for a conditional authority for the removal of such licence to such premises so described.

(2) The provisions of section *thirty-nine* shall *mutatis mutandis* apply in respect of such application.

Application for authority to make structural alteration or addition to premises or alteration in the arrangement of premises.

41. (1) No structural alteration or addition to premises, and no material alteration in the internal arrangement of premises in respect of which a licence (other than a licence for which the authority of a local board is not required) under this Act is held, shall be made save upon the written authority of a local board.

(2) Any licensee desiring to obtain an authority referred to in sub-section (1) may make application in writing to the secretary of the local board for such authority to be granted by the local board at its next annual meeting or special meeting: Provided that if such application is to be considered by the local board at an annual meeting, it shall be made not later than the preceding first day of September, or if it is to be considered by the local board at a special meeting, a period of not less than two months shall intervene between the date on which the application is received and the date of the meeting of the local board at which it is to be considered.

(3) Such application shall set forth—

- (a) the full name and address of the applicant;
- (b) the exact situation of the premises proposed to be altered or added to;
- (c) a description of the premises as they will be when altered or added to, which shall be accompanied by a plan of the premises as they will be when completed, drawn to scale, clearly showing the dimensions and arrangements of the internal structure, together with all doors, windows and means of external and internal communication and streets or places to which such means of external communication will lead;
- (d) a statement as to the estimated period of time that will be required to effect the proposed alteration or arrangement of, or addition to such premises.

(4) A local board in considering any such application and any objection thereto, if satisfied that—

- (a) the premises in respect of which the application is made will on completion comply in all respects with any determination as to the standards required in respect of structure, accommodation and equipment made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*;
- (b) the premises will on completion be suitable in all respects for conducting the business for which a licence is held in respect thereof;
- (c) it is the *bona fide* intention of the applicant, if the application is granted, to complete the proposed alteration or addition to the premises within twelve months of the date of the grant of the application or such longer period as the local board may determine;

may authorize the applicant to effect such alteration or arrangement of, or addition to the premises as it may deem fit.

(5) If in the case of premises in respect of which a club or hotel liquor licence is held it appears from the application that during the execution of any alteration of or addition to such premises authorized in terms of sub-section (4), the premises will not comply in all respects with any determination made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*, or will not be suitable in all respects for conducting the business of a club or hotel liquor licence a local board may on the application of the licensee—

- (a) authorize the applicant by endorsement of his licence or any renewal thereof, to conduct the business of

perseel aan die persoon aan wie die magtiging verleen is, die aldus gemagtigde lisensie uitreik, wat van krag sal wees tot en met die een-en-dertigste dag van Desember van die jaar waarin die sertifikaat verleen is.

- 5 40. (1) Die houer van 'n lisensie (behalwe 'n lisensie waarvoor die magtiging van 'n plaaslike raad nie nodig is nie) wat verlang om sy lisensie permanent te verplaas van die gelisensieerde perseel na so 'n perseel soos beskryf in sub-artikel (1) van artikel *negen-en-dertig*, wat geleë is of volgens voorneme in dieselfde distrik opgerig sal word, kan aan die plaaslike raad 10 aansoek doen om 'n voorwaardelike magtiging vir die verplasing van so 'n lisensie na 'n aldus beskrewe perseel.
- (2) Die bepalinge van artikel *negen-en-dertig* is *mutatis mutandis* van toepassing ten opsigte van so 'n aansoek.
- 15 41. (1) Geen verbouing van, of aanbou aan 'n perseel, of wesenlike verandering in die inwendige inrigting van 'n perseel, ten opsigte waarvan 'n lisensie (behalwe 'n lisensie waarvoor die magtiging van 'n plaaslike raad nie benodig is nie) ingevolge hierdie Wet gehou word, kan sonder die skriftelike magtiging 20 van 'n plaaslike raad gemaak word nie.
- (2) 'n Lisensiehouer wat verlang om 'n in sub-artikel (1) vermelde magtiging te verkry, kan skriftelik aansoek doen by die sekretaris van die plaaslike raad dat sodanige magtiging hom deur die plaaslike raad by sy volgende jaarlikse of spesiale 25 vergadering verleen word: Met dien verstande dat indien so 'n aansoek deur die plaaslike raad by 'n jaarlikse vergadering oorweeg moet word, dit nie later as die voorafgaande eerste dag van September gedoen moet word nie, of indien dit deur die plaaslike raad by 'n spesiale vergadering oorweeg moet word, 30 'n tydperk van nie minder as twee maande nie moet verstryk tussen die datum waarop die aansoek ontvang is en die datum van die vergadering van die plaaslike raad waarop dit oorweeg sal word.
- (3) So 'n aansoek moet bevat—
- 35 (a) die volledige naam en adres van die applikant;
- (b) noukeurig waar die ligging is van die perseel wat volgens voorneme verander word of waaraan daar aangebou word;
- 40 (c) 'n beskrywing van die perseel soos dit sal wees nadat daaraan verander is of aangebou is, asook 'n plan van die perseel soos dit na voltooiing sal wees waarop duidelik aangegee is die afmetings en inrigting van die binnegebou met alle deure, vensters en uitwendige en inwendige verkeersweë en die strate of plekke waarheen 45 die uitwendige verkeersweë loop;
- (d) 'n opgawe omtrent die tydperk wat volgens beraming nodig sal wees om die voorgestelde verandering of inrigting van of aanbou aan so 'n perseel uit te voer.
- (4) By oorweging van so 'n aansoek en enige beswaar daarteen 50 moet 'n plaaslike raad die applikant magtig om sodanige verandering of inrigting van, of aanbou aan die perseel uit te voer, as wat hy mag goeddink, indien hy oortuig is dat—
- (a) die perseel ten opsigte waarvan die aansoek gedoen is na voltooiing in alle opsigte sal voldoen aan enige 55 vasstelling insake die benodigde standarde ten opsigte van struktuur, akkommodasie en uitrusting gedoen ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel *dertien*;
- 60 (b) die perseel na voltooiing in alle opsigte geskik sal wees om die besigheid te drywe waarvoor daar ten opsigte daarvan 'n lisensie gehou word;
- (c) die applikant te goeder trou beoog, indien die aansoek toegestaan word, om die voorgestelde verandering van of aanbou aan die perseel te voltooi binne twaalf 65 maande vanaf die datum waarop die aansoek toegestaan is of binne so 'n langere termyn as wat die plaaslike raad mag vasstel.
- (5) Indien in die geval van 'n perseel ten opsigte waarvan 'n klub- of hotel-dranklisensie gehou word dit uit die aansoek 70 blyk dat gedurende die uitvoering van enige verandering van of aanbou aan so 'n perseel wat ingevolge sub-artikel (4) gemagtig word, die perseel nie in alle opsigte sal voldoen aan 'n vasstelling gedoen ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel *dertien* nie, of nie in alle opsigte 75 geskik sal wees om die besigheid van 'n klub- of hotel-dranklisensie te dryf nie, kan 'n plaaslike raad na aansoek deur die lisensiehouer—
- (a) die applikant deur endossement op sy lisensie of vernuwing daarvan magtig om alleenlik die besigheid

Aansoek om magtiging vir oordrag van lisensie na voorgestelde perseel.

Aansoek om magtiging vir verbouing of aanbou aan, of verandering in die inrigting van 'n perseel.

supplying liquor only in terms of his licence in such structure on the licensed premises as the local board may approve for a period not exceeding one year; or
 (b) suspend the operation of the licence or any renewal thereof for a period not exceeding one year: Provided that—

- (i) a licence so endorsed or suspended shall be considered for renewal and shall be subject to payment of licence fees under this Act as if it had not been so endorsed or suspended;
- (ii) any licence so endorsed or suspended shall, for the purpose of any determination made under sub-paragraph (iii) of paragraph (a) of sub-section (1) of section *thirteen* be deemed to be a club or hotel liquor licence, as the case may be, actually in existence.

(6) A local board may after due notice to the licensee in its discretion at any time cancel any authority given in terms of sub-section (5).

(7) The provisions of this section shall *mutatis mutandis* apply in respect of any condition as to any structural alteration or arrangement of, or addition to any licensed premises, imposed by a local board under sub-section (2) of section *seventeen*.

Stamping of applications.

42. (1) Any application made under this Act to a local board shall be impressed with revenue stamps of the values severally set out hereunder:

<i>Nature of Application.</i>		<i>Fee.</i>
Renewal of licence	At annual meeting—two pounds.	30
	At special meeting—one hundred pounds.	
Transfer or removal of licence.	At annual meeting—ten pounds.	
	At special meeting—twenty pounds.	35
Grant of a licence or conditional authority.	At annual meeting—twenty pounds.	
	At special meeting—	
	(a) Club or hotel liquor licence—fifty pounds.	40
	(b) Any other liquor licence—two hundred pounds.	
Conditional removal or authority to make structural alterations.	Twenty pounds.	45

(2) Any application made under this Act to the chairman of a local board shall be impressed with revenue stamps of the value of five pounds.

(3) In no case shall the value or any part of the value of stamps impressed upon an application be refunded.

Publication of applications.

43. (1) A secretary receiving an application to be made at an annual or special meeting of a local board for the grant, renewal, transfer or removal of a licence, or for a conditional authority under section *thirty-nine* or *forty*, or for an authority under section *forty-one* shall as soon as may be after the receipt of the application and not earlier than sixty and not later than thirty days before the date fixed for the meeting—

- (a) cause to be posted in some conspicuous place open to the public, at or in his office and at or in the office of the magistrate of the district from which the application is received, and cause to be published in the *Gazette*, a notice showing—
 - (i) the name of the applicant;
 - (ii) the nature of the application;
 - (iii) the situation of the premises upon which the business which is the subject of the application is proposed to be carried on;
 - (iv) the statement, if any, referred to in sub-section (5) of section *thirty-eight*;
 - (v) the day and the hour at which, and the place where, the board will meet for the hearing of the application; and
- (b) send a copy of such notice by post or otherwise to every member of the local board and to the senior officer in police charge of the district from which the application is received.

- van die verskaffing van drank ingevolge sy lisensie te dryf in sodanige struktuur op die gelisensieerde perseel as wat die plaaslike raad vir 'n tydperk van hoogstens 'n jaar mag goedkeur; of
- 5 (b) die geldigheid van die lisensie of enige vernuwing daarvan vir 'n tydperk van hoogstens 'n jaar opskort: Met dien verstande dat—
- (i) 'n lisensie wat aldus geëndosseer of opgeskort is vir vernuwing oorweeg word en aan betaling van
- 10 lisensiefooie ingevolge hierdie Wet onderworpe is asof dit nie aldus geëndosseer of opgeskort was nie;
- (ii) 'n aldus geëndosseerde of opgeskorte lisensie vir die doel van 'n vasstelling ingevolge sub-paragraaf
- 15 (iii) van paragraaf (a) van sub-artikel (1) van artikel *dertien* geag word, na gelang van die geval, 'n klub- of hotel-dranklisensie te wees wat werklik bestaan.
- (6) Na behoorlike kennisgewing aan die lisensiehouer kan 'n
- 20 plaaslike raad na goeddunke te eniger tyd 'n magtiging wat ingevolge sub-artikel (5) gegee is intrek.
- (7) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n voorwaarde insake die verbouing, of inrigting van of aanbou aan 'n gelisensieerde perseel, wat
- 25 deur 'n plaaslike raad kragtens sub-artikel (2) van artikel *sewentien* opgelê is.

42. (1) Aan enige aansoek ingevolge hierdie Wet gedoen moet Seëls op daar inkomsteseëls van die waardes onderskeidelik hieronder aansoek. vermeld aangeheg wees nl:

30	<i>Aard van Aansoek.</i>	<i>Fooi.</i>
	Vernuwing van lisensie ..	By jaarlikse vergadering— twee pond. By spesiale vergadering— eenhonderd pond.
35	Oordrag of verplasing van lisensie.	By jaarlikse vergadering— tien pond. By spesiale vergadering— twintig pond.
40	Verlening van lisensie of voorwaardelike magtiging.	By jaarlikse vergadering— twintig pond. By spesiale vergadering— (a) Klub- of hotel-drank- lisensie—vyftig pond. (b) Enige ander dranklisen- sie tweehonderd pond.
45	Voorwaardelike verplasing of magtiging om verbouing te maak.	Twintig pond.

(2) Aan enige aansoek ingevolge hierdie Wet aan die Voor-

50 sitter van 'n plaaslike raad gedoen moet inkomsteseëls van die waarde van vyf pond geheg wees.

(3) In geen geval word die waarde of 'n gedeelte van die waarde van seëls aan 'n aansoek geheg terugbetaal nie.

43. (1) 'n Sekretaris wat 'n aansoek ontvang vir oorweging Bekendmaking by 'n jaarlikse of spesiale vergadering van 'n plaaslike raad, van aansoek.

om die verlening, vernuwing, verplasing of oordrag van 'n lisensie of vir 'n voorwaardelike magtiging kragtens artikel *negen-en-dertig* of *veertig* of 'n magtiging kragtens artikel *een-en-veertig*, moet so spoedig doenlik na ontvangs van die aansoek

60 en nie meer dan sestig en nie minder dan dertig dae nie voor die datum wat vir die vergadering bepaal is—

(a) by of in sy kantoor op 'n plek wat in die oog val en vir die publiek toeganklik is, en by of in die kantoor van die magistraat van die distrik waarvan die aansoek

65 ontvang is, laat opplak en in die *Staatskoerant* laat publiseer, 'n kennisgewing wat vermeld—

- (i) die naam van die applikant;
- (ii) die aard van die aansoek;
- 70 (iii) die ligging van die perseel waarop die besigheid wat die onderwerp van die aansoek uitmaak volgens voorneme gedryf sal word;
- (iv) die verklaring, indien daar is, wat in sub-artikel (5) van artikel *agt-en-dertig* vermeld word;
- (v) die dag en uur waarop, en die plek waar die
- 75 raad sal vergader om die aansoek te oorweeg, en

(b) 'n afskrif van die kennisgewing deur die pos of andersins stuur aan elke lid van die plaaslike raad en aan die senior polisiebeampte wat toesig het oor die distrik waarvan die aansoek ontvang is.

(2) The validity of a licence granted by a local board shall not be affected merely by reason of the fact that any notice required by this section was not duly posted, published or sent as herein provided.

Lodging of objections.

44. (1) Not later than fourteen days before any annual or special meeting of a local board, any local authority within a district from which an application for consideration at that meeting has been received, and any person ordinarily resident within such district may, either individually or jointly with other persons so resident, lodge with the secretary of the local board a written objection to such application.

(2) Such objection shall clearly indicate the application to which objection is taken and shall shortly state the grounds of the objection.

Information of objections and police reports.

45. (1) The secretary receiving any objection lodged under section *forty-four* shall forthwith in writing inform the applicant concerned of the fact of such objection and briefly the ground thereof, and shall allow the applicant or his agent at any time before the meeting to inspect and take a copy of the objection.

(2) A report by an inspector received in terms of section *twenty-three* shall be open to the inspection of the applicant or licensee concerned, or of any person entitled to lodge an objection to the application at the office of the secretary receiving it, who shall, at any time before the consideration of the application, allow such applicant or his agent or any such person or his agent to take a copy of such report.

Hearing of applicants and objectors.

46. (1) Subject to the provisions of section *twenty-eight*, an applicant may appear before a local board personally or by counsel or attorney, at the hearing of any application.

(2) (a) Any person who has lodged an objection under section *forty-four* to any application may appear before the local board, personally or by counsel or attorney or by some other person deputed by him in writing, to object to the granting of the application against which he has lodged an objection.

(b) If the objector is a local authority, the mayor or chairman thereof or any person authorized in writing by the mayor or chairman thereof may so appear on its behalf.

(3) The local board may in its discretion hear in respect of an application received from any district any objection to such application made by any local authority within, or persons resident within, such district, notwithstanding that notice of such objection has not been given in terms of section *forty-four*, but in the event of its doing so it shall allow the applicant a reasonable opportunity of answering such objection, and shall if necessary adjourn the meeting for that purpose.

(4) The inspector who in terms of section *twenty-three* has made any report relating to any application may be called as a witness by the applicant concerned for the purpose of cross-examination as to such report, and such inspector, whether so called or not, shall have the right to call evidence or present arguments in support of that report.

Power of local board to take objection.

47. (1) A local board may, of its own motion, take notice of any matter or thing whatsoever which, in its opinion, would be an objection to the granting or to the renewal, transfer or removal of a licence, although no objection has been made thereto by any person.

(2) Where the application is for the renewal, transfer or removal of a licence, the local board shall inform the applicant of such matter or thing, and shall adjourn the further consideration of the application, should the applicant so request, for any period of not less than four days, in order that any person affected by such matter or thing may have an opportunity of replying thereto.

(3) The local board shall, at or forthwith after such adjournment, give notice in writing, signed by the secretary, of the cause of objection, and of the day on which the application will be further considered, to any person concerned as aforesaid.

General addresses to local boards.

48. (1) Any person may, on his own account or as representing an association of persons, at any annual or special meeting of a local board address such board generally on the question of the desirability of—

(2) Die geldigheid van 'n lisensie wat deur 'n plaaslike raad verleen is word nie geraak daardeur dat 'n deur hierdie artikel benodigde kennisgewing nie behoorlik soos hierin bepaal gepos, bekendgemaak of gestuur is nie.

- 5 44. (1) Nie later as veertien dae voor 'n jaarlikse of spesiale vergadering van 'n plaaslike raad nie, kan 'n plaaslike owerheid binne 'n distrik waarvan 'n aansoek vir oorweging by daardie vergadering ontvang is, en kan enig iemand wat gewoonlik in so 'n distrik woonagtig is, hetsy alleen of gesamentlik met 10 ander persone aldus woonagtig, by die sekretaris van die plaaslike raad 'n beswaarskrif teen so 'n aansoek indien.

(2) Die beswaarskrif moet duidelik vermeld teen watter aansoek beswaar gemaak word en moet kortliks die gronde aangee waarop die beswaar steun.

- 15 45. (1) Die sekretaris wat 'n beswaarskrif, ingedien ingevolge artikel vier-en-veertig ontvang, moet onverwyld aan die betrokke applikant skriftelik van die beswaar kennis gee en hom kortliks die gronde meedeel waarop die beswaar steun, en moet die applikant of sy agent te eniger tyd voor die vergadering toelaat 20 om 'n afskrif van die beswaarskrif te neem.

(2) 'n Verslag van 'n inspekteur, wat ingevolge artikel drie-en-twintig ontvang is, moet vir die betrokke applikant of lisensiehouer of vir iemand anders wat geregtig is om teen die aansoek 'n beswaarskrif in te dien, op die kantoor van die sekretaris 25 wat dit ontvang ter insage beskikbaar wees, en genoemde sekretaris moet te eniger tyd voordat die aansoek oorweeg word, die applikant of sy agent, of daardie ander persoon of sy agent, toelaat om 'n afskrif van die verslag te neem.

- 30 46. (1) Behoudens die bepalings van artikel agt-en-twintig, kan 'n applikant by die verhoor van sy aansoek persoonlik of deur 'n advokaat of prokureur voor 'n plaaslike raad verskyn.

(2) (a) Iemand wat ingevolge artikel vier-en-veertig 'n beswaarskrif teen 'n aansoek ingedien het, kan persoonlik of deur 'n advokaat of prokureur of deur 35 iemand wat skriftelik deur hom daartoe gelas is, voor die plaaslike raad verskyn om beswaar te maak teen die bewilliging van die aansoek waarteen hy 'n beswaarskrif ingedien het.

(b) Indien daar deur 'n plaaslike owerheid beswaar gemaak word, kan sy burgemeester of voorsitter of iemand 40 wat deur sy burgemeester of voorsitter skriftelik gemagtig is, aldus namens hom verskyn.

(3) Die plaaslike raad kan, ten opsigte van 'n aansoek uit een of ander distrik, na goeddunke 'n beswaar teen so 'n aansoek 45 verhoor, wat gemaak word deur 'n plaaslike bestuur in so 'n distrik, of persone daar woonagtig, ofskoon daar van die beswaar geen kennis ingevolge artikel vier-en-veertig gegee is nie, maar ingeval hy dit doen moet hy aan die applikant 'n redelike geleentheid gee om op so 'n beswaar te antwoord, en indien 50 nodig, moet hy vir die doel die vergadering verdaag.

(4) Die inspekteur wat kragtens artikel drie-en-twintig 'n verslag aangaande 'n aansoek gedoen het kan deur die applikant as 'n getuie opgeroep word om oor daardie verslag onder kruisverhoor geneem te word, en so 'n inspekteur is geregtig om die 55 verslag deur getuies of argumente te staaf, of hy aldus opgeroep word al dan nie.

47. (1) 'n Plaaslike raad kan uit eie beweging kennis neem van enige saak of feit van watter aard ook, wat na sy oordeel, 'n beswaar oplewer teen die verlening, vernuwing, oordrag of 60 verplasing van 'n lisensie, alhoewel niemand daarteen beswaar gemaak het nie.

(2) Wanneer die vernuwing, oordrag, of verplasing van 'n lisensie versoek word, moet die raad aan die applikant van daardie saak of feit kennis gee en moet, as die applikant dit 65 versoek, die verdere oorweging van die aansoek uitstel vir 'n tydperk van nie minder dan vier dae nie om aan enige persoon wat deur die saak of feit geraak word 'n geleentheid te gee om daarop te antwoord.

(3) By of onmiddellik na so 'n uitstel moet die plaaslike raad 70 aan 'n persoon wat soos voormeld aldus betrokke is skriftelik kennis gee van die grond van die beswaar en van die dag waarop die aansoek verder oorweeg sal word.

48. (1) Enig iemand kan, op eie verantwoording of namens 'n vereniging van persone, op 'n jaarlikse of spesiale vergadering 75 van 'n plaaslike raad so 'n raad in die algemeen toespreek omtrent die wenslikheid van—

Indiening van
beswaarskrif.

Meedeling van
beswaar en
polisieverslag.

Verhoor van
aansoeke en
besware.

'n Plaaslike raad
is bevoeg om self
beswaar te opper.

Algemene vertoë
aan plaaslike
rade.

- (a) reducing or increasing the number of licences which may be granted by such board; or
- (b) reducing or increasing the number of hours, or curtailing or extending the times, during which liquor may be sold or supplied under licences so granted; or
- (c) withdrawing, withholding, granting or enlarging any other privilege which it is within the power of the local board to grant, or imposing any condition or restriction which it is within the power of the local board to impose; or
- (d) the exercising by the local board of any other power or function entrusted to it under this Act:

Provided that no such address shall be allowed unless at least fourteen days before the date of the meeting of the local board there has been lodged with the secretary concerned a notice in writing stating the person by whom, or the association on behalf of which, the address will be made, and the nature of the representations which will in such address be submitted. A copy of such notice shall for a period of seven days before the meeting of such board be posted by the secretary in a conspicuous place open to the public at or in his office, and at or in the offices of the magistrates of the districts falling within the local licensing area, but any failure to post or keep posted such notice shall not invalidate the reception by the local board of any such address.

(2) The chairman at a meeting of a local board to which any such address is presented or proposed to be presented may refuse to allow the hearing of such address or the continuance of such address on the ground that—

- (a) any limitation imposed by sub-section (1) has not been observed; or
- (b) any representation is irrelevant or a repetition of representations already submitted at that meeting.

(3) Any decision of the chairman in terms of sub-section (2) shall be final and not subject to appeal or review.

(4) The local board may, if it thinks fit, permit any applicant or his representative or any other person to reply to any address made to the board in terms of sub-section (1).

Death or disability of applicant.

49. (1) If any person applies for the grant, renewal, removal or transfer of a licence and, on or before the day for considering such application by the local board, dies or becomes insolvent, or is declared incapable of managing his own affairs then, subject to any law relating to deceased estates, insolvency or mental disorders, as the case may be—

- (a) his executor, trustee or curator, and in the event of there being no executor, trustee or curator, or of any such officer being unable or unwilling to act, any person authorized by the local board shall, in respect of the taking of copies of objections and reports have all such rights as the applicant would have had but for his death or disability;
- (b) his executor, trustee or curator, and in the event of there being no executor, trustee or curator, or of any such officer being unable or unwilling to act, any person authorized by the local board may at the hearing of the application and of any objection thereto exercise all such rights as the applicant would have been entitled to exercise but for his death or disability; and
- (c) the local board may, if it thinks fit, grant the application in favour of the executor, trustee or curator of such applicant, or in the event of there being no executor, trustee or curator, or of any such officer being unable or unwilling to accept the grant, of a member of the family of such applicant who is disqualified under this Act from being the holder of the licence.

(2) If a company or co-operative society or co-operative company which has applied for the grant, renewal, removal or transfer of a licence is placed under liquidation on or before the day for considering the application, the liquidator shall, subject to the law relating to companies or co-operative societies or co-operative companies, as the case may be, have all such power and rights in respect of the application as would, under sub-section (1) be held by a trustee where the estate of an applicant is sequestrated under the law relating to insolvency.

- (a) 'n vermindering of vermeerdering van die aantal lisensies wat deur die raad verleen kan word; of
- (b) 'n vermindering of vermeerdering van die aantal ure, of van 'n verkorting of verlenging van die tye, wanneer drank kragtens 'n aldus verleende lisensie verkoop of verstrek mag word; of
- (c) die intrekking, weiering, verlening of uitbreiding van enige ander voorreg wat die plaaslike raad bevoeg is om te verleen, of van die oplegging van enige voorwaarde of beperking wat die plaaslike raad bevoeg is om op te lê;
- (d) die uitoefening deur die plaaslike raad van enige ander bevoegdheid of ampsplig wat hierdie Wet aan hom toevertrou:
- 15 Met dien verstande dat so 'n toespraak nie toegelaat word nie tensy minstens veertien dae voor die datum van die vergadering van die plaaslike raad by die betrokke sekretaris 'n skriftelike kennisgewing ingedien is waarin vermeld word die persoon deur wie of die vereniging namens wie die toespraak gehou sal word, en op watter punte in die toespraak aangedring sal word. 'n Afskrif van die kennisgewing moet vir 'n tydperk van sewe dae voor die vergadering van so 'n raad deur die sekretaris by of in sy kantoor en by of in die kantore van die magistrate van die distrikte wat binne die plaaslike lisensiegebied val, aangeheg word op 'n in die oogvallende plek wat vir die publiek toeganklik is, maar 'n versuim om die kennisgewing aldus aan te heg of aangeheg te hou maak die toelating deur die plaaslike raad van so 'n toespraak nie ongeldig nie.
- (2) Op 'n vergadering van 'n plaaslike raad waarop so 'n toespraak gehou word of volgens voorneme gehou sou word, kan die voorsitter die verhoor van die toespraak weier, of sy voortsetting belet op grond dat—
- (a) 'n in sub-artikel (1) vermelde beperking nie nagekom is nie;
- (b) 'n punt waarop aangedring word nie ter sake is nie, of reeds op daardie vergadering geopper is.
- (3) 'n Beslissing van die voorsitter ingevolge sub-artikel (2) is afdoende en nie onderworpe aan appèl of hersiening nie.
- (4) Die plaaslike raad kan na goeddunke 'n applikant of sy verteenwoordiger of iemand anders toelaat om te antwoord op 'n toespraak aan die raad kragtens sub-artikel (1) voorgedra.
49. (1) As iemand om die verlening, vernuwing, verplasing of oordrag van 'n lisensie aansoek doen en op of voor die dag waarop die plaaslike raad die aansoek sou oorweeg het, sterf of insolvent word, of onbekwaam verklaar word om sy eie sake te beheer, dan met inagneming van die regsbepalings op bestowwe boedels, insolvensie of geestesgebreke, na gelang van die geval—
- (a) het sy eksekuteur of kurator, of by ontstentenis van 'n eksekuteur of kurator of as die bekleder van so 'n amp nie kan of wil optree nie, iemand wat die plaaslike raad daartoe magtig, dieselfde regte om afskrifte van beswaarskrifte en rapporte te neem, as wat die applikant sou gehad het as hy nie gesterf of onbekwaam geword het nie;
- (b) kan sy eksekuteur of kurator of by ontstentenis van 'n eksekuteur of kurator of as die bekleder van so 'n amp nie kan of wil optree nie, iemand wat die plaaslike raad daartoe magtig, by die verhoor van die aansoek en van enige beswaar daarteen, al die regte uitoefen wat die applikant sou kon uitgeoefen het as hy nie gesterf of onbekwaam geword het nie; en
- (c) kan die plaaslike raad, as hy dit wenslik ag, die aansoek bewillig ten gunste van die applikant se eksekuteur of kurator, en by ontstentenis van 'n eksekuteur of kurator, of as die bekleder van so 'n amp nie kan of wil optree nie, van enige lid van die applikant se familie, wat nie kragtens hierdie Wet onbevoeg is om die houer van die lisensie te wees nie.
- (2) As 'n maatskappy of 'n koöperatiewe vereniging of koöperatiewe maatskappy wat om die verlening, vernuwing, verplasing of oordrag van 'n lisensie aansoek gedoen het gelikwieder word op of voor die dag wanneer die aansoek oorweeg moet word, het die likwidateur, onderworpe aan die Wet betreffende maatskappye of koöperatiewe verenigings of koöperatiewe maatskappye, na gelang van die geval, al sulke bevoegdhede en regte wat betref die aansoek as wat 'n kurator sou hê, ingevolge sub-artikel (1) wanneer die boedel van 'n applikant kragtens die wet op insolvensie gesekwestreer word.

Dood of onbekwaamheid van applikant.

CHAPTER V.

TEMPORARY CONTINUATION OF LICENCE.

Provision for carrying on business under certain circumstances.

50. (1) (a) If a licensee or person in whose favour an authority for the issue of a licence has been granted dies, or is declared by any court to be incapable of managing his own affairs, or a prodigal, or is detained as a mental patient under the order of a judge issued under the Mental Disorders Act, 1916 (Act No. 38 of 1916), or any amendment thereof, or if the estate of any licensee or of any such person is sequestrated under the law relating to insolvency, his licence or authority shall enure for the benefit of his executor, curator or trustee, as the case may be.
- (b) Such executor, curator or trustee may, subject to any law relating to mental disorders, deceased estates or insolvency, without formal transfer carry on the business either personally or by some agent approved in writing under the hand of the chairman of the local board, until the next annual meeting of the local board and thereafter for such period not exceeding twelve months for which the local board may deem it fit to grant, on application, a renewal of the licence.
- (2) If the premises in connection wherewith a licence was granted have been attached in execution of a judgment or order of a court, the officer who effected the attachment may with the approval of the chairman of the local board, appoint any person to carry on the licensed business while the premises are under attachment.
- (3) If a licensee being a company or co-operative society or co-operative company is placed under liquidation, the liquidator shall, subject to the law relating to companies, or to co-operative societies and co-operative companies, as the case may be, have all such powers and rights in respect of the licence as would, under this section, be held by a trustee where the estate of a licensee is sequestrated under the law relating to insolvency.
- (4) If during the currency of any licence the licensee absconds without making provision for the carrying on of the licensed business, or if for any other reason such business cannot during such currency be carried on because of the absence of any person authorized under this Act to carry it on, the chairman of the local board may, if no specific provision for the circumstances is made in this Act, authorize any person whom he thinks fit to carry on such business for the remainder of the term for which the licence was granted or for any shorter period: Provided that no such authority shall be granted unless reasonable notice to the satisfaction of the said chairman has been given of the proposal to every person who is financially interested in the business.
- (5) Nothing in this section contained shall prejudice any right or claim of any person who has any lawful interest in any business concerned.

Powers and duties of representative of licensee.

51. Any person to whom a licence has been temporarily transferred or who is carrying on or conducting the licensed business under the provisions of section fifty or under any authority granted under that section shall possess all the rights and be subject to all the duties, obligations and penalties of the original holder of the licence.

Club liquor licence transferred upon change of chief steward, manager or secretary.

52. In the event of the chief steward or manager or secretary of any club in whose name a club liquor licence has been issued ceasing to hold his position for any reason, it shall be the duty of the chairman or chief officer of the club forthwith to give notice to the chairman of the local board in writing of the name of the person appointed, whether temporarily or permanently, to the vacancy, and to cause the notice to be countersigned by such person. The said chairman shall, if the person so appointed is not disqualified under this Act from being the holder of the licence and without payment of the transfer fee in terms of subsection (1) of section eleven endorse upon the licence the name of such person as the holder of the licence, and he shall possess all the rights and be subject to the same duties, obligations and penalties as the licensee.

Temporary continuation of licence, if cancelled or renewal refused.

53. (1) Whenever a local board cancels or refuses to renew any licence, such local board may authorize the continuation for a period not exceeding three months of the validity of the licence so cancelled or the renewal of which has been refused.

HOOFSTUK V.

TYDELIKE VOORTSETTING VAN LISENSIES.

50. (1) (a) Wanneer 'n lisensiehouer of iemand ten gunste van wie 'n magtiging tot uitreiking van 'n lisensie verleen is, sterf of deur 'n hof onbekwaam om sy eie sake te beheer of tot 'n verkwyter verklaar word, of as kranksinnig aangehou word kragtens die order van 'n regter, uitgevaardig ingevolge die Wet op Geestesgebreken, 1916 (Wet No. 38 van 1916) of 'n wysiging daarvan, of as die boedel van 'n lisensiehouer of so iemand gesekwestreer word kragtens die wet op insolvensie, dan gaan sy lisensie of magtiging oor op sy eksekuteur of kurator, na gelang van die geval.
- (b) So 'n eksekuteur of kurator kan met inagneming van die regsbepalings op geestesgebreke, bestowwe boedels of insolvensies, sonder formele oordrag die besigheid self, of deur 'n agent wat deur die voorsitter van die plaaslike raad skriftelik goedgekeur is, voortset tot die volgende jaarlikse vergadering van die plaaslike raad, en daarna gedurende 'n tydperk van hoogstens twaalf maande waarvoor die raad, op aansoek, dit mag wenslik ag om 'n vernuwing van die lisensie te verleen.
- (2) Indien beslag gelê is op die perseel in verband waarmee 'n lisensie verleen is, ten uitvoerlegging van 'n vonnis of bevel van 'n hof, kan die amptenaar wat beslag gelê het met goedkeuring van die voorsitter van die plaaslike raad iemand aanstel om die gelisensieerde besigheid voort te sit, terwyl die perseel onder beslag is.
- (3) As 'n lisensiehouer wat 'n maatskappy of 'n koöperatiewe vereniging of koöperatiewe maatskappy is, in staat van likwidasie geplaas word, het die likwidateur met inagneming van die wette op maatskappye of op koöperatiewe verenigings en koöperatiewe maatskappye, na gelang van die geval, al die bevoegdhede en regte ten opsigte van die lisensie, wat 'n kurator ingevolge hierdie artikel het wanneer die boedel van 'n lisensiehouer kragtens die wet op insolvensie gesekwestreer word.
- (4) As 'n lisensiehouer gedurende die geldigheid van sy lisensie wegloop, sonder om te sorg dat die gelisensieerde besigheid voortgeset word, of as daardie besigheid om enige ander rede gedurende daardie geldigheid nie voortgeset kan word nie weens afwesigheid van iemand wat kragtens hierdie Wet gemagtig is om dit te dryf, dan kan die voorsitter van die plaaslike lisensieraad, as hierdie Wet nie uitdruklik in die omstandighede voorsien nie, enigeen wat hy geskik ag, magtig om die besigheid voort te set tot die einde van die tydperk waarvoor die lisensie verleen is, of gedurende 'n kortere tydperk: Met dien verstande dat so 'n magtiging nie verleen mag word nie tensy van die voorstel redelik kennis gegee is, tot bevrediging van bedoelde voorsitter, aan elkeen wat in die besigheid geldelike belang het.
- (5) Die bepalings van hierdie artikel doen geen afbreuk aan die reg of aanspraak van enig iemand wat 'n wettige belang in 'n betrokke besigheid het nie.
51. Iemand aan wie 'n lisensie tydelik oorgedra is of wat kragtens die bepalings van artikel vyftig of kragtens 'n magtiging ingevolge daardie artikel verleen, die gelisensieerde besigheid voortset of dryf, besit al die regte en is onderhewig aan al die verpligtings en strawwe van die oorspronklike houer van die lisensie.
52. Ingeval die eerste hofmeester of bestuurder of sekretaris van 'n klub, op wie se naam 'n klub-dranklisensie uitgereik is, om enige rede sy betrekking ontruim, dan is die voorsitter of hoofamptenaar van die klub verplig om onverwyld aan die voorsitter van die plaaslike raad skriftelik kennis te gee van die naam van die persoon wat, hetsy tydelik of permanent, in die vakature aangestel is, en om die kennisgewing deur daardie persoon te laat mede-onderteken. Bedoelde voorsitter moet, as die aldus aangestelde persoon nie kragtens hierdie Wet onbevoeg is om die houer van die lisensie te wees nie, en sonder betaling van 'n oordragfooi volgens sub-artikel (1) van artikel elf, op die lisensie die naam van daardie persoon as die lisensiehouer van die lisensie aanteken en hy het al die regte en is onderhewig aan dieselfde verpligtings en strawwe as die lisensiehouer.
53. (1) Wanneer 'n plaaslike raad 'n lisensie intrek of weier om dit te vernuwe, kan so 'n plaaslike raad vir 'n tydperk van hoogstens drie maande die voortsetting magtig van die geldigheid van die lisensie wat aldus ingetrek is of die vernuwing waarvan geweier is.

Voortsetting van besigheid onder sekere omstandighede.

Regte en pligte van verteenwoordiger van lisensiehouer.

Oordrag van klub-dranklisensie by verandering van eerste hofmeester of bestuurder.

Tydlike voortsetting van lisensie ingeval van intrekking of weiering van vernuwing.

(2) A licence continued in terms of sub-section (1) shall authorize for the said period and subject to the conditions of the licence so continued and to any other conditions which may be imposed by the local board, the disposal of the liquor which was on the licensed premises at the date of cancellation or at the date when the application for the renewal was refused, but of no other liquor whatsoever. 5

(3) In respect of every period of one month or less for which the continuation of a licence is authorized under sub-section (1), there shall be paid one-twelfth of the amount which would have been paid for the renewal of the licence. 10

Right of disposal of liquor on forfeiture, cancellation or lapse of licence.

54. (1) Whenever in terms of sub-section (2) of section *one hundred and sixty-five*, or under any other law, a licence is declared by a court to be forfeited, and whenever at any annual or special meeting a local board has ordered the cancellation of a licence, or whenever in terms of sub-section (1) of section *fifty-six* a licence has lapsed, the licence concerned shall, subject to any authority for the continuation thereof which the local board may have granted in terms of sub-section (1) of section *fifty-three* in the case of a cancellation, immediately become null and void. 15 20

(2) The holder of such a licence may, within fourteen days after such declaration, order or lapse, or in the event of any review of such declaration or order, or appeal therefrom, within fourteen days after the final confirmation thereof, sell by public auction upon the premises in respect of which the licence was held, through a duly licensed auctioneer, in quantities of not less than two gallons of liquor of the same kind, any liquor which was upon his licensed premises at the date of the declaration, order or lapse. 25 30

(3) If any declaration of the forfeiture of any licence is reversed by any competent court, or if any order for the cancellation of any licence is reversed by the Board, on review or appeal, the licence concerned shall *ipso facto* again become of full force and effect. 35

(4) No portion of the sum paid in respect of any licence forfeited or cancelled as aforesaid, or which has lapsed as aforesaid, or in respect of any licence which by reason of any declaration or order which was reversed by a competent court or the Board, as the case may be, on review or appeal, was suspended for any period, shall be refunded to the holder or person who was the holder of such licence. 40

Grant of new licence where existing licence cancelled or renewal refused for personal reason.

55. Whenever a local board cancels, or refuses to renew, any licence, for some reason personal to the licensee, it may, subject to any condition it may then and there impose as to the giving of notices or otherwise— 45

- (a) authorize an application for a licence in respect of the same premises to be made to it on a date fixed by it, by any person other than the previous licensee;
- (b) adjourn the meeting until such date; and
- (c) upon such date, if it is satisfied that the conditions so determined have been complied with, consider the application and grant authority for the licence so applied for. 50

Destruction of or damage to certain licensed premises.

56. (1) (a) If premises in respect of which a club or an hotel liquor licence is held are destroyed or damaged through no wilful act or omission on the part of the licensee, and such destruction or damage is of such an extent that the premises do not thereafter comply with the requirements of this Act, or any determination made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen* as to structure and accommodation, the said licence shall lapse unless, within seven days of the date of such destruction or damage, the holder of such licence has given notice to the chairman of the local board concerned, of such destruction or damage and of his intention to make application to such local board for an authority to rebuild or reconstruct the premises. 55 60 65
- (b) After the said notice has been given the licence shall, subject to any authority which the said chairman may grant under sub-section (2), be suspended for a period of two months from the date of such destruction or damage. 70
- (c) The provisions of section *forty-one* shall *mutatis mutandis* apply to any application under paragraph (a). 75

(2) 'n Lisensie wat kragtens sub-artikel (1) verleng is veroorloof gedurende voormelde tydperk en met inagneming van die aldus verlengde lisensie se voorwaardes en van enige ander voorwaardes wat die plaaslike raad mag stel, die vervreemding van die drank wat in die gelisensieerde gebou was op die datum van intrekking of op die datum wanneer die aansoek om vernuwing geweier is, maar van geen ander drank hoegenaamd nie.

(3) Vir elke tydperk van een maand of minder waarvoor die verlenging van 'n lisensie ingevolge sub-artikel (1) toegestaan word, moet een-twaalfde van die bedrag betaal word wat vir die vernuwing van die lisensie sou betaal geword het.

54. (1) Wanneer 'n lisensie kragtens sub-artikel (2) van artikel honderd vyf-en-sestig of kragtens 'n ander wet deur 'n hof verbeurdverklaar word, en wanneer 'n plaaslike raad die intrekking van 'n lisensie by 'n jaarlikse of spesiale vergadering gelas het, of wanneer 'n lisensie ingevolge sub-artikel (1) van artikel ses-en-vyftig verval het, word die betrokke lisensie onmiddellik ongeldig, behoudens enige magtiging vir die voortsetting daarvan wat die plaaslike raad kragtens sub-artikel (1) van artikel drie-en-vyftig in die geval van intrekking mag toegestaan het.

Reg om drank van die hand te sit by verbeuring, intrekking of verval van lisensie.

(2) Binne veertien dae na so 'n verbeurdverklaring, lasgewing of verval, of ingeval van 'n hersiening van so 'n verbeurdverklaring of lasgewing of van 'n appèl daarteen, binne veertien dae na finale bekragtiging daarvan, kan die houer van bedoelde lisensie by publieke veiling in die perseel ten opsigte waarvan die lisensie bestaan het, deur 'n behoorlik gelisensieerde venduafslaer, in hoeveelhede van minstens twee gallon van dieselfde soort drank, enige drank wat op sy gelisensieerde perseel op die datum van die verbeurdverklaring, lasgewing of verval was, verkoop.

(3) Indien 'n verbeurdverklaring van 'n lisensie deur 'n bevoegde hof vernietig word, of 'n lasgewing vir die intrekking van 'n lisensie deur die Raad in appèl of hersiening vernietig word, word die betrokke lisensie van self weer ten volle geldig.

(4) Geen gedeelte van die bedrag wat betaal is ten opsigte van 'n lisensie wat soos voormeld verbeurdverklaar of ingetrek is, of ten opsigte van 'n lisensie wat vir 'n tydperk opgeskort is weens 'n verklaring of lasgewing wat deur 'n bevoegde hof of die Raad, na gelang van die geval, in hersiening of appèl vernietig is, word aan die houer of persoon wat die houer van die lisensie was, terugbetaal nie.

55. Wanneer ook al 'n plaaslike raad 'n lisensie intrek, of weier om dit te vernuwe, om 'n rede wat die lisensiehouer persoonlik aangaan, kan hy, behoudens enige voorwaarde aangaande kennisgewings of andersins, wat hy dan en daar mag ople—

Verlening van nuwe lisensie waar bestaande lisensie ingetrek word of vernuwing om 'n persoonlike rede geweier word.

(a) dit magtig dat 'n aansoek om 'n lisensie ten opsigte van dieselfde perseel aan hom op 'n datum deur hom bepaal deur iemand anders as die vorige lisensiehouer gemaak mag word;

(b) die vergadering tot voormelde datum verdaag; en

(c) op daardie datum, as hy oortuig is dat aan die aldus bepaalde voorwaardes voldoen is, die aansoek oorweeg en magtiging vir die lisensie verleen waarom aldus aansoek gedoen word.

56. (1) (a) Indien 'n perseel ten opsigte waarvan 'n klub- of hotel-dranklisensie gehou word, weens geen opsetlike daad of versuim van die lisensiehouer verniel of beskadig is, en die vernieling of skade is van so 'n mate dat die perseel daarna nie aan die vereistes van hierdie Wet, of van 'n vasstelling gedoen ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel dertien insake struktuur en akkommodasie, voldoen nie, verval voormelde lisensie tensy die lisensiehouer binne sewe dae na sodanige vernieling of skade, aan die voorsitter van die betrokke plaaslike raad kennis van die vernieling of skade gegee het, en van sy voorneme om by die plaaslike raad aansoek te doen om 'n magtiging om die perseel te herbou of herstel. (b) Na genoemde kennis gegee is, word die lisensie opgeskort vir 'n tydperk van twee maande vanaf die datum van sodanige vernieling of skade, behoudens enige magtiging deur genoemde voorsitter kragtens sub-artikel (2).

Vernieling van of skade aan sekere gelisensieerde persele.

(c) Die bepalinge van artikel een-en-veertig is *mutatis mutandis* van toepassing op 'n aansoek ingevolge paragraaf (a).

(2) In giving the notice referred to in sub-section (1) the licensee may include therein an application to carry on the business of supplying liquor only in terms of his licence or for an extension of the period of suspension referred to in sub-section (1).

(3) After calling for and considering a police report and a report by an inspector in regard to the application, the chairman may, if satisfied that—

(a) the destruction or damage was not caused by any wilful act or omission on the part of the licensee and is of the extent described in sub-section (1);

(b) it is the *bona fide* intention of the licensee, if his application for an authority to rebuild or reconstruct the premises is granted, to complete the rebuilding or reconstruction within twelve months from the date of the grant of the application referred to in sub-section (1);

take the following steps—

(i) he may, from a date to be determined by the chairman and for a period not to extend beyond twelve months from the date of the grant of the application referred to in sub-section (1) authorize the applicant by endorsement of his licence or any renewal thereof to conduct the business of supplying liquor only in terms of his licence in such structure on the licensed premises as he may approve; or

(ii) he may, from the said date and for the said period formally suspend the operation of such licence or any renewal thereof.

(4) A licence endorsed or suspended in terms of sub-section (3) shall be subject to renewal and payment of licence fees under this Act as if it had not been so endorsed or suspended, and shall, for the purpose of any determination made under sub-paragraph (iii) of paragraph (a) of sub-section (1) of section *thirteen* be deemed to be a club or hotel liquor licence, as the case may be, actually in existence.

(5) In exercising the powers conferred upon him by sub-section (3) the chairman shall stipulate the period of time within which the application referred to in sub-section (1) shall be lodged and may upon good cause shown by the applicant extend such period.

(6) The chairman may after due notice to the licensee in his discretion at any time cancel any authority given in terms of sub-section (2).

CHAPTER VI.

PROHIBITION, LIMITATION AND RESTRICTION OF LICENCES.

Prohibited areas.

57. (1) No licence under this Act shall be granted for the sale of liquor—

(a) within half a mile of the boundary of any native location or native village established under the provisions of any law;

(b) within three miles of the boundary of any area set apart under the provisions of the Native Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof or of any other law for the occupation of natives;

(c) on any ground given out as a mynpacht claim, storage site (*bewaarplaats*), machinery stand or water-right, or on any stand situated on any of the places mentioned in or on any ground reserved under Article 53 of Law No. 15 of 1898 of the Transvaal:

Provided that in any place to which any prohibition under paragraph (a) or (b) applies the local board may grant a licence for the sale of liquor if there be produced to it the certificate of the Minister that the Governor-General has authorized the consideration by the said board of the application.

(2) In authorizing the consideration by the local board of an application referred to in sub-section (1), the Governor-General may direct that the local board shall, in the event of such application being granted, impose such conditions as the Governor-General may think fit, and the local board shall impose such conditions accordingly, and may furthermore impose any other conditions which in terms of this Act it is empowered to impose.

(3) The conditions imposed by the Governor-General under sub-section (2) may have reference to—

(a) the quantity and kind of liquor to be sold;

(b) the persons or classes of persons to whom liquor or any particular kind of liquor shall not be sold;

(2) Met die kennisgewing wat in sub-artikel (1) vermeld word kan die lisensiehouer insluit 'n aansoek om die besigheid alleenlik van die verskaffing van drank ooreenkomstig sy lisensie te dryf, of om 'n verlenging van die opskortingstermyn in sub-artikel (1) vermeld.

(3) Nadat die voorsitter 'n polisieverslag en 'n verslag deur 'n inspekteur opgeëis en oorweeg het, en indien hy oortuig is dat—

(a) die vernieling of skade nie deur 'n opsetlike daad of versuim aan die kant van die lisensiehouer veroorsaak is nie, en van die mate in sub-artikel (1) omskryf is;

(b) dit in goeder trou die bedoeling van die lisensiehouer is, indien sy aansoek vir 'n magtiging om die perseel te herbou of herstel toegestaan word, om die herbouing of herstelling binne twaalf maande vanaf die datum van die in sub-artikel (1) vermelde aansoek te voltooi; kan hy die volgende stappe doen—

(i) vanaf 'n datum wat deur die voorsitter beslis word en vir 'n tydperk wat nie meer as twaalf maande vanaf die verlening van die in sub-artikel (1) vermelde aansoek sal voortduur nie, kan hy die applikant magtig, deur 'n endossement op sy lisensie of 'n vernuwing daarvan, om die besigheid alleenlik van die verskaffing van drank ooreenkomstig sy lisensie in sodanige struktuur op die gelisensieerde perseel te dryf as wat hy mag goedkeur; of

(ii) vanaf genoemde datum en vir genoemde tydperk kan hy formeel die werking van so 'n lisensie of 'n vernuwing daarvan opskort.

(4) 'n Lisensie wat ingevolge sub-artikel (3) geëndosseer of opgeskort is, is onderworpe aan vernuwing en betaling van lisensiefooi kragtens hierdie Wet, asof dit nie aldus geëndosseer of opgeskort was nie, en word vir die doeleindes van 'n vasstelling ingevolge sub-paragraaf (iii) van paragraaf (a) van sub-artikel (1) van artikel *dertien* gedoen, geag 'n klub- of, na gelang van die geval, 'n hotel-dranklisensie te wees wat werklik bestaan.

(5) Met die uitoefening van die bevoegdhede aan hom verleen deur sub-artikel (3) moet die voorsitter die tydperk bepaal waarbinne die in sub-artikel (1) vermelde aansoek ingedien moet word, en kan hy indien die applikant grondige oorsaak daartoe bewys, so 'n tydperk verleng.

(6) Na behoorlike kennis aan die lisensiehouer kan die voorsitter na goeddunke te eniger tyd 'n magtiging ingevolge sub-artikel (2) verleen, intrek.

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HOOFSTUK VI.

VERBOD EN BEPERKING VAN LISENSIES.

57. (1) Geen lisensies mag kragtens hierdie Wet vir die Verbode streek. verkoop van drank verleen word nie—

(a) binne 'n halfmyl van die grens van 'n natuurlelokasie of natuureldorp, gestig ingevolge die bepalings van enige wet;

(b) binne drie myl van die grens van 'n streek wat kragtens die Naturellen Grond Wet 1913 (Wet No. 27 van 1913) of enige wysiging daarvan of enige ander wet opsygesit is vir besetting deur naturelle; of

(c) op enige grond uitgegee as 'n mynpag-kleim, bewaarplaas, masjienestandplaas, of waterreg, of op enige standplaas geleë op enige plek vermeld in, of op enige grond gereserveer kragtens Artikel 53 van Wet No. 15 van 1898 van Transvaal:

Met dien verstande dat op enige plek waarop 'n verbod ingevolge paragraaf (a) of (b) van toepassing is die plaaslike raad 'n lisensie kan verleen vir die verkoop van drank as aan hom getoon word die sertifikaat van die Minister dat die Goewerneur-generaal die oorweging van die aansoek deur genoemde raad gemagtig het.

(2) Wanneer die Goewerneur-generaal die oorweging deur die plaaslike raad van 'n in sub-artikel (1) vermelde aansoek magtig, kan hy gelas dat, indien die aansoek toegestaan word, die plaaslike raad sodanige voorwaardes as wat die Goewerneur-generaal mag goeddink moet oplê, en die plaaslike raad moet sodanige voorwaardes dienooreenkomstig oplê en kan verder ander voorwaardes oplê wat hy ingevolge hierdie Wet gemagtig is om op te lê.

(3) Die voorwaardes deur die Goewerneur-generaal kragtens sub-artikel (2) opgelê kan betrekking hê op—

(a) die hoeveelheid en soort drank wat verkoop mag word;

(b) die persone of klasse van persone aan wie drank of 'n bepaalde soort drank nie verkoop mag word nie;

- (c) the place of sale and of consumption;
- (d) the receptacles in which liquor sold must be contained;
- (e) the days not being less than five in any week (save in any week in which a public holiday falls, when they may be four) on which liquor may be sold; and
- (f) the hours, not being less than five, on those days during which sales may take place.

Any licence in respect of which any such conditions are imposed shall be held subject to such conditions: Provided that in respect of the renewal of any such licence the Governor-General may vary, alter or add to any such conditions, and the licence when renewed shall then be held subject to any conditions so varied, altered or amplified.

(4) Nothing in sub-section (1) shall be deemed—

- (a) to affect any provision of Chapter XIII;
- (b) to apply to mynpachts on the farm Elandsfontein No. 1 numbered 302A, 302B, 333 and 337 on which the townships of Germiston and Georgetown in the Province of the Transvaal are situated; or
- (c) to prevent a renewal otherwise permitted by this Act, of any licence existing at the commencement thereof: Provided that the Governor-General may in respect of any such renewal exercise all the powers vested in him by sub-section (2); or
- (d) to prevent the grant or renewal, otherwise permitted by this Act, of any club liquor licence in respect of premises on any ground or stand mentioned in paragraph (c) of sub-section (1).

Restriction of
bar licences.

58. From and after the commencement of this Act no new bar licence shall be granted.

Persons to whom
wholesale liquor
licensee may sell.

59. No holder of a wholesale liquor licence shall, after a period of two years from the commencement of this Act, sell or dispose of liquor to any person other than the holder of a licence under this Act or the Government: Provided that the provisions of this section shall not apply to the holder of a wholesale liquor licence—

- (a) who, in respect of the same premises, holds a wine-farmer's licence; or
- (b) who holds such licence in the same district in which he is *bona fide* engaged in viticulture and entitled to sell or dispose of wine or brandy in terms of sub-section (2) of section five.

Restricted areas.

60. (1) The Minister may, on request by any magistrate or local authority, whenever he deems it desirable in the interests of the population or any section of the population of any area (not being an area to which section fifty-seven applies) that the sale or supply of intoxicating liquor in that area should be placed under restrictions or be subjected to conditions imposed by himself, by notice in the *Gazette* declare such area to be a restricted area.

(2) (a) A local board shall not grant a licence for the sale of liquor in a restricted area unless there be produced to it an authority in writing under the hand of the Minister, authorizing such board to consider at an annual or special meeting an application for such licence.

(b) Save as provided in paragraph (a) no licence for the sale of liquor shall be granted in a restricted area.

(3) In authorizing the consideration by the local board of an application referred to in sub-section (2) the Minister may exercise all such powers as may be exercised by the Governor-General in a prohibited area in terms of sub-sections (2) and (3) of section fifty-seven and the provisions of those sub-sections shall *mutatis mutandis* apply.

Closing of
licensed premises
in labour centres
on one afternoon
in week.

61. The Minister may, at the request of the Board, by notice define areas in the neighbourhood of mines, factories or other centres of labour within which areas all premises of any class specified in the notice in which liquor is sold for consumption on the premises or under a bottle liquor licence, shall be closed for the remainder of the day at noon on Saturdays or on such other one day of the week as the Minister may from time to time determine.

- (c) die plek van verkoop en van verbruik;
 (d) die houers waarin drank verkoop moet word;
 (e) die dae per week, dog nie minder as vyf nie (behalwe in 'n week waarin 'n openbare feesdag val, wanneer dit vier mag wees) waarop drank verkoop mag word; en
 (f) die ure op daardie dae dog nie minder as vyf nie, wanneer verkoop mag plaasvind.
- 'n Lisensie ten opsigte waarvan sodanige voorwaardes opgelê is, word gehou onderworpe aan sulke voorwaardes: Met dien verstande dat, ten opsigte van die vernuwing van so 'n lisensie, die Goewerneur-generaal sodanige voorwaardes kan wysig of verander of daaraan byvoeg, en wanneer die lisensie vernuwe word, word dit dan gehou onderworpe aan die voorwaardes wat aldus gewysig of verander is, of waaraan aldus bygevoeg is.
- (4) Die bepalings van sub-artikel (1)—
- (a) maak geen inbreuk op die bepalings van Hoofstuk XII nie;
 (b) is nie van toepassing op die mynpagte op die plaas Elandsfontein No. 1, genummer 302A, 302B, 333 en 337, waarop die dorpe Germiston en Georgetown in die Provinsie Transvaal geleë is nie; en
 (c) belet nie 'n andersins deur hierdie Wet geoorloofde vernuwing van 'n lisensie wat by die inwerkingtreding daarvan bestaan nie: Met dien verstande dat die Goewerneur-generaal ten opsigte van so 'n vernuwing al die bevoegdhede wat by hom kragtens sub-artikel (2) berus kan uitoefen; en
 (d) belet nie 'n andersins deur hierdie Wet geoorloofde verlening of vernuwing van 'n klub-dranklisensie nie, ten opsigte van 'n perseel of enige grond of standplaas wat in paragraaf (c) van sub-artikel (1) vermeld word.

58. Vanaf die inwerkingtreding van hierdie Wet mag geen nuwe kantienlisensie verleen word nie. Beperking van kantienlisensies.

59. Geen houer van 'n groothandelaars-dranklisensie mag, na 'n tydperk van twee jaar vanaf die inwerkingtreding van hierdie Wet, drank verkoop of van die hand sit nie behalwe aan die houer van 'n lisensie ingevolge hierdie Wet en aan die Regering: Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op die houer van 'n groothandelaars-dranklisensie wat—
- (a) ten opsigte van dieselfde perseel, 'n wynboer-lisensie het nie; of
 (b) so 'n lisensie hou in dieselfde distrik waarin hy te goeder trou die wynbou beoefen, en geregtig is om wyn of brandewyn kragtens sub-artikel (2) van artikel vyf te verkoop.
- Persone aan wie 'n groothandelaars-dranklisensie-houer mag verkoop.

60. (1) Op die versoek van 'n magistraat of 'n plaaslike owerheid, kan die Minister, wanneer hy dit wenslik ag in die belange van die bevolking of 'n deel van die bevolking van 'n streek (behalwe 'n streek waarop artikel *sewen-en-vyftig* van toepassing is) dat die verkoop of verstreking van sterke drank in daardie streek beperk moet word of onderworpe moet wees aan voorwaardes deur hom opgelê, by kennisgewing in die *Staatskoerant* so 'n streek tot 'n beperkte streek verklaar.
- (2) (a) 'n Plaaslike raad kan nie 'n lisensie vir die verkoop van drank in 'n beperkte streek verleen nie, tensy 'n skriftelike magtiging deur die Minister onderteken aan hom voorgelê word, waardeur so 'n raad gemagtig word om 'n aansoek om so 'n lisensie by 'n jaarlikse of spesiale vergadering te oorweeg.
 (b) Behoudens die bepalings van paragraaf (a) kan daar geen lisensie vir die verkoop van drank in 'n beperkte gebied verleen word nie.
- (3) Wanneer die Minister 'n plaaslike raad daartoe magtig om 'n in sub-artikel (2) vermelde aansoek te oorweeg, kan hy al die magte uitoefen wat deur die Goewerneur-generaal ooreenkomstig sub-artikels (2) en (3) van artikel *sewen-en-vyftig* uitgeoefen word, en die bepalings van genoemde sub-artikels is *mutatis mutandis* van toepassing.
- Beperkte gebiede.

61. Die Minister kan op versoek van die Raad, in die omtrek van myne, fabriekke, of ander arbeidsentra, streke by kennisgewing bepaal, waarbinne alle persele van enige klas wat in die kennisgewing gespesifiseer word, waarin drank verkoop word om op die perseel gebruik te word of kragtens 'n bottel-dranklisensie, vir die orige van die dag gesluit moet word om twaalfuur op die middag van Saterdag of van so 'n ander dag van die week as wat die Goewerneur-generaal van tyd tot tyd mag bepaal.
- Sluiting van gelisenseerde persele in arbeidsentra op een agtermiddag per week.

Closing of
licensed premises
during tumult.

62. (1) Whenever any strike or lock-out is in progress, or any riot or tumult occurs or is expected to occur, in any place, the magistrate or, in his absence, an additional or assistant magistrate, or in the absence of any such magistrate, the commissioner or any deputy-commissioner of police, or the officer in police charge of the district may order any premises licensed under this Act in or near such place to be closed during such time as such magistrate, assistant magistrate, additional magistrate, commissioner, deputy-commissioner or officer may deem fit.

(2) The licensee or his manager or agent shall forthwith comply with the order, and on his failure for any reason to do so, the person giving the order may take such steps and use such force as he may deem necessary for the closing of the premises.

(3) If, before the expiration of the time for which the order was made, the magistrate of the district or the person who issued the order is of opinion that the reason for the continuance of the order no longer exists, he may cancel the same.

Areas in which
permit required
by holders of
wholesale and
bottle liquor
licences to supply
liquor.

63. (1) The Minister may from time to time declare areas within which it shall not be competent for the holder of a wholesale liquor licence or a bottle liquor licence to sell, supply or deliver liquor to any person other than a licensee, except upon production by such person of a permit in the form set out in the Third Schedule, signed by a commissioned officer of police or a member of the police not below the rank of sergeant, and issued in the name of such person.

(2) Such permit may be issued for any period not exceeding twelve months, and shall state the kind and maximum quantity of liquor which in any calendar month may be sold, supplied or delivered under it.

(3) The issue of such a permit may be refused by such officer or member of the police if for any reason he considers it undesirable to issue it to the applicant.

(4) Such a permit may at any time be cancelled by the person who issued it or by a commissioned officer of police, if the holder thereof is convicted of drunkenness, or riotous conduct, or of a contravention of any provision of this Act, or if such person or officer suspects on reasonable grounds that the holder is connected with any illicit dealing in liquor; and such permit shall, upon demand, be delivered up for that purpose.

(5) The decision of any such person or officer as to the refusal or cancellation of such permit shall be subject to an appeal to the commissioner of police, whose decision shall be final.

(6) Every licensee shall, before or at the time of supplying any liquor upon such a permit, legibly endorse in ink upon the permit the date of the purchase and the kind and quantity of liquor supplied.

(7) Subject to the provisions of section *one hundred and five* every such permit shall, upon the expiration of the period for which it was issued, be delivered to any such person or officer as aforesaid to whom application is made for the issue of a further permit: Provided that such person or officer may upon its being shown to his satisfaction that such permit has been lost or destroyed, dispense with such delivery.

Retention of
local option pro-
hibition areas
existing at com-
mencement of
Act.

64. Wherever at the commencement of this Act there exists any village, town, ward or area in which, in consequence of the taking of any vote under a law repealed by this Act or any other law, the sale of liquor has been totally prohibited, such village, town, ward or area shall, subject to the provisions of paragraph (b) of sub-section (1) of section *three*, notwithstanding the repeal of such law, remain an area in which the sale of liquor is totally prohibited.

Petition by
inhabitant of
district.

65. A local board shall receive and consider any petition presented to it by inhabitants of a district in respect of the grant or refusal by such board of any application or applications in respect of such district, or the exercise by such board of any other of its functions.

Special right of
off-sale converted
into bottle liquor
licence.

66. If application is made to a local licensing board at its first annual meeting under this Act to renew any licence which previously authorized the sale of liquor for consumption both on and off the premises, such board shall not renew such licence on the same terms as before, but may in addition to an on-consumption licence grant the licensee a bottle liquor licence, subject to the provisions of this Act relating to bottle liquor licences.

62. (1) Wanneer op enige plek 'n staking of uitsluiting aan die gang is, of 'n oproer of volksoploop plaasvind of verwag word, kan die magistraat of by sy afwesigheid, 'n addisionele of assistent-magistraat of by afwesigheid van so 'n magistraat, die kommissaris of enige onder-kommissaris van polisie of die offisier onder wie se polisie-toesig die distrik staan die sluiting beveel van enige ingevolge hierdie Wet gelisensieerde perseel op of naby daardie plek vir solank as wat daardie magistraat, addisionele magistraat, assistent-magistraat, kommissaris, onder-kommissaris of offisier wenslik ag.
- (2) Die lisensiehouer of sy bestuurder of agent moet onverwyld aan die bevel gevolg gee en as hy om enige rede versuim om dit te doen, kan die persoon wat die bevel gegee het sodanige stappe doen en sodanige geweld gebruik as wat hy nodig ag om die perseel te sluit.
- (3) As die magistraat van die distrik of die persoon wat die bevel uitgereik het voor die verstryking van die tydperk waarvoor die bevel uitgevaardig is, van oordeel is dat die rede vir die voortdoring van die bevel nie meer bestaan nie, dan kan hy dit intrek.

Sluiting van gelisensieerde persele gedurende oproer.

63. (1) Die Minister kan van tyd tot tyd streke bekendmaak waarin die houer van 'n groothandelaars-dranklisensie of 'n bottel-dranklisensie nie veroorloof sal wees om aan iemand anders dan 'n lisensiehouer drank te verkoop, te verstrek of te lewer nie tensy so iemand 'n permit voorlê in die vorm, vervat in die Derde Bylae, geteken deur 'n polisie-offisier of 'n lid van die polisiemag met 'n rang nie laer dan sersant nie en uitgereik op naam van daardie persoon.
- (2) So 'n permit kan vir enige tydperk van nie meer dan twaalf maande nie uitgereik word en moet vermeld die soort en grootste hoeveelheid drank wat in een of ander kalendermaand kragtens die permit verkoop, verstrek of gelewer kan word.
- (3) So 'n offisier of polisiebeambte kan die uitreiking van so 'n permit weier as hy dit om enige rede onwenslik ag om dit aan die applikant uit te reik.
- (4) So 'n permit kan te eniger tyd ingetrek word deur die persoon wat dit uitgereik het of deur 'n polisie-offisier as die houer daarvan skuldig bevind word weens dronkenskap of wanordelike gedrag of enige oortreding van hierdie Wet, of as daardie persoon of offisier die houer om gegronde redes verdink van deelneming aan onwettige drankhandel; en indien opgevoerd, moet daardie permit vir daardie doel oorhandig word.
- (5) Van die beslissing van so 'n persoon of offisier wat betref die weiering of intrekking van so 'n permit kan geappelleer word na die kommissaris van polisie wie se beslissing afdoende is.
- (6) Elke lisensiehouer moet, voordat, of op die tydstop wanneer hy op so 'n permit drank lewer, op die permit met ink die dag van die koop en die soort en hoeveelheid gelewerde drank op leesbare wyse aanteken.
- (7) Met inagneming van die bepalings van artikel honderd-en-veertig moet elke sodanige permit, na verloop van die tydperk waarvoor dit uitgereik is, oorhandig word aan so 'n offisier of persoon as voormeld, by wie om 'n verdere permit aansoek gedoen word. Daardie offisier of persoon mag egter van daardie oorhandiging afsien, as dit tot sy bevrediging bewys word dat die permit verloor of vernietig is.

Streke waar permit vereis word van houer van groothandelaars- en bottel-dranklisensies om drank te lewer.

64. Wanneer by die inwerkingtreding van hierdie Wet 'n dorp, stad, wyk of streek bestaan waarin, ten gevolge van 'n stemming kragtens 'n wet wat deur hierdie Wet herroep word of 'n ander Wet die drankverkoop heeltemal verbied is, dan behoudens die bepalings van paragraaf (b) van sub-artikel (1) van artikel drie bly daardie dorp, stad, wyk of streek, niteenstaande die herroeping van daardie wet, 'n streek waarin die drankverkoop heeltemal verbied is.

Behoud van streke waar by inwerkingtreding van Wet drankhandel deur stemming verbied is.

65. 'n Plaaslike raad moet enige petisie in ontvangs neem en oorweeg wat aan hom deur die inwoners van 'n distrik, met betrekking tot die verlening of weiering deur so 'n raad van 'n aansoek of aansoek van die uitoefening deur die raad van een van sy ander bevoegdhede aangebied word.

Petisie van inwoners van 'n distrik.

66. Indien aansoek gedoen word by 'n plaaslike lisensieraad by sy eerste jaarlikse vergadering ingevolge hierdie Wet om die vernuwing van 'n lisensie wat tevore die verkoop van drank vir verbruik sowel buite as op die perseel gemagtig het, kan so 'n raad nie so 'n lisensie op dieselfde voorwaardes as tevore vernuwe nie, maar kan benewens 'n binneverbruik-lisensie die lisensiehouer 'n bottel-dranklisensie verleen, onderworpe aan die bepalings van die Wet in verband met bottel-dranklisensies.

Spesiale reg van buiteverbruik verkoop word omskep in 'n bottel-dranklisensie.

CHAPTER VII.

QUALIFICATIONS FOR LICENCES AND RESTRICTIONS AS TO PREMISES.

(A) *Qualifications of Licensees.*

Persons to whom
licences may not
be granted.

67. (1) It shall not be competent to grant a new licence or any certificate or authority therefor, or for any renewal or transfer of a licence to or in favour of any person who—

- (a) within the Union or elsewhere has within the preceding ten years had a sentence of imprisonment without the option of a fine imposed on him for the commission of some offence unless, in the opinion of the local board, magistrate, or other authority, as the case may be, such offence was of a political character or arose out of an industrial dispute;
- (b) has, either before or after the commencement of this Act, been convicted of an offence of selling or supplying liquor to any person not entitled to purchase or receive it; and has subsequently but after the commencement of this Act and within five years of such previous conviction been convicted under any law of a similar offence;
- (c) does not reside within the Union;
- (d) is an unrehabilitated insolvent;
- (e) is under the age of twenty-one years;
- (f) holds an office of profit under the Crown;
- (g) occupies premises, or proposes to occupy premises whereon a business licensed under this Act is conducted, or is proposed to be conducted, if any member of the police is the owner or lessee of such premises, or has any pecuniary interest in such premises;
- (h) is the wife of any person disqualified under paragraph (a), (b), (d) or (f), unless the parties are *bona fide* living apart under notarial deed or judicial order of separation;

or, save in the case of a foreign liquor licence, or an hotel liquor licence, to grant a new licence or transfer a licence or grant any certificate or authority therefor to any person who has not, for a period of at least two of the five years preceding his application, resided in the Union.

For the purposes of this sub-section "sentence" and "conviction" shall not include a sentence or a conviction which has been set aside on appeal or review, or in respect of which a free pardon has been granted.

(2) The issue or transfer of a licence to any person disqualified under this Act from holding it shall be null and void. Any such person shall be deemed not to be licensed and the premises in respect of which such licence was issued or transferred may be closed for the sale of liquor by order of the magistrate of the district in which they are situated.

Qualifications of
certain licensees.

68. (1) A foreign liquor licence shall not authorize the sale of liquor which was manufactured in the Union and shall not be granted to any person other than—

- (a) one who carries on outside the Union the business of manufacturing or selling liquor, and does not permanently maintain within the Union any office or place for the transaction of such business; or
- (b) the *bona fide* agent of any such person.

(2) In the case of any province in which any law governs the brewing or manufacture of beer a brewer's licence shall not be granted to any other person than one who is licensed or authorized under such law to brew or manufacture beer.

(3) A club liquor licence shall be granted only to the secretary, manager or chief steward of a club.

(4) A temporary liquor licence shall not be granted to any person who is not the holder of a bar licence or a restaurant liquor licence or an hotel liquor licence, or a wine and malt liquor licence, or a club liquor licence or a sports ground liquor licence, or who is not the secretary of an exhibition or agricultural show, or the secretary, manager or chief steward of a meeting proved to the satisfaction of the magistrate to whom the application for the licence is made to be a *bona fide* race meeting, sports meeting or like event.

(5) A late hours occasional licence shall not be granted to any person other than the holder of an hotel liquor licence, a restaurant liquor licence, or a club liquor licence.

(6) A wine-farmer's licence shall only be granted to a person who, or an association of persons which, is engaged in viticulture.

HOOFSTUK VII.

KWALIFIKASIES VIR LISENSIES EN BEPERKINGS OMTRENT PERSELE.

(A) Vereistes vir Lisensiehouers.

67. (1) Dit is nie veroorloof om 'n nuwe lisensie of 'n 5
sertifikaat of magtiging daarvoor of vir die vernuwing of oordrag
van 'n lisensie te verleen nie aan of ten behoeve van iemand
wat—

Aan wie geen
lisensies verleen
mag word nie.

(a) in die Unie of elders in die voorafgaande tien jaar
veroordeel is tot gevangenisstraf sonder keuse van
10 boete weens een of ander misdryf, tensy daardie
misdryf volgens oordeel van die plaaslike raad,
magistraat of ander gesag, na gelang van die geval,
van politieke aard was of uit 'n industriële geskil
ontstaan het;

(b) hetsy voor of na die inwerkingtreding van hierdie Wet,
15 veroordeel is weens 'n misdryf van drankverkoop of
drankverstreking aan iemand wat nie geregtig is om
dit te koop of te ontvang nie en daarna, maar na die
inwerkingtreding van hierdie Wet en binne vyf jaar
20 na sodanige vorige skuldigbevinding kragtens enige
wet weens 'n soortgelyke misdryf skuldigbevind is;

(c) nie in die Unie woonagtig is nie;

(d) 'n ongerehabiliteerde insolvent is;

(e) onder een-en-twintig jaar oud is;

25 (f) 'n winsbetrekking onder die Kroon beklee;

(g) 'n perseel okkupeer, of voornemens is om 'n perseel
te okkupeer waarop 'n kragtens hierdie Wet gelisen-
sieerde besigheid gedryf word, of volgens voorneme
gedryf sal word, indien 'n lid van die polisiemag die
30 eienaar of huurder van so 'n perseel is, of geldelike
belang in so 'n perseel het;

(h) die vrou is van iemand wat kragtens paragraaf (a),
(b), (d) of (f) onbevoeg is, tensy die partye te goeder
trou van mekaar geskeie leef kragtens 'n notariële of
35 geregtelike skeiding van tafel en bed;

of, behalwe in die geval van 'n buitelandse dranklisensie of 'n
hotel-dranklisensie, om 'n nuwe lisensie of die oordrag van 'n
lisensie of 'n sertifikaat of magtiging daarvan te verleen aan
iemand wat nie gedurende 'n tydperk van minstens twee uit die
40 vyf jaar wat sy aansoek voorafgaan, in die Unie gewoon het.

In hierdie sub-artikel omvat die begrippe „veroordeling” en
„skuldigbevinding” nie 'n vonnis wat in appèl of hersiening
vernietig is nie of ten opsigte waarvan gracie verleen is.

(2) Die uitreiking of oordrag van 'n lisensie aan iemand wat
45 kragtens hierdie Wet onbevoeg is om dit te hou is nietig; so
iemand word as ongelisensieer beskou, en die perseel ten opsigte
waarvan sulke lisensies uitgereik of oorgedra is mag op bevel
van die magistraat van die distrik waarin die perseel geleë is,
vir die verkoop van drank gesluit word.

50 68. (1) 'n Buitelandse dranklisensie magtig nie die verkoop
van drank wat in die Unie vervaardig is nie en mag aan niemand
verleen word dan aan—

Kwalifikasies vir
sekere lisensie-
houers.

(a) iemand wat buite die Unie die besigheid dryf van die
vervaardiging of verkoop van drank en nie 'n vaste
55 kantoor of plek vir die verrigting van sodanige besig-
heid in die Unie aanhou nie; of

(b) die *bona fide* agent van so iemand.

(2) In 'n provinsie waarin 'n wet die brou of vervaardiging
van bier reël, mag geen bierbrouers-lisensie verleen word aan
60 iemand anders dan iemand wat kragtens daardie wet gelisensieer
of gemagtig is om bier te brou of te vervaardig nie.

(3) 'n Klub-dranklisensie mag alleen aan die sekretaris,
bestuurder of eerste hofmeester van 'n klub verleen word.

(4) 'n Tydelike dranklisensie mag aan niemand verleen word
65 wat nie in besit is nie van 'n kantien-lisensie of 'n restaurant-
dranklisensie of 'n hotel-dranklisensie of 'n wyn- en bierlisensie
of 'n klub-dranklisensie of 'n sportgronde-dranklisensie, of wat
nie die sekretaris is van 'n vertoning of landbou-tentoonstelling
of die sekretaris, bestuurder of eerste hofmeester van 'n byeen-
70 koms wat tot bevrediging van die magistraat by wie om die
lisensie aansoek gedoen word bewys word 'n *bona fide* resies-
of sportbyeenkoms of 'n dergelike geleentheid te wees.

(5) 'n Nagtelike geleentheidslisensie mag aan niemand anders
verleen word nie dan aan die besitter van 'n hotel-dranklisensie,
75 'n restaurant-dranklisensie of 'n klub-dranklisensie.

(6) 'n Wynboer-lisensie mag slegs verleen word aan iemand
of aan 'n assosiasie van persone wat die wynbou beoefen.

What licence may be held by company, or partnership.

69. (1) No licence other than a wholesale liquor licence, a foreign liquor licence, a brewer's licence, or a wine-farmer's licence may be issued to a company, society, partnership or other association of persons: Provided that nothing in this section contained shall be deemed to prevent the issue of any licence to a person in the employ of a company, society, partnership or other association of persons, and if any such employee to whom any such licence was issued, ceases to be employed in a position in which he is required to hold such licence, his employer may take such steps for the transfer of the licence to some other employee, as a licensee may take under sub-section (1) of section *thirty-eight* for the transfer of his licence to some other person, and thereupon the provisions of that section shall *mutatis mutandis* apply in connection with the transfer of such licence.

(2) The fee prescribed in the Second Schedule for the transfer of a licence shall not be payable in respect of a transfer under this section.

(B) *Restrictions as to Premises.*

General suitability of premises.

70. Before granting any application for the grant or renewal of a licence or for the removal of a licence to other premises, the local board shall satisfy itself—

- (a) that the premises in respect of which the application is made or to which the licence is to be removed comply in all respects with any determination made in terms of sub-paragraph (v) of paragraph (a) of sub-section (1) of section *thirteen*;
- (b) that the premises afford suitable and satisfactory accommodation for all purposes to which they may lawfully be put in terms of the licence;
- (c) that the premises are sufficiently complete to enable them to be occupied for the purposes of the licence, and to enable the proposed licensed business to be carried on in accordance with the law governing the same; and
- (d) if the premises are situated in the vicinity of a place of worship, or a school, or a native compound, that the business will be conducted in such a manner as not to prejudice the conduct of such place of worship or school, or prejudice the occupants, or affect the control of such native compound.

What other business may be carried on on licensed premises.

71. (1) Subject to any condition imposed by the local board—

- (a) any on-consumption licence may be granted in respect of premises upon which any person lawfully carries on the business of selling tea, coffee, cocoa, cakes, confectionery and other light refreshments (including drinks other than liquor), tobacco, cigars, cigarettes and matches, or any other lawful business specially authorized by the local board;
- (b) a bottle liquor licence may be granted in respect of premises in which the licensee lawfully carries on the business of a wholesale liquor licence or of selling methylated spirits, mineral waters and other drinks (not being liquor) in closed bottles and tobacco, cigars, cigarettes, matches and grape vinegar (as defined by section *nineteen* of the Wine, Spirits and Vinegar Act, 1913) in closed receptacles; and
- (c) a brewer's licence may be granted in respect of premises in which the licensee lawfully carries on the business of brewing any malt liquor.

(2) Save as provided in sub-section (1), and subject to the provisions of sections *seventy-two* and *seventy-three* no licence other than a wholesale or foreign liquor licence shall be granted in respect of any premises in which any other trade, business or occupation is carried on, including the business of selling liquor under any other licence granted under this Act.

(3) Save as provided in this section no holder of a licence shall carry on his business in terms of such licence in any premises in which any other business whatever is conducted.

(4) For the purposes of this section premises shall not be deemed to be separate if—

- (a) being under the same roof as other premises, they are not completely separated therefrom by a wall or walls having no door, window, aperture or other means of communication with such premises; or

69. (1) Geen ander lisensie dan 'n groothandelaars-drank-lisensie, 'n buitelandse dranklisensie, 'n bierbrouerslisensie of 'n wynboer-lisensie mag aan 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone uitgereik word nie: Met dien verstande dat geen bepaling in hierdie artikel vervat geag word die uitreiking van 'n lisensie aan iemand in diens van 'n maatskappy, vereniging, vennootskap of ander assosiasie van persone te verhinder nie; en as so 'n werknemer aan wie so 'n lisensie uitgereik is, nie meer in diens is in 'n betrekking waarin dit nodig is dat hy so 'n lisensie hou nie, dan kan sy werkgewer die stappe doen om die lisensie aan 'n ander werknemer oor te dra wat 'n lisensiehouer kragtens sub-artikel (1) van artikel *agt-en-dertig* kan doen om sy lisensie aan 'n ander oor te dra, en daarop is die bepalings van daardie artikel *mutatis mutandis* van toepassing in verband met die oordrag van die lisensie.
- (2) Die fooi in die Tweede Bylae voorgeskryf vir die oordrag van 'n lisensie is nie betaalbaar ten opsigte van 'n oordrag kragtens hierdie artikel nie.

Watter lisensies 'n maatskappy of vennootskap mag hou.

(B) *Beperkings in verband met die Perseel.*

70. Alvorens 'n aansoek om die verlening of vernuwing van 'n lisensie of om die verplasing van 'n lisensie na 'n ander perseel toe te staan, moet die plaaslike raad oortuig wees—

Algemene geskiktheid van 'n perseel.

- (a) dat die perseel ten opsigte waarvan die aansoek gedoen word of waarheen die lisensie verplaas sal word in alle opsigte voldoen aan 'n vasstelling gedoen ingevolge sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) van artikel *dertien*;
- (b) dat die perseel geskikte en voldoende akkommodasie bevat vir alle doeleindes waarvoor dit wettiglik kragtens die lisensie gebruik mag word;
- (c) dat die perseel voldoende voltooï is om vir die doeleindes van die lisensie geokkupeer te word, en om die uitoefening van die voorgestelde gelisensieerde besigheid volgens die daarop toepaslike Wet doenlik te maak; en
- (d) indien die perseel in die nabyheid van 'n bedehuis, 'n skool of naturellekwartiere geleë is, dat die besigheid sodanig gedryf sal word dat die verrigtings in daardie bedehuis of skool nie gesteur sal word nie, en die bewoners van daardie naturellekwartiere nie benadeel sal word nie en die beheer daarvan geen afbreuk gedoen sal word nie.

71. (1) Behoudens enige voorwaardes wat die lisensieraad mag stel—

Watter ander besigheid in gelisensieerde gebou gedryf mag word.

- (a) mag enige binneverbruik-lisensie verleen word in verband met 'n perseel waarin die lisensiehouer wettig as 'n besigheid tee, koffie, kakao, koek, suikergoed en ander ligte verversings (en ook drank wat nie sterke drank is nie), tabak, sigare, sigarette en vuurhoutjies verkoop of enige ander wettige besighede dryf wat die lisensieraad spesiaal veroorloof het;
- (b) mag 'n bottel-dranklisensie verleen word in verband met 'n perseel waarin die lisensiehouer wettig handel dryf as drank-groothandelaar of in die verkoop van brandspiritus, mineraalwaters en ander drankte dan sterke drank, in toe bottels en tabak, sigare, sigarette, vuurhoutjies en druiwe-asyn (soos in artikel *negentien* van die Wijn-, Spiritualiën- en Azijn Wet, 1913, omskryf) in toe houters; en
- (c) mag 'n brouerslisensie verleen word in verband met 'n gebou waarin die lisensiehouer wettig as 'n besigheid enige soort bier brou.

- (2) Behoudens die bepalings van sub-artikel (1) en artikels *twee-en-sewentig* en *drie-en-sewentig* kan geen lisensie, behalwe 'n groothandelaars- of buitelandse-dranklisensie, verleen word nie ten opsigte van 'n perseel waarop 'n ander bedryf, besigheid of beroep gedryf word nie, met inbegrip van die besigheid van die verkoop van drank kragtens 'n ander lisensie ingevolge hierdie Wet verleen.

- (3) Behalwe soos in hierdie artikel bepaal mag 'n lisensiehouer nie sy besigheid ingevolge so 'n lisensie in 'n perseel dryf nie waar enige ander besigheid hoegenaamd gedryf word.

- (4) Vir die doel van hierdie artikel word 'n perseel nie as afsonderlik beskou nie—

- (a) as dit met 'n ander perseel onder dieselfde dak is en nie heeltemal van hom geskei is nie deur 'n muur of mure waarin geen deur, venster, opening of ander verkeersweg na daardie perseel is nie; of

- (b) having a yard, that yard is not completely separated from the yard of any other premises by a fence or wall having no door, gate, aperture or other means of communication with such other yard.

Premises in respect of which temporary liquor licence may be granted.

72. A temporary liquor licence may be granted only for the purpose of one or more bars as specified in the licence to be conducted within, or within the grounds of any exhibition, show, race meeting, or other place of public recreation or amusement, or where a public function is being held.

Premises in respect of which late hours occasional licence may be granted.

73. (1) A late hours occasional licence may be granted only in respect of premises in respect of which there has been issued a restaurant liquor licence, an hotel liquor licence, a club liquor licence or a temporary liquor licence, and 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.

(2) A late hours occasional licence shall not be issued in respect of any particular premises more than twice in a calendar week.

Licence issued in respect of premises which do not qualify for such licences to be void.

74. If any licence is granted or renewed in respect of premises or transferred to premises for which in terms of any provision of this Chapter such licence may not be issued, the said licence shall be null and void. Any person holding any such licence shall be deemed not to be licensed and the premises concerned may be closed for the sale of liquor by order of the magistrate of the district in which they are situated.

(C) Clubs.

Club liquor licence.

75. (1) No authority for the issue or renewal of a club liquor licence shall be granted unless the local board concerned is satisfied that the club is a *bona fide* club and one in respect of which a licence may properly be granted.

(2) No such authority shall be granted by the local board unless a copy of the rules of the club certified by the chairman thereof has been deposited with the chairman of the said board at least four days before the meeting thereof, and such authority shall not be granted unless the said board is satisfied by reference to the rules or by the report of an inspector or the police or otherwise—

- (a) that the club is managed by a committee of its members;
- (b) that such committee holds regular meetings of which proper minutes are kept;
- (c) that only members of the club (including *bona fide* reciprocity members) are permitted to pay for accommodation or refreshment supplied therein;
- (d) that no ordinary member of the club is elected less than fourteen days after nomination or without his name having been screened on the club premises for at least seven days;
- (e) that the election of such members is either by the committee or by all members of the club: Provided that the rules of the club may disqualify from voting any member in arrear with any payment due to the club;
- (f) that no person residing within ten miles of the club house is eligible as an honorary or temporary or reciprocity member of the club save where—
 - (i) such eligibility is, in terms of the rules of the club, granted by reason of such person holding some public office or being a *bona fide* candidate for membership or having conferred some special benefit upon the club; or
 - (ii) by resolution of the club committee such person is allowed the privileges of membership while engaged in any match or competition;
- (g) that a register of members and proper accounts are kept;
- (h) that, save in the case of *bona fide* country members, the annual subscription is at least one pound;
- (i) that the club consists of at least thirty-five members;
- (j) that save under any written agreement approved of by the local board no profit from the sale of liquor by the club accrues to any individual; and
- (k) that no member who has not paid his subscription within three months after it became due is to continue as a member while his subscription is unpaid.

- (b) as dit 'n werf of agterplaas het wat nie heeltemal afgeskei is nie van die werf of agterplaas van 'n ander perseel deur 'n heining of muur waarin geen deur, hek, opening of ander verkeersweg na daardie ander werf of agterplaas is nie.

72. 'n Tydelike lisensie mag slegs verleen word om een of meer kantiene soos in die lisensie bepaal te hou by, of in die gronde van, 'n vertoning, tentoonstelling, renbaan, of ander plek van publieke ontspanning of vermaak, of waar 'n publieke funksie gehou word.

Vir watter perseel tydelike lisensie verleen mag word.

73. (1) 'n Nagtelike geleentheids-lisensie mag slegs verleen word in verband met 'n perseel ten opsigte waarvan 'n restaurant-dranklisensie, 'n hotel-dranklisensie, 'n klub-dranklisensie of 'n tydelike drank-lisensie uitgereik is, en as aan die magistraat, by wie om die lisensie aansoek gedoen word, tot sy bevrediging bewys word dat by die geleentheid waarvoor om die lisensie aansoek gedoen word, 'n *bona fide* gesellige byeenkoms sal plaasvind.

Vir watter perseel nagtelike geleentheidslisensie verleen mag word.

(2) 'n Nagtelike geleentheidslisensie mag nie meer as tweemaal 20 per kalenderweek vir dieselfde perseel uitgereik word nie.

74. Indien 'n lisensie verleen of vernuwe word ten opsigte van 'n perseel, of verplaas word na 'n perseel waarvoor so 'n lisensie ingevolge 'n bepaling van hierdie Hoofstuk nie uitgereik kan word nie, is so 'n lisensie ongeldig. Iemand wat so 'n lisensie hou word geag nie gelisensieer te wees nie, en die betrokke perseel kan op lasgewing van die magistraat van die distrik waarin dit geleë is vir die verkoop van drank gesluit word.

'n Lisensie uitgevaardig ten opsigte van 'n perseel wat nie voldoen aan die benodigdhede vir so 'n lisensie nie is ongeldig.

(C) Klubs.

75. (1) Geen magtiging tot uitreiking of vernuwing van 'n klub-dranklisensie mag verleen word nie tensy die betrokke plaaslike raad oortuig is dat die klub 'n *bona fide* klub is, en dat 'n lisensie gevoeglik aan hom verleen kan word.

Klub-drank-lisensies.

(2) Die plaaslike raad mag nie so 'n magtiging verleen nie tensy minstens vier dae voor sy vergadering 'n eksemplaar van die reglement van die klub, gesertifiseer deur sy voorsitter, by die voorsitter van die raad ingedien is en die magtiging mag nie verleen word nie, tensy die plaaslike raad na insage van die reglement of van die polisie-rapport of andersins oortuig is—

(a) dat die klub beheer word deur 'n bestuur uit sy lede; (b) dat die bestuur gereelde vergaderings hou, waarvan behoorlik notule gehou word;

(c) dat net lede van die klub, insluitende *bona fide* wederkerighedslede, vir daarin verstrekte akkommodasie of verversings mag betaal;

(d) dat geen gewone lid van die klub gekies word minder dan veertien dae na sy nominasie of sonder dat sy naam gedurende minstens sewe dae in die klubgebou aangeplak was nie;

(e) dat sodanige lede of deur die bestuur, of deur al die lede van die klub gekies word; die reglement van die klub mag egter enige lid wat met 'n verskuldigde betaling aan die klub agterstallig is, van die stemming uitsluit;

(f) dat niemand wat binne tien myl van die klubgebou woon as erelid of tydelike lid van die klub verkiesbaar is, behalwe wanneer—

(i) daardie verkiesbaarheid volgens die reëls van die klub verleen is omdat bedoelde persoon een of ander openbare amp beklee of 'n *bona fide* kandidaat vir lidmaatskap is of 'n besondere voordeel aan die klub verleen het; of

(ii) aan daardie persoon by besluit van die klub-komitee die voorregte van lidmaatskap toegestaan word solank hy aan 'n wedstryd of kompetisie deelneem;

(g) dat 'n lederegister en behoorlike boeke gehou word; (h) dat die jaarlikse subskripsie minstens een pond bedra, behalwe vir *bona fide* plattelandselede;

(i) dat die klub uit minstens vyf-en-dertig lede bestaan; (j) dat behalwe ingevolge 'n skriftelike en deur die plaaslike raad goedgekeurde ooreenkoms, geen wins uit die verkoop van drank deur die klub aan 'n individu toekom nie; en

(k) dat geen lid, wat sy subskripsie nie binne drie maande na die vervaltyd betaal het nie, toegelaat word om lid te bly terwyl sy subskripsie onbetaal is.

CHAPTER VIII.

CONDITIONS ATTACHING TO LICENCES.

(A) *Maximum and Minimum Quantities to be Sold.*

Quantities of
liquor to be sold
under various
licences.

76. (1) The quantity of liquor to be sold or supplied by any person holding a licence under this Act shall not be greater or less than the quantity stated in this section in respect of the particular class of licence indicated. 5

(2) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence or a foreign liquor licence shall not be less than two gallons to be delivered at one time in a receptacle or in receptacles securely corked or stoppered. 10

(3) The quantity of liquor to be sold or delivered by the holder of a brewer's licence shall not be less than one gallon to be delivered at one time in a receptacle or in receptacles securely corked or stoppered. 15

(4) The quantity of liquor to be sold or delivered by a bottle liquor licensee to any one customer at any one time shall be not less than one half-pint bottle securely corked, and not more than twelve quart bottles or the equivalent amount of liquor in a receptacle or in receptacles properly and securely corked or stoppered: Provided that a less quantity, if it be contained in a bottle or receptacle securely corked or stoppered, may be sold by the licensee on medical certificate in terms of section *ninety-six* or *ninety-seven*. 20

(5) The liquor to be sold or supplied by the holder of a wine-farmer's licence shall be in cask securely corked or stoppered, containing not less than four gallons or in a securely closed case containing not less than twelve quart or eighteen pint bottles of liquor. 25

(6) The quantity of liquor to be sold under an on-consumption licence shall not exceed such as may reasonably be consumed upon the licensed premises by the person to or for whom the same is supplied. 30

(B) *Place of Sale and Premises.*

Places at which
liquor may be
sold and
delivered.

77. (1) Save in the case of a foreign liquor licence, a brewer's licence and a wine-farmer's licence, no licensee shall sell liquor at any other place than upon the licensed premises or in any other portion of such premises than such as may be indicated in his licence. 35

(2) Save in the case of an off-consumption licence, no delivery of liquor shall be given at any other place than the licensed premises, nor shall any delivery of liquor be made at any other portion of such premises than such as may be indicated in the licence. 40

Restricted use of
portion of
premises.

78. In authorizing the grant or renewal of any licence a local board may— 45

(a) determine that any particular portion of the premises, (other than the dining-room) on which the business is to be conducted shall be included in the restricted portion; and 50

(b) impose a condition that liquor shall be supplied to any particular class of persons only in a bar or other place upon the licensed premises specially set apart for such particular class of persons.

(C) *Consumption On or Off Premises.*

Condition of
licences as to
place of
consumption.

79. (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. 60

(2) 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.

(D) *Class and Other Personal Restrictions.*

Restriction upon
supply to persons
of any particular
class, including
women.

80. Subject to the provisions of Parts (B) and (C) of Chapter IX a local board may at an annual meeting resolve that it shall be a condition of all licences in the area under its jurisdiction, or of any particular licence or class of licence, that the supply of liquor to persons of a particular class, including women or any particular class of women, shall be subject to the restrictions and conditions in such resolution set forth: Provided that such restrictions shall not amount to total prohibition. 70

HOOFSTUK VIII.

VOORWAARDES VAN LISENSIES.

(A) *Grootste en Kleinste Hoeveelhede wat verkoop mag word.*

76. (1) Die hoeveelheid drank wat verkoop of verstrekk word deur iemand wat kragtens hierdie Wet 'n lisensie hou, mag nie groter en nie kleiner wees nie dan die hoeveelheid wat hierdie artikel vir die bepaalde soort van lisensie vasstel.

Hoeveelhede wat kragtens verskillende lisensies verkoop mag word.

(2) Die hoeveelheid drank wat die houer van 'n groot-handelaars-dranklisensie, of 'n buitelandse dranklisensie mag verkoop of lewer, mag nie minder bedra nie dan twee gallon in 'n dig toegekurkte of gepropte houer of houters wat tegelyk afgelewer moet word.

(3) Die hoeveelheid drank wat die houer van 'n bierbrouers-lisensie mag verkoop of lewer, mag nie minder bedra nie dan een gallon, wat tegelyk afgelewer moet word in 'n dig toegekurkte of gepropte houer of houters.

(4) Die hoeveelheid drank wat die houer van 'n bottel-dranklisensie ineens aan een klant mag verkoop of lewer, mag nie minder bedra nie dan een diggekurkte halfpint-bottel en nie meer dan twaalf kwart-bottels nie of dieselfde hoeveelheid drank in 'n houer of houters, wat diggekurk of geprop moet wees. 'n Kleinere hoeveelheid mag egter, as dit vervat is in 'n dig toegekurkte of gepropte bottel of houer, deur die lisensiehouer verkoop word op 'n geneeskundige sertifikaat ingevolge artikel ses-en-negentig of sewen-en-negentig.

(5) Die drank wat die houer van 'n wynboerlisensie mag verkoop of lewer, moet in 'n dig toegekurkte of gepropte vat wees wat nie minder dan vier gallon bevat nie of in 'n dig toegemaakte kis wat nie minder dan twaalf kwart-bottels of agtien pint-bottels drank bevat nie.

(6) Die hoeveelheid drank wat kragtens 'n binneverbruik-lisensie verkoop mag word mag nie meer wees nie dan wat redelikerwys op die gelisensieerde perseel gebruik kan word deur die persoon aan of vir wie dit verstrekk word.

35 (B) *Plek van Verkoop en Perseel.*

77. (1) Behalwe in die geval van 'n buitelandse dranklisensie, 'n bierbrouers-lisensie en 'n wynboer-lisensie mag geen lisensiehouer drank verkoop op enige ander plek dan op die gelisensieerde perseel nie, of in enige ander gedeelte van daardie perseel dan dié wat die lisensie mag aanwys nie.

Plekke waar drank verkoop en gelewer mag word.

(2) Behalwe in die geval van 'n buiteverbruik-lisensie, mag geen drank êrens anders gelewer word dan op die gelisensieerde perseel nie en mag geen drank gelewer word in 'n ander gedeelte van daardie gebou nie dan dié wat die lisensie mag aanwys.

78. By die magtiging tot verlening of vernuwing van 'n lisensie mag 'n plaaslike raad—

Beperkte gebruik van 'n deel van die gebou.

(a) bepaal dat 'n bepaalde gedeelte van die perseel (behalwe die eetsaal) waarop die besigheid gedryf sal word, by die beperkte gedeelte gereken moet word; en

(b) 'n voorwaarde stel dat drank aan 'n bepaalde klas van persone slegs verstrekk mag word in 'n kantien of ander plek op die gelisensieerde perseel wat spesiaal afgesonder is vir daardie bepaalde klas van persone.

(C) *Drankgebruik in of buite 'n Gebou.*

79. (1) Elke buiteverbruik-lisensie is onderhewig aan die voorwaarde dat geen drank deur 'n klant gebruik mag word op die gelisensieerde perseel of op 'n perseel of op 'n plek wat aan die gelisensieerde perseel grens of digby geleë is en wat die lisensiehouer okkupeer of beheer nie.

Voorwaarde in lisensie omtrent plek van drankgebruik.

(2) Elke binneverbruik-lisensie is onderworpe aan die voorwaarde dat geen deel van die verkoopte drank êrens anders gebruik mag word dan op die gelisensieerde perseel nie.

(D) *Klas- en ander Persoonlike Beperkings.*

80. Met inagneming van die bepalinge van Dele (B) en (C) van Hoofstuk IX kan 'n lisensieraad op 'n jaarlikse vergadering besluit dat alle lisensies, of een of ander bepaalde lisensie of klas van lisensie in sy regsgebied die voorwaarde moet bevat dat die verstrekking van drank aan 'n bepaalde klas van persone (en dit sluit in vroue of 'n bepaalde klas van vroue) onderhewig moet wees aan die beperkings en voorwaardes wat in die bepaling uitgedruk staan: Met dien verstande dat sodanige beperkings nie neerkom op 'n algehele verbod nie.

Beperking van drankverstreking aan bepaalde klas mense en vroue.

Special condition
of wine-farmer's
licence.

81. It shall be a special condition of every wine-farmer's licence that, save as to any person resident at a place distant twenty-five miles or more from the premises at which the sale takes place, no sale, delivery, or disposal of wine thereunder shall be made to any person who is not either the registered owner or the lawful occupier of immovable property in the Union, which is valued for the purposes of any municipal or divisional council or other local rates at two hundred pounds or more, or which in the absence of such valuation is certified in writing by a magistrate or commissioned officer of the police to be of that value.

Special condition
of late hours
occasional licence.

82. It shall be a special condition of a late-hours occasional licence that no liquor shall be sold or supplied thereunder to any other person than one *bona fide* attending the function for the occasion of which the licence is granted.

(E) *Quality and Kinds of Liquor to be Sold.*

Quality of liquor
sold.

83. (1) It shall be a condition of every licence that liquor sold thereunder by any name designated, or any description contained, in the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), or any amending Act or Act substituted therefor or in any other law, shall conform as to its constituents with any requirement contained in any such Act or other law.

(2) No licensee shall sell as a particular kind or brand or as the manufacture of a particular person liquor which is not of that kind or brand or is not the manufacture of that person.

(3) Nothing in this Act contained shall be deemed to affect the operation, in respect of any liquor sold or kept for sale by any licensee, of any Act mentioned in sub-section (1) or of any law dealing with the adulteration of foods, drugs and liquors. Any relative provision of this Act shall be deemed to be in addition to, and not in substitution of, any provision of any such Act or law.

What liquor
brewer may sell.

84. It shall be a condition of a brewer's licence that only malt liquor which has been brewed or manufactured within the Union shall be sold thereunder.

Wine and malt
liquor licensee to
sell only South
African produce.

85. It shall be a condition of a wine and malt liquor licence—

- (a) that no liquor other than wine, as that term is defined in section six of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), and malt liquor shall be sold thereunder; and
- (b) that no wine or malt liquor shall be sold thereunder which has not been produced or brewed in the Union or the territory of South-West Africa.

What liquor to
be sold under
wine-farmer's
licence.

86. It shall be a condition of a wine-farmer's licence that no other liquor shall be sold thereunder than wine which—

- (a) is the product of grapes grown on land owned or lawfully occupied by the licensee, or where the licensee is an association of persons by such association or any member of such association; and
- (b) was made upon such property or in a central cellar owned or lawfully occupied by the licensee or where the licensee is an association of persons by such association or any member of such association; and
- (c) is the product solely of the alcoholic fermentation of the juice of fresh grapes without the addition before, during or after the fermentation, of any substance, other than a substance permitted by section two of the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913).

CHAPTER IX.

60

PROHIBITED OR RESTRICTED SALE, SUPPLY OR ACQUISITION OF LIQUOR.

(A) *Sale by Producers.*

Sale of liquor by
distiller, manu-
facturer or
brewer.

87. Notwithstanding anything contained in any law, or in any licence granted under any law for the distillation, brewing or manufacturing of liquor and the sale thereof, from and

81. Elke wynboer-lisensie is onderhewig aan die besondere voorwaarde dat kragtens dieselwe, behalwe aan iemand wat woonagtig is op 'n plek, vyf-en-twintig myl of verder geleë van die perseel waar die koop gesluit word, geen wyn verkoop, 5 gelewer of vervoer mag word nie aan iemand wat nie die geregistreerde eienaar of die wettige okkupeerder is nie van onroerende goed in die Unie wat vir 'n stedelike of afdelings- of 'n ander plaaslike belasting op tweehonderd pond of meer gewaardeer is of wat, by gebreke van so 'n waardering, volgens 10 'n skriftelike sertifikaat van 'n magistraat of polisie-offisier soveel werd is.

Besondere voorwaarde van wynboer-lisensies.

82. 'n Nagtelike geleentheidslisensie is onderhewig aan die besondere voorwaarde dat geen drank uit kragte daarvan verkoop of verstrekk mag word nie aan iemand anders dan aan 15 iemand wat te goeder trou die byeenkoms bywoon na aanleiding waarvan die lisensie verleen is.

Besondere voorwaarde van nagtelike geleentheidslisensie.

(E) Kwaliteit en Soorte van Drank wat verkoop mag word.

83. (1) Elke lisensie is onderhewig aan die voorwaarde dat drank, kragtens dieselwe verkoop onder 'n naam aangegee of 20 onder 'n omskrywing vervat in die Wijn, Spiritualiën en Azijn Wet 1913 (Wet No. 15 van 1913) of 'n wet wat dit wysig of vervang of in enige ander wet, moet voldoen wat betref sy bestanddele aan die vereiste van so 'n wet of ander wet.

Kwaliteit van verkoopte drank.

(2) Geen lisensiehouer mag as 'n besonder soort of klas of 25 as die fabriek van 'n besonder persoon drank verkoop wat nie van daardie soort of klas is nie of wat nie die fabriek van daardie persoon is nie.

(3) Die bepalings van hierdie Wet maak geen inbreuk op die toepassing van 'n wet vermeld in sub-artikel (1) ten opsigte 30 van enige drank wat deur 'n lisensiehouer verkoop word of gehou word om te verkoop, of van enige wet op die vervalsing van eetware, medisyne en drank nie. Enige ter sake dienende bepaling in hierdie Wet word geag 'n bepaling van so 'n wet aan te vul en nie te vervang nie.

84. 'n Bierbrouers-lisensie is onderhewig aan die voorwaarde dat kragtens dieselwe slegs bier wat deur die lisensiehouer in die 35 Unie gebrou of vervaardig is, verkoop mag word.

Watter drank 'n bierbrouer mag verkoop.

85. 'n Wyn- en bier-lisensie is onderhewig aan die voorwaarde dat kragtens dieselwe—

Wyn- en bier-lisensiehouer mag net Suid-Afrikaanse produkte verkoop.

40 (a) geen ander drank dan wyn, volgens die omskrywing van daardie woord in artikel ses van die Wijn, Spiritualiën en Azijn Wet 1913 (Wet No. 15 van 1913) en bier verkoop mag word nie; en

45 (b) geen wyn of bier verkoop mag word wat nie in die Unie of die gebied Suidwes-Afrika vervaardig of gebrou is nie.

86. 'n Wynboer-lisensie is onderhewig aan die voorwaarde dat kragtens dieselwe geen ander drank verkoop mag word 50 nie dan wyn wat—

Watter drank kragtens wynboer-lisensie verkoop mag word.

(a) die produk is van druiwe verbou op grond wat die eiendom of in die wettige okkupasie is van die lisensiehouer, of as die lisensiehouer 'n vereniging van persone is, van die vereniging of enige lid van die vereniging; en

55 (b) vervaardig is op daardie grond of in 'n sentrale kelder wat die eiendom of in die wettige okkupasie is van die lisensiehouer, of, as die lisensiehouer 'n vereniging van persone is, van die vereniging of enige lid van die vereniging; en

60 (c) uitsluitend die produk is van die alkoholiese gisting van die sap van vars druiwe, sonder bymenging, hetsy voor, gedurende of na die gisting, van enige ander stof dan wat artikel twee van die Wijn, Spiritualiën en Azijn Wet 1913 (Wet No. 15 van 1913) toelaat.

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HOOFSTUK IX.

VERBOD OF BEPERKING VAN VERKOOP, VERSTREKKING OF VERKRYGING VAN DRANK.

(A) Verkoop deur Producente.

87. Nieteenstaande die bepalings van enige wet of van 'n 70 lisensie kragtens enige wet verleen om drank te stook, te brou of te vervaardig en te verkoop, mag 'n stoker, brouer, produsent of brouer.

Verkoop van drank deur stoker, fabrikant of brouer.

after the commencement of this Act, and save as otherwise expressly provided thereby, no distiller, brewer, producer or manufacturer of liquor shall sell or dispose of, for use or consumption in the Union, either directly or through any co-operative society or company registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), or any amendment thereof or other agency, any liquor distilled, brewed, produced or manufactured by him to any person other than the holder of a licence under this Act or the Government: Provided that—

- (a) the holder of a wine-farmer's licence may sell to the persons mentioned in section *eighty-one*, wine of the kind permitted to be sold under such licence;
- (b) the holder of a brewer's licence may, under the authority of the local board granted at the time of the grant or renewal of his licence, sell to persons other than holders of licences under this Act, malt liquor of the kind and in the quantity permitted to be sold under such licence; and
- (c) nothing in this section contained shall be deemed to affect any provisions of the Wine and Spirit Control Act, 1924 (Act No. 5 of 1924), or any amendment thereof.

Restriction upon the making of liquor.

88. Whenever under any excise law or other law or any regulations thereunder any licence or permit is required for the distillation, brewing or manufacture of liquor, no liquor shall be distilled, brewed or manufactured save under such licence or permit.

Selling of liquor by owner or occupier of land.

89. (1) The owner or lawful occupier of any land may, under and in accordance with a permit granted by the magistrate of the district, and subject to the provisions of any excise or other law or regulation relating to the matter, sell but only to a licensee liquor lawfully made from fruit or other produce grown on such land, where such liquor cannot lawfully be sold or disposed of under sub-section (2) or (3) of section *five*.

(2) A magistrate to whom an application for any such permit is made may, in his discretion and without assigning any reason therefor, refuse to grant the same. Such permit, if granted, shall be for a period not exceeding twelve months, and shall state—

- (a) the name of the person to whom it is granted;
- (b) the name and situation of the place at which the liquor is to be sold;
- (c) the maximum and minimum quantities and the kinds of liquor which are to be sold.

(3) Any such permit may, at any time, be cancelled by the magistrate of the district without assigning any reason.

(4) The provisions of sub-paragraphs (ii), (iii) and (iv) of sub-section (2) of section *five* shall *mutatis mutandis* apply in respect of any liquor sold under permit granted in terms of this section.

(B) *Supply to Particular Classes of Persons.*

Supply to particular class of persons.

90. Whenever any restriction or condition as to the supply of liquor in any area has been imposed under section *eighty*, then in that area, save as is otherwise provided by this Act, no person shall supply any liquor to any person contrary to such restriction or condition and no person shall obtain any liquor contrary to any such restriction or condition.

Supply to children.

91. Save in the case of liquor given by a licensee or the wife of a licensee to a member of the licensee's family ordinarily resident with such licensee upon licensed premises for immediate consumption, no person shall upon licensed premises supply or deliver intoxicating liquor to any person under the age of nineteen years.

Prohibition by magistrate of supply to individual.

92. (1) Whenever it is alleged to any magistrate, or appears to any magistrate, that any person ordinarily resident in the district of such magistrate—

- (a) has within the preceding twelve months been thrice convicted of any contravention of this Act or of a law repealed thereby or of drunkenness; or
- (b) has within that period been twice convicted of a contravention of this Act or of a law repealed thereby or of drunkenness and once convicted of assault or an offence in which assault is necessarily comprised;

of vervaardiger van drank, vanaf die inwerkingtreding van hierdie Wet en behalwe vir sover daarin uitdruklik anders bepaal is, geen deur hom gestookte, gebroute, geproduseerde of vervaardigde drank, hetsy direk of indirek deur 'n koöperatiewe 5 vereniging of maatskappy, geregistreer ingevolge die Wet op Koöperatiewe Verenigings 1939 (Wet No. 29 van 1939) of 'n wysiging daarvan of deur enige ander agent, aan iemand anders verkoop of van die hand sit, vir gebruik of verbruik in die Unie, dan aan die houer van 'n lisensie kragtens hierdie Wet of aan 10 die Regering nie: Met dien verstande dat—

- (a) die houer van 'n wynboer-lisensie aan die persone vermeld in artikel een-en-tagtig die soort van wyn mag verkoop wat kragtens sy lisensie verkoop mag word;
- 15 (b) die houer van 'n bierbrouers-lisensie, met die plaaslike raad se vergunning, gelyktydig verleen met die verlening of vernuwing van sy lisensie, aan ander persone dan die houters van lisensies kragtens hierdie Wet, bier mag verkoop van die soort en in die hoeveelheid wat kragtens daardie lisensie verkoop mag word;
- 20 (c) hierdie artikel geen inbreuk maak op die bepalings van die Wet op „de Kontrole over Wijn en Spirituallen, 1924” (Wet No. 5 van 1924) of 'n wysiging daarvan nie.

88. Wanneer 'n aksynswet of 'n ander wet of daarop 25 steunende regulasies 'n lisensie of permit vereis vir die stook, brou of vervaardiging van drank, dan kan drank alleen kragtens daardie lisensie of permit gestook, gebrou of vervaardig word.

Beperking van drankvervaardiging.

89. (1) Die eienaar of wettige okkupeerder van grond kan kragtens en ooreenkomstig 'n permit verleen deur die magistraat 30 van die distrik en met inagneming van 'n toepaslike aksynswet of ander wet of regulasie, slegs aan 'n lisensiehouer drank verkoop wat van vrugte of ander produkte wettiglik gemaak is en wat op daardie grond verbou is, waar sodanige drank nie ingevolge sub-artikel (2) of (3) van artikel vyf wettiglik verkoop 35 of van die hand gesit kan word nie.

Drankverkoop deur eienaar of okkupeerder van grond.

(2) 'n Magistraat by wie om so 'n permit aansoek gedoen word kan dit na goeë dunde en sonder redes daarvoor aan te voer, weier. Indien verleen, moet so 'n permit 'n tydperk van hoogstens twaalf maande dek en melding maak van—

- 40 (a) die naam van die persoon aan wie dit verleen is;
- (b) die naam en ligging van die plek waar die drank verkoop sal word;
- (c) die grootste en kleinste hoeveelheid en soorte drank wat verkoop mag word.

45 (3) Die magistraat van die distrik kan so 'n permit te eniger tyd intrek sonder om 'n rede aan te voer.

(4) Die bepalings van sub-paragrafe (ii), (iii) en (iv) van sub-artikel (2) van artikel vyf is *mutatis mutandis* van toepassing met betrekking tot drank wat verkoop word kragtens 'n ingevolge 50 hierdie artikel verleende permit.

(B) Drankverstreking aan Bepaalde Klasse van Persone.

90. Wanneer enige beperking van, of voorwaarde in verband met, die verstreking van drank in een of ander gebied kragtens artikel tagtig vasgestel is, dan mag niemand in daardie gebied, 55 behalwe vir sover hierdie Wet anders bepaal, in stryd met daardie beperking of voorwaarde enige drank aan iemand verstrek, en niemand mag in stryd met daardie beperking of voorwaarde enige drank verkry nie.

Verstreking aan bepaalde klas van persone.

91. Behalwe wanneer 'n lisensiehouer of die eggenote van 'n 60 lisensiehouer vir onmiddellike gebruik drank gee aan 'n lid van die lisensiehouer se familie wat gewoonlik by daardie lisensiehouer op 'n gelisensieerde perseel inwoon, mag niemand op 'n gelisensieerde perseel sterke drank aan iemand onder die leeftyd van neëntien jaar verstrek of oorhandig nie.

Drankverstreking aan kinders.

92. (1) Wanneer aan 'n magistraat beweer word of aan hom 65 blyk dat iemand gewoonlik in sy distrik woonagtig—

- (a) in die voorafgaande twaalf maande driemaal skuldigbevind is weens 'n oortreding van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word of weens dronkenskap; of
- 70 (b) binne daardie tydperk tweemaal skuldigbevind is weens 'n oortreding van hierdie Wet of van 'n wet wat deur hierdie Wet herroep word of weens dronkenskap, en eenmaal skuldigbevind is weens aanranding of weens 'n misdryf wat noodsaaklik 'n aanranding insluit; of
- 75

Magistraat mag drankverstreking aan sekere persone belet.

- (c) by excessive drinking of liquor misspends or wastes his means, or impairs his health, or endangers the peace or in any other way prejudices the welfare of his family,

he may cause a notice in writing under his hand to be served upon such person calling upon him to appear at the magistrate's office at a time and place to be stated in the notice, not being sooner than three days after the date thereof, and show cause why an order should not be made in respect of him under this section.

(2) On the date and at the time fixed in the notice for the appearance, the magistrate, sitting *in camera* and in the presence of the person on whom the notice was served, if he appears, shall proceed to enquire whether the said person is such a person as is described in sub-section (1); shall for that purpose take on oath any evidence which he may deem necessary, and afford the said person, if he be present, an opportunity of replying thereto, on oath or otherwise as such person elects, and of showing cause why an order should not be made under sub-section (3). A written record of the proceedings shall be kept and filed.

(3) If it appears to the magistrate holding such enquiry that the person on whom the notice was served is such a person as is described in sub-section (1), and if he deems it proper that an order should be made under this section in respect of such person, he may by writing under his hand prohibit, for such period not exceeding twelve months as he may thereupon determine, the supply of liquor to such person.

(4) A magistrate making an order under sub-section (3) shall forthwith forward a copy thereof to the senior officer in police charge of the district, and such officer shall forthwith upon receipt thereof notify the prohibition to the person in respect of whom the order was made and to every holder within the district of a wholesale liquor licence, a brewer's licence, a bottle liquor licence, a wine-farmer's licence or an on-consumption licence; and in the event of such person removing to, or obtaining or being suspected of obtaining liquor in, any other district during the period for which the order is of effect, he shall forward a copy of the order certified by the magistrate as correct to the senior officer in police charge of that district.

(5) A senior police officer receiving any copy so certified of an order made under sub-section (3), shall present the same to the magistrate of the district in which he is stationed, and such magistrate shall endorse the same, whereupon it shall have effect in that district; and the holders in that district of wholesale liquor licences, brewer's licences, bottle liquor licences, wine-farmers' licences and on-consumption licences shall forthwith be notified by the said senior police officer of the endorsement of the order and the effect thereof.

(6) The magistrate concerned, or any person acting in his stead, may at any time in his discretion rescind any prohibition made under sub-section (3). Such rescission shall thereupon be notified to the police officer concerned, who shall in his turn notify the licensees mentioned in sub-section (4).

(C) *Supply to Natives, Asiatics and Coloured Persons.*

Native prohibition.

93. Save as is otherwise specially provided by this Act, no person shall supply or deliver any liquor to any native, and no native shall obtain or be in possession of, any liquor: Provided that save in any area declared by the Minister as an area to which this proviso shall not apply, a native may, on a written order dated and signed by his *bona fide* employer, and setting forth in legible characters such employer's full name and address, obtain the delivery of liquor for conveyance to such employer, if such employer is not a person to whom it is unlawful to supply liquor.

Restrictions in Transvaal, Orange Free State and Natal.

94. Save as is otherwise provided in this Act—

- (a) in the Provinces of the Transvaal and Orange Free State no person shall sell or supply or deliver any liquor to any Asiatic or coloured person, and no Asiatic or coloured person shall obtain or be in possession of liquor; and
- (b) in the Province of Natal no Asiatic shall be supplied with or obtain liquor save for consumption on

(c) deur drankmisbruik sy vermoë verkris of verspil of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander manier die welsyn van sy familie benadeel,

5 dan kan hy 'n skriftelike, deur hom getekende kennisgewing op die betrokke persoon laat dien, waarin hy hom oproep om op 'n tyd en plek wat die kennisgewing moet vermeld (egter nie eerder dan drie dae na die datum van die kennisgewing nie) by die magistraatskantoor te verskyn en redes aan te voer
10 waarom ten opsigte van hom geen order kragtens hierdie artikel uitgevaardig behoort te word nie.

(2) Op die dag en tyd in die kennisgewing vir die verskyning vasgestel, moet die magistraat, op 'n sitting *in camera* en in teenwoordigheid van die persoon op wie die kennisgewing
15 gediens is, as hy verskyn, 'n ondersoek instel of genoemde persoon so iemand is soos in sub-artikel (1) omskryf word, en moet met daardie doel enige getuieis wat hy nodig ag onder eed afneem en aan genoemde persoon geleentheid gee as hy teenwoordig is om al dan nie onder eed, soos daardie persoon
20 verkies, daarop te antwoord en om redes aan te voer waarom geen order kragtens sub-artikel (3) behoort uitgevaardig te word nie. Van die verrigtings moet notule gehou en bewaar word.

(3) As aan die magistraat wat die ondersoek instel, blyk dat
25 die persoon op wie die kennisgewing gediens is so iemand is soos in sub-artikel (1) omskryf word en as hy dit goed dink om ten opsigte van daardie persoon 'n order kragtens hierdie artikel uit te vaardig dan kan hy skriftelik onder sy handtekening die verstrekking van drank aan daardie persoon gedurende 'n
30 sodanige tydperk van hoogstens twaalf maande as wat hy mag vasstel, verbied.

(4) 'n Magistraat wat kragtens sub-artikel (3) 'n order uitvaardig moet onverwyld 'n kopie daarvan stuur aan die senior beampte onder wie se polisie-toesig die distrik staan, en
35 daardie beampte moet onverwyld na ontvangs daarvan die verbod meedeel aan die persoon ten opsigte van wie die order uitgevaardig is en aan elke houer in die distrik van 'n groot-handelaars-dranklisensie, 'n bierbrouers-lisensie, 'n bottel-dranklisensie, 'n wynboer-lisensie of 'n binneverbruik-lisensie;
40 en in geval daardie persoon na 'n ander distrik verhuis of in 'n ander distrik drank verkry of die vermoede bestaan dat hy dit daar gedurende die tydperk wanneer die order van krag is verkry, moet hy 'n kopie van die order, deur die magistraat as juis gesertifiseer, stuur aan die senior beampte onder wie se
45 polisie-toesig daardie distrik staan.

(5) 'n Senior polisiebeampte wat 'n aldus gesertifiseerde kopie van 'n order uitgevaardig kragtens sub-artikel (3), ontvang, moet dit voorlê aan die magistraat van die distrik waarin hy gestasioneer is, en die magistraat moet dit endosseer, waarop
50 dit in daardie distrik regsgeldig is, en voormelde senior polisie-beampte moet onverwyld die endossement op die order en die uitwerking daarvan meedeel aan die houters in daardie distrik van groothandelaars-dranklisensies, bierbrouers-lisensies, bottel-dranklisensies, wynboer-lisensies en binneverbruik-lisensies.

(6) Die betrokke magistraat, of iemand wat namens hom waarneem, kan te eniger tyd na goeddunke 'n verbod kragtens sub-artikel (3) gedoen intrek. So 'n intrekking word daarop
aan die betrokke polisiebeampte meegedeel, wat op sy beurt die in sub-artikel (4) vermelde lisensiehouders in kennis stel.

60 (C) *Drankverstreking aan Naturelle, Asiate en Kleurlinge.*

93. Niemand mag, behalwe vir sover hierdie Wet uitdruklik anders bepaal, enige drank aan 'n naturel verstreke of aflewer
nie en geen naturel mag drank verkry, of in besit daarvan wees
nie: Met dien verstande, dat behalwe in 'n gebied wat die
65 Minister verklaar het as 'n gebied waarop hierdie voorbehoudsbepaling nie van toepassing is nie, 'n naturel op 'n skriftelike bestelling wat deur sy *bona fide* werkgewer gedagteken en onderteken is, en in leesbare letters die volle naam en adres van daardie werkgewer vermeld, drank in ontvangs mag neem om
70 die na daardie werkgewer te vervoer, indien daardie werkgewer nie iemand is aan wie dit onwettig is om drank te verstreke nie.

94. Behoudens andersluidende bepalings in hierdie Wet—

(a) mag in die Provinsies Transvaal en Oranje-Vrystaat
75 niemand aan 'n Asiaat of kleurling drank verkoop of verstreke of aflewer en mag geen Asiaat of kleurling drank verkry of besit nie; en

(b) mag in die Provinsie Natal geen drank verstreke word aan of verkry word deur 'n Asiaat, behalwe om gebruik

Verbod vir
naturelle.

Beperkings in
Transvaal, Vry-
staat en Natal.

premises licensed under this Act for the sale thereof, or be in possession of liquor off such premises: Provided that, save in any area declared by the Minister as an area to which this proviso shall not apply, an Asiatic or coloured person may, on a written order dated and signed by his *bona fide* employer and setting forth in legible characters such employer's full name and address, obtain the delivery of liquor for conveyance to such employer, if such employer is not a person to whom it is unlawful to supply liquor.

Supply of liquor to native, Asiatic or coloured employees by employers.

95. (1) Save as provided in sub-sections (2) and (3) and in section one hundred and twenty-five no person shall supply any liquor or kaffir beer to any native, Asiatic or coloured person in his employment, whether such supply be given gratis or purports to be, or is in fact, given as, or as supplementing, the employee's wages or remuneration, or as a reward, and whether or not there exists under this Act or under its authority any prohibition or restriction in respect of the supply of liquor or kaffir beer to such employee.

(2) Any adult *bona fide* employing in farming operations any native, Asiatic or coloured person, being a male of or over the age of twenty-one years, may on any one day supply gratis to such native, Asiatic or coloured person one pint of unfortified wine or kaffir beer: Provided that one half of such wine or kaffir beer is to be consumed during the midday rest period, and the remainder after the conclusion of the day's work.

(3) The right granted by sub-section (2) may, in respect of any employer, at any time and without reason assigned, be withdrawn by the service on such employer or his agent of a written notice to that effect, signed by any member of the police of or above the rank of sergeant. Such withdrawal shall remain in force until cancelled by the magistrate of the district, to whom such employer or agent may appeal and whose decision in the matter shall be final.

(4) The Minister may, at any time, by notice in the *Gazette*—

- (a) prohibit the supply, under sub-section (2) of any particular kind of liquor, if he is satisfied that, by reason of its constituents or any part of them, the consumption of that kind of liquor would be harmful to the consumers; and
- (b) define areas in which the provisions of sub-section (2) shall cease to have any operation.

Liquor required for immediate consumption by prohibited person dangerously ill.

96. (1) Whenever any registered medical practitioner certifies by writing under his hand that any person who under any provision of Part (C) of this Chapter, is prohibited from obtaining or possessing liquor, is in a condition of dangerous illness, and that it is necessary in consequence thereof that there should be administered to him either immediately or over a period not exceeding forty-eight hours, liquor of the kind and in the quantity stated in the certificate, any holder of a bottle liquor licence may, upon presentation to him of such certificate, supply to or for such person, and such person may receive, possess and consume, liquor of the kind and in the quantity stated in such certificate, but in no case shall the quantity so supplied exceed half a pint.

(2) Any such certificate shall be, as near as may be, in the form set out in Part (A) of the Fourth Schedule.

Liquor required for restoration of health of prohibited person.

97. (1) Whenever any registered medical practitioner certifies by writing under his hand that any person who, in terms of Part (C) of this Chapter, is prohibited from obtaining or possessing liquor, is suffering from the illness stated in the certificate, and that it is necessary for the restoration of his health that liquor should be administered to him of the kind, in the quantities, and at the intervals stated in the certificate, any officer of police of or above the rank of sergeant or the senior member of the police in charge for the time being of any police post or station, upon being satisfied that liquor is *bona fide* required to be administered for medicinal purposes to the person mentioned therein, shall endorse upon it an authority to any holder of a bottle liquor licence to supply to or for the person mentioned in the certificate and such person may receive, possess and consume, liquor in the quantities, of the kind, and at the intervals mentioned in the certificate: Provided that quantity so authorized to be supplied and received at any one time shall in no case exceed one quart in the case

te word op 'n perseel wat kragtens hierdie Wet vir die verkoop daarvan gelisensieer is, nog mag hy buite so 'n perseel in besit van drank wees:

- Met dien verstande dat, behalwe in 'n gebied wat die Minister 5 verklaar het as 'n gebied waarop hierdie voorbehoudsbepaling nie van toepassing is nie, 'n Asiaat of kleurling op 'n skriftelike bestelling wat deur sy *bona fide* werkgewer gedagteken en onderteken is en in leesbare letters die volle naam en adres van daardie werkgewer vermeld, drank in ontvangs mag neem om dit na 10 daardie werkgewer te vervoer indien daardie werkgewer nie iemand is aan wie dit onwettig is om drank te verstrek nie.

95. (1) Behalwe volgens bepaling van sub-artikels (2) en (3) en artikel *honderd-vyf-en-twintig*, mag niemand drank of kafferbier verstrek aan 'n naturel, Asiaat of kleurling wat in sy diens 15 is nie, hetsy die drank verniet gegee word of beskou word of werklik gegee word as die bediende se loon of besoldiging of as 'n aanvulling daarvan of as 'n beloning, en hetsy al dan nie kragtens hierdie Wet of kragtens 'n bevoegdheid wat hy verleen, die verstrekking van drank of kafferbier aan daardie bediende 20 belet of beperk is.

Verstrekking van drank deur werkgewers aan naturelle-, Asiatische of kleurlingwerknemers.

- (2) 'n Volwasse persoon wat 'n naturel, Asiaat of kleurling van die manlike geslag en een-en-twintig of bo die een-en-twintig jaar oud vir boerderywerk *bona fide* in diens het, kan aan daardie naturel, Asiaat of kleurling op een en dieselfde dag 25 verniet een pint ongefortifiseerde wyn of kafferbier verstrek: Met dien verstande dat die helfte van sodanige wyn of kafferbier gebruik moet word gedurende die middag-pouse en die orige na voltooiing van die dag se werk.

- (3) Die reg deur sub-artikel (2) verleen mag ten opsigte van 30 enige werkgewer te eniger tyd en sonder opgawe van redes ingetrek word deur op daardie werkgewer of sy agent 'n skriftelike kennisgewing van intrekking te dien, geteken deur 'n lid van die polisiemag wat die rang van sersant of 'n hoër rang beklee. Daardie intrekking bly van krag totdat dit teniet 35 gedoen word deur die magistraat van die distrik na wie daardie werkgewer of agent mag appelleer en wie se beslissing van die saak afdoende is.

- (4) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant*—

- 40 (a) die verstrekking, kragtens sub-artikel (2) verbied van enige bepaalde soort drank as hy oortuig is dat die gebruik van daardie drank weens sy bestanddele of enige deel daarvan vir die verbruikers skadelik sou wees; en 45 (b) streke bepaal waarin die bepalings van sub-artikel (2) ophou om van krag te wees.

96. (1) Wanneer 'n registreerde geneesheer skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens enige bepaling van Deel C van hierdie Hoofstuk, geen drank mag 50 verkry of besit nie, gevaarlik siek is en dat dit derhalwe nodig is, dat drank van die soort en in die hoeveelheid in die sertifikaat vermeld, aan hom toegedien moet word, hetsy onmiddellik of gedurende 'n tydperk van nie meer dan agt-en-veertig uur nie, dan kan enige houër van 'n bottel-dranklisensie, as die sertifikaat 55 aan hom voorgelê word, aan of ten behoeve van so iemand die soort en hoeveelheid drank verstrek wat die sertifikaat aangee en so iemand kan dit ontvang, besit en gebruik maar in geen geval mag meer dan 'n half pint aldus verstrek word nie.

Drank wat gevaarlik siek verbode persoon dadelik nodig het.

- (2) So 'n sertifikaat moet soveel moontlik ooreenkom met 60 die vorm opgeneem in Deel A van die Vierde Bylae.

97. (1) Wanneer 'n geregistreerde geneesheer skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens enige bepalings van Deel C van hierdie Hoofstuk geen drank mag verkry of besit nie, ly aan die siekte wat die sertifikaat vermeld, 65 en dat dit vir die herstel van sy gesondheid nodig is dat drank van die soort, in die hoeveelhede en met die tussenpose wat die sertifikaat aangee, aan hom toegedien moet word, dan moet enige polisiebeampte wat die rang van sersant of 'n hoër rang beklee of die senior polisiebeampte wat op die betrokke tydstop 70 aan die hoof van 'n polisiepos of -kantoor staan, as hy oortuig is dat dit te goeder trou nodig is om aan die in die sertifikaat genoemde persoon drank as medisyne toe te dien, by endossement daarop enige houër van 'n bottel-dranklisensie magtig om aan of ten behoeve van die in die sertifikaat genoemde persoon 75 drank van die soort en hoeveelheid en met die tussenpose wat die sertifikaat aangee te verstrek, en daardie persoon mag dit ontvang, besit en gebruik: Met dien verstande dat die verstrekking en ontvangs van meer tegelyk dan een kwart, as dit

Drank wat verbode persoon vir herstel van gesondheid nodig het.

of spirituous liquor or wine or one gallon in the case of any other liquor.

(2) Upon representation to him of any certificate made and endorsed in manner provided in sub-section (1) any holder of a bottle liquor licence may supply to or for the person named in such certificate liquor in terms of the authority endorsed thereon.

(3) Any such certificate shall be, as near as may be, in the form set out in Part (B) of the Fourth Schedule.

Supply for sacramental purposes to or for prohibited persons.

98. (1) Whenever any magistrate by writing under his hand certifies that any person who, in terms of Part (C) of this Chapter, is prohibited from obtaining or possessing liquor, is a minister of religion recognized by the Government and *bona fide* requires, for administration in the course of any sacrament, wine of the kind and in the quantity stated in the certificate, which shall not exceed one quart, any holder of a bottle liquor licence to whom such certificate is presented may supply to that person wine of the kind and in the quantity stated in the certificate.

(2) Notwithstanding anything contained in this Act, any minister of religion may *bona fide* and in accordance with the tenets of his faith administer wine in the course of any sacrament to any person prohibited in terms of Part (C) of this Chapter from obtaining or possessing liquor.

Abolition of exemption in cases of certain persons.

99. (1) Notwithstanding anything contained in section one of Act No. 39 of 1887, or any other law of the Province of the Cape of Good Hope, no person shall, by reason only that he is registered as a person entitled to vote at an election for members of the House of Assembly be exempt from the operation of any law in force in that Province, including this Act, which, but for the Act or other law first mentioned, would prohibit the supply of intoxicating liquor to him.

(2) From and after the commencement of this Act no letter or certificate of exemption issued, whether before or after the commencement of this Act, under section *sixty-six* of Act No. 38 of 1896 of Natal, or any other law of Natal or under any law in any other province, shall exempt the holder of such letter or certificate from the operation of any provision of this Act.

Grant of letter of exemption to native, Asiatic or coloured person.

100. (1) Subject to the provisions of sub-section (4) the magistrate of any district may, upon the application of any native, Asiatic or coloured person, in his discretion grant to such applicant a letter exempting him for a period not exceeding twelve months, as stated therein, from any discrimination imposed by or under the authority of this Act against natives, Asiatics or coloureds, as the case may be.

(2) The Minister may instruct any magistrate to refer to him for consideration any or all applications for letters referred to in sub-section (1) and may instruct such magistrate to grant or refuse any application so referred to him.

(3) Any letter issued under this section may at any time be cancelled by any magistrate and such power of cancellation shall not be limited by any regulation made under sub-section (4).

(4) The Minister may make regulations which may differ in respect of different areas and of different classes, prescribing the conditions necessary to be complied with before any letter referred to in sub-section (1) may be issued, and the circumstances in which any letter issued under this section shall be cancelled.

CHAPTER X.

60

CONDUCT OF LICENSED BUSINESSES.

(A) *Prohibited Employment.*

Employment of women and certain other persons in restricted portion of licensed premises.

101. (1) No holder of any on-consumption licence shall employ in or in connection with the sale of liquor, or during the hours when liquor may be sold or supplied by him in any bar on his premises, any female or any person under the age of nineteen years.

(2) No holder of a bottle liquor licence or of an on-consumption licence shall employ in or in connection with the sale of liquor, or during the hours when liquor may be sold or supplied by him in any bar or other portion of his premises from which liquor is supplied—

spiritualieë of wyn is, of een gallon as dit enige ander drank is, in geen geval aldus gemagtig word nie.

(2) Op vertoon van 'n sertifikaat, volgens sub-artikel (1) opgestel en geëndosseer, mag enige houer van 'n bottel-drank-lisensie aan of ten behoeve van die persoon wat die sertifikaat noem, drank verstrek volgens die daarop geëndosseerde magtiging.

(3) So 'n sertifikaat moet soveel moontlik ooreenstem met die vorm opgeneem in Deel B van die Vierde Bylae.

10 98. (1) Wanneer 'n magistraat skriftelik onder sy handtekening sertifiseer dat iemand, wat kragtens Deel C van hierdie Hoofstuk geen drank mag verkry of besit nie, 'n deur die Regering erkende godsdienstleraar is en te goeder trou by die bediening van 'n sakrament die soort van en hoeveelheid wyn

Drankverstreking aan of vir verbode persone vir sakramentele doel.

15 nodig het wat die sertifikaat vermeld (wat egter nie meer dan een kwart mag wees nie), dan kan enige houer van 'n bottel-dranklisensie aan wie die sertifikaat voorgelê word, aan die betrokke persoon die soort van en hoeveelheid wyn wat die sertifikaat aangee, verstrek.

20 (2) Nieteenstaande die bepalings van hierdie Wet kan enige godsdienstleraar te goeder trou by die bediening van 'n sakrament volgens die leerstellings van sy geloof wyn toedien aan iemand wat kragtens Deel C van hierdie Hoofstuk geen drank mag verkry of besit nie.

25 99. (1) Nieteenstaande die bepalings van artikel een van Wet No. 39 van 1887 of enige ander wet van die provinsie die Kaap die Goeie Hoop, is niemand net omdat hy geregistreer is as iemand wat by 'n verkiesing van Volksraadslede stemgeregtig is, vrygestel van die toepassing van enige wet in daardie provinsie

Afskaffing van vrystelling van sekere persone.

30 van krag (met inbegrip van hierdie Wet) wat, as dit nie was vir die eersgenoemde wet of ander wet nie, die verstreking van sterke drank aan hom sou belet.

(2) Vanaf die inwerkingtreding van hierdie Wet stel geen vrystellingsbrief of -sertifikaat, voor dan wel na die inwerkingtreding van hierdie Wet uitgereik kragtens artikel ses-en-sestig van Wet No. 38 van 1896 van Natal of enige ander wet van Natal of enige wet van 'n ander provinsie, die houer van so 'n brief of sertifikaat vry van die toepassing van enige bepaling van hierdie Wet nie.

40 100. (1) Behoudens die bepalings van sub-artikel (4), kan die Magistraat van 'n distrik, op aansoek deur 'n naturel, Asiaat of kleurling, na goeddunke aan so 'n applikant 'n brief uitreik wat hom vrystel vir 'n tydperk van hoogstens twaalf maande, soos daarin bepaal, van enige onderskeiding deur of kragtens

Verlening van vrystellingsbrief aan naturel, Asiaat of kleurling.

45 die gesag van hierdie Wet opgelê teen naturelle, Asiate of kleurlinge, na gelang van die geval.

(2) Die Minister kan enige magistraat gelas om sommige of alle aansoeke om briewe in sub-artikel (1) vermeld na hom vir oorweging te verwys, en kan so 'n magistraat gelas om 'n

50 aansoek wat aldus na hom verwys is, toe te staan of te weier. (3) 'n Brief kragtens hierdie artikel uitgereik kan te eniger tyd deur 'n magistraat ingetrek word en so 'n mag van intrekking word nie beperk deur 'n ingevolge sub-artikel (4) uitgevaardigde regulasie nie.

55 (4) Die Minister kan regulasies uitvaardig, wat kan verskil ten opsigte van verskillende streke en verskillende klasse, wat die voorwaardes voorskryf wat moet nagekom word voor 'n in sub-artikel (1) bedoelde brief kan uitgereik word, en die omstandighede waaronder 'n brief kragtens hierdie artikel

60 uitgereik ingetrek word.

HOOFSTUK X.

BEHEER VAN GELISENSIEERDE BESIGHEDE.

(A) Verbode Indiensneming.

65 101. (1) Geen houer van 'n binneverbruik-lisensie mag by Indiensstelling van vroue en sekere ander persone in beperkte gedeelte van gelisensieerde gebou. of in verband met die verkoop van drank of, gedurende die ure wanneer hy drank mag verkoop of verstrek, in 'n kantien in sy gebou 'n vrouspersoon of iemand onder negentien jaar oud in diens neem nie.

70 (2) Geen houer van 'n bottel-dranklisensie of van 'n binneverbruik-lisensie mag by of in verband met die verkoop van drank of, gedurende die ure wanneer hy drank mag verkoop of verstrek, in 'n kantien of ander gedeelte van sy gebou waaruit drank verstrek word, een of ander van die volgende persone in diens neem nie—

- (a) any person to whom individually, or as a member of a class, the sale or supply of liquor is totally prohibited, whether such prohibition is general or imposed only in respect of the licence pertaining to the premises at which the employment takes place: 5
Provided that he may employ at any time any native, Asiatic or coloured male person of or over the age of nineteen years solely for the purpose of cleaning any part of the licensed premises or the utensils therein used, or for the purpose of conveying into 10 any part of such premises any object or substance whatsoever, or for the purpose of conveying out of any part of such premises any object or substance other than liquor contained in open containers;
- (b) any person who, to his knowledge, has within the 15 preceding five years been convicted of any contravention of any law relating to the supply of liquor, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding fifteen pounds. 20
- (3) Nothing in sub-section (1) or sub-section (2) contained shall be deemed to apply to—
- (a) any female who at the commencement of this Act was lawfully employed in or in connection with the sale of liquor by the holder of an on-consumption 25 licence under the provisions of any law repealed by this Act;
- (b) any person of or over the age of sixteen years who has undergone, or is undergoing a course of instruction in catering in any institution maintained or aided 30 by the Government, and who is employed upon the premises of any licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the business under such licence.
- (4) Nothing in this section contained shall affect the exercise 35 upon any premises in accordance with the provisions of this Act of any rights of a female, who is an owner or a part-owner to the extent of not less than ten per cent. of any business carried on under any licence to sell or supply liquor on such premises.

(B) *Prohibited Access to Licensed Premises.* 40

Presence of
prohibited persons on
licensed premises.

102. (1) Subject to the provisions of section *one hundred and one*, no holder of a bottle liquor licence or of an on-consumption licence, shall allow any person to whom the supply of liquor is totally prohibited by virtue of any provision of this Act, to be at any time in the restricted portion of his licensed premises. 45

(2) Whenever under any provision of this Act or any condition or restriction imposed thereunder it is unlawful to sell or supply liquor to a person, as being a member of any class of persons, at a particular time in a particular place, it shall not be lawful for any licensee to allow such person to be in such 50 a place at such a time.

(3) Nothing in this section contained shall be deemed to prohibit the access to any part of the licensed premises of—

- (a) any Asiatic, coloured person or native for the purpose of the performance by him thereon of any service 55 upon which he may lawfully be employed;
- (b) any person for the purpose of the performance by him thereon at any time during which the licensed premises are closed for the sale of liquor, of any *bona fide* domestic service. 60

Presence of
women and
children on
licensed
premises.

103. (1) A licence holder shall not permit any female or any person under the age of nineteen years to be at any time in any restricted portion of his licensed premises.

(2) Nothing in sub-section (1) contained shall apply in respect of— 65

- (a) any female who is the holder of, or lawfully carrying on business under, a licence issued under this Act, while she is upon the licensed premises, or who is the wife of the licensee or a part-owner to the extent of not less than ten per cent. of the business carried 70 on under such a licence, or who is lawfully employed by the holder of such a licence in the bar of his licensed premises; or
- (b) any person of or over the age of sixteen years who has undergone or is undergoing a course of instruction 75 in catering in any institution maintained or aided

- (a) iemand aan wie persoonlik of as lid van 'n klas hoegenaamd geen drank verkoop of verstrek mag word nie, hetsy die verbod algemeen is of net bestaan ten opsigte van die lisensie wat behoort by die gebou waar die betrokke persoon in diens geneem is: Met dien verstande dat hy te eniger tyd 'n naturelle-, Asiatiese of kleurling-manspersoon wat negentien jaar oud of meer is in diens kan neem, slegs om een of ander gedeelte van die gelisensieerde perseel of die daarin gebruikte gereedskap skoon te maak, of om enige voorwerp of stof hoegenaamd binne enige gedeelte van bedoelde perseel te vervoer, of om uit enige gedeelte van so 'n perseel enige voorwerp of stof behalwe drank in ope houters, te verwyder;
- (b) iemand van wie hy weet dat hy binne die voorafgaande vyf jaar skuldigbevind is weens 'n oortreding van 'n wet op drankverstreking, en daarvoor veroordeel is tot gevangenisstraf sonder keuse van boete of tot 'n boete van meer dan vyftien pond.
- (3) Die bepalings van sub-artikel (1) en sub-artikel (2) is nie van toepassing nie—
- (a) op 'n vrouspersoon wat by die inwerkingtreding van hierdie Wet wettiglik deur die houer van 'n binne-verbruik-lisensie kragtens die bepalings van 'n wet wat deur hierdie Wet herroep word met of in verband met die verkoop van drank geëmplojeer is;
- (b) op iemand wat sestien jaar of ouer as sestien jaar is, wat 'n opleidingskursus in proviandering ondergaan of ondergaan het in 'n inrigting wat deur die Regering onderhou of ondersteun is, en wat in diens is op die perseel van 'n lisensiehouer by wie hy behoorlik in die leer gaan in enige hoedanigheid in verband met die dryf van die besigheid kragtens so 'n lisensie.
- (4) Die bepalings van hierdie artikel maak geen inbreuk nie op die uitoefening, in een of ander perseel in ooreenstemming met die bepalings van hierdie Wet, van regte van 'n vrouspersoon, wat 'n eienares of mede-eienares tot die mate van minstens tien persent is van 'n besigheid gedryf kragtens 'n lisensie om op daardie perseel drank te verkoop of te verstrek.

40 (B) *Verbode Toegang tot Gelisensieerde Gebou.*

102. (1) Behoudens die bepalings van artikel *honderd-en-een* kan geen houer van 'n bottel-dranklisensie of van 'n binne-verbruik-lisensie iemand aan wie die verstreking van drank ingevolge 'n bepaling van hierdie Wet geheel en al verbied is te eniger tyd in die beperkte gedeelte van sy gelisensieerde perseel toelaat nie. Teenwoordigheid van verbode persone in gelisensieerde gebou.

(2) Wanneer dit, kragtens 'n bepaling van hierdie Wet, of van 'n voorwaarde of beperking ingevolge daarvan gestel, onwettig is om aan iemand op 'n bepaalde tyd en plek drank te verkoop of te verstrek omdat hy tot een of ander klas van persone behoort, dan mag 'n lisensiehouer so iemand nie op daardie tyd op so 'n plek toelaat nie.

(3) Die bepalings van hierdie artikel belet nie die toegang tot enige deel van die gelisensieerde perseel van—

- 55 (a) 'n Asiaat, 'n kleurling of 'n naturel vir die doel om daar enige werk te doen waarvoor hy wettig in diens geneem mag word nie;
- (b) enige persoon vir die doel om daar gedurende enige tyd wanneer die gelisensieerde gebou vir die verkoop van drank gesluit is *bona fide* huishoudelike werk te doen nie.

103. (1) 'n Lisensiehouer mag geen vrouspersoon en niemand wat onder negentien jaar oud is te eniger tyd in 'n beperkte gedeelte van sy gelisensieerde perseel toelaat nie. Teenwoordigheid van vrouens en kinders in gelisensieerde gebou.

65 (2) Die bepalings van sub-artikel (1) is nie van toepassing nie—

- (a) op 'n vrouspersoon wat die houer is van, of wettig besigheid dryf kragtens 'n ingevolge hierdie Wet uitgereikte lisensie, terwyl sy op die gelisensieerde perseel is, of wat die eggenote is van die lisensiehouer of mede-eienares is en wel tot 'n omvang van nie minder as tien persent van die besigheid wat kragtens so 'n lisensie gedryf word nie, of wat deur die houer van so 'n lisensie in die kantien van sy gelisensieerde gebou wettig geëmplojeer is; of
- 70 (b) op iemand wat sestien jaar of meer as sestien jaar oud is wat 'n opleidingskursus in proviandering ondergaan het of ondergaan in 'n inrigting wat deur
- 75

by the Government, and who is upon the premises of any licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the business under such licence.

(C) *Records.*

5

Records to be kept by licensees.

104. (1) Every holder of an off-consumption licence shall keep in the English or Afrikaans language such records, in form prescribed by regulation, as will enable at all times the additions to, takings from, and present condition of his stock, to be as far as practicable accurately ascertained, and a sales 10 register showing in respect of every sale of liquor by him—

- (a) the date of sale;
- (b) the name and address of the purchaser;
- (c) the quantity, description and price of the liquor sold; and
- (d) the fact, if such be the case, that the sale was made by virtue of a certificate or letter of exemption, or permit as the case may be. 15

Entry of such particulars shall be made in the sales register immediately upon the completion of any setting apart or 20 appropriation of liquor in respect of any sale.

(2) A local board may, in granting any application for a licence or renewal of any licence, impose such reasonable conditions in respect of the keeping by the licensee of records of his transactions as it may deem fit. In respect of any off- 25 consumption licence it may impose any reasonable conditions as to the keeping of records additional to those prescribed in sub-section (1).

(3) Whenever in terms of any law or the condition of any licence a permit or certificate (not being a letter of exemption 30 granted under section *one hundred*) is required to be held by any person to enable the sale and delivery to that person of any liquor, any licensee to whom any such permit or certificate is delivered upon any sale to any such person shall, save in the case provided for in section *one hundred and five*, keep such 35 permit or certificate for a period of twelve months.

(4) Any licensee delivering liquor on a written order in terms of section *ninety-three* or *ninety-four* shall keep such order for a period of twelve months.

(5) Any book, record, order or permit kept by any such 40 licensee shall at all reasonable times be open to the inspection of an inspector or of any member of the police.

Duty in respect of permits of holders of wholesale and bottle liquor licences in area proclaimed under section *sixty-three*.

105. In an area declared under section *sixty-three* it shall be the duty of the holder of a wholesale liquor licence or a bottle liquor licence— 45

- (a) to comply with the requirement of sub-section (6) of that section in respect of the endorsement of any permit upon which he supplies any liquor; and
- (b) on the presentation to him of any permit which has expired or of any permit upon which he makes the 50 last entry competent to be made thereon, to take possession of such permit and forthwith transmit it to the officer who issued it.

(D) *Ties.*

Ties.

106. From and after the first day of January, 1952, no tie, 55 whether entered into before or after the commencement of this Act, shall be of any force and effect save in so far as it complies with the following conditions and limitations:

- (a) No tie shall exist save between a brewer or the holder of a wholesale liquor licence or foreign liquor licence 60 on the one hand and any other licensee on the other;
- (b) a tie between a brewer and a licensee shall not exist in respect of anything whatever other than malt liquor, or aerated or mineral waters;
- (c) a tie between the holder of a wholesale liquor licence 65 or a foreign liquor licence and any other licensee shall not exist in respect of anything whatever other than liquor which is not malt liquor;
- (d) no tie shall be binding for a period exceeding six years from the date of its conclusion, or three years 70 from the date of the discharge of any obligation which formed the consideration for the tie, whichever may

die Regering onderhou of ondersteun is wat op die perseel is van 'n lisensiehouer by wie hy behoorlik in die leer is in enige hoedanigheid in verband met die bestuur van die besigheid kragtens so 'n lisensie.

5

(C) Aantekenings.

104. (1) Elke houer van 'n buiteverbruik-lisensie moet in die Engelse of Afrikaanse taal sodanige aantekenings hou in die regulasie voorgeskrewe vorm dat daaruit op elke tydstip sover noukeurig bepaal kan word wat by sy voorraad gevoeg of daaruit geneem is en die teenswoordige stand daarvan, en 'n verkoopregister wat ten opsigte van elke verkoop van drank deur hom die volgende aangee—

Aantekenings wat lisensiehouders moet hou.

- (a) die datum van die verkoop;
- (b) die naam en adres van die koper;
- 15 (c) die hoeveelheid, soort en prys van die verkoopte drank; en
- (d) die feit (as dit die geval is) dat die koop gesluit is op grond van 'n sertifikaat of vrystellingsbrief of permit, na gelang van die geval.
- 20 Sodra drank in verband met 'n verkoop klaar opsy gesit of toegewys is, moet dadelik besonderhede daarvan in die verkoopregister opgeteken word.
- (2) By die bewilling van 'n aansoek om 'n lisensie, of om die vernuwing van 'n lisensie, kan 'n plaaslike raad sodanige redelike voorwaardes stel as wat hy wenslik ag, omtrent aantekenings wat die lisensiehouer van sy transaksies moet hou. In verband met 'n buiteverbruik-lisensie kan die raad enige redelike voorwaardes omtrent die hou van aantekenings stel, afgesien van die wat sub-artikel (1) voorskryf.
- 30 (3) Wanneer enige wet of die voorwaarde van 'n lisensie voorskryf dat iemand 'n permit of sertifikaat moet hou, afgesien van 'n vrystellingsbrief verleen ingevolge artikel honderd, voordat drank aan hom verkoop en gelewer kan word, dan moet 'n lisensiehouer aan wie so 'n permit of sertifikaat by 'n verkoop
- 35 aan so iemand oorhandig word, behalwe in die geval bedoel in artikel honderd-en-vyf, die permit of sertifikaat twaalf maande lank behou.
- (4) 'n Lisensiehouer wat drank aflewer op 'n skriftelike bestelling volgens artikel drie-en-negentig of vier-en-negentig
- 40 moet daardie bestelling gedurende 'n tydperk van twaalf maande behou.
- (5) 'n Bock, aantekening, bestelling of permit, deur so 'n lisensiehouer gehou, moet te alle redelike tye vir 'n lid van die polisiemag ter insage toeganklik wees.

- 45 105. In 'n streek, ingevolge artikel drie-en-sestig bekendgemaak, is die houer van 'n groothandelaars-dranklisensie of van 'n bottel-dranklisensie verplig—

Verpligting omtrent permitte van houders van groothandelaars- en bottel-dranklisensies in streek kragtens artikel drie-en-sestig geproklameer.

- (a) om te voldoen aan die vereiste van sub-artikel (6) van daardie artikel wat betref die aantekening op 'n permit waaronder hy enige drank lewer; en
- 50 (b) om, by die oorlegging aan hom van 'n permit wat verstryk is of van 'n permit waarop hy die laaste aantekening maak wat regsgeldig daarop gemaak kan word, die permit in besit te neem, en onverwyld aan
- 55 die uitreikende beampte te stuur.

(D) Koopverpligtings.

106. Vanaf die eerste dag van Januarie 1952 is 'n koopverpligting, hetsy voor of na die inwerkingtreding van hierdie Wet aangegaan nietig, behalwe vir sover dit aan die volgende

Koopverpligtings.

- 60 voorwaardes en beperkings voldoen:
- (a) Geen koopverpligting mag bestaan behalwe tussen 'n brouer of die houer van 'n groothandelaars-dranklisensie of 'n buitelandse dranklisensie aan die een kant, en enige ander lisensiehouer aan die ander kant nie;
- 65 (b) 'n koopverpligting tussen 'n brouer en 'n lisensiehouer mag slegs bestaan ten aansien van bier, of spuit- of mineraalwater;
- (c) 'n koopverpligting tussen die houer van 'n groothandelaars-dranklisensie of 'n buitelandse dranklisensie en enige ander lisensiehouer mag slegs bestaan ten aansien van enige drank wat nie bier is nie;
- 70 (d) 'n koopverpligting is nie langer bindend dan vir ses jaar vanaf die datum dat dit aangegaan is nie of vir drie jaar vanaf enige datum van ontheffing van die verpligting wat die vergoeding vir die koopverpligting uitgemaak het nie, na gelang die een of die ander
- 75

be the longest, nor shall any agreement for the renewal of any tie be entered into until after the expiration thereof by effluxion of time:

Provided that where the time was given in consideration of the right to occupy any premises, the tie shall terminate with the termination of the occupancy of such premises by the licensee concerned.

Forbidden conditions in bond or contract.

107. No mortgage bond nor any contract for the loan of money entered into between a brewer or the holder of a whole-sale liquor licence or foreign liquor licence as lender, and any licensee as borrower or any agent of such parties, shall contain any condition preventing the repayment of the debt or any part thereof before any specified time. Any such condition contained in any mortgage bond or any such contract shall be null and void.

(E) *Licensee and Customer.*

Restriction on credit sales of liquor.

108. (1) No person shall, save in any premises in respect of which a club liquor licence is held—

(a) supply in any licensed premises any liquor to be consumed on the premises; or

(b) consume any liquor in any such premises, unless it is paid for at the time when it is supplied: Provided that this provision shall not be deemed to be contravened—

(i) if the liquor is supplied for consumption with an ordinary meal supplied at the same time and is consumed with such meal, and the price of the liquor is paid together with the price of such meal; or

(ii) if the liquor is supplied in moderate quantity to the order of any person actually boarding or lodging in the premises.

(2) Except in the cases mentioned in the proviso to sub-section (1), no licensee shall recover any sum of money or other thing on account of any liquor sold by him on credit to any person for consumption on the licensed premises.

How payments for liquor or entertainment to be made.

109. (1) No holder of a bottle licence or of an on-consumption licence shall receive in payment or security for any liquor or entertainment supplied in or from his licensed premises anything except current money or cheques on bankers: Provided that the holder of a club liquor licence may receive payment for liquor so supplied by means of coupons which have been paid for by current money or cheques on bankers.

(2) No such licensee shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money in respect of a future supply of liquor. Any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment, or that other goods have been supplied with the liquor.

(3) No such licensee shall receive any pledge for or in respect of any liquor or entertainment supplied in or from his licensed premises. The person to whom anything pledged in contravention of this sub-section belongs shall have the same remedy for recovering any such thing or the value thereof as if it had not been pledged.

Limitation of time for recovery of money owed to bottle liquor licensee for liquor.

110. From and after the first day of the third calendar month succeeding that in which any liquor was supplied by the holder of any bottle liquor licence to any person other than a licensee, no action or other judicial proceeding shall be capable of being brought by any person for the recovery of any money alleged to be owed in respect of such supply, nor shall any such alleged debt be capable of being set off or of being the subject of any claim in reconvention by any person.

Limitation of hotel liquor licensee's or lodginghouse-keeper's liability in respect of property of customers.

111. (1) No holder of an hotel liquor licence and no lodginghouse-keeper shall be liable to compensate any person, in respect of any loss of or injury to the property of such person, sustained while such person was a lodger in the licensed premises of such licence holder or such lodginghouse-keeper, in any greater amount than the sum of forty pounds, unless—

(a) the property lost or injured was a live animal or any gear appertaining thereto; or

(b) the loss or injury is proved to have been caused by the wilful act, or as a result of the default or negligence, of the licensee or lodginghouse-keeper or of any person in the employ of the licensee or lodginghouse-keeper; or

die langste is, en geen ooreenkoms vir die vernuwing van 'n koopverpligting mag aangegaan word nie totdat dit deur verloop van tyd afgeloop het:

Met dien verstande, dat waar die koopverpligting aangegaan is as 'n vergoeding vir die reg om 'n gebou te okkupeer, die koopverpligting eindig sodra die betrokke lisensiehouer die gebou nie langer okkupeer nie.

107. Geen verband of ooreenkoms vir 'n geldlening deur 'n brouer of die houer van 'n groothandelaars-dranklisensie of 'n buitelandse dranklisensie aan 'n lisensiehouer, of tussen agente van sulke partye, gepasseer of aangegaan mag 'n voorwaarde bevat wat die terugbetaling van die skuld of van 'n deel daarvan, voor 'n bepaalde tyd verbied. Elke sodanige voorwaarde wat voorkom in 'n verband of in so 'n ooreenkoms, is nietig.

Verbode voorwaardes in verband of ooreenkoms.

15 (E) *Die Lisensiehouer en sy Klante.*

108. (1) Niemand mag behalwe in 'n gebou wat onder 'n klub-dranklisensie val—

Beperking van drankverkoop op krediet.

(a) op enige gelisensieerde perseel drank verstrekk vir gebruik in die gebou; of
20 (b) op so 'n perseel drank gebruik, tensy by die verstrekking daarvoor betaal word nie: Met dien verstande dat dit nie as 'n oortreding van hierdie bepaling beskou word nie—

(i) as die drank verstrekk word vir gebruik met 'n gewone maaltyd wat gelyktydig verstrekk word en met die maaltyd gebruik word, en die prys van die drank tegelyk met die prys van daardie maaltyd betaal word; of
25 (ii) as die drank in matige hoeveelhede verstrekk word op bestelling van 'n werklike kosganger of loseergas in so 'n perseel.

(2) Behalwe in die gevalle vermeld in die voorbehoudsbepaling van sub-artikel (1), mag geen lisensiehouer 'n geldsom of iets anders invorder weens enige drank wat hy aan iemand op krediet verkoop het vir gebruik op die gelisensieerde perseel nie.

109. (1) Geen houer van 'n bottel-dranklisensie of van 'n binneverbruik-lisensie mag as betaling of sekuriteit vir enige drank of onthaal, wat in of uit sy gelisensieerde perseel verstrekk is, iets anders ontvang dan gangbare geld of banktjeks nie: Met dien verstande dat die houer van 'n klub-dranklisensie vir aldus verstrekte drank betaling mag ontvang deur middel van koepons waarvoor met gangbare geld of banktjeks betaal is.

Hoe vir drank of onthaal betaal moet word.

(2) Geen sodanige lisensiehouer mag, voordat 'n verkoop van drank afgesluit is, vir daardie drank betaling ontvang of van iemand 'n gelddeposito vir 'n toekomstige drankverstrekk ontvang nie. 'n Sodanige vooruitbetaling kan teruggevorder word, alhoewel na die betaling drank verstrekk mag geword het, of ander goedere met die drank verstrekk is.

50 (3) Geen sodanige lisensiehouer mag 'n pand ontvang vir of in verband met enige drank of onthaal wat in of uit sy gelisensieerde perseel verstrekk is nie. Die eienaar van 'n voorwerp, wat in stryd met hierdie sub-artikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder, asof dit nie verpand was nie.

110. Vanaf die eerste dag van die derde kalendermaand wat volg op die maand waarin die houer van 'n bottel-dranklisensie aan iemand anders as 'n lisensiehouer drank verstrekk het, kan geen aksie of ander regsgeding deur iemand ingestel word nie tot invordering van geld wat beweerd word verskuldig te wees in verband met daardie lewering, en so 'n beweerde skuld kan ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonvensie deur iemand uitmaak nie.

Tydsbeperking vir invordering van geld aan bottel-drank-lisensiehouers vir drank verskuldig.

111. (1) Geen houer van 'n hotel-dranklisensie en geen losieshuishouer is verplig om iemand skadeloos te stel tot 'n bedrag van meer as veertig pond weens enige verlies of beskadiging van laasgenoemde se eiendom nie, terwyl hy 'n loseergas in die gelisensieerde perseel van bedoelde lisensiehouer of bedoelde losieshuishouer was, tensy—

Beperking van hotel-drank-lisensiehouer of losieshuishouer se aanspreeklikheid vir eiendom van gaste.

70 (a) die verlore of beskadigde eiendom 'n lewende dier of daarby behorende tuig was; of
(b) bewys word dat die verlies of skade veroorsaak is deur die opsetlike daad of ten gevolge van die versuim of nalatigheid van die lisensiehouer of losieshuishouer of van iemand in die diens van die lisensiehouer of losieshuishouer; of

- (c) the loss or injury was sustained while the property was deposited with the licensee or lodginghouse-keeper or a person expressly or impliedly authorized by the licensee or lodginghouse-keeper to receive such deposit; or
- (d) the licensee or lodginghouse-keeper refused, save in the circumstances set forth in sub-section (2), to receive the property offered for deposit, or failed to make adequate provision whereby the property could be deposited with him; or
- (e) the licensee or lodginghouse-keeper failed to comply with the requirement of sub-section (3).

(2) The holder of an hotel liquor licence or lodginghouse-keeper (including any person authorized to act on behalf of such licensee or lodginghouse-keeper) to whom any property is offered for deposit by any person lodging or about to lodge in his licensed premises or lodginghouse may require that the property shall be contained in a suitable receptacle closed and sealed by the depositor, and any refusal to accept property for deposit based upon a failure of such person to comply with such requirement shall not deprive such licence holder or lodginghouse-keeper of the benefits of the limitation of liability in respect of loss of or injury to such property conferred by sub-section (1).

(3) The holder of an hotel liquor licence or lodginghouse-keeper shall exhibit a copy of sub-sections (1) and (2) in the English and Afrikaans languages, in such manner and in such part of the hall or entrance of his premises that it may readily be seen and easily read by any person proposing to lodge in such premises.

(4) Nothing in this section contained shall be deemed to affect the operation of the common law in so far as the liability of the licensee or lodginghouse-keeper up to the amount of forty pounds is concerned.

Duty of hotel and restaurant liquor licensees to provide lodging and meals.

112. Save for some reason deemed to be satisfactory by the magistrate trying the charge—

- (a) no holder of an hotel liquor licence shall refuse to provide meals and lodgings; and
- (b) no holder of a restaurant liquor licence shall refuse to supply meals,

to any person demanding the same.

Power of licensee to refuse admission to or eject certain persons.

113. (1) Any licensee or any servant or agent of such licensee may refuse to admit any person to the restricted portion of the licensed premises of such licensee, may refuse to supply liquor to any person and may request any person who is in the restricted portions of the said premises to depart therefrom.

(2) Any licensee or any servant or agent of such licensee may eject from the licensed premises of such licensee any person who is drunk, violent or disorderly or whose presence on the licensed premises might subject the licensee to any penalty under this Act or any other law.

(3) Any member of the police force shall, on the demand of such licensee, his servant or agent, expel or assist in expelling from such premises any person referred to in sub-section (2) and shall expel therefrom any person who has refused or failed to comply with any request made under sub-section (1), and may use such force as may be required for those purposes.

(F) General.

Delegation of management or control or sharing of profits of business.

114. No licensee, not being a company, shall—

- (a) without the written consent of the chairman of the local board permit any other person to manage, superintend or conduct the licensed business for a longer period than one month; or
- (b) without the authority of the local board allow any other person in effect to control, or become a partner or a sharer in the profits of, the licensed business.

Soliciting of sales and acceptance of offers off licensed premises.

115. (1) No person other than the holder of a brewer's licence shall, either by himself or through any traveller, agent, servant or other person—

- (a) solicit or take orders for the sale of liquor;
- (b) accept offers to purchase liquor; or

- (c) die verlies of skade gely is terwyl die eiendom in die bewaring was van die lisensiehouer of losieshuishouer of van iemand wat deur die lisensiehouer of losieshuishouer uitdruklik of stilswygend gemagtig was om die bewaring te aanvaar; of
- (d) die lisensiehouer of losieshuishouer geweier het, behalwe in die omstandighede vermeld in sub-artikel (2), om die ter bewaring aangebode eiendom te ontvang of versuim het om voldoende voorsiening te maak dat die eiendom by hom in bewaring gegee kan word; of
- (e) die lisensiehouer of losieshuishouer versuim het om te voldoen aan die vereistes van sub-artikel (3).
- (2) Die houer van 'n hotel-dranklisensie of losieshuishouer (met inbegrip van iemand wat gemagtig is om namens so 'n lisensiehouer of losieshuishouer op te tree) aan wie iemand, wat in sy gelisensieerde perseel of losieshuis loseer of op die punt staan om daarin te gaan loseer, eiendom ter bewaring aanbied, kan eis dat die eiendom vervat moet wees in 'n geskikte houer, deur die deponeerder toegemaak en verseël, en 'n weiering om eiendom in bewaring te neem, op grond dat die betrokke persoon in gebreke gebly het om aan daardie eis te voldoen, ontnem aan die lisensiehouer of losieshuishouer nie die deur sub-artikel (1) verleende voordeel van beperking van aanspreeklikheid weens verlies of beskadiging van bedoelde eiendom nie.
- (3) 'n Houer van 'n hotel-dranklisensie en 'n losieshuishouer moet 'n kopie van sub-artikels (1) en (2) in die Engelse en Afrikaanse tale op so 'n manier en in so 'n deel van die portaal of ingang van sy perseel vertoon dat dit dadelik gesien en maklik gelees kan word deur enigeen wat van plan is om in daardie perseel te loseer.
- (4) Die bepalinge van hierdie artikel maak geen inbreuk op die toepassing van die gemene reg vir sover die aanspreeklikheid van die lisensiehouer tot op die bedrag van veertig pond betrokke is nie.

112. Behalwe om een of ander rede wat die magistraat voor wie die klagte dien, bevredigend ag—

- (a) mag geen houer van 'n hotel-dranklisensie weier om maaltye en huisvesting te verstrek nie; en
- (b) mag geen houer van 'n restaurant-dranklisensie weier om maaltye te verstrek nie;
- aan iemand wat dit verlang.

Hotel- en restaurant-dranklisensiehouers is verplig om huisvesting en maaltye te verstrek.

113. (1) 'n Lisensiehouer of 'n bediende of agent van so 'n lisensiehouer kan aan enige persoon toegang tot die beperkte gedeelte van die gelisensieerde gebou van bedoelde lisensiehouer weier, kan weier om aan iemand drank te verstrek en kan iemand wat in die beperkte gedeelte van bedoelde gelisensieerde gebou is, versoek om daaruit te trek.

Lisensiehouer mag aan sekere persone toegang weier of hulle uitsit.

(2) 'n Lisensiehouer, of 'n bediende of agent van so 'n lisensiehouer kan iemand wat dronk of gewelddadig of wanordelik is, of wie se teenwoordigheid op die gelisensieerde perseel die lisensiehouer ingevolge hierdie of 'n ander wet aan 'n boete sou kan blootstel, uit die gelisensieerde gebou van bedoelde lisensiehouer sit.

(3) Enige lid van die polisiemag moet op verlanse van die lisensiehouer, sy bediende of agent, iemand bedoel in sub-artikel (2) uit die gebou verwyder of by sy verwydering help en moet iemand wat geweier of versuim het om te voldoen aan 'n versoek ingevolge sub-artikel (1), daaruit verwyder, en mag sodanige geweld gebruik as wat vir daardie doeleindes nodig is.

(F) Algemeen.

114. Geen lisensiehouer wat nie 'n maatskappy is nie, mag—
- (a) sonder skriftelike toestemming van die voorsitter van die plaaslike raad toelaat dat iemand anders langer dan 'n maand die gelisensieerde besigheid bestuur, onder toesig hou of dryf; of
- (b) sonder magtiging van die plaaslike raad toelaat dat iemand anders in werklikheid die gelisensieerde besigheid beheer, 'n vennoot daarin word, of in die winste daarvan deel.

Oordrag van bestuur en beheer of deelneming in wins van besigheid.

115. (1) Niemand mag, behalwe as hy die houer is van 'n vierbrouers-lisensie, hetsy self of deur 'n reisiger, agent, bediende of iemand anders—

- (a) koopbestellings van drank versoek of aanneem;
- (b) aanbiedings om drank te koop, aanneem; of

Versoek om verkopings en aanname van aanbiedings buite gelisensieerde gebou.

(c) receive offers for the purchase of liquor in order that they may be conveyed by him to the person to whom such offer is made, or his agent or servant, at any other place than the premises or portion of premises within which the person by or on whose behalf the proposed sale is to be made is licensed by this Act to make such sale. 5

(2) Nothing in this section contained shall be deemed to prohibit the advertising of liquor for sale at any licensed premises, or 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. 10

CHAPTER XI.

PROVISIONS RELATING TO THE TENANCY OF LICENSED PREMISES.

(A) *Liability in Respect of Alterations, Additions or Repairs.* 15

Liability of lessor in respect of alteration or repairs ordered by licensing board.

116. (1) Whenever in terms of sub-section (2) of section *seventeen* a local board has, in respect of any premises on which is carried on a business under an on-consumption licence, imposed a condition involving a structural alteration or repairs of or addition to such premises, the licensee upon whom such condition has been imposed may, if he be a lessee of the premises, require the lessor thereof to comply with the requirements of the board within any period stated in the condition. 20

(2) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repair of or addition to the premises will not exceed two hundred pounds, and the lessor has not effected the alteration or repairs of or addition to the premises within the time stated in the condition or, if no time is stated, within three months of the receipt by him of any notice from the licensee in terms of sub-section (1), the licensee may himself effect such alteration or repairs or addition to the premises, and may set off against any rent due or to become due by him to the lessor the sum which he has so expended. 30

(3) If upon a reasonable and *bona fide* estimate, the cost of effecting the alteration or repairs of or addition to the premises will exceed two hundred pounds and the lessor does not within the time stated in the condition, or if no time is stated, within six months of the receipt by him of any notice under sub-section (1), comply with the requirements of the condition, the licensee may, notwithstanding any agreement to the contrary, forthwith and without notice terminate the lease. 40

Addition to rent where premises altered or added to by lessor.

117. Whenever in consequence of any condition imposed by a local board in terms of sub-section (2) of section *seventeen*, a lessor has altered or added to premises upon which is carried on a business under an on-consumption licence and the expenditure incurred has exceeded two hundred pounds, such lessor may, notwithstanding any term of the lease, as from the date of the completion of the alteration or addition, increase the rent of such premises by a sum not exceeding ten per cent. per annum of the amount of the expenditure incurred, and the rental so increased shall be deemed to be the rent due under the lease. 45 50

(B) *Duration of Leases.*

Period of tenancy of licensed premises.

118. (1) Notwithstanding anything contained in any contract of lease, the tenancy of any hired premises upon which is carried on the business of an on-consumption licence— 55

(a) shall endure for at least twelve months after the beginning of the tenancy;

(b) shall not terminate save after six calendar months' notice of such termination given in writing by the lessor to the lessee: 60

Provided that if the lessor proves to the satisfaction of the local board at an annual or special meeting that the lessee—

(i) has during the tenancy been convicted of any offence and sentenced to imprisonment without the option of a fine; or 65

(ii) has during the tenancy been convicted under this Act or under a law repealed thereby and sentenced to pay a fine of fifty pounds or more; or

(iii) has during the tenancy been convicted two or more times of an offence under this Act or under a law repealed thereby; or 70

(iv) has done or is doing material damage to the premises; or

(c) aanbiedings om drank te koop ontvang sodat hy hulle kan oorbring aan die persoon aan wie die aanbod gemaak word of aan sy agent of bediende, op 'n ander plek dan in die gebou of gedeelte van 'n gebou waarin die persoon deur of namens wie die voorgestelde verkoop gesluit moet word, kragtens hierdie Wet gelisensieer is om daardie verkoop te sluit.

(2) Die bepalings van hierdie artikel belet nie dat drank vir verkoop in 'n gelisensieerde perseel geadverteer word nie, of dat bestellings of aanbiedings van verkoop of koop van drank versoek, geneem, aangeneem of ontvang word as dit 'n transaksie is tussen lisensiehouders, drankstokers, bierbrouers of persone wat kragtens hierdie Wet sonder 'n lisensie drank mag verkoop nie.

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HOOFSTUK XI.

BEPALINGS OMTRENT HUURBESIT VAN GELISENSIEERDE GEBOUE.

(A) *Verpligting tot Verbouing, Aanbou of Herstelling.*

116. (1) Wanneer 'n plaaslike raad ingevolge sub-artikel (2) van artikel *sewentien*, ten opsigte van 'n perseel waarin kragtens 'n binneverbruik-lisensie besigheid gedryf word, 'n voorwaarde gestel het wat die verbouing, herstelling of aanbou van die perseel vereis, dan kan die lisensiehouer aan wie die voorwaarde opgelê is, as hy 'n huurder van die gebou is, van die verhuurder verlang dat hy binne die termyn in die voorwaarde gestel, aan die vereistes van die raad moet voldoen.

(2) As die koste van die verbouing, herstelling of aanbou van die gebou volgens 'n redelike skatting te goeder trou, nie meer as tweehonderd pond sal bedra nie, en die verhuurder nie binne die termyn, in die voorwaarde gestel, of as geen termyn gestel is nie, binne drie maande nadat hy ingevolge sub-artikel (1) van die lisensiehouer kennis ontvang het, die verbouing, herstelling of aanbou uitgevoer het nie, dan kan die lisensiehouer dit self uitvoer en die som wat hy uitgegee het om aan die voorwaarde te voldoen in vergelyking bring met die huurgeld wat hy aan die verhuurder skuld of skuldig word.

(3) As die koste van die verbouing, herstelling of aanbou volgens 'n redelike skatting te goeder trou meer sal bedra as tweehonderd pond, en die verhuurder nie binne die in die voorwaarde gestelde termyn, of as geen termyn gestel is nie, binne ses maande nadat hy 'n kennisgewing ingevolge sub-artikel (1) ontvang het, aan die vereistes van die voorwaarde voldoen nie, dan kan die lisensiehouer, in strydige ooreenkoms desondanks, onmiddellik en sonder opsegging die huur beëindig.

117. Wanneer 'n verhuurder ten gevolge van 'n voorwaarde deur 'n plaaslike raad ingevolge sub-artikel (2) van artikel *sewentien* gestel, 'n perseel, waarin kragtens 'n binneverbruik-lisensie besigheid gedryf word, verbou of aangebou het en die gemaakte onkoste aangegaan meer as tweehonderd pond bedra het, dan kan die verhuurder, niesteenstaande enige huurvoorwaarde, vanaf die voltooiing van die verbouing of aanbou, die huurgeld van die perseel verhoog met 'n som van hoogstens tien persent per jaar van die onkoste aangegaan en die aldus verhoogde huurgeld word beskou as die huurgeld wat kragtens die huur verskuldig is.

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(B) *Huurtermyne.*

118. (1) Ondanks andersluidende bepalings in 'n huurkontrak moet die huur van 'n gehuurde perseel waarin die besigheid van 'n binneverbruik-lisensie gedryf word—

- (a) minstens twaalf maande na die begin van die huur duur;
(b) mag so 'n huur nie, tensy die verhuurder ses kalendermaande vantevore aan die huurder skriftelik die huur opgesê het, beëindig word nie:

Met dien verstande dat as die verhuurder op 'n jaarlikse of spesiale vergadering die plaaslike raad oortuig dat die huurder—

- (i) tydens die huur weens 'n misdryf skuldigbevind is en veroordeel is tot gevangenisstraf sonder keuse van boete; of
(ii) tydens die huur kragtens hierdie Wet of 'n hiermee herroepe wet skuldigbevind is en veroordeel is tot 'n boete van vyftig pond of meer; of
(iii) tydens die huur twee of meer keer weens 'n misdryf ingevolge hierdie Wet of 'n hiermee herroepe wet skuldigbevind is; of
(iv) die perseel aanmerklik beskadig het of beskadig; of

Huurtermyn van gelisensieerde geboue.

Verhoging van huur waar huurder gebou verander of vergroot.

- (v) is conducting his business in a manner which may seriously prejudice the lessor or endanger the continued existence of the licence,

the local board may, after giving the lessee such notice as it may deem fit and after considering any representations by him to the contrary, by writing under the hand of the chairman of the local board authorize the termination of the lease on any date specified in such writing and under any conditions set forth therein.

(2) Nothing in sub-section (1) contained shall be deemed to affect the provisions of sub-section (3) of section *one hundred and sixteen*, or any right of a lessee under the common law or under his contract to determine his tenancy.

(C) *Effect of Rents Act, 1950.*

Effect of Rents
Act on provisions
of this Chapter.

119. (1) Nothing contained in the Rents Act, 1950 (Act No. 43 of 1950), shall be deemed to affect the provisions of this Chapter, save that in the application of section *one hundred and seventeen* the words "the rent of such premises" shall be construed as including a reference to the rent of the premises in question as determined by the rent board concerned in terms of the provisions of the said Act.

(2) If the rent of any licensed premises as determined by a rent board under the said Act, has been increased by any amount in terms of section *one hundred and seventeen* read in conjunction with sub-section (1) of this section, the rent, as so increased, shall be deemed to be the rent determined by the said rent board for the purposes of the said Act.

CHAPTER XII.

KAFFIR BEER AND OTHER NATIVE LIQUORS.

(A) *Prohibited Liquors and Substances.*

Concoctions
totally
prohibited.

120. No person shall make, be in possession or custody of, use, drink, give, or supply to any person—

- (a) any of the concoctions made from the fermentation of treacle, sugar, or other substances and known as Isityimiyana, Hopana, Qediviki, Skokiaan, or Uhali;
- (b) any concoction which, though called by another name, is substantially similar to any of the concoctions named in paragraph (a); or
- (c) any concoction (other than kaffir beer) produced by the fermentation of any substance, the consumption of which would, in the opinion of the Minister, be prejudicial to the health and well-being of the people, and which he may specify by notice in the *Gazette*.

Sale to and
possession of
yeast or malt by
natives, Asiatics
or coloured
persons.

121. (1) No person shall supply to any native, Asiatic or coloured person—

- (a) yeast in any form, except under a permit issued by an officer in charge of a police station (which permit shall specify the name of the native, Asiatic or coloured person, as the case may be, to be supplied, the quantity of yeast to be supplied and the date upon which or the period during which and the intervals at which the yeast may be supplied), and subject to any regulation made under sub-section (3); or
- (b) any substance or thing adapted or in the opinion of the Minister adaptable for the production of any alcoholic concoction, which the Minister may specify by notice in the *Gazette*; or
- (c) malt in any form other than malted kaffir corn.

(2) In respect of malted kaffir corn or any other substance or thing adapted or in the opinion of the Minister adaptable for the production of any alcoholic concoction, the supply of which to natives, Asiatics or coloured persons is not prohibited in terms of sub-section (1), the Minister may, by notice in the *Gazette*, limit the quantity which at any one time or during any specified period may be supplied to or possessed by any native, Asiatic or coloured person, and may make such regulations as he may deem necessary for the giving effect to any such limitation.

(3) In respect of any yeast the Minister may make regulations not inconsistent with any provision of this section for or in respect of all or any of the following matters—

- (v) sy besigheid so dryf dat die verhuurder ernstig benadeel of die voortbestaan van die lisensie ernstig bedreig sou kan word,
 die plaaslike raad na so 'n kennisgewing as wat hy wenslik mag ag aan die huurder, en na oorweging van enige redes wat hy daarteen mag aanvoer, in 'n geskrif geteken deur die voorsitter magtiging mag verleen tot beëindiging van die huur en wel op die dag en onder die voorwaardes wat die geskrif mag vasstel.
- 10 (2) Die bepalings van sub-artikel (1) maak geen inbreuk op die bepalings van sub-artikel (3) van artikel *honderd-en-sestien* of op enige reg van 'n huurder kragtens die gemene reg of kragtens sy kontrak om sy huur te beëindig nie.

(C) *Uitwerking van Wet op Huurgelde, 1950.*

- 15 119. (1) Dit word geag dat die bepalings van die Huurgelde Wet 1950 (Wet No. 43 van 1950) nie die bepalings van hierdie Hoofstuk raak nie, behalwe dat by die toepassing van artikel *honderd-en-sewentien* die woorde „die huurgeld van die perseel” verstaan word om in te sluit 'n verwysing na die huurgeld van die betrokke perseel soos vasgestel deur die betrokke huurraad ingevolge die bepalings van genoemde Wet.
- 20 (2) Indien die huurgeld van 'n gelisensieerde perseel, soos vasgestel deur 'n huurraad kragtens genoemde Wet, deur 'n bedrag verhoog is ooreenkomstig artikel *honderd-en-sewentien*, geles tesame met sub-artikel (1) van hierdie artikel, dan word
- 25 die aldus verhoogde huurgeld by die toepassing van genoemde Wet geag die huurgeld te wees wat deur bedoelde huurraad vasgestel is.
- Uitwerking van
Wet op Huurgelde op bepalings van
hierdie Hoofstuk.

HOOFSTUK XII.

30 KAFFERBIER EN ANDER NATURELLEDRANKE.

(A) *Verbode Dranke en Stowwe.*

120. Niemand mag die volgende stowwe vervaardig, besit, bewaar, gebruik, of drink, of aan iemand gee of verstrekk nie—
- 35 (a) enige brousel vervaardig deur gisting van stroop, suiker of ander stowwe wat isityimiyana, hopana, qediviki, skokiaan of uhali genoem word;
- (b) enige brousel wat, alhoewel anders genoem, in hoofsaak ooreenkom met een van die brourels vermeld in paragraaf (a); of
- 40 (c) enige brousel (behalwe kafferbier) vervaardig deur gisting van enige stof, waarvan die gebruik, volgens oordeel van die Minister tot nadeel van die gesondheid en welsyn van die volk strek, en wat hy by kennisgewing in die *Staatskoerant* vermeld.
- 45 121. (1) Niemand mag aan 'n naturel, Asiaat of kleurling die volgende verstrekk nie—
- (a) enige soort gis, tensy hy dit doen kragtens 'n permit uitgereik deur 'n beampite aan die hoof van 'n polisie-kantoor (en die permit moet vermeld die naam van die naturel, Asiaat of kleurling, na gelang van die geval, aan wie gis verstrekk mag word, die hoeveelheid gis en die dag waarop of gedurende watter tydperk en met watter tussenposes die gis verstrekk mag word) en met inagneming van enige regulasie kragtens sub-artikel (3) uitgevaardig; of
- 50 (b) enige stof of ding wat geskik is of volgens oordeel van die Minister geskik gemaak kan word vir die vervaardiging van enige alkoholhoudende brousel wat die Minister by kennisgewing in die *Staatskoerant* mag vermeld; of
- 55 (c) enige ander soort van mout as gemoute kafferkoring.
- (2) Ten opsigte van gemoute kafferkoring of enige ander stof of ding wat geskik is of volgens oordeel van die Minister geskik gemaak kan word vir die vervaardiging van 'n alkoholiese brousel, die verstrekkling waarvan aan naturelle, Asiats of kleurlinge nie ingevolge sub-artikel (1) belet word nie, kan die Minister by kennisgewing in die *Staatskoerant*, die hoeveelheid beperk wat tegelykertyd of gedurende 'n bepaalde tydperk aan 'n naturel, Asiaat of kleurling verstrekk of deur hom besit mag word, en kan hy sodanige regulasies uitvaardig as wat hy nodig ag om aan so 'n beperking gevolg te gee.
- 60 (3) Met betrekking tot enige gis kan die Minister regulasies uitvaardig, wat nie met 'n bepaling van hierdie artikel in stryd mag wees nie, vir of met betrekking tot al of enigeen van die
- 75 volgende aangeleenthede—
- Heeltemal verbode brourels.
- Verkoop aan en besit deur naturelle, Asiats of kleurlinge van gis of mout.

- (a) the regulation and restriction of the manufacture, importation, exportation, transshipment, conveyance, transmission, keeping, sale, supply or use;
- (b) the licensing of factories and of sales, and the classes of persons to whom such licences may be issued; 5
- (c) the keeping of registers and other records of sales, the form and manner of keeping such registers or records, and the particulars to be entered therein;
- (d) the restriction of the quantities which may be sold;
- (e) the prohibition or restriction of purchase or possession 10 including the granting of permits for purchase or possession; and
- (f) the penalties which may be imposed for contraventions of such regulations.

Any prohibition or restriction imposed in any such regulation 15 may be made applicable either generally or in respect of a particular class of person.

(4) No native, Asiatic or coloured person shall purchase or have in his possession any yeast or other substance or thing, the supply of which to any native, Asiatic or coloured person 20 is made unlawful by sub-section (1), or purchase malt in any form other than malted kaffir corn, or purchase or possess any substance or thing in contravention of any limitation made or regulation issued under sub-section (2).

(B) *Kaffir Beer.*

25

Making, possession and supply of kaffir beer in urban areas.

122. The brewing, manufacture, introduction, sale, supply, or possession of kaffir beer in any urban area shall be unlawful save by the persons and in the circumstances permitted by the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and by this Act. 30

Brewing or drinking of kaffir beer on land outside urban or scheduled native area.

123. (1) Save as provided in this or the last preceding section or in section *one hundred and twenty-five* or *one hundred and twenty-six*, no brewing or drinking of kaffir beer shall take place at any place which in terms of any law is a private location or upon any land outside any area which under any law has 35 been or may hereafter be scheduled or declared as a native area.

(2) With the consent of the European owner or occupier of land situated outside an urban area, or in the case of Crown land or land occupied by the Government outside any such area, and not being land which under any law has been or may here- 40 after be scheduled or declared as a native area, with the consent of the magistrate of the district or of any native commissioner or assistant native commissioner, kaffir beer may be brewed on such land by the native occupier of any hut thereon in such quantities as may be reasonably required and consumed by 45 himself and his family, if any, and which shall be fixed by the person giving the consent.

Beer drinking assemblies.

124. At any place outside an urban area or an area scheduled or declared under any law as a native area, no kaffir beer shall be consumed at any assembly of three or more persons, not 50 being inmates of the kraal or native homestead at which the assembly takes place, unless a permit for such assembly has been issued by the magistrate or a native commissioner or assistant native commissioner or member of the police in charge of a police post or station. Such permit shall in the case of 55 private land not be given save with the consent of the European owner or occupier thereof, and shall not authorize any sale of kaffir beer.

Brewing and consumption of kaffir beer upon premises of certain employers.

125. The Minister may by notice in the *Gazette*, either generally in respect of any province or any district, or particularly in respect of any premises, authorize the brewing and consumption upon the premises of any employer regularly employing and housing more than twenty native or coloured employees, of reasonable quantities of kaffir beer to be supplied gratis by the employer to such employees. The powers exer- 65 cisable under sub-sections (3) and (4) of section *ninety-five* may *mutatis mutandis* be exercised in respect of any employer or the supply of any kaffir beer under this sub-section.

State kaffir beer houses in urban areas.

126. (1) In any urban area the Governor-General may, by proclamation in the *Gazette*, declare that, from and after the 70 date specified and subject to the conditions prescribed therein,

- (a) die reëling en beperking van vervaardiging, invoer, uitvoer, oorskeping, vervoer, versending, aanhou, verkoop, verstrekking of gebruik;
 - (b) die lisensiër van fabrieke en van verkoop en die klasse van persone aan wie sulke lisensies uitgereik mag word;
 - (c) die hou van registers en ander aantekeninge van verkoop, die vorm waarin en manier waarop daardie registers of aantekeninge gehou moet word en die besonderhede wat daarin geskrywe moet word;
 - (d) die beperking van die hoeveelhede wat verkoop mag word;
 - (e) die verbod of beperking van koop of besit, asook die verlening van permitte vir koop en besit; en
 - (f) die strawwe wat opgelê mag word weens oortreding van daardie regulasies.
- 15 'n Verbod of beperking in so 'n regulasie gestel, mag of algemeen of met betrekking tot 'n bepaalde klas van persone toepaslik gemaak word.
- (4) Geen naturel, Asiaat, of kleurling mag enige gis of
- 20 ander stof of ding, waarvan die verstrekking aan 'n naturel, Asiaat of kleurling deur sub-artikel (1) onwettig gemaak word, koop of in sy besit hê nie, of enige soort van mout ander dan gemoute kafferkring koop nie, of in stryd met enige beperking vasgestel of enige regulasie uitgevaardig ingevolge sub-artikel (2),
- 25 enige stof of ding koop of besit nie.

(B) Kafferbier.

122. Die brou, vervaardiging, invoer, verkoop, verstrekking of besit van kafferbier in 'n stadsgebied is onwettig behalwe deur die persone en onder die omstandighede wat die Naturelle (Stadsgebiede) Konsolidasie Wet, 1945 (Wet No. 25 van 1945), en hierdie Wet toelaat.

Vervaardiging, besit en verstrekking van kafferbier in stadsgebied.

123. (1) Behalwe vir sover hierdie of die voorgaande artikel of artikel honderd vyf-en-twintig of honderd ses-en-twintig dit toelaat mag geen kafferbier gebrou of gedrink word in of by 'n
- 35 plek wat kragtens een of ander wet 'n private lokasie is, of op grond buite 'n gebied wat kragtens een of ander wet reeds as 'n naturellegebied in 'n bylae opgeneem is, of tot naturellegebied verklaar is, of dit hierna mag word.

Brou of drink van kafferbier op private grond buite stadsgebied of ingelyste naturellegebied.

- (2) Met toestemming van die blanke eienaar of okkupeerder
- 40 van grond buite 'n stadsgebied geleë, of in die geval van kroongrond of grond deur die Regering geokkupeer, buite so 'n gebied en wat nie grond is nie, wat kragtens een of ander wet reeds as 'n naturellegebied in 'n bylae opgeneem is of tot naturellegebied verklaar is of dit hierna mag word, met toestemming van die
- 45 magistraat van die distrik of van enige naturellekommissaris of assistent-naturellekommissaris, mag die naturelle okkupeerder van 'n hut kafferbier brou op daardie grond in sulke hoeveelhede as wat hy en sy familie (as hy een het) redelikerwys mag nodig hê en gebruik, en wat vasgestel moet word deur die
- 50 persoon wat die toestemming gee.

124. Op 'n plek buite 'n stadsgebied of 'n gebied wat kragtens een of ander wet as 'n naturellegebied in 'n bylae opgeneem of tot 'n naturellegebied verklaar is, mag geen kafferbier gedrink word nie op 'n byeenkoms van drie of meer persone wat geen
- 55 ingesetenes is van die kraal of naturellewoning waarby die byeenkoms plaasvind nie, tensy die magistraat of 'n naturellekommissaris of assistent-naturellekommissaris, of lid van die polisie wat die bevel voer oor 'n polisiepos of polisiekantoor vir die byeenkoms 'n permit uitgereik het. Daardie permit
- 60 word in geval van private grond nie gegee nie dan met die toestemming van die blanke eienaar of okkupeerder daarvan, en veroorloof nie enige verkoop van kafferbier nie.

Bierdrinkerye.

125. Die Minister kan by kennisgewing in die Staatskoerant hetsy in die algemeen ten opsigte van 'n provinsie of van 'n
- 65 distrik, hetsy besonderlik ten opsigte van een of ander perseel, magtiging verleen tot die brou en gebruik, op die perseel, van 'n werkgewer, wat gereeld meer dan twintig naturelle- of kleurling-werkvolk in diens het en huisves, van redelike hoeveelhede kafferbier wat die werkgewer verniet aan daardie
- 70 werkvolk moet verstrek. Die bevoegdhede wat kragtens subartikels (3) en (4) van artikel vyf-en-negentig uitgeoefen kan word, kan *mutatis mutandis* uitgeoefen word met betrekking tot 'n werkgewer of die verstrekking van kafferbier ingevolge hierdie sub-artikel.

Brou en gebruik van kafferbier op persele van sekere werkgewers.

126. (1) In enige stadsgebied kan die Goewerneur-generaal by proklamasie in die Staatskoerant verklaar dat vanaf die datum daarin vermeld en met inagneming van die voorwaardes

Staats-kafferbierlokale in stedelike gebiede.

the Minister may authorize the establishment and carrying on of one or more kaffir beer houses at which without licence under this Act or any other law, there may be sold directly by the State to natives kaffir beer in reasonable quantities for consumption on the premises.

(2) The Minister may from time to time, in respect of the supply of kaffir beer at any kaffir beer house established under sub-section (1), make such appointments, issue such rules, and take such other steps as he may deem necessary for the purpose of controlling and regulating—

- (a) the brewing or manufacture of kaffir beer for sale;
- (b) the quantities of kaffir beer to be supplied and the conditions of supply;
- (c) the preservation of order; and
- (d) such other matters as may be necessary for the better carrying out of the purposes of this section.

When sale of kaffir beer unlawful.

127. Save as provided in section *one hundred and twenty-two* and section *one hundred and twenty-six* the sale of kaffir beer shall be unlawful.

CHAPTER XIII.

METHYLATED SPIRIT.

Restriction and regulation of importation, keeping and sale of methylated spirit.

128. (1) No person shall supply methylated spirit to any native, and no native shall obtain or be in possession of, any methylated spirit.

(2) No person shall sell, or have in his possession for the purposes of sale, any methylated spirit unless he is the holder of a licence to deal in such spirit issued, or renewed annually, by the Commissioner of Customs and Excise or any person authorized by him. On the issue of any such licence and on every renewal thereof there shall be paid the sum of twenty shillings to be denoted by revenue stamps affixed to the licence and duly cancelled.

(3) The Commissioner of Customs and Excise, or any person authorized thereto by him may for good cause refuse, in his discretion, to issue or renew any licence referred to in sub-section (2).

(4) The Minister may make regulations not inconsistent with any provision of sub-section (1) or (2) for or in respect of all or any of the following matters:

- (a) The regulation and restriction of the importation, exportation, transhipment, conveyance, transmission, keeping, sale, supply or use of methylated spirit;
- (b) the classes of persons to whom licences for the sale of methylated spirit may be issued;
- (c) the keeping of registers and other records in respect of all dealings in methylated spirit, the form and manner of keeping of such registers or records and the particulars to be entered therein;
- (d) the denaturation, odorization, colouring, and rendering impotable of methylated spirit sold or kept for sale, and the manner and method in which this shall be done;
- (e) the restriction of the quantities of methylated spirit which may be sold and the receptacles in which it shall be sold;
- (f) the prohibition or restriction of the purchase or possession of methylated spirit, including the granting of permits for any such purchase or possession; and
- (g) the penalties which may be imposed for contraventions of such regulations.

Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect only of a particular class of persons or a particular area.

(5) Nothing in this section contained shall be construed as repealing or modifying any other provision of this Act, but notwithstanding anything in any law contained, no person licensed under this section to deal in methylated spirit or required under this section to keep any register or record shall be liable under this Act or any other law to take out any licence for the sale of methylated spirit other than that referred to in sub-section (2) or to keep any register or record of sales of or dealings in, methylated spirit other than that referred to in paragraph (c) of sub-section (4).

(6) The Minister may, by notice in the *Gazette*, declare to be methylated spirit for the purposes of this Act any denatured, medicated, perfumed or otherwise treated spirit not described

daarin gestel die Minister magtiging kan verleen tot die stigting en die dryf van een of meer kafferbierlokale waar, sonder 'n lisensie onder hierdie Wet of enige ander wet, direk deur die Staat aan natuurlike kafferbier in redelike hoeveelhede vir 5 verbruik op die perseel kan verkoop word.

(2) Die Minister kan van tyd tot tyd, ten aansien van die verstrekking van kafferbier in enige kafferbier-lokaal kragtens sub-artikel (1) gestig, sodanige aanstellings maak, sodanige reëls uitvaardig en sodanige ander stappe doen as hy nodig 10 mag ag vir die beheer en reëling van—

- (a) die brou of vervaardiging van kafferbier vir verkoop;
- (b) die hoeveelhede kafferbier wat verstrekk mag word en die voorwaardes van verstrekking;
- (c) die handhawing van orde; en
- 15 (d) sodanige ander sake as wat nodig mag wees vir die betere uitvoering van die doeleindes van hierdie artikel.

127. Behalwe vir sover artikel *honderd twee-en-twintig* en artikel *honderd ses-en-twintig* dit toelaat, is die verkoop van 20 kafferbier onwettig. Wanneer verkoop van kafferbier onwettig is.

HOOFSTUK XIII.

BRANDSPIRITUS.

128. (1) Niemand mag brandspiritus aan 'n natuurel verstrekk nie en geen natuurel mag brandspiritus verkry of in besit daarvan 25 wees nie.

Beperking en reëling van invoer, aanhou en verkoop van brandspiritus.

(2) Niemand mag enige brandspiritus verkoop of besit om te verkoop nie, tensy hy in besit is van 'n lisensie om in brandspiritus handel te dryf, uitgereik of jaarliks vernuwe deur die Kommissaris van Doeane en Aksyns of sy gemagtigde. By 30 die uitreiking van so 'n lisensie en by elke vernuwing daarvan moet die som van twintig sjelings betaal word in belastingseëls, wat aan die lisensie geheg en gerojêer moet word.

(3) Die Kommissaris van Doeane en Aksyns, of iemand deur hom daartoe gemagtig, kan om grondige oorsaak na 35 goëddunke, weier om 'n in sub-artikel (2) bedoelde lisensie uit te reik of te vernuwe.

(4) Die Minister kan regulasies uitvaardig (wat nie in stryd met 'n bepaling van sub-artikel (1) of (2) mag wees nie) vir of in verband met al of enige van die volgende sake:

- 40 (a) Die reëling en beperking van die invoer, uitvoer, oorskeping, vervoer, versending, aanhou, verkoop, verstrekking of gebruik van brandspiritus;
- (b) die klasse van persone aan wie lisensies vir die verkoop van brandspiritus uitgereik mag word;
- 45 (c) die hou van registers en ander aantekenings van alle handel in brandspiritus, die vorm waarin en manier waarop die registers of aantekenings gehou moet word en die besonderhede wat daarin aangeteken moet word;
- 50 (d) die denaturering, reukverlening aan en kleuring en ondrinkbaarmaking van brandspiritus wat verkoop of vir verkoop aangehou word, en die manier waarop dit gedoen moet word;
- 55 (e) die beperking van die hoeveelhede brandspiritus wat verkoop mag word en die houeers waarin dit verkoop moet word;
- (f) die verbod of beperking van koop of besit van brandspiritus met inbegrip van die verlening van permitte vir daardie koop of besit; en
- 60 (g) die strawwe wat weens oortreding van sodanige regulasies opgelê mag word.

Enige verbod of beperking wat so 'n regulasie bevat, mag algemeen of net op 'n bepaalde klas van persone of op 'n bepaalde gebied toepaslik gemaak word.

65 (5) Die bepalings van hierdie artikel herroep of wysig nie enige ander bepaling van hierdie Wet nie, maar ondanks andersluidende wetsbepalings is niemand, wat kragtens hierdie artikel gelisensieer is om in brandspiritus handel te dryf of wat kragtens hierdie artikel verplig is om 'n register of aantekening te hou, 70 ingevolge hierdie of enige ander wet verplig om 'n lisensie vir die verkoop van brandspiritus behalwe dié bedoel in sub-artikel (2) uit te neem nie, of om 'n register of aantekening van die verkoop of handel in brandspiritus te hou nie, behalwe dié bedoel in paragraaf (c) van sub-artikel (4).

75 (6) Die Minister kan, by kennisgewing in die *Staatskoerant* enige gedenatureerde, met medisyne gemengde, geparfumeerde of andersins bewerkte spiritus, wat nie vermeld is nie in para-

in paragraph (a) of the definition of methylated spirit contained in section one hundred and seventy-four.

CHAPTER XIV.

INTOXICATING MEDICINES.

Restriction of keeping, selling or possession of intoxicating medicines.

129. (1) The Minister may from time to time by notice in the *Gazette* declare that any patent, proprietary or Dutch medicine named or described in such notice shall, from and after a date to be therein specified, be deemed to be an intoxicating medicine. 5

(2) Every person selling intoxicating medicine shall keep in the English or Afrikaans language a stock book clearly showing at all times the addition to, takings from, and present condition of his stock of such medicines, and a sales register showing in respect of every sale by him of such medicine— 10

- (a) the date of sale; 15
- (b) the name and address of the purchaser; and
- (c) the quantity, description and price of the intoxicating medicine sold.

Entry shall be made in the sales register immediately upon the completion of the setting apart or appropriation of intoxicating medicine in respect of any sale. Such stock books and sales register shall at all reasonable times be open to the inspection of any member of the police. 20

(3) The Minister may make regulations for or in respect of all or any of the following matters— 25

- (a) the prohibition or restriction of the keeping, sale, supply or use of any intoxicating medicine;
- (b) the prohibition or restriction of the purchase or possession of any intoxicating medicine including the granting of permits for any such purchase or possession; and 30
- (c) the penalties which may be imposed for contravention of such regulations.

Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect only of a particular class of persons or a particular area. 35

CHAPTER XV.

REMOVAL AND DELIVERY OF LIQUOR.

Permit for conveyance of liquor within an urban area.

130. (1) No person shall within an urban area convey or cause to be conveyed liquor other than malt liquor in quantities exceeding two gallons if in cask or twelve quarts or twenty-four pints if in bottle, jar or similar vessel, unless he is in possession of a permit issued by a member of the police holding such rank as may be designated by the Commissioner of Police as conferring authority to issue permits in that urban area. The member of police so authorized may, in his discretion, withhold from any person the issue of such a permit, subject to appeal to the Commissioner of Police, whose decision shall be final. 45

(2) Every such permit shall state the description, quantity and quality of the liquor which the holder is authorized to convey or cause to be conveyed under it, the premises from which it is to be conveyed, and the name and address of the person in custody of the liquor and of the person to whom it is to be delivered, and shall further state whether such liquor was manufactured, brewed or distilled in the Union or imported from outside the Union. 55

(3) It shall be a condition of every such permit—

- (a) that it shall accompany the person conveying the liquor or in charge of any vehicle or receptacle in which it is being conveyed; 60
- (b) that it shall be produced on demand for the inspection of any member of the police;
- (c) that the holder of the permit and any person placed by him in charge of vehicles shall, on demand, give every facility to any member of the police to inspect 65 any vehicle belonging to such holder, whether or not liquor is being conveyed therein; and
- (d) that any receptacle in which the liquor is contained shall be securely corked or stoppered.

(4) No permit shall be issued under this section for the conveyance of any liquor which is subject to excise duty under any law in force in any part of the Union, unless the applicant 70

graaf (a) van die omskrywing van brandspiritus in artikel honderd vier-en-sewentig, vir die doeleindes van hierdie Wet as brandspiritus verklaar.

HOOFSTUK XIV.

5

BEDWELMENDE MEDISYNE.

129. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* verklaar dat 'n in die kennisgewing genoemde of omskrewe patente, private of Hollandse medisyne vanaf 'n in die kennisgewing vasgestelde dag as bedwelvende medisyne 10 beskou sal word.
- (2) Elkeen wat bedwelvende medisyne verkoop moet in die Engelse of Afrikaanse taal aanhou 'n voorraadboek wat enige tyd duidelik aantoon die teenwoordige stand van sy voorraad van sodanige medisyne en wat daaraan toegevoeg of daaruit 15 ontnem is, en 'n verkoopsregister wat met betrekking tot elke verkoop van sodanige medisyne deur hom aantoon—
- (a) die datum van die verkoop;
- (b) die naam en adres van die koper; en
- (c) die hoeveelheid, soort en prys van die bedwelvende medisyne wat verkoop is.
- 20 In die verkoopsregister moet aantekening gemaak word sodra bedwelvende medisyne in verband met 'n verkoop opsygesit of toegeëien is. Bedoelde voorraadboek en verkoopsregister moet te alle redelike tye aan 'n lid van die polisiemag ter insage 25 beskikbaar wees.
- (3) Die Minister kan regulasies uitvaardig met betrekking tot al of enigeen van die volgende aangeleenthede—
- (a) die verbod of beperking van aanhou, verkoop, verstrekking of gebruik van bedwelvende medisyne;
- 30 (b) die verbod of beperking van koop of besit van bedwelvende medisyne, asook die verlening van permitte vir sodanige koop of besit; en
- (c) die strawwe wat opgelê mag word vir die oortreding van sodanige regulasies.
- 35 So 'n verbod of beperking in so 'n regulasie vasgestel mag algemeen of slegs op 'n bepaalde klas van persone of 'n bepaalde gebied toepaslik gemaak word.

Beperking van aanhou, verkoop of besit van bedwelvende medisyne.

HOOFSTUK XV.

VERVOER EN AFLEWERING VAN DRANK.

- 40 130. (1) Niemand mag in 'n stadsgebied drank (behalwe bier) in hoeveelhede van meer dan twee gallon, indien per vat, of twaalf kwarte of vier-en-twintig pinte, indien per bottel, kruik of soortgelyke houer, vervoer of laat vervoer nie, tensy hy in besit is van 'n permit, uitgereik deur 'n lid van die polisiemag 45 van so 'n rang as wat die Kommissaris van Polisie vir die uitreiking van permitte in daardie stadsgebied mag bevoeg verklaar. Die aldus bevoegverklaarde lid van die polisiemag mag na goeëdunke weier om aan iemand so 'n permit uit te reik, behoudens 'n reg van appel na die Kommissaris van 50 Polisie, wie se beslissing afdoende is.
- (2) Elke sodanige permit moet vermeld die soort, hoeveelheid en hoedanigheid van drank wat die permithouer kragtens die permit mag vervoer of laat vervoer, die perseel van waar dit vervoer sal word, die naam en adres van die persoon wat die 55 drank onder bewaring het en van die persoon aan wie dit afgelewer moet word, en dit moet verder vermeld of die drank in die Unie vervaardig, gebrou of gestook of van buite die Unie ingevoer is.
- (3) Elke sodanige permit is onderhewig aan die voorwaarde—
- 60 (a) dat dit moet saamgaan met die persoon wat die drank vervoer, of wat die beheer het oor die voertuig of houer waarin dit vervoer word;
- (b) dat wanneer dit vereis word dit ter insage vertoon moet word aan enige lid van die polisiemag;
- 65 (c) dat die permithouer en iemand aan wie hy die beheer oor voertuie toevertrou het, wanneer dit vereis word enige lid van die polisiemag alle kans moet gee om enige voertuig te besigtig wat aan die permithouer behoort, hetsy al dan nie drank daarin vervoer word; 70 en
- (d) dat enige houters wat die drank bevat dig toegekurk of geprop moet wees.
- (4) Geen permit word kragtens hierdie artikel uitgereik vir die vervoer van drank, waarop ingevolge 'n wetsbepaling in 75 enige deel van die Unie van krag, aksynsbelasting verskuldig

Permit vir drank- vervoer binne 'n stadsgebied.

satisfies the issuer that the excise duty payable under such law has been paid or secured.

(5) The provisions of this section shall not apply in connection with—

- (a) any liquor in the course of conveyance from the licensed premises of a licensee to the licensed premises of another licensee; or
- (b) any wine or brandy which has been sold or disposed of in terms of sub-section (2) of section five and which is in the course of conveyance for delivery to the person to whom it was so sold or disposed of; or
- (c) any wine or brandy made by a person or association of persons *bona fide* engaged in viticulture, upon land owned or lawfully occupied by such person or association if in the course of conveyance, by such person or association, for delivery to any person to whom it was lawfully sold or disposed of, or if in the course of conveyance by the Railways and Harbours Administration on the direction of such person or association.

Declaration of
and conveyance
of liquor to or
within removal
restriction area.

131. (1) The Minister may, by notice in the *Gazette*, declare that—

- (a) any area proclaimed as a digging under any law relating to precious stones or minerals together with any defined area in the immediate vicinity of such digging; or
- (b) any area defined in such notice in which railway, harbour, irrigation or other public works are being constructed; or
- (c) any area defined in such notice where schemes of agricultural, irrigation or reserved settlement or of afforestation are being carried out,

shall, as from a date to be specified in the notice, be an area within and in respect of which the provisions of this section relating to the conveyance and delivery of intoxicating liquor shall apply, and from a date specified in such notice the provisions of this section shall so apply to any such area: Provided that—

- (i) no such area shall be so declared if it is within the limits of jurisdiction of a municipal borough, town or village council, town board, local board or village management board or village management committee; and
- (ii) the town lands under the jurisdiction of any such local authority shall, for the purposes of this section, not be regarded as within such limits.

(2) An area so declared is in this Act referred to as a removal restriction area.

(3) The Minister may, by like notice, declare that any removal restriction area shall, as from a date to be specified in the notice, cease to be subject to the provisions of this section, and as from the date so specified, the provisions of this section shall no longer apply within or in respect of such area.

(4) No person shall convey or cause to be conveyed from any premises, whether within or outside a removal restriction area, for delivery to any person or at any place or premises within any such area any intoxicating liquor in quantity exceeding one quart (whether in bottles or in any other kind of receptacle whatever), unless he is in possession of a permit issued under sub-section (5) of this section.

(5) A commissioned officer of police or a member of the police not below the rank of sergeant, upon application to him by any person who satisfies him that he resides within or is visiting or about to visit such area, or who is the holder of a licence to sell liquor by retail within or outside such area, may issue a permit authorizing intoxicating liquor of a kind and in a quantity to be specified in the permit to be conveyed for delivery to any person or at any place or premises within such area.

Such permit may authorize such conveyance and delivery of liquor on one occasion, or on more than one occasion at intervals to be specified in the permit, or during such period not exceeding three months as may be likewise specified, and in one or more vehicles.

(6) The application for such a permit may, without reason assigned, be refused.

(7) It shall be a condition of every such permit—

- (a) that it shall accompany the person conveying the liquor or in charge of any vehicle or receptacle in which it is being conveyed;

is nie tensy die applikant die uitreiker oortuig dat die aksynsbelasting, ingevolge daardie wetsbepaling verskuldig, betaal of verseker is.

(5) Die bepalinge van hierdie artikel is nie van toepassing 5 nie in verband met—

- (a) enige drank wat vervoer word van die gelisensieerde perseel van 'n lisensiehouer na die gelisensieerde perseel van 'n ander lisensiehouer; of
- 10 (b) wyn of brandewyn wat ingevolge sub-artikel (2) van artikel vyf verkoop of van die hand gesit is en wat vervoer word om afgelewer te word aan die persoon aan wie dit aldus verkoop of van die hand gesit is; of
- 15 (c) wyn of brandewyn, vervaardig deur 'n persoon of 'n vereniging van persone wat te goeder trou die wynbou beoefen, op grond wat aan daardie persoon of vereniging behoort of wettiglik deur hom geokkupeer word, as dit deur daardie persoon of vereniging vervoer word om aan iemand aan wie dit wettiglik verkoop of van die hand gesit is, afgelewer te word, of as dit op 20 las van daardie persoon of vereniging deur die Spoorweë- en Hawe-administrasie vervoer word.

131. (1) Die Minister kan, by kennisgewing in die *Staatskoerant* verklaar dat—

Verklaring van, en vervoer na of in streek van beperkte vervoer.

- 25 (a) enige streek wat kragtens 'n wet op edelgesteentes of minerale as 'n delwery geproklameer is, met 'n omskrewe streek in die onmiddellike nabyheid van daardie delwery; of
- (b) enige in daardie kennisgewing omskrewe streek waarin spoorweg-, hawe-, besproeiings- of ander publieke werke uitgevoer word; of
- 30 (c) enige in daardie kennisgewing omskrewe streek waar ondernemings van landbou, besproeiings- of gereserveerde nedersettings of van bosbou uitgevoer word, vanaf 'n dag wat die kennisgewing vasstel, 'n streek is waarin 35 en ten opsigte waarvan die bepalinge van hierdie artikel aangaande die vervoer en aflewering van sterke drank van toepassing sal wees, en vanaf 'n dag wat die kennisgewing vasstel is die bepalinge van hierdie artikel op so 'n streek van toepassing: Met dien verstande dat—
- 40 (i) so 'n streek nie aldus verklaar mag word nie, as dit binne die gebied lê van 'n munisipale, stads of dorpsraad, lokale raad, dorpsbestuursraad of dorpsbestuurskomitee; en
- 45 (ii) die dorpsveld onder beheer van so 'n plaaslike owerheid vir die doeleindes van hierdie artikel nie geag word binne daardie gebied te val nie.

(2) 'n Aldus verklaarde streek word in hierdie Wet 'n streek van beperkte vervoer genoem.

(3) Die Minister kan deur 'n dergelike kennisgewing verklaar 50 dat 'n streek van beperkte vervoer vanaf 'n dag wat die kennisgewing vasstel, sal ophou om onder die bepalinge van hierdie artikel te val, en vanaf die aldus vasgestelde dag is die bepalinge van hierdie artikel nie meer binne of ten opsigte van daardie streek van toepassing nie.

(4) Niemand mag van enige perseel, hetsy binne of buite 'n streek van beperkte vervoer, 'n groter hoeveelheid van enige 55 sterke drank dan een kwart (hetsy in bottels of in enige ander soort van houer van watter aard ook) vervoer of laat vervoer om afgelewer te word aan iemand of op enige plek of perseel binne so 'n streek nie, tensy hy in besit is van 'n permit uitgereik 60 ingevolge sub-artikel (5) van hierdie artikel.

(5) 'n Polisie-offisier of lid van die polisiemag wat 'n rang nie laer as die van sersant beklee nie kan, op 'n versoek aan hom gerig deur iemand wat hom oortuig dat hy in so 'n streek 65 woon of vertoef of op die punt staan om daarheen te gaan, of wat 'n lisensie hou om binne of buite daardie streek, drank by die kleinmaat te verkoop, 'n permit uitreik waarin magtiging verleen word om sterke drank van die soort en hoeveelheid wat in die permit genoem word, te vervoer om afgelewer te word 70 aan iemand of op enige plek of perseel binne so 'n streek.

So 'n permit kan magtiging verleen om eenkeer of meer dan eenkeer, met tussenpose wat die permit vasstel, of gedurende 'n tydperk van hoogstens drie maande wat eweneens vasgestel is, en in een of meer voertuie drank te vervoer en af te lewer.

75 (6) Die versoek om so 'n permit kan sonder om 'n rede aan te voer geweier word.

(7) Elke sodanige permit is onderhewig aan die voorwaarde—

- (a) dat dit moet saamgaan met die persoon wat die drank vervoer of wat die beheer het oor die voertuig of 80 houer waarin dit vervoer word;

- (b) that it shall be produced on demand for the inspection of any member of the police;
- (c) that the holder of the permit and any person placed by him in charge of vehicles shall, on demand, give every facility to any member of the police to inspect any vehicle belonging to such holder whether or not liquor is being conveyed therein; and
- (d) that the receptacles in which the liquor conveyed is contained shall be securely corked or stoppered.

(8) Any permit issued under this section may, without reason assigned, be cancelled at any time by any commissioned officer of police or a member of the police not below the rank of sergeant, whether or not he was the issuer thereof. Written notice of the cancellation shall be served upon the holder of the permit, and as from the time of service of such notice the authority thereby given shall cease.

(9) Any applicant feeling aggrieved by the refusal to issue, and any holder feeling aggrieved by the cancellation of, a permit under this section may appeal to the deputy-commissioner of police under whom the police officer or member of the police who refused or cancelled the permit is serving, and thereupon such deputy-commissioner shall inquire into the matter and may confirm or reverse such officer's action. Until it is reversed the refusal or cancellation shall not be affected by the appeal. The deputy-commissioner's decision in the matter shall be final.

(10) No permit shall be issued under this section for the conveyance of any liquor which is subject to excise duty under any law in force in any part of the Union unless the applicant satisfies the issuer that the excise duty payable under such law has been paid or secured.

Introduction and possession of liquor and kaffir beer in native area.

132. (1) Save in circumstances in which the possession and use of liquor for medicinal or sacramental purposes is rendered lawful by sections *ninety-six*, *ninety-seven* and *ninety-eight* and the possession and use of kaffir beer is rendered lawful by any provision of Part (B) of Chapter XII no person shall, unless he—

- (a) is authorized thereto in writing by the magistrate of the district concerned; or
- (b) holds a certificate under the hand of a magistrate that he is a minister of religion recognized by the Government and *bona fide* requires, for administration in the course of any sacrament, wine of the kind and quantity stated in the certificate (which shall not exceed one quart),

introduce any intoxicating liquor or kaffir beer into—

- (i) a location, native village, or native hostel established or existing under the Native (Urban Areas) Consolidation Act, 1945; or
- (ii) into any area which in terms of any law is now or hereafter a scheduled or declared native area; or
- (iii) into any place which in terms of any law is a private location or any farm or other area communally occupied by natives.

(2) Save as aforesaid, no person shall be in possession of any intoxicating liquor or kaffir beer within any such location, native village, native hostel, native area, private location, farm or other area.

Conditions as to distribution of liquor.

133. (1) No person shall, either by himself or by any servant or agent—

- (a) supply, or deliver, or induce any person to supply, or deliver any intoxicating liquor from any vehicle or receptacle, unless before the liquor has been despatched it has been ordered and the quantity, description and price thereof, together with the name and address of the person to whom it is to be supplied, has been entered in a delivery book or invoice which shall be carried by the person delivering the liquor, and in a day book which shall be kept on the premises from which the liquor is despatched; or
- (b) carry or convey in any vehicle or receptacle, while in use for the supply or delivery of intoxicating liquor, any such liquor not entered in such delivery book or invoice and such day book; or
- (c) supply or deliver any intoxicating liquor at any address not specified in such delivery book or invoice and day book; or

- (b) dat dit op verlanje ter insage vertoon moet word aan enige lid van die polisiemag;
- (c) dat die permithouer en iemand aan wie hy die beheer oor voertuie toevertrou het, op verlanje enige lid van die polisiemag alle kans moet gee om enige voertuig te besigtig wat aan die permithouer behoort, hetsy al dan nie drank daarin vervoer word; en
- (d) dat die houters waarin die drank vervoer word, dig toegekurk of geprop moet wees.
- (8) Enige ingevolge hierdie artikel uitgereikte permit mag sonder om 'n rede aan te gee, te eniger tyd ingetrek word deur 'n polisie-offisier of 'n lid van die polisiemag wat 'n rang nie laer as die van sersant beklee nie, hetsy hy dit al dan nie uitgereik het. Van die intrekking moet aan die permithouer skriftelik kennis gegee word, en vanaf die kennisgewing verval die magtiging wat die permit verleen het.
- (9) 'n Applikant wat hom veronreg voel deur die weiering om 'n permit ingevolge hierdie artikel uit te reik en 'n permithouer wat hom veronreg voel deur die intrekking van so 'n permit, kan appelleer na die onder-kommissaris van polisie onder wie die polisie-offisier of lid van die polisiemag staan wat die permit geweier of ingetrek het, en die onderkommissaris moet daarop die saak ondersoek en mag die polisiebeampte se handeling bekragtig of in teenoorgestelde sin beskik. Die appèl het geen invloed op die weiering of intrekking totdat in teenoorgestelde sin beskik word nie. Die onderkommissaris se beslissing van die saak is afdoende.
- (10) Geen permit word kragtens hierdie artikel uitgereik vir die vervoer van drank waarop ingevolge 'n wetsbepaling in enige deel van die Unie van krag, aksynsbelasting verskuldig is nie, tensy die versoeker die uitreiker oortuig dat die aksyns belasting, ingevolge daardie wetsbepaling verskuldig, betaal of verseker is.

132. (1) Behalwe onder die omstandighede waarin artikels ses-en-negentig, sewen-en-negentig en agt-en-negentig, die besit en gebruik van drank as medisyne of as 'n sakrament wettig, en waarin 'n bepaling van Deel (B) van Hoofstuk XII die besit en gebruik van kafferbier wettig, kan niemand tensy hy—

Invoering en besit van drank en kafferbier in natuurelgebied.

- (a) deur die magistraat van die betrokke distrik skriftelik daartoe gemagtig is; of
- (b) 'n sertifikaat geteken deur 'n magistraat het dat hy 'n deur die Regering erkende godsdienstleraar is en te goeder trou by die bediening van 'n sakrament die soort van en hoeveelheid wyn nodig het wat die sertifikaat vermeld (wat nie meer dan een kwart mag wees nie),

sterke drank of kafferbier invoer in—

- (i) 'n lokasie, natuurelledorp of natuurelle-tehuis wat ingevolge die Natuurelle (Stadsgebiede) Konsolidasie Wet, 1945, gestig is of bestaan nie, of
- (ii) 'n gebied wat kragtens enige wet nou of hierna as natuurelgebied in 'n bylae opgeneem is of tot natuurelgebied verklaar is nie, of
- (iii) 'n plek wat kragtens een of ander wet 'n private lokasie is of enige plaas of ander stuk grond in gemeenskaplike besit van natuurelle nie.

(2) Met voormelde uitsonderings mag niemand in so 'n lokasie, natuurelledorp, natuurelle-tehuis, natuurelgebied, private lokasie, plaas of ander stuk grond enige sterke drank of kafferbier besit nie.

133. (1) Niemand mag, hetsy self of deur 'n bediende of agent—

Voorwaardes van drankaflewering.

- (a) enige sterke drank uit 'n voertuig of houer verstrek, of aflewer nie, of iemand anders beweeg om dit te doen nie, tensy, voor die versending van die drank, dit bestel geword is, en die hoeveelheid, soort en prys daarvan, met die naam en adres van die persoon aan wie dit gelewer moet word, ingeskrywe is in 'n afleweringsboek of faktuur wat die persoon, wat die drank aflewer, moet saamdra, en in 'n dagboek wat gehou moet word in die perseel waaruit die drank gestuur word; of
- (b) terwyl 'n voertuig of houer gebruik word om sterke drank te verstrek of af te lewer, enige sodanige drank daarin vervoer wat die ingeskrywe is in daardie afleweringsboek of faktuur en in daardie dagboek nie; of
- (c) enige sterke drank verstrek of aflewer aan 'n adres wat nie vermeld staan in daardie afleweringsboek of faktuur en in daardie dagboek nie; of

- (d) refuse to allow any member of the police to examine such vehicle or receptacle, or such delivery book or invoice.

(2) Nothing in this section shall be deemed to prohibit or restrict the supply, or delivery of intoxicating liquor in the ordinary course of business to a licensee. 5

CHAPTER XVII.

POWERS AND DUTIES OF POLICE.

Report by police of conviction of licensee.

134. Whenever a licensee has been convicted of any offence, whether under this Act or any other law, and the senior officer in police charge of the district considers that by reason of such offence such licensee should no longer in the public interests continue to hold his licence, such police officer shall forthwith report the circumstances of the offence and the conviction to the chairman of the local board within whose area of jurisdiction the premises concerned are situated. 10 15

Right of police to enter premises and seize liquor.

135. (1) Any member of the police of or above the rank of sergeant and any member of the police below that rank having a special written authority from a magistrate, a justice of the peace or a member of the police of or above the rank of sergeant, 20 may—

- (a) during the hours when any premises licensed under this Act are open for the sale of liquor enter and inspect any room in such premises or any other part of such premises; 25
- (b) at all times enter and inspect any premises or room or other portion thereof, whether licensed under this Act or not, or any vehicle, in which there is reasonable ground to suppose that any contravention of a provision of this Act is taking place or in which it is reasonable to suspect that any liquor or thing is kept in contravention of any provision of this Act; and
- (c) enter any premises upon which liquor is being sold or supplied and demand the production of the licence authorizing such sale or supply. 35

(2) Any such member of the police may seize and remove anything, the keeping and possession of which upon the premises or vehicle entered is suspected by him to be unlawful or in respect of which he suspects an offence to have been committed. 40

Search of premises of dealer in methylated spirit.

136. Any customs or excise officer specially authorized thereto by the Commissioner of Customs and Excise or any officer of the police of or above the rank of sergeant may—

- (a) at any time enter and search the premises of any person licensed to deal in methylated spirit and inspect his stock of methylated spirit and the registers or records kept by him in terms of section *one hundred and twenty-eight*; 45
- (b) enter and search the premises of any person who is suspected of dealing in methylated spirit without a licence or of unlawfully importing or keeping methylated spirit; 50
- (c) upon premises so entered seize any methylated spirit kept in contravention of any provision of the said section or any regulation thereunder. 55

Police may demand names and addresses of persons on premises.

137. Any member of the police may demand the name and address of any person who he finds on any premises or vehicle in which he seizes or from which he removes any liquor, methylated spirit or other thing under the provisions of section *one hundred and thirty-five* or *one hundred and thirty-six*. If such person fails on such demand to furnish his full name and address, such member may forthwith arrest him; and if any such person on such demand furnishes to such member a name or address which such member upon reasonable grounds suspects to be false, such person may be arrested and detained for a period not exceeding twelve hours until the name and address so furnished have been verified. 60 65

Police power where unlawful removal of liquor, etc., suspected.

138. Any member of the police may at all times demand from any person who he has good reason to believe is conveying intoxicating liquor, or any other thing for the removal of which a permit is required, the production of such permit, and may 70

(d) aan 'n lid van die polisiemag die besigtiging van so 'n voertuig of houer of so 'n afleweringsboek of faktuur ontsegg.

(2) Hierdie artikel belet of beperk nie die verstrekking, of 5 aflewering van sterke drank as 'n gewone besigheidstransaksie aan 'n lisensiehouer nie.

HOOFTUK XVI.

BEVOEGDHEDE EN PLIGTE VAN POLISIE.

134. Wanneer 'n lisensiehouer skuldigbevind is weens een 10 of ander misdryf, hetsy ingevolge hierdie Wet of enige ander wet, en die senior beampte onder wie se polisietoetsing die distrik staan van mening is dat dit in die publieke belang is dat so 'n lisensiehouer weens daardie misdryf nie langer sy lisensie behoort te behou nie, moet so 'n polisiebeampte onverwyld die om- 15 standighede van die misdryf en die skuldigbevinding aan die voorsitter van die plaaslike raad binne wie se regsgebied die betrokke perseel geleë is, rapporteer.

Polisie-verslag omtrent skuldigbevinding van lisensiehouer.

135. (1) Enige lid van die polisiemag wat die rang van sersant of 'n hoëre rang beklee, en enige lid van die polisiemag 20 benede daardie rang wat spesiaal deur 'n magistraat, 'n vredereger of 'n lid van die polisiemag wat die rang van sersant of 'n hoëre rang beklee, skriftelik gemagtig is, kan—

Reg van polisie om gebou te betree en drank in besit te neem.

(a) gedurende die ure wanneer 'n perseel, ingevolge hierdie 25 Wet gelisensieer, vir die verkoop van drank ope is, enige kamer in so 'n perseel of enige ander deel van daardie perseel betree en besigtig;

(b) te eniger tyd ingaan en 'n ondersoek instel in enige 30 perseel of kamer of ander deel daarvan, hetsy al dan nie ingevolge hierdie Wet gelisensieer, of in enige voertuig, ten opsigte waarvan om gegronde redes vermoed word dat 'n oortreding van 'n bepaling van hierdie Wet daarin plaasvind, of ten opsigte waarvan 'n redelike verdenking bestaan dat enige drank of 35 iets anders in stryd met 'n bepaling van hierdie Wet daarin gehou word; en

(c) enige perseel waar drank verkoop of verstrekk word, betree en vertoning verlang van die lisensie wat die 40 verkoop of verstrekking magtig.

(2) So 'n lid van die polisiemag kan enigiets wat volgens sy 40 vermoede nie wettig in die betrede gebou of voertuig aangehou en besit mag word nie, of in verband waarmee hy vermoed dat 'n misdryf gepleeg is, in beslag neem en verwyder.

136. 'n Doeane- of aksynsbeampte, wat spesiaal deur die 45 Kommissaris van Doeane en Aksyns daartoe gemagtig is of 'n polisiebeampte wat die rang van sersant of 'n hoëre rang beklee, kan—

Deursoeking van gebou van handelaar in brandspiritus.

(a) te eniger tyd die perseel van iemand wat gelisensieer 50 is om in brandspiritus handel te dryf, betree en deursoek en sy voorraad brandspiritus en sy registers of aantekenings, gehou ingevolge artikel honderd agt-en-twintig besigtig;

(b) die perseel van iemand wat verdink word sonder 55 lisensie in brandspiritus handel te dryf of onwettig brandspiritus in te voer of aan te hou, betree en deursoek;

(c) in 'n aldus betrede perseel enige brandspiritus in beslag 60 neem, wat in stryd met die bepalings van daardie artikel of 'n regulasie ingevolge daarvan aangehou word.

137. Enige lid van die polisie kan die naam en adres verlang 60 van enige persoon wat hy teëkom op enige perseel of voertuig waarop of waarvan hy kragtens die bepalings van artikel honderd vyf-en-dertig of honderd ses-en-dertig enige drank, brandspiritus of ander voorwerp in beslag neem of verwyder.

Polisie mag name en adresse van persone in geboue verlang.

65 As daardie persoon wanneer aldus van hom verlang weier om sy volledige naam en adres op te gee, dan kan daardie lid hom onmiddellik arresteer, en as daardie persoon wanneer aldus van hom verlang 'n naam of adres opgee wat daardie lid om gegronde redes vermoed vals te wees, dan kan hy gearresteer 70 en aangehou word gedurende 'n tydperk van hoogstens twaalf uur, totdat uitgevind is of die aldus opgegewe naam en adres juis is.

138. Enige lid van die polisiemag kan te eniger tyd van 75 iemand, wat hy om gegronde redes verdink van vervoer van sterke drank, of iets anders vir die vervoer waarvan 'n permit nodig is, die vertoning van daardie permit verlang, en kan enige

Bevoegdheid van polisie wanneer onwettige drankvervoer vermoed word.

stop and inspect any vehicle which he suspects is being used for such conveyance of any liquor or thing, or may stop and search any person whom he suspects to be conveying any liquor or thing unlawfully.

Record of permits or authorities granted.

139. Every member of the police authorized by any provision of this Act to issue or grant any permit or authority shall keep a register (which may consist of duplicates or copies of the permits or authorities issued, if kept in book form) in which shall be entered particulars of all permits issued and all authorities granted, of the name and residence of every holder of such a permit or authority, and of every cancellation thereof.

CHAPTER XVII.

LEGAL PROCEEDINGS, OFFENCES AND PENALTIES.

(A) Evidence and Criminal Liability.

Presumption of sale by unlicensed person.

140. Evidence that any unlicensed person during any period or upon any occasion—

- (a) had on or near his premises any signboard or notice importing that he was licensed; or
- (b) was in occupation or apparent occupation of premises fitted with a bar or similar place containing bottles, casks or vessels so displayed as to induce a reasonable belief that liquor was sold or served therein; or
- (c) acquired or had on his premises or at any other place more liquor than was reasonably required for his household use, shall afford *prima facie* proof of the sale of liquor by such person during such period or upon any such occasion.

When supply of liquor presumed to be sale.

141. Evidence that any person being a licensee, general dealer, importer, agent for a foreign firm, butcher, baker or dealer in aerated waters has supplied any liquor in connection with any sale or exchange or in connection with any dealing or transaction in the nature of a sale or exchange shall afford *prima facie* proof that such person has sold, supplied or dealt in such liquor.

Presumption of sale arising from nature of transaction.

142. At the trial of any charge under this Act alleging an unlawful sale of liquor a sale of liquor shall be presumed to have taken place if the court hearing the case is satisfied that, notwithstanding the absence of proof that money passed, a transaction in the nature of a sale actually took place, or that consumption of liquor was about to take place.

Presumption of sale arising from presence in restricted portion.

143. Evidence that any person (other than the licensee, a member of his family, his servant or agent, or a person lodging in the licensed premises) was in the restricted portion of licensed premises at a time when the sale of liquor to the public in such restricted portion was not authorized, shall afford *prima facie* proof of a sale of liquor to such person by or on behalf of the licensee during prohibited hours.

Presumption arising from supply of liquor by employee or member of family.

144. Evidence that any liquor was supplied to any person upon the licensed premises by any member of the licensee's family or by any agent of or person in the employ of the licensee, shall afford *prima facie* proof that such liquor was supplied by or on behalf of the licensee.

Presumption arising from consumption of liquor.

145. Evidence of consumption or intended consumption of liquor on licensed premises by some person other than the licensee, a member of his family or his servant or agent, shall afford *prima facie* proof that the liquor being consumed or about to be consumed was supplied by or on behalf of the licensee.

Onus of proof where prohibited person on premises.

146. If any person who under any provision of this Act is prohibited from access to, or from being at any particular time upon, any licensed premises or any particular portion thereof is proved to have been upon such premises or portion thereof or to have been there at such time, the licensee of such premises shall be deemed to have permitted such person to be at the

voertuig waarvan hy vermoed dat dit vir sodanige vervoer van drank of van iets anders gebruik word, aanhou en besigtig, of kan iemand wat hy van die onwettige vervoer van drank of iets anders verdink, aanhou en ondersoek.

- 5 139. Elke lid van die polisiemag, wat kragtens 'n bepaling van hierdie Wet bevoeg is om 'n permit of magtiging uit te reik of te verleen, moet 'n register aanhou (wat kan bestaan uit duplikate of afskrifte van die uitgereikte perमितte of magtigings, indien in die vorm van 'n boek gehou) waarin aangeteken moet word besonderhede van alle perमितte wat uitgereik en van elke magtiging wat verleen word, van die naam en woonplek van elke houer van so 'n permit of magtiging, en van elke intrekking daarvan.

Aantekening van verleende perमितte of magtigings.

HOOFSTUK XVII.

15 PROSEDURE, MISDRYWE EN STRAWWE.

(A) Bewyslewering en Kriminele Aanspreeklikheid.

140. Die bewyslewering dat 'n ongelisensieerde persoon gedurende een of ander tydperk of op een of ander geleentheid—
 20 (a) op of by sy gebou 'n uithangbord of kennisgewing had, voorgewende dat hy gelisensieer was; of
 (b) in besit of blykbare besit was van 'n perseel voorsien van 'n kantien of dergelike plek waarin bottels, vate of vaatwerk sodanig uitgestel was, dat dit 'n redelike vermoede verwek het dat drank daar verkoop of
 25 verstrekk is; of
 (c) meer drank verkry het of op sy perseel of enige ander plek gehad het as wat redelikerwys nodig was vir sy huishoudelike gebruik, bewys *prima facie* dat daardie persoon gedurende so 'n tydperk of op so 'n geleentheid drank verkoop het.

Presumpsie van verkoop deur ongelisensieerde persoon.

141. Die bewyslewering dat 'n lisensiehouer, algemeene handelaar, invoerder, agent van 'n buitelandse firma, slagter, bakker of handelaar in mineraalwater, enige drank verstrekk het in verband met enige verkoop of ruil of in verband met enige
 35 handeling of transaksie van die aard van 'n verkoop of ruil bewys *prima facie* dat hy daardie drank verkoop, verstrekk of verhandel het.

Wanneer drank-verstrekkings as verkoop beskou word.

142. By die verhoor van enige aanklagte ingevolge hierdie Wet, waarin 'n onwettige verkoop van drank beweer word, daar word
 40 die verkoop van drank veronderstel as die hof wat die saak verhoor, oortuig is dat, nieteenstaande die ontstentenis van bewys dat geld betaal is, 'n handeling wat met 'n verkoop ooreenkom, werklik plaasgevind het of dat iemand op die punt was om drank te gebruik.

Veronderstelling van verkoop uit aard van handeling.

- 45 143. Die bewyslewering dat iemand (behalwe die lisensiehouer, 'n lid van sy familie, sy bediende of agent of iemand wat in die gelisensieerde perseel loseer) in 'n beperkte gedeelte van 'n gelisensieerde perseel was op 'n tydstip wanneer die verkoop van drank in sodanige beperkte gedeelte aan die publiek
 50 nie geoorloof was nie, bewys *prima facie* die verkoop van drank aan daardie persoon deur of namens die lisensiehouer gedurende verbode ure.

Verkoopspresumpsie uit teenwoordigheid in beperkte gedeelte.

144. Die bewyslewering dat enige drank aan iemand op die gelisensieerde perseel verstrekk is deur 'n lid van die lisensiehouer se familie of deur 'n agent of iemand wat in diens is van die lisensiehouer, bewys *prima facie* dat die drank deur of
 55 namens die lisensiehouer verstrekk is.

Presumpsie uit verstrekkings van drank deur werknemer of familie-lid.

145. Die bewyslewering van gebruik of voorgenome gebruik van drank op 'n gelisensieerde perseel deur iemand anders dan
 60 die lisensiehouer, 'n lid van sy familie of sy bediende of agent, bewys *prima facie* dat die drank wat gebruik is of waarvan die gebruik voorgenome was, deur of namens die lisensiehouer verstrekk geword is.

Presumpsie uit drankgebruik.

146. Wanneer bewys word dat iemand, wat kragtens 'n bepaling van hierdie Wet nie in 'n gelisensieerde perseel of enige
 65 bepaalde gedeelte daarvan mag kom nie of nie op 'n bepaalde tydstip daar mag wees nie, in daardie perseel of gedeelte daarvan was of dat hy op daardie tydstip daar was, dan word veronderstel dat die lisensiehouer van die gebou daardie persoon toegelaat het om op die betrokke plek te wees, tensy die lisensie-

Bewyslas wanneer verbode persoon in perseel is.

place in question unless he proves to the satisfaction of the court that he and, in addition, his agents and servants, exercised all due diligence to prevent the presence there of such person.

Burden of proof that accused is licensed.

147. (1) In any proceedings against any person under this Act for selling, supplying or dealing in liquor without a licence such person shall be deemed to be unlicensed unless he proves that he is licensed.

(2) In any proceedings against any person for a contravention of any provision of this Act, the onus of proving that such person in consequence of any exemption provided by this Act is not criminally liable shall be upon such person.

Proof of licence and statements thereon.

148. In any proceedings under this Act a document produced or handed into the court which purports to be one of the quadruplicate parts of a licence issued under this Act shall be *prima facie* evidence of such licence, and any terms and conditions stated in such document or annexure thereto shall *prima facie* be deemed to be terms and conditions imposed under this Act in respect of such licence.

Onus of proof in case of supply to employee.

149. In any proceedings against any person for a contravention of section *ninety-five* the person to whom any liquor was supplied shall be deemed not to have been *bona fide* at the time of the supply employed by the accused in farming operations in terms of sub-section (2) of that section, unless the accused prove the contrary.

Police register is evidence of permits.

150. Entries in any register kept under the provisions of section *one hundred and thirty-nine* shall, on production of the register, be *prima facie* evidence of the facts recorded therein, and the absence from such register of any entry that a permit or authority is or was at the time held by any particular person shall, if such entry should have been recorded in the register concerned if such a permit or authority had been granted, be *prima facie* evidence that such person is not or was not the holder of such permit or authority.

Licensee's register is evidence of facts recorded therein.

151. Entries in any register kept under the provisions of section *one hundred and four* shall on production of the register be *prima facie* evidence of the facts recorded therein: Provided that the court may direct that the person who made such entries be called as a witness.

Analyst's certificates.

152. (1) In any proceedings upon any charge against any person under this Act, the production of a document purporting to be a statement or certificate made by a person who in that document alleges that he is an analyst or chemist in the public service or in the employment of the Government, and that he has made an analysis of the article or liquor or portion thereof, which is the subject of the charge, shall be sufficient evidence of the fact stated in such document, unless—

- (a) the accused requires that such analyst or chemist, if the prosecutor is able to compel him to attend as a witness, be called as a witness; and
- (b) if the Court so determine, the accused deposits, or gives security to the satisfaction of the court, for the payment of such sum as may be necessary in the opinion of the court, to cover the costs and expenses involved, if such analyst or chemist is to be summoned and to appear as a witness.

(2) In any such case the accused shall be entitled, in lieu of requiring the attendance of such analyst or chemist, to put to him interrogatories in writing approved by the court. The court shall take all such steps as may be necessary for the transmission of the interrogatories and the return thereof together with the answers thereto, and such answers shall be admissible in evidence in the proceedings.

Presumption as to kaffir beer.

153. If in any charge under this Act it is alleged that any liquid was or is kaffir beer, evidence that such liquid had or has the appearance of kaffir beer shall be *prima facie* proof that it was or is kaffir beer.

Discrepancy between charge and evidence.

154. If in any proceedings the accused is charged with wrongfully or unlawfully possessing, selling, supplying or dealing in a liquid alleged to be intoxicating liquor of a particular kind or kaffir beer, and the evidence in such proceedings establishes or the accused admits that the liquid alleged to be—

houer tot bevrediging van die hof bewys dat hy en buitendien ook sy agente en bediendes behoorlik sorg gedra het om daardie persoon daar uit te hou.

147. (1) By 'n geding teen iemand ingevolge hierdie Wet weens verkoop of verstrekking van of handel in drank sonder 'n lisensie, word veronderstel dat hy ongelisensieer is tensy hy bewys dat hy wel gelisensieer is. Bewyslas dat beskuldigde lisensie het.

(2) In 'n geding teen iemand weens 'n oortreding van enige bepaling van hierdie Wet rus die verpligting om te bewys dat daardie persoon ten gevolge van 'n deur hierdie Wet verleende vrystelling nie strafregtelik aanspreeklik is nie, op daardie persoon.

148. In 'n geding ingevolge hierdie Wet, is 'n dokument, wat voorgee een van die vier ingevolge hierdie Wet uitgereikte eksimplare van 'n lisensie te wees, *prima facie* 'n bewys van daardie lisensie, en enige voorwaardes wat daarop of op 'n aanhangsel daarvan voorkom word *prima facie* beskou as voorwaardes kragtens hierdie Wet in verband met die lisensie gestel. Bewys van lisensie en aantekening daarop.

149. In 'n geding teen iemand weens 'n oortreding van artikel vyf-en-negentig, word die persoon, aan wie drank verstrekt is, beskou nie te goeder trou tydens die verstrekking by die boerebedryf in diens van die beskuldigde te gewees het nie, volgens sub-artikel (2) van daardie artikel, tensy die beskuldigde die teendeel bewys. Bewyslas in geval van verstrekking aan werknemer.

150. Aantekeninge in 'n register, gehou kragtens artikel honderd-negen-en-dertig is op vertoon van die register *prima facie* 'n bewys van die daarin aangetekende feite, en die ontbreek in die register van 'n aantekening dat 'n bepaalde persoon 'n permit of magtiging het of destyds had (indien so 'n aantekening in die betrokke register behoort te wees indien so 'n permit of magtiging verleen is), is *prima facie* 'n bewys dat daardie persoon nie in besit van 'n permit of magtiging is of was nie. Polisieregister is bewys van permitte.

151. Aantekeninge in 'n register wat ingevolge die bepalings van artikel honderd-en-vier gehou word is op voorlegging van die register *prima facie* bewys van die feite daarin opgeteken: Met dien verstande dat die hof kan gelas dat die persoon wat sodanige aantekeninge gemaak het as 'n getuie moet geroep word. Lisensiehouer se register is bewys van die feite daarin opgeteken.

152. (1) In enige strafgeding teen iemand op 'n aanklagte ingevolge hierdie Wet, is die vertoon van 'n dokument wat heet te wees 'n verklaring of sertifikaat opgestel deur iemand wat in daardie dokument beweer dat hy 'n ontleed- of skeikundige in die staatsdiens of in die diens van die Regering is, en dat hy die voorwerp, of drank of 'n deel daarvan, wat die onderwerp van die aanklagte is, ontleed het, voldoende bewys van die feite vermeld in so 'n dokument, tensy— Skeikundige sertifikaat.

(a) die beskuldigde verlang dat so 'n ontleed- of skeikundige, as die vervolger in staat is om hom te verlig om die hof as 'n getuie by te woon, as 'n getuie opgeroep word, en

(b) indien die hof dit vereis, die beskuldigde so 'n bedrag deponeer, of sekuriteit stel tot bevrediging van die hof vir die betaling van so 'n bedrag as wat na die mening van die hof nodig mag wees om die koste en onkoste te dek wat veroorsaak sou wees deur die dagvaarding van so 'n ontleed- en skeikundige en sy verskyning as 'n getuie.

(2) In plaas van die verskyning van die ontleed- of skeikundige te verlang, is die beskuldigde in so 'n saak geregtig om aan hom skriftelike, deur die hof goedgekeurde vraagpunte te stel. Die hof moet die nodige stappe doen vir die oorsending van die vraagpunte en die terugstuur daarvan met die antwoorde daarop, en sodanige antwoorde is in die geding toelaatbaar as getuienis.

153. Wanneer in 'n aanklag kragtens hierdie Wet beweer word dat 'n vloeistof kafferbier was of is, dan lewer getuienis dat daardie vloeistof na kafferbier gelyk het of lyk, *prima facie* die bewys dat dit kafferbier was of is. Presumpisie omtrent kafferbier.

154. Indien die beskuldigde in 'n geding beskuldig word daarvan dat hy wederregtelik of onwettiglik 'n bloeistof, wat beweer word 'n bepaalde soort van sterke drank of kafferbier te wees, besit, verkoop, verstrekt of verhandel het, en die getuienis in so 'n geding bewys of die beskuldigde erken dat die vloeistof wat beweer word— Verskil tussen aanklag en getuienis.

- (i) intoxicating liquor of a particular kind is in fact intoxicating liquor of a different kind or kaffir beer; or
- (ii) kaffir beer is in fact intoxicating liquor of a particular kind,

the accused shall be deemed to be properly charged, whether under this Act or any other law, with wrongfully or unlawfully possessing, selling, supplying or dealing in the kind of intoxicating liquor or kaffir beer, so established or admitted, as the case may be, without any amendment of the charge sheet or indictment. If such possession, sale, supply or dealing constitutes an offence under this Act or any other law, the accused may be convicted of such offence.

Proof that person is under particular age or belongs to particular class.

155. If in any proceedings under this Act it is alleged that any person is under any particular age or belongs to any particular class, evidence that the person in question is apparently under that age, or, as the case may be, that he belongs by repute or by appearance to that class, shall be *prima facie* proof of the fact sought to be proved, unless the court is not satisfied by personal observation that such evidence is correct, and announces its finding and enters upon the record a note to that effect.

Bona fide mistake of fact no defence.

156. It shall be no defence to any charge under this Act that the accused or his principal, agent or servant, was *bona fide* under a belief in the existence of any fact which, had it in truth existed, would have made lawful the act or omission which is the subject of the charge.

Liability of manager.

157. Any person who at any time is managing, conducting or superintending the business of a licence holder shall be subject and liable to the same duties, obligations and penalties as such holder: Provided that nothing herein contained shall be deemed to relieve such licence holder from any duty, obligation or penalty to which he may by law be subject or liable.

Criminal responsibility of licensee for unlawful act of manager, agent, servant or member of family.

158. (1) Whenever upon any licensed premises, or in the pursuance or course of any transaction upon, or arrangement made or commenced upon, licensed premises, the manager, agent or servant of a licensee or any member of a licensee's family does or omits to do anything which it would be an offence under this Act for such licensee to do or omit to do, such licensee shall be deemed himself to have done or omitted to do such thing and be liable on conviction to the penalties therefor, unless he proves to the satisfaction of the court that—

- (a) in doing or omitting to do such thing such manager, agent, servant or member of his family was acting without his connivance or permission; and
- (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or the course of the employment of the manager, agent, servant or member of the family to do or omit to do acts whether lawful or unlawful of the character of the act or omission charged:

Provided that the fact that the licensee issued instructions forbidding any act or omission of the kind in question, shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever a licensee is by virtue of the provisions of sub-section (1) liable for anything done or omitted by another person, the latter shall also be liable therefor as if he were the licensee: Provided that the provisions of this section shall not relieve such other person from any other liability which he may have incurred apart from the liability which he shares with the licensee.

(B) Offences.

Offences by licensees in general.

159. Any licensee shall be guilty of an offence if he by himself, his servant or agent—

- (a) permits drunkenness or any riotous, disorderly or violent conduct to take place upon his licensed premises;
- (b) sells or supplies liquor to any person already in a state of intoxication;
- (c) sells as a particular kind or brand or as the manufacture of a particular person liquor which is not of that kind or brand or is not the manufacture of such person, unless he satisfies the court that he was not a

- (i) sterke drank van 'n bepaalde soort te wees in werklikheid sterke drank van 'n ander soort is of kafferbier;
- (ii) kafferbier te wees in werklikheid sterke drank van 'n bepaalde soort is,
- 5 dan word dit geag dat die beskuldigde behoortlik aangekla is, hetsy ingevolge hierdie Wet of 'n ander wet, dat hy wederregtelik of onwettiglik die soort van sterke drank of kafferbier aldus bewys of erken (na gelang van die geval) besit, verkoop, verstrek of verhandel het, sonder dat daar enige wysiging van die klagstaat of akte van beskuldiging daartoe nodig is. Indien sodanige besit, verkoop, verstrekking of verhandeling 'n misdryf ingevolge hierdie Wet of 'n ander wet uitmaak, kan die beskuldigde van so 'n misdryf skuldigbevind word.

155. (1) Wanneer dit in 'n geding ingevolge hierdie Wet beweer word dat iemand onder 'n sekere ouderdom is of tot 'n sekere klas behoort dan is getuienis dat die betrokke persoon blykbaar onder daardie ouderdom is of, na gelang van die geval, dat hy aangeneem word om by daardie klas te behoort of volgens sy voorkome daaraan behoort, *prima facie* 'n bewys van die feit wat bewys moet word, tensy die hof, as gevolg van persoonlike waarneming, 'n oortuig is dat sodanige getuienis juis is nie, en sy bevinding verkondig en 'n aantekening op die stukke dienooreenkomstig maak.

Bewys dat iemand onder sekere ouderdom is of tot sekere klas behoort.

156. By 'n aanklagte ingevolge hierdie Wet is dit geen verontskuldiging dat die beskuldigde of sy prinsipaal, agent of bediende te goeder trou geglo het dat 'n feit bestaan het, wat, as dit werklik bestaan had, die handeling of versuim waarop die klagte steun, sou gewettig het.

Vergissing te goeder trou is geen verontskuldiging.

157. Iemand wat te eniger tyd die besigheid van 'n lisensiehouer bestuur, dryf of onder toesig hou, is onderhewig aan dieselfde verpligtings en strawwe as die lisensiehouer; maar hierdie bepaling onthef die lisensiehouer nie aan enige verpligting of straf waaraan hy regtens onderhewig mag wees nie.

Aanspreeklikheid van bestuurder.

158. (1) Wanneer die bestuurder, agent, of bediende of enige familielid van 'n lisensiehouer in 'n gelisensieerde perseel, of in die uitvoering of loop van enige handeling of reëling wat in 'n gelisensieerde perseel aangegaan of beginne is, 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die lisensiehouer dit begaan het, dan word veronderstel dat die lisensiehouer self die daad of versuim begaan het, en is hy by skuldigbevinding strafbaar met die daarop gestelde strawwe, tensy hy tot bevrediging van die hof bewys dat—

Kriminele aanspreeklikheid van lisensiehouer vir onwettige daad van bestuurder, agent, bediende of familielid.

- (a) hy daardie daad of versuim van die bestuurder, agent, bediende of familielid nie deur die vingers gesien, of toegestaan het nie; en
- (b) hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en
- (c) dat 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde soort onder geen voorwaardes of omstandighede binne die bevoegdheid of in die diensloop van die bestuurder, agent, bediende of familielid geval het nie:

- Met dien verstande dat die feit dat die lisensiehouer 'n daad of versuim van die betrokke soort verbied het, alleen nog nie tot voldoende bewys strek dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom nie.

- (2) Wanneer 'n lisensiehouer kragtens die bepaling van subartikel (1) aanspreeklik is vir 'n daad of versuim van 'n ander, dan is laasbedoelde ook daarvoor aanspreeklik asof hy die lisensiehouer was: Met dien verstande dat die bepaling van hierdie artikel daardie ander persoon nie onthef van enige ander aanspreeklikheid wat op hom mag rus nie afgesien van die aanspreeklikheid wat hy met die lisensiehouer deel.

(B) Misdrywe.

159. Enige lisensiehouer is skuldig aan 'n misdryf as hy self of deur sy bediende of agent—

Misdrywe deur lisensiehouers in die algemeen.

- (a) dronkenskap of enige losbandige, wanordelike of gewelddadige gedrag in sy gelisensieerde perseel toelaat;
- (b) drank verstrek aan iemand wat reeds in 'n beskonke toestand is;
- (c) drank verkoop as 'n besonder soort of klas of as die fabriikaat van 'n besonder persoon wat nie van daardie soort of klas is nie of nie die fabriikaat van daardie persoon is nie, tensy hy die hof oortuig dat hy nie

- party to, and had no knowledge of, the deception and had no means of detecting or preventing it;
- (d) sells, supplies or delivers liquor to any person who, in terms of any prohibition or restriction imposed by or under the authority of this Act, is not permitted to obtain the same; 5
 - (e) permits to be in any restricted portion of his licensed premises any person under the age of nineteen or any person who, by virtue of any provision of this Act or any condition imposed thereunder, is not permitted to be in such restricted portion; 10
 - (f) permits any unlawful game or gambling or betting to be carried on on his premises;
 - (g) permits his licensed premises to be a brothel or habitual resort of reputed prostitutes; 15
 - (h) keeps his licensed premises open for the sale or consumption of liquor, or sells or delivers any liquor, during any time when he is not authorized by his licence to sell or deliver the same;
 - (i) sells, supplies or deals in liquor contrary to the conditions of his licence or in any manner not authorized by such licence where any such sale, supply or dealing in is not declared to be an offence under some other provision of this section; 20
 - (j) sells or offers to sell or exposes for sale any liquor at any place where he is not authorized by his licence to sell it; 25
 - (k) engages any person for employment at or in connection with or employs him at, work in which the employment of such person is prohibited by section *one hundred and one*; 30
 - (l) permits any person to manage, superintend, conduct or control his licensed business or become a partner therein or a sharer in the profits thereof in contravention of any provision of section *one hundred and fourteen*; 35
 - (m) fails to keep, or keeps inadequately or improperly, any record, book or document which by any provision of this Act or any provision of a condition made thereunder he is required to keep, or refuses, or fails to allow any inspection of any such record, book or document by any person authorized under this Act to make such inspection; 40
 - (n) fails to render assistance to the best of his ability to any person engaged on any duty under this Act in or about his licensed premises, or in any way obstructs or hinders any person in the performance of his duty under this Act; 45
 - (o) in contravention of sub-section (1) of section *one hundred and nine* receives in payment or security for any liquor or entertainment supplied in or from his licensed premises anything except current money or cheques on bankers; 50
 - (p) in contravention of sub-section (2) of section *one hundred and nine* receives payment for liquor prior to the conclusion of a sale of such liquor, or receives from any person a deposit of money or goods in respect of a future supply of liquor; 55
 - (q) in contravention of sub-section (3) of section *one hundred and nine* receives any pledge for or in respect of any liquor or entertainment supplied in or from his licensed premises; 60
 - (r) conducts or permits to be conducted upon his licensed premises any trade or business forbidden by any provision of this Act or any lawful order made thereunder to be there carried on; or 65
 - (s) save for some reason deemed to be satisfactory by the magistrate trying the charge (the *onus* of proving which shall be upon the accused) refuses or fails, if the holder of an hotel liquor licence, to provide lodging for any person demanding it, or, if the holder of a restaurant liquor licence or an hotel liquor licence, to provide any meal for any person demanding it. 70

Offences by
licensees for off-
consumption.

160. (1) The holder of any off-consumption licence shall be guilty of an offence if he— 75

- (a) 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; 80

- medepligtig was aan en nie bekend was met die bedrog
nie en geen middel had om dit te ontdek of te verhinder
nie;
- 5 (d) drank verkoop, verstrek of aflewer aan iemand wat
ingevolge 'n verbod of beperking, deur of kragtens
hierdie Wet bepaal, dit nie mag verkry nie;
- (e) in die beperkte gedeelte van sy gelisensieerde perseel
iemand toelaat wat onder negentien jaar oud is of wat
10 ingevolge 'n bepaling daarvan gestel, nie in daardie
beperkte gedeelte mag wees nie;
- (f) 'n onwettige spel of dobbelary of weddenskap in sy
perseel toelaat;
- (g) toelaat dat sy gelisensieerde perseel as bordeel gebruik
of gereeld besoek word deur vroue wat as hoere
15 beskou word;
- (h) sy gelisensieerde perseel ope hou vir die verkoop of
gebruik van drank, of drank verkoop, of lewer op 'n
tydstip wanneer sy lisensie die verkoop of lewering
nie veroorloof nie;
- 20 (i) drank verkoop, verstrek of daarin handel in stryd met
die voorwaardes van sy lisensie, of op 'n manier wat
die lisensie nie veroorloof nie, wanneer sodanige ver-
koop of verstrekking van of handel in drank nie deur
'n ander bepaling van hierdie artikel tot 'n misdryf
25 verklaar word nie;
- (j) enige drank verkoop of te koop aanbied of te koop
uitstal op 'n plek waar sy lisensie geen drankverkoop
veroorloof nie;
- (k) iemand in diens neem op of in verband met, of hom
30 gebruik vir, werk waarvoor hy kragtens artikel
honderd-en-een nie gebruik mag word nie;
- (l) toelaat dat iemand in stryd met 'n bepaling van artikel
honderd-en-veertien, sy gelisensieerde besigheid bestuur,
daaroor toesig hou, dit dryf of beheer of 'n vennoot
35 daarin word of in die wins daarvan deel;
- (m) versuim om 'n aantekening, boek of dokument te hou
wat hy kragtens voorskrif van 'n bepaling van hierdie
Wet of 'n bepaling van 'n ingevolge daarvan gestelde
voorwaarde moet hou, of dit op 'n onvoldoende of
40 onbehoorlike manier hou, of weier of versuim om
insage van so 'n aantekening, boek of dokument te
verleen aan iemand wat ingevolge hierdie Wet gemagtig
is om sodanige insage te verkry;
- (n) versuim om na vermoë hulp te verleen aan enig iemand
45 wat in of by sy gelisensieerde perseel enige diens
ingevolge hierdie Wet verrig, of op enige manier enig
iemand belemmer of hinder by sy diens verrigting
ingevolge hierdie Wet;
- (o) in stryd met sub-artikel (1) van artikel *honderd-en-nege*
50 iets anders dan gangbare geld, of banktjeks ontvang
as betaling, of sekuriteit vir enige drank of onthaal
in of uit sy gelisensieerde perseel verstrek;
- (p) in stryd met sub-artikel (2) van artikel *honderd-en-nege*
55 voor die afsluiting van 'n verkoop van drank, enige
betaling vir daardie drank ontvang of van iemand 'n
deposito van geld of goedere ontvang vir 'n toe-
komstige verstrekking van drank;
- (q) in stryd met sub-artikel (3) van artikel *honderd-en-nege*
60 'n pand ontvang vir of in verband met drank of 'n
onthaal in of uit sy gelisensieerde perseel verstrek;
- (r) in sy gelisensieerde perseel enige handel of besigheid
uitoefen, of die uitoefening daarvan toelaat, wat
volgens 'n bepaling van hierdie Wet of van 'n wettig
ingevolge daarvan uitgevaardigde bevel nie daar uit-
65 geoeval mag word nie; of
- (s) behalwe om 'n rede wat die magistraat wat die saak
verhoor bevredigend beskou (en die bewyslas waarvan
op die beskuldigde rus) weier of versuim, as hy die
70 houer van 'n hotel-dranklisensie is, om losies te
verskaf aan iemand wat dit verlang, of as hy die
houer van 'n restaurant-dranklisensie of 'n hotel-
dranklisensie is, om 'n maaltyd te verskaf aan iemand
wat dit verlang.
160. (1) Die houer van 'n buiteverbruik-lisensie is skuldig
75 aan 'n misdryf as hy—
- (a) toelaat dat 'n klant drank gebruik in die gelisensieerde
perseel of in 'n gebou of op 'n plek wat aan die
gelisensieerde perseel grens of digby geleë is en wat
die lisensiehouer okkupeer of beheer;

Misdrywe deur
houer van
lisensie vir ge-
bruik buite
gebou.

- (b) sells, supplies or delivers to any person any liquor other than in a cask, jar, bottle or other receptacle securely corked or stoppered;
- (c) sells, supplies or delivers a greater or less quantity of liquor than he is authorized to supply under any provision of this Act or any authority issued thereunder; or
- (d) uncorks or suffers or permits to be uncorked or opened upon the licensed premises or in any such other premises adjoining or near the same as are mentioned in paragraph (a) any bottle, jar or like vessel of liquor sold by him.

(2) The holder of any wholesale liquor licence or any bottle liquor licence in any area proclaimed under section *sixty-three* shall be guilty of an offence, if he fails to comply with any requirement of that section in respect of the endorsement of any permit upon which he supplies any liquor, or of section *one hundred and five* in respect of the taking possession of and transmission of permits.

Offences by
licensee for
on-consumption.

161. The holder of any on-consumption licence shall be guilty of an offence if he—

- (a) permits any purchaser of liquor from him to take such liquor away from the licensed premises;
- (b) sells or supplies a greater quantity of liquor to, or for, any person than may reasonably be consumed by such person upon the licensed premises;
- (c) save in circumstances permitted by section *one hundred and eight* allows on his licensed premises the consumption of liquor which is not paid for at the time of sale or supply; or
- (d) save in the case of sparkling wine or malt liquor *bona fide* supplied for consumption on the premises, sells or supplies liquor in a corked or stoppered bottle, jar or other receptacle or in any other form in which it may conveniently be transported away from the licensed premises.

Offences by
licensees and
others.

162. Any person shall be guilty of an offence who, whether as principal, agent or servant, where the act or omission by him is not an offence under section *one hundred and fifty-nine*—

- (a) sells, deals in or disposes of any liquor without the licence necessary in respect of such sale save as in this Act excepted;
- (b) gives, sells, supplies or delivers liquor to any person who under any provision of this Act, or under any prohibition, restriction or condition imposed under any authority therein contained, is prohibited from acquiring the same, or places liquor in the possession or under the control of any such person;
- (c) sells or supplies any methylated spirit to any native forbidden in terms of section *one hundred and twenty-eight* to purchase, obtain or possess it;
- (d) sells or supplies any yeast, malt or other substance or thing to any native, Asiatic or coloured person forbidden in terms of section *one hundred and twenty-one* to purchase, obtain or possess it;
- (e) gives or supplies liquor to any employee in contravention of section *ninety-five*;
- (f) pays or causes to be paid any salary or wages in any restricted portion of licensed premises to any person employed by him;
- (g) refuses to comply with the demand of any member of the police made under this Act for information as to his name or address;
- (h) in any manner whatsoever falsely represents himself or any other person to be within any particular class of persons, in order to induce any licensee or his agent or servant to supply him or such person with liquor contrary to any prohibition, restriction or condition imposed by or under the authority of this Act;
- (i) fails to keep, or keeps inadequately or improperly, any register, record, book or document which, by any provision of this Act, he is required to keep, or refuses, neglects or fails to allow any police or other inspection of any such register, record, book or document under this Act or any regulation made under any provision thereof;

- (b) enige drank behalwe in 'n vat, kruik, bottel of ander diggekurkte of gepropte houer aan iemand verkoop, verstrekk of aflewer;
- 5 (c) 'n groter of kleiner hoeveelheid drank verkoop verstrekk of aflewer dan hy kragtens die bepalings van hierdie Wet of enige magtiging daaronder verleen bevoeg is om te verstrekk; of
- 10 (d) enige bottel, kruik of dergelike houer met drank wat hy verkoop het, in die gelisensieerde perseel of in so 'n ander aangrensende of naby geleë gebou, as wat in paragraaf (a) vermeld word, oopmaak of toelaat dat dit oopgemaak word.
- (2) Die houer van 'n groothandelaars-dranklisensie of 'n bottel-dranklisensie in 'n streek wat kragtens artikel *drie-en-*
 15 *sestig* geproklameer is, is skuldig aan 'n misdryf as hy versuim om te voldoen aan 'n vereiste van daardie artikel wat betref die aantekening op 'n permit waaronder hy drank verstrekk, of van artikel *honderd-en-vyf* wat betref inbesitneming en insending van permitte.
- 20 **161.** Die houer van 'n binneverbruik-lisensie is aan 'n misdryf skuldig as hy—
- (a) toelaat dat iemand wat van hom drank gekoop het, die drank uit die gelisensieerde perseel wegneem;
- 25 (b) 'n groter hoeveelheid drank aan of ten behoeve van iemand verkoop of verstrekk dan redelikerwys deur laasgenoemde in die gelisensieerde perseel gebruik mag word;
- 30 (c) behalwe in die omstandighede deur artikel *honderd-en-agt* veroorloof, toelaat dat drank, waarvoor nie tydens die verkoop of verstrekk betaald is nie, in sy gelisensieerde perseel gebruik word; of
- 35 (d) behalwe wanneer skuimwyn of bier wat te goeder trou verstrekk word vir gebruik in die gebou, drank verkoop of verstrekk in 'n gekurkte of gepropte bottel, kruik of ander houer of in enige ander vorm waarin dit maklik uit die gelisensieerde perseel weggevoer kan word.
- 162.** Enigeen is skuldig aan 'n misdryf wat, hetsy as prinsipaal of as agent of bediende (as die handeling of versuim deur hom
 40 nie kragtens artikel *honderd negen-en-vyftig* 'n misdryf uitmaak nie)—
- (a) drank verkoop, daarin handel dryf of dit van die hand sit sonder die lisensie wat vir so 'n verkoop nodig is, behalwe waar hierdie Wet daarvoor 'n uitsondering maak;
- 45 (b) drank gee, verkoop, verstrekk of aflewer aan iemand wat ingevolge 'n bepaling van hierdie Wet of ingevolge 'n verbod, beperking of voorwaarde vasgestel kragtens 'n bepaling daarvan, dit nie mag verkry nie, of drank aan so iemand in besit gee of aan sy beheer oorlaat;
- 50 (c) brandspiritus verkoop of verstrekk aan 'n naturel ten opsigte van wie artikel *honderd agt-en-twintig* die koop, verkryging of besit daarvan verbied;
- 55 (d) gis, mout of 'n ander stof of ding verkoop of verstrekk aan 'n naturel, Asiaat of kleurling wat ingevolge artikel *honderd een-en-twintig* dit nie mag koop, verkry of besit nie;
- (e) drank gee of verstrekk aan 'n werknemer in stryd met artikel *vyf-en-negentig*;
- 60 (f) enige salaris of loon in 'n beperkte gedeelte van 'n gelisensieerde perseel aan iemand in sy diens uitbetaal of laat uitbetaal;
- (g) weier om te voldoen aan die eis van 'n lid van die polisiemag kragtens hierdie Wet, om sy naam of adres op te gee;
- 65 (h) op enige manier hoegenaamd valslik voorgee dat hy of iemand anders behoort tot 'n bepaalde klas van persone, om daarmee 'n lisensiehouer of sy agent of bediende te beweeg om aan hom of aan daardie ander persoon drank te verstrekk in stryd met 'n verbod, beperking of voorwaarde deur of kragtens hierdie Wet vasgestel;
- 70 (i) versuim om enige register, aantekening, boek of dokument te hou wat 'n bepaling van hierdie Wet aan hom voorskryf, of dit op 'n onvoldoende of onbehoorlike manier hou, of weier, versuim of in gebreke bly om aan die polisie of iemand anders insage van so 'n register, aantekening, boek of dokument te verleen volgens vereiste van hierdie Wet of van 'n regulasie ingevolge daarvan vasgestel;
- 75
- 80
- Misdrywe deur houer van lisensie vir gebruik in gebou.
- Misdrywe deur lisensiehouers en andere.

- (j) obstructs or hinders any person in the performance of any duty under this Act; or
- (k) save in circumstances permitted by section *one hundred and eight* consumes on licensed premises liquor which is not paid for at the time of sale or supply.

5

Offences by
medical
practitioner.

163. A registered medical practitioner shall be guilty of an offence if he makes or gives any certificate under section *ninety-six* or *ninety-seven*—

- (a) without, for the purpose of the certificate, having seen the person in respect of whom the certificate is given; or
- (b) without good and sufficient cause (the burden of proof of which shall be upon him) for believing every statement made in such certificate to be true and correct.

15

Offences by
persons
generally.

164. Every person shall be guilty of an offence who—

- (a) with intent to deceive makes use for any purpose whatsoever of any letter of exemption or any permit, certificate, licence or other document (issued under or for any purpose of this Act) which is not his own; 20
- (b) wilfully, and with intent to deceive, alters, defaces, destroys or mutilates any letter of exemption, permit, certificate, licence or other document issued under or for any purpose of this Act, or unlawfully withholds any such letter of exemption, permit, certificate, licence or other document from any person entitled to the possession thereof; 25
- (c) counterfeits or forges any letter of exemption, permit, certificate, licence or other document issued under this Act, or any document written or signed or 30 purporting to have been written or signed by an employer authorizing any person to obtain liquor for such employer or utters such counterfeit or forged letter of exemption, permit, certificate, licence or document knowing it to be counterfeit or forged; 35
- (d) submits to the Board or a local board any written information, whether on affidavit or otherwise, which he knows to be false or does not know to be true, or any false document or document which purports to be but which is not, in fact, a true copy of the original, 40 or is in any way a party to any such submission;
- (e) refuses or fails without sufficient excuse to attend and give evidence before the Board or a local board at the time and place specified in a notice given under sub-section (2) of section *thirty* or to produce 45 any book, paper or document which he has been required by such notice to produce;
- (f) after being duly sworn, gives false evidence before the Board or any local board on any matter relevant to the question under enquiry, knowing such evidence 50 to be false or not knowing it to be true;
- (g) knowing that he is disqualified from doing so, sits or votes as a member of either the Board or a local board or takes any part in the hearing or decision of an application for a licence or fails to notify his 55 disqualification as required by sub-section (3) of section *eighteen*;
- (h) refuses or fails to leave any licensed premises when requested by the licensee or his servant or agent or any member of the police to do so, or is upon any 60 restricted portion of licensed premises knowing that his presence there is unlawful;
- (i) is drunk, violent, or disorderly upon any licensed premises or is drunk in or near—
 - (i) any road, street, lane, thoroughfare, treckpath, 65 outspan, commonage, or market place; or
 - (ii) any shop, store, warehouse or public garage; or
 - (iii) any place of entertainment, cafe, eating house, race course, or other premises or place to which the public are granted or have access, whether or 70 not the right of admission be granted on payment or be reserved to any class;
- (j) consumes any intoxicating liquor in any street, road, lane or other public thoroughfare or on vacant land adjoining any street, road, land or other public 75 thoroughfare, in any urban area (except where such

- (j) enig iemand by sy diensverrigting ingevolge hierdie Wet, belemmer of hinder; of
- (k) behalwe onder omstandighede wanneer artikel *honderden-agt* dit toelaat, in 'n gelisensieerde perseel drank gebruik, waarvoor nie tydens die verkoop of verstreking betaal is nie.

163. 'n Geregistreerde geneesheer is skuldig aan 'n misdryf *Misdrywe deur as hy ingevolge artikel ses-en-negentig of sewen-en-negentig 'n geneesheer. sertifikaat opstel of gee—*

- 10 (a) sonder dat hy met die oog op daardie sertifikaat die persoon gesien het ten opsigte van wie hy die sertifikaat gee; of
- (b) sonder goeie en voldoende rede (waarvan die bewyslas op hom rus) om te glo dat elke bewering in die sertifikaat waar en juis is.

164. Elkeen is skuldig aan 'n misdryf, wat—

Misdrywe in die algemeen.

- (a) met die doel om te mislei gebruik maak, vir watter doel ook, van 'n vrystellingsbrief of 'n permit, sertifikaat, lisensie of ander dokument (uitgereik ingevolge of vir enige doel van hierdie Wet) wat nie sy eie is nie;
- 20 (b) opsetlik en met die doel om te mislei 'n vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument, uitgereik ingevolge of vir enige doel van hierdie Wet verander, onleesbaar maak, vernietig of beskadig, of wederregtelik so 'n vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument onthou aan iemand wat geregtig is om dit te besit;
- 25 (c) 'n kragtens hierdie Wet uitgereikte vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument of 'n dokument wat deur 'n werkgewer geskrywe of geteken is of wat heet deur 'n werkgewer geskrywe of geteken te wees, waarin iemand gemagtig word om drank vir daardie werkgewer te verkry, namaak of vervals, of so 'n nagemaakte of vervalste vrystellingsbrief, permit, sertifikaat, lisensie of dokument uitgee met wete dat dit nagemaak of vervals is;
- 30 (d) aan die Raad of 'n plaaslike raad skriftelike inligting voorlê, hetsy onder eed of andersins, waarvan hy weet dat dit vals is of waarvan hy nie weet dat dit waar is nie, of 'n valse dokument of 'n dokument wat heet 'n juiste afskrif van die oorspronklike te wees maar dit in werklikheid nie is nie, of op enige manier by daardie voorlegging betrokke is;
- 35 (e) sonder voldoende rede weier of in gebreke bly om voor die Raad of 'n plaaslike raad te verskyn en getuienis af te lê op die tyd en plek vermeld in 'n kennisgewing uitgevaardig ingevolge sub-artikel (2) van artikel *dertig* of om 'n boek, papier of dokument oor te lê, waarvan die oorlegging in daardie kennisgewing van hom geëis word;
- 40 (f) na beëdiging, valse getuienis aflê voor die Raad of 'n plaaslike raad omtrent iets wat betrekking het op die kwessie wat die Raad ondersoek, terwyl hy weet dat die getuienis vals is of sonder om te weet dat dit waar is;
- 45 (g) as 'n lid van die Raad of 'n plaaslike raad sitting neem of stem, of deel neem in die verhoor of beslissing van 'n aansoek om 'n lisensie, terwyl hy weet dat hy daartoe onbevoeg is, of versuim om kennis te gee van sy onbevoegdheid soos vereis deur sub-artikel (3) van artikel *agtien*;
- 50 (h) weier of in gebreke bly om 'n gelisensieerde perseel te verlaat, indien daartoe versoek deur die lisensiehouer of sy bediende of agent of 'n lid van die polisiemag, of in 'n beperkte gedeelte van 'n gelisensieerde gebou is met wete dat sy teenwoordigheid daar onwettig is;
- 55 (i) dronk, gewelddadig, of wanordelik is in 'n gelisensieerde perseel, of dronk is op of in of naby—
- 60 (i) 'n pad, straat, steeg, deurgang, trekpad, uitspanning, meentgrond of markplek; of
- 65 (ii) 'n winkel, pakhuis of publieke garage; of
- (iii) 'n plek van vermaak, kafee, eethuis, resiesbaan of 'n ander perseel of plek waartoe aan die publiek toegang verleen word of waartoe dit toegang het, hetsy die toegangsreg al dan nie teen betaling verleen word of vir 'n klas voorbehoud is;
- 70 (j) sterke drank in 'n straat, weg, steeg of ander publieke deurgang, of op oop grond naas 'n straat, weg, steeg of ander publieke deurgang in 'n stedelike gebied ver-

- liquor has been sold and supplied on such land under an on-consumption licence): Provided that the provisions of this paragraph shall not apply in relation to any entertainment provided on such vacant land as aforesaid by any person who owns or leases or otherwise lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof;
- (k) enters into or is a party to any tie, stipulation or promise rendered unlawful by section *one hundred and six*;
- (l) sells, purchases, keeps, possesses or uses any intoxicating medicine in contravention of any provision of a regulation made under sub-section (3) of section *one hundred and twenty-nine*;
- (m) without a licence issued under sub-section (2) of section *one hundred and twenty-eight* sells methylated spirit or contravenes any provision of a regulation issued under that section or section *one hundred and twenty-one*;
- (n) being a person to whom in terms of any provision of this Act or of any prohibition, or restriction imposed under any authority thereof, liquor or liquor of any particular kind or in excess of any specified quantity may not lawfully be supplied, purchases, procures or possesses liquor contrary to such prohibition;
- (o) purchases or obtains the supply of any liquor at a time when, or at a place or in circumstances in which it is unlawful for such liquor to be supplied to him;
- (p) solicits or takes orders for the sale of, or accepts or receives offers for the purchase of, liquor in contravention of any provision of section *one hundred and fifteen*;
- (q) in contravention of any provision of section *one hundred and thirty-two* introduces into or possesses in any place or area mentioned in that section any intoxicating liquor or kaffir beer;
- (r) makes, has the custody or possession of, uses, drinks, or gives or supplies to any person any concoction referred to in section *one hundred and twenty*, or purchases or possesses any yeast, malt or other substance or thing in contravention of any provision of sub-section (1) or (4) of section *one hundred and twenty-one*;
- (s) sells kaffir beer in contravention of the provisions of section *one hundred and twenty-seven*, or takes part in or permits upon land owned or occupied by him any assembly prohibited by section *one hundred and twenty-four*; or permits, or consents to, the brewing upon any land of kaffir beer in quantity more than is reasonably required in terms of section *one hundred and twenty-three*; or at any place or upon any land where, in terms of section *one hundred and twenty-three* or *one hundred and twenty-four*, no kaffir beer may be brewed except by consent or under permit, possesses kaffir beer in respect of which no such consent or permit was granted;
- (t) conveys or causes to be conveyed any liquor in contravention of any provision of section *one hundred and thirty* or *one hundred and thirty-one* or contravenes any provision of section *one hundred and thirty-three*, or does not comply with any condition of any permit granted under this Act;
- (u) when purchasing any liquor the sale whereof must be entered in a sales register, in terms of section *one hundred and four*, gives to the seller as his (the purchaser's) name or address a name or address which is not his correct name or address;
- (v) not being the holder of a licence under this Act to sell liquor at any place of entertainment or at any meeting, race course or sportsground to which the public are granted or have access (whether or not the right of admission be granted on payment or be reserved to any class) is in possession of intoxicating liquor (other than intoxicating liquor acquired for on-consumption from the holder of such a licence) in such place of entertainment or meeting, race course or sportsground.

- bruik (behalwe waar sulke drank op sodanige grond kragtens 'n binneverbruik-lisensie verkoop en verstrekt is): Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie ten opsigte van enige onthaal wat op sodanige oop grond soos voormeld verskaf word deur iemand wat die eienaar van die grond is, of dit huur of andersins regmatig okkuper, of ten opsigte van die gebruik van die grond deur so iemand in die gewone loop van sy okkupasie daarvan;
- (k) 'n koopverplichting, beding of belofte wat artikel *honderd-en-ses* onwettig maak, aangaan of daaraan deelneem;
- (l) in stryd met die bepalings van 'n regulasie uitgevaardig ingevolge sub-artikel (3) van artikel *honderd negen-entwintig* bedwelkende medisyne verkoop, koop, aanhou, besit of gebruik;
- (m) brandspiritus verkoop sonder 'n lisensie, uitgereik ingevolge sub-artikel (2) van artikel *honderd agt-entwintig* of 'n bepaling van 'n regulasie, ingevolge daardie artikel of artikel *honderd een-en-twintig* uitgevaardig, oortree;
- (n) terwyl hy iemand is aan wie kragtens 'n bepaling van hierdie Wet of van 'n verbod of beperking, op gesag daarvan vasgestel, drank of 'n bepaalde soort of meer dan 'n vasgestelde hoeveelheid drank nie wettiglik verstrekt kan word nie, in stryd met daardie verbod drank koop, verkry of besit;
- (o) drank koop of verkry op 'n tydstip of onder omstandighede wanneer of op 'n plek waar die verstreking van daardie drank aan hom onwettig is;
- (p) in stryd met die bepalings van artikel *honderd-en-vyftien* die verkoop van drank versoek of bestellings daarvoor aanneem of aanbiedings om drank te koop aanneem of ontvang;
- (q) in stryd met 'n bepaling van artikel *honderd twee-entertig* sterke drank of kafferbier in 'n in daardie artikel vermelde plek of gebied invoer of besit;
- (r) 'n brousel, vermeld in artikel *honderd-en-twintig*, maak, in sy bewaring of besit het of gebruik of drink, of aan iemand anders gee of verstrekt, of gis of mout of 'n ander stof of ding in stryd met 'n bepaling van sub-artikel (1) of (4) van artikel *honderd een-en-twintig* koop of besit;
- (s) in stryd met die bepalings van artikel *honderd sewen-entwintig*, kafferbier verkoop, of aan 'n byeenkoms wat artikel *honderd vier-en-twintig* belet, deelneem, of dit toelaat op grond wat aan hom behoort of deur hom geokkuper is, of toelaat of daarin toestem dat op enige grond meer kafferbier gebrou word as wat redelikerwys nodig volgens artikel *honderd drie-entwintig*, of op enige plek of op enige grond waar ingevolge artikel *honderd drie-en-twintig* of *honderd vier-en-twintig*, geen kafferbier gebrou mag word nie sonder toestemming of permit, kafferbier besit waarvoor geen sodanige toestemming of permit verleen is nie;
- (t) in stryd met 'n bepaling van artikel *honderd-en-dertig* of *honderd een-en-dertig* enige drank vervoer of laat vervoer of 'n bepaling van artikel *honderd drie-entertig* oortree, of nie voldoen nie aan 'n voorwaarde van 'n permit wat kragtens hierdie Wet uitgereik is;
- (u) wanneer hy drank koop waarvan die verkoop ingevolge artikel *honderd-en-vier* in 'n verkoopsregister moet aangeteken word, aan die verkoper as sy (die koper se) naam of adres 'n naam of adres aangee wat nie sy korrekte naam of adres is nie;
- (v) terwyl hy nie die houer van 'n lisensie kragtens hierdie Wet is nie om drank te verkoop by 'n plek van vermaak, of by 'n byeenkoms, resiesbaan of sportterrein waar die publiek toegang het of toegang verleen word (hetsy die reg van toelating op betaling toegestaan word of vir een of ander klas voorbehoud word) in besit is van sterke drank (behalwe sterke drank wat hy verkry het vir binneverbruik van die houer van so 'n lisensie) op so 'n plek van vermaak of byeenkoms, resiesbaan of sportterrein.

(C) Penalties.

Penalties for
contraventions.

165. (1) Any person who is convicted of any offence mentioned under Part B of this Chapter shall be liable to a fine not exceeding one hundred pounds, or in default of payment, to imprisonment not exceeding one year or to such imprisonment without the option of a fine, or both such fine and such imprisonment. 5

(2) (a) If within five years of such conviction, the person so convicted is convicted of any contravention whatsoever of this Act or of any law repealed by this Act, 10 the penalties prescribed in sub-section (1) may be doubled;

(b) If the person convicted is the holder of a licence issued under this Act and the second or subsequent conviction is for a contravention of a provision of paragraph (d), 15 (g), (h), (i) or (j), of section *one hundred and fifty-nine*, or of a provision of section *one hundred and sixty* or *one hundred and sixty-one*, or paragraph (a) or (b) of section *one hundred and sixty-two*, or paragraph (d), (f), (k), (l), (m), (p), (q), (r), or (t) of section *one 20 hundred and sixty-four*, the court may in addition to or in lieu of such penalty declare such licence to be forfeited;

(c) If the second or subsequent conviction is for a contravention mentioned in paragraph (c) or (d) of section 25 *one hundred and sixty-two* the court may, if the person convicted is the holder of a licence, whether under this Act or any other law, authorizing the sale of methylated spirit, yeast, malt or other substance or thing, in addition to or in lieu of such penalty, declare such 30 licence to be forfeited.

General
penalties.

166. Any person who contravenes any provision of this Act or who makes default in complying with any provision of this Act with which it is his duty to comply, where such contravention or default is not elsewhere in this Act declared an 35 offence, shall be guilty of an offence, and shall, if no penalty is specially prescribed in this Act for such contravention or default, be liable on conviction to a fine not exceeding twenty-five pounds, or if within three years of such conviction such person is convicted of any contravention whatsoever of this Act or 40 of any law repealed by this Act, to a fine not exceeding fifty pounds.

Jurisdiction of
magistrates'
courts.

167. Notwithstanding anything contained in section *ninety-two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or any other law, magistrates' courts shall have jurisdiction 45 to impose any penalty prescribed by this Act.

Forfeiture of
seized liquor, etc.

168. (1) Any liquor or thing seized under the authority of this Act or of the Criminal Procedure and Evidence Act, 1917, or any amendment thereof, shall, together with any vessels 50 in which the same is contained, be forfeited unless—

- (a) in the case where such liquor or thing forms the subject of the prosecution of the person in whose possession it was seized, the court finds that the liquor or thing was not possessed by him in contravention of any provision of this Act or any other law; or 55
- (b) In any other case the person from whom such liquor or thing was taken proves within thirty days of the seizure to the satisfaction of the Minister that the possession of it by himself or any other person was not unlawful. 60

(2) The Minister may direct that any liquor, thing or vessel so forfeited may be sold or destroyed, or may be dealt with in such other manner as the Minister may direct.

CHAPTER XVIII.

SUPPLEMENTARY.

Number of
Parliamentary
voters in area of
urban local
authority.

169. (1) As soon as may be after the last day of August in each year the Chief Electoral Officer shall cause to be ascertained, in respect of the area of every urban local authority, the number of Parliamentary voters resident therein on the said date, and notify in the *Gazette* the number so ascertained. 70

(2) The number so notified in respect of any area shall, until the next notification in respect of that area, for all purposes

(C) *Strawwe.*

165. (1) Iemand wat skuldigbevind word weens 'n misdryf Strawwe vir oortredings.
vermeld in Deel B van hierdie Hoofstuk is strafbaar met 'n
boete van hoogstens honderd pond, of by wanbetaling met
5 gevangenisstraf van hoogstens een jaar of met sodanige
gevangenisstraf sonder keuse van 'n boete, of met beide sodanige
boete en sodanige gevangenisstraf.
- (2) (a) Indien die persoon aldus skuldigbevind binne vyf jaar
na so 'n skuldigbevinding skuldigbevind word van
10 enige oortreding hoegenaamd van hierdie Wet of 'n
wet deur hierdie Wet herroep, kan die in sub-artikel (1)
voorgeskrewe strawwe verdubbel word.
- (b) Indien die persoon wat skuldigbevind word die houër
is van 'n lisensie ingevolge hierdie Wet uitgereik, en
15 die tweede of daaropvolgende skuldigbevinding is
weens 'n oortreding van 'n bepaling van paragraaf (d),
(g), (h), (i) of (j) van artikel *honderd negen-en-vyftig*,
of van 'n bepaling van artikel *honderd-en-sestig* of
20 *honderd een-en-sestig*, of paragraaf (a) of (b) van artikel
honderd twee-en-sestig, of paragraaf (d), (f), (k), (l),
(m), (p), (q), (r) of (t) van artikel *honderd vier-en-sestig*,
kan die hof benewens of in plaas van voormelde straf
so 'n lisensie verbeurdverklaar.
- (c) Indien die tweede of daaropvolgende skuldigbevinding
25 weens 'n oortreding vermeld in paragraaf (c) of (d)
van artikel *honderd twee-en-sestig* is, kan die hof, indien
die persoon wat skuldigbevind is die houër is van 'n
lisensie, hetsy kragtens hierdie Wet of 'n ander wet,
wat die verkoop van brandspiritus, gis, mout of 'n
30 ander stof of ding magtig, benewens of in plaas van
voormelde straf, so 'n lisensie verbeurdverklaar.

166. Iemand wat 'n bepaling van hierdie Wet oortree of wat Algemene
versuim om te voldoen aan 'n bepaling van hierdie Wet waaraan strawwe.
hy verplig is om te voldoen, is, as daardie oortreding of versuim
35 nie elders in hierdie Wet 'n misdryf verklaar word nie, skuldig
aan 'n misdryf en is, as hierdie Wet nie spesiaal 'n straf op die
oortreding of versuim stel nie, strafbaar by sy skuldigbevinding
met 'n boete van hoogstens vyf-en-twintig pond of as so iemand
binne drie jaar vanaf daardie skuldigbevinding skuldig bevind
40 word weens watter oortreding ook van hierdie Wet of van 'n wet
wat deur hierdie Wet herroep word, met 'n boete van hoogstens
vyftig pond.

167. Nietenstaande die bepalings van artikel *twee-en-negentig* Regsmag van
van die Magistraatshowe Wet, 1944 (Wet No. 32 van 1944), magistraatshowe.
45 of enige ander wet, het magistraatshowe regsbevoegdheid om
enige straf op te lê wat hierdie Wet voorskryf.

168. (1) Enige drank of voorwerp wat kragtens hierdie Wet Verbeurte van
of die „Wet op de Kriminele Procedure en Bewijslevering, 1917”, drank ens., wat
of 'n wysiging daarvan in beslag geneem is, word, met die in beslag geneem
50 houers waarin dit bevat is, verbeur, tensy—

(a) in geval die drank of voorwerp die onderwerp uitmaak
van die vervolging van die persoon in wie se besit
dit was toe dit in beslag geneem is, die hof bevind
dat hy nie die drank of voorwerp in besit gehad het
55 in stryd met 'n bepaling van hierdie of enige ander
wet nie; of

(b) in enige ander geval die persoon van wie die drank of
voorwerp weggeneem is binne dertig dae na die
inbeslagneming tot bevrediging van die Minister
bewys dat die besit van die drank of voorwerp deur
60 homself of iemand anders nie onwettig was nie.

(2) Die Minister kan gelas dat enige aldus verbeurde drank,
voorwerp of houers verkoop of vernietig moet word, of wat
anders daarmee gemaak moet word.

65

HOOFSTUK XVIII.

AANVULLINGSBEPALINGS.

169. (1) So spoedig doenlik na die laaste dag van Augustus Getal parlemen-
in elke jaar laat die Hoof Verkiesingsbeampte vasstel, ten tere kiesers in
opsigte van die gebied van elke stedelike plaaslike owerheid, die gebied van
70 getal parlementêre kiesers wat op genoemde datum, daarin stedelike plaas-
woonagtig is, en maak in die *Staatskoerant* die aldus vasgestelde like owerheid.
getal bekend.

(2) Die getal aldus bekendgemaak ten opsigte van 'n gebied
is vir alle doeleindes van hierdie Wet tot die volgende bekend-

of this Act be conclusive evidence as to the number of voters in that area.

Contracts.

170. Save as is otherwise provided in this Act—

- (a) any provision in any contract entered into after the commencement of this Act whereby any person purports to relinquish any right or forego any obligation thereunder shall be null and void;
- (b) nothing in this Act contained shall affect any provision in any contract existing at the commencement thereof.

Regulations.

171. The Minister may make regulations not inconsistent with this Act upon any of the following matters—

- (a) the procedure at meetings of the Board and local boards;
- (b) the procedure to be adopted, the forms to be used, and the notices to be given in connection with the review of any decision of a local board by the Board or an appeal from any decision of a local board to the Board;
- (c) the forms of licences, notices, permits, and other documents to be issued under this Act, and of registers and other records to be kept thereunder;
- (d) the performance of the duties of receivers of revenue and other officers under this Act; and
- (e) generally the prescription and regulation of any matter for the more efficient administration and carrying into effect of the provisions of this Act,

Amendment and withdrawal of proclamations or notices.

- 172.** (a) The Governor-General may from time to time amend any proclamation issued by him under this Act or may withdraw such proclamation;
- (b) The Minister may from time to time amend any notice issued by him under this Act or may withdraw such notice.

Declaration of races to which restrictions shall not apply.

173. The Minister may by notice in the *Gazette* declare that no restriction imposed by this Act shall apply to any member of a race mentioned in such notice, if such restriction does not apply to a European.

Interpretation of terms.

174. In this Act, unless inconsistent with the context—

- (i) "Asiatic" means any member of a race or tribe whose national home is in Asia, but shall not include any member of—
 - (a) the class or race commonly known as the Cape Malays;
 - (b) the Jewish or the Syrian race;
 - (c) any race, or branch of any race, declared by the Minister by notice in the *Gazette* to be excluded from this definition; (i)
- (ii) "Board" or "the Board" means the Central Licensing Board appointed in terms of section *twelve*; (xxvii)
- (iii) "class" means when used in respect of persons, any number of persons having any characteristic in common whether of race, sex, social distinction or otherwise, and includes any number of persons grouped together by any local board by reason of their residence in any particular area, and means when used in respect of urban and rural areas, any number of urban or rural areas having any characteristic in common whether of locality, health or pleasure amenities, agricultural, commercial, industrial or mining activities or otherwise; (xiii)
- (iv) "coloured person" means any person who is neither a European nor an Asiatic nor a native, but it includes persons of the class mentioned in paragraph (a) of the definition of Asiatic and excludes persons of the classes mentioned in paragraphs (b) and (c) of that definition; (xiv)
- (v) "determination" means a determination made under sub-section (1) of section *thirteen*; (xxxiv)
- (vi) "Government" means any department of State, including the Railways and Harbours Administration; (xxiii)
- (vii) "grant" means when used in connection with a licence the grant of a certificate authorizing the issue of a new licence by the officer charged with the duty of issuing licences; (xxxvi)

making ten opsigte van daardie gebied, afdoende getuienis omtrent die getal van kiesers in daardie gebied.

170. Behalwe vir so ver in hierdie Wet spesiaal anders Kontrakte, bepaal word—

- 5 (a) is enige bepaling in 'n kontrak na die inwerkingtreding van hierdie Wet aangegaan waarvolgens iemand heet 'n reg daaronder af te staan of 'n verpligting daaronder prys te gee, nietig;
- 10 (b) maak geen bepaling in hierdie Wet vervat enige inbreuk op 'n bepaling in 'n kontrak wat by die inwerkingtreding daarvan bestaan.

171. Die Minister kan regulasies uitvaardig, wat nie strydig met hierdie Wet is nie, aangaande enige van die volgende sake—

- 15 (a) die prosedure by vergaderings van die Raad en van plaaslike rade;
- (b) die prosedure wat aanvaar word, die vorms wat gebruik word, en die kennisgewings wat uitgereik word in verband met die hersiening van 'n beslissing van 'n plaaslike raad deur die Raad, of 'n appèl van 'n beslissing van 'n plaaslike raad na die Raad;
- 20 (c) die vorms van lisensies, kennisgewings, permitte en ander dokumente wat ingevolge hierdie Wet uitgereik word, en van registers en ander aantekeninge wat insgelyks gehou word;
- 25 (d) die uitvoering van die pligte van ontvangers van staatsinkomste en ander amptenare ingevolge hierdie Wet; en
- 30 (e) oor die algemeen die voorskryfing en reëling van enige saak tot meer doelmatige beheer en uitvoering van die bepalings van hierdie Wet.

172. (a) Die Goewerneur-generaal kan van tyd tot tyd 'n Wysiging of intrekking van proklamasies of kennisgewings.

35 (b) Die Minister kan van tyd tot tyd 'n kennisgewing deur hom kragtens hierdie Wet uitgereik wysig of intrek.

173. Die Minister kan by kennisgewing in die *Staatskoerant* Verklaring omtrent rasse waarop beperkings nie van toepassing is nie.

40 toepassing is nie.

174. Tensy uit die samehang anders blyk, beteken in hierdie Woordbepaling.

Wet—

- (i) „Asiaat” enige lid van 'n ras of stam wie se nasionale tuiste in Asië is, maar dit omvat nie 'n lid van—
- 45 (a) die klas of ras gewoonlik Kaapse Slamaaiers genoem nie;
- (b) die Joodse of die Siriese ras nie;
- (c) enige ras, of tak van enige ras, deur die Minister by kennisgewing in die *Staatskoerant* verklaar van hierdie woordbepaling uitgesluit te wees; (i)
- 50 (ii) „bier” die alkoholiese vloeistof verkry deur gisting van 'n moutpap, met of sonder graan, waaraan deur hop smaak verleen is, en ook ale, stout en enige ander drank wat as of onder die naam van bier, ale of stout vervaardig of verkoop word, as dit meer alkohol bevat dan twee persent van sy volume, maar dit sluit nie kafferbier in nie; (xviii)
- 55 (iii) „bedwelmende medisyne” enige medisyne wat as sodanig geproklameer is kragtens artikel honderd negen-en-twintig; (x)
- 60 (iv) „beperkte gedeelte” in verband met 'n gelisensieerde perseel gebruik, die gedeelte wat gewoonlik kantien genoem word en sodanige ander kamers of gedeeltes van die perseel behalwe die eetsaal as wat in 'n bepaalde geval deur die plaaslike raad bepaal mag word; (xxxi)
- 65 (v) „binneverbruik-lisensie” of „lisensie vir die verkoop van drank om in die gelisensieerde perseel gebruik te word” of 'n uitdrukking van dieselfde strekking een van die volgende lisensies, naamlik—
- 70 (a) 'n restaurant-dranklisensie;
- (b) 'n hotel-dranklisensie;
- (c) 'n kantien-lisensie;
- (d) 'n wyn- en bier-lisensie;
- (e) 'n klub-dranklisensie;
- 75 (f) 'n teater- of sportgronde-dranklisensie;
- (g) 'n tydelike dranklisensie; en
- (h) 'n nagtelike geleentheidslisensie; (xxiii)

- (viii) "Inspector" means an inspector appointed under section *twenty-two*; (xi)
- (ix) "intoxicating liquor" or "liquor" means—
 - (a) any spirit (other than methylated spirit), wine, liqueur, malt liquor, cider, perry, hopbeer, and eau de cologne;
 - (b) any drink containing more than two per cent. by volume of alcohol;
 - (c) any drink, substance or concoction which the Minister may from time to time declare by notice in the *Gazette* to be included in this definition; and
 - (d) any drink with which anything defined as liquor in paragraph (a), (b) or (c) has been mixed; (xxx)
- (x) "intoxicating medicine" means any medicine declared to be such under section *one hundred and twenty-nine*; (iii)
- (xi) "issue" when used in relation to a licence, means the handing over of the licence to the licensee by the officer authorized under this Act to do so; (xxxiii)
- (xii) "kaffir beer" means—
 - (a) the drink commonly brewed by natives from kaffir corn or millet or other grain and containing not more than two per cent. by volume of alcohol; and
 - (b) any other fermented liquor containing not more than two per cent. by volume of alcohol which the Minister may from time to time by notice in the *Gazette* declare to be kaffir beer; (xii)
- (xiii) "licence" means save when used in respect of the licensing of a dealer in methylated spirits or of a licence not issued under this Act, a licence granted under this Act for the sale of liquor; (xvii)
- (xiv) "licensee" or "licence holder" means the holder of any licence for the sale of liquor granted under this Act; (xviii)
- (xv) "local authority" means an urban local authority and a divisional council; (xxiv)
- (xvi) "local board" means a local licensing board appointed under section *sixteen*; (xxv)
- (xvii) "local licensing area" means an area declared as such under section *fifteen*; (xxiii)
- (xviii) "malt liquor" means beer (that is to say the alcoholic liquid obtained by the fermentation of a mash of malt, with or without cereals, flavoured with hops), ale, stout, and any other liquor made or sold as or under the name of beer, ale or stout, if it contains more than two per cent. by volume of alcohol, but does not include kaffir beer; (ii)
- (xix) "methylated spirit" means—
 - (a) spirit denatured in accordance with any regulation in force for the time being for the denaturation or methylation of spirit;
 - (b) any other denatured, medicated, perfumed or otherwise treated spirit which the Minister may, in terms of sub-section (6) of section *one hundred and twenty-eight*, declare to be methylated spirit for the purposes of this Act; (vi)
- (xx) "Minister" means the Minister of Justice; (xix)
- (xxi) "native" means any person belonging to one or other of the following classes—
 - (a) aboriginal tribes of Africa, including Bushmen but excluding Hottentots;
 - (b) Korannas;
 - (c) persons upon whom are levied general or local tax in terms of section *two* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), or any tax substituted for any such tax; and
 - (d) American negroes;
- (xxii) "off-consumption licence" or "licence for the consumption of liquor off the licensed premises" or any terms of the same import means any of the following licences, namely—
 - (a) a wholesale liquor licence;
 - (b) a foreign liquor licence;
 - (c) a brewer's licence;
 - (d) a bottle liquor licence; and
 - (e) a wine farmer's licence;

- (vi) „brandspiritus”
- (a) spiritus, gedenatureer volgens 'n geldende regulasie op die denaturering of methylering van spiritus;
- (b) enige andere gedenatureerde, met medisyne gemengde, geparfumeerde of anders bewerkte spiritus wat die Minister volgens sub-artikel (6) van artikel *honderd agt-en-twintig* vir die doeleindes van hierdie Wet as brandspiritus mag verklaar;
- (vii) „buiteverbruik-lisensie” of „lisensie vir die gebruik van drank buite die gelisensieerde perseel” of 'n uitdrukking van dieselfde strekking een van die volgende lisensies, naamlik—
- (a) 'n groothandelaars-dranklisensie;
- (b) 'n buitelandse dranklisensie;
- (c) 'n bierbrouers-lisensie;
- (d) 'n bottel-dranklisensie; en
- (e) 'n wynboer-lisensie; (xii)
- (viii) „geregistreer”, indien in verband met 'n persoon gebruik, geregistreer kragtens 'n geldende wet op die registrasie en toelating tot die praktyk, van daardie klas van persoon; (xxix)
- (ix) „gewone maaltyd” 'n werklik verstrekte noenmaal of dinee waarvoor 'n prys van nie minder as een sjieling werklik betaal is of te goeder trou betaal moet word; (xxiv)
- (x) „hierdie Wet” ook 'n regulasie en vasstelling wat ingevolge hierdie Wet van krag is; (xxxv)
- (xi) „inspekteur” 'n inspekteur kragtens artikel *twee-en-twintig* aangestel; (viii)
- (xii) „kafferbier,”
- (a) die drank wat gewoonlik deur naturelle gebrou word uit kafferkoring of giers of ander graan en wat nie meer alkohol bevat dan twee persent van sy volume nie; en
- (b) enige ander gegiste drank met geen groter alkohol gehalte dan twee persent van sy volume, wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* as kafferbier mag verklaar; (xii)
- (xiii) „klas,” indien in verband met persone gebruik, 'n aantal persone met 'n gemeenskaplike kenmerk, hetsy van ras, geslag, maatskaplike onderskeiding of andersins, en dit omvat 'n aantal persone wat 'n plaaslike raad saam groepeer omdat hulle in 'n bepaalde streek of gebied woon; en indien gebruik ten opsigte van stads- en plattelandsgebiede, 'n aantal stads- of plattelandsgebiede wat een of ander gemeenskaplike kenmerk het, hetsy insake ligging, gesondheids- of vermaaklikheidsgeriewe, of bedrywighede in verband met landbou, handel, nywerheid, mynwese of andersins; (iii)
- (xiv) „kleurling,” iemand wat nog 'n blanke is, nog 'n Asiaat, nog 'n naturel, maar dit sluit in iemand van die klas vermeld in paragraaf (a) van die omskrywing van Asiaat en sluit uit iemand van die klasse vermeld in paragraaf (b) of (c) van daardie omskrywing; (iv)
- (xv) „koopverpligting” 'n ooreenkoms, verstandhouding of voorwaardē waardeur iemand te eniger tyd verbind is om sterke drank, van watter soort ook, hetsy al dan nie saam met enige ander voorwerp of ding, van iemand te koop, met uitsluiting, hetsy geheel of gedeeltelik, van enige ander verkoper van sodanige of gelyksoortige drank, en omvat ten opsigte van 'n koopverpligting wat onder die bepalinge van paragrafe (b) en (c) van artikel *honderd-en-ses* sorteer 'n gelyksoortige ooreenkoms, verstandhouding of voorwaarde waardeur 'n lisensiehouer of eienaar of huurder van 'n gelisensieerde perseel ten opsigte van enige soort van spuit- of mineraalwater gebind is; (xxxvi)
- (xvi) „kwart” ook 'n beweerde kwart; (xxviii)
- (xvii) „lisensie” 'n lisensie ingevolge hierdie Wet verleen vir die verkoop van drank, behalwe wanneer die woord gebruik word in verband met die lisensiër van 'n handelaar in brandspiritus of met 'n lisensie wat nie ingevolge hierdie Wet uitgereik word nie; (xiii)
- (xviii) „lisensiehouer,” die houer van enige lisensie vir die verkoop van drank, ingevolge hierdie Wet verleen; (xiv)
- (xix) „Minister” die Minister van Justisie; (xx)
- (xx) „naturel”, iemand wat tot een van die volgende klasse behoort:

- (xxiii) "on-consumption licence" or "licence for the sale of liquor for consumption on the premises" or any term of the same import means any of the following licences, namely—
 - (a) a restaurant liquor licence; 5
 - (b) a hotel liquor licence;
 - (c) a bar licence;
 - (d) a wine and malt liquor licence;
 - (e) a club liquor licence;
 - (f) a theatre or sports ground liquor licence; 10
 - (g) a temporary liquor licence; and
 - (h) a late hours occasional licence; (v)
- (xxiv) "ordinary meal" means a lunch or dinner actually supplied for which a price of not less than one shilling is actually paid or *bona fide* to be paid; (ix) 15
- (xxv) "parliamentary voter" means any person who is entitled to vote at an election for members of the House of Assembly, but shall not include a woman or a member of a class which, by any provision of the Act or in terms of any authority thereunder, is totally prohibited from purchasing or possessing liquor other than in terms of any provision of Chapter XII; (xxi)
- (xxvi) "pint" includes a reputed pint; (xxii)
- (xxvii) "prescribed" means prescribed under this Act or the 25 regulations; (xxxix)
- (xxviii) "quart" includes a reputed quart; (xvi)
- (xxix) "registered", when used in connection with any person, means registered under any law in force for the registration and admission to practice of that class of 30 person; (viii)
- (xxx) "renewal" means when used in connection with a licence, a grant of a certificate authorizing the issue of a licence other than a new licence by the officer charged with the duty of issuing licences; (xxxvii) 35
- (xxxi) "restricted portion" used in relation to licensed premises means that part commonly known as the bar and such other rooms or portions of the premises other than the dining room as may in any particular case be determined by the local board; (iv) 40
- (xxxii) "rural area" means any area outside the limits of an urban area; (xxvii)
- (xxxiii) "sell" includes keeping, exposing, or delivering for sale, or authorizing, directing or allowing sale, or bartering or exchanging, or possessing for purposes 45 of sale; (xxxv)
- (xxxiv) "supply" means, in relation to the supply of any liquor or thing to any person, the placing of that person in control of such liquor or thing for his own use; (xxxviii) 50
- (xxxv) "this Act" included any regulation and determination in force under this Act; (x)
- (xxxvi) "tie" means any agreement, understanding or condition whereby any person is bound at any time to purchase intoxicating liquor of any kind whether or 55 not in conjunction with any other article or thing from any person to the exclusion, whether wholly or in part of any other seller of such or similar liquor, and shall, in respect of any tie falling within the terms of paragraphs (b) and (c) of section *one hundred and six* include any similar agreement, understanding or condition binding any licensee or owner or lessee of any licensed premises in respect of any class of aerated or mineral waters; (xv)
- (xxxvii) "Transkeian territories" mean— 65
 - (a) the Transkei, including Galekaland;
 - (b) Tembuland, including Emigrant Tembuland and Bomvanaland;
 - (c) Port St. Johns;
 - (d) Pondoland, including East and West Pondoland; 70 and
 - (e) East Griqualand, excluding the districts of Maclear and Elliot; (xxxii)
- (xxxviii) "urban area" means an area under the jurisdiction of an urban local authority; (xxix) 75
- (xxxix) "urban local authority" means any municipal council, borough council, town council or village council, or any town board, village management board, local board, health board, health committee or a local area committee established under the Peri-Urban Areas 80 Health Board Ordinance, 1943 (Ordinance No. 20 of 1943), Transvaal. (xxx)

- (a) inboorlingstamme van Afrika, waaronder Boesmans maar nie Hottentotte nie;
- (b) Korannas;
- (c) persone van wie gehef word 'n algemene of plaaslike belasting, kragtens artikel twee van die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), of enige belasting wat daardie belasting vervang; en
- (d) Amerikaanse negers; (xxi)
- (xxi) „parlementêre kieser” iemand wat stemgeregtig is by 'n verkiesing van lede van die Volksraad, maar dit sluit nie in 'n vrou of iemand uit 'n klas aan wie deur 'n bepaling van hierdie Wet of kragtens daaraan ontleende bevoegdheid geheel en al ontseë is om drank te koop of te besit, behalwe volgens een of ander bepaling van Hoofstuk XII; (xxv)
- (xxii) „pint” ook 'n beweerde pint; (xxvi)
- (xxiii) „plaaslike lisensiegebied”, 'n gebied as sulks ingevolge artikel vyftien verklaar; (xvii)
- (xxiv) „plaaslike owerheid” 'n stedelike plaaslike owerheid en 'n afdelingsraad; (xv)
- (xxv) „plaaslike raad” 'n plaaslike lisensieraad kragtens artikel sestiën aangestel; (xvi)
- (xxvi) „platteland” of „plattelandsg gebied” 'n gebied buite die perke van 'n stedelike gebied; (xxxii)
- (xxvii) „Raad” of „die Raad” die Sentrale Lisensieraad kragtens artikel twaalf aangestel; (ii)
- (xxiii) „Regering” enige staatsdepartement met inbegrip van die Spoorweë- en Hawens-Administrasie; (vi)
- (xxix) „stadsgebied” 'n gebied onder die regsbevoegdheid van 'n stedelike plaaslike owerheid; (xxxviii)
- (xxx) „stedelike plaaslike owerheid” 'n munisipale raad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike-raad, gesondheidsraad, gesondheidskomitee of 'n plaaslike gebiedskomitee ingestel kragtens die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buite-stedelike Gebiede, 1943 (Ord. No. 20 van 1943), van Transvaal; (xxxix)
- (xxxi) „sterke drank” of „drank”—
- (a) enige spiritualieë, (behalwe brandspiritus), wyn, likeur, bier, appelwyn, perewyn, hobbier, en eau de cologne;
- (b) enige drank wat meer alkohol bevat dan twee persent van sy volume;
- (c) enige drank, stof of brousel waarvan die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* mag verklaar dat dit onder hierdie bepaling val; en
- (d) enige drank waarmee iets, wat in paragraaf (a), (b) of (c) as drank omskrywe word, gemeng geword is; (ix)
- (xxxii) „Transkeise gebied,”:
- (a) die Transkei, met Galekaland;
- (b) Temboeland met Emigrant Temboeland en Bomvanaland;
- (c) Port St. Johns;
- (d) Pondoland, met Oos- en Wes-Pondoland; en
- (e) Oos-Griekwaland, uitsluitende die distrikte Maclear en Elliot; (xxxvii)
- (xxxiii) „uitreik” in verband met 'n lisensie, die oorhandiging van die lisensie aan die lisensiehouer deur die amptenaar wat deur hierdie Wet daartoe gemagtig is; (xi)
- (xxxiv) „vasstelling” 'n vasstelling gedoen kragtens subartikel (1) van artikel dertien; (v)
- (xxxv) „verkoop,” ook aanhou, uitstal of aflewer om te verkoop of magtiging, opdrag of toelating van 'n verkoop of verruil of die besit om te verkoop; (xxxiii)
- (xxxvi) „verleen,” in verband met 'n lisensie, die verlening van 'n sertifikaat wat die amptenaar, belas met die uitreiking van lisensies, magtig om 'n nuwe lisensie uit te reik; (vii)
- (xxxvii) „vernuwing,” in verband met 'n lisensie, die verlening van 'n sertifikaat wat die amptenaar, belas met die uitreiking van lisensies, magtig om 'n ander lisensie dan 'n nuwe lisensie uit te reik; (xxx)
- (xxxviii) „verstrek,” in verband met die verstrekking van enige drank of voorwerp aan 'n persoon, daardie persoon in besit van daardie drank of voorwerp stel vir sy eie gebruik; (xxxiv)
- (xxxix) „voorgeskrewe,” deur hierdie Wet voorgeskrewe. (xxvii)

Amendment of section 58 of Act 22 of 1916 as substituted by section 39 of Act 41 of 1934 and amended by section 3 of Act 20 of 1942 and section 8 of Act 49 of 1949.

175. Section *fifty-eight* of the Railways and Harbours Regulation Control and Management Act, 1916 (Act No. 22 of 1916), as amended, is hereby further amended—

- (a) by the substitution in paragraph (b) of sub-section (2) for the words "section *one hundred and seventy-five* of the Liquor Act, 1928 (Act No. 30 of 1928)" of the words "section *one hundred and seventy-six* of the Liquor Act, 1951";
- (b) by the substitution for the second proviso to paragraph (c) of the said sub-section of the following proviso—
- "Provided further that the Minister shall have the same powers in respect of the control or extension of the hours of sale of intoxicating liquor in any refreshment room, as are held by the Central Licensing Board appointed under the Liquor Act, 1951."

Short title.

176. This Act shall be called the Liquor Act, 1951, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

First Schedule.

LAWS REPEALED.

No. and Year of Law.	Short Title or Subject of Law.	Extent of Repeal.
Act No. 30 of 1928.	The Liquor Act, 1928	The whole.
Act No. 41 of 1934.	The Liquor Amendment Act, 1934.	Sections <i>one to thirty-six</i> , inclusive.
Act No. 46 of 1935.	The General Law Amendment Act, 1935.	Section <i>one hundred and eleven</i> .
Act No. 39 of 1937.	The Liquor Amendment Act, 1937.	The whole.
Act No. 38 of 1945.	The Financial Relations Consolidation and Amendment Act, 1945.	Section <i>thirty-two</i> .
Act No. 40 of 1945.	Electoral Laws Amendment Act, 1945.	Section <i>seventy-one</i> .
Act No. 54 of 1949.	The General Law Amendment Act, 1949.	Section <i>nine</i> .

Second Schedule.

FEES TO BE PAID ON ISSUE OF LICENCES SUBJECT TO REDUCTIONS PROVIDED FOR IN SECTION *eleven*.

Description of Licence.	Fee payable on issue of new licence.	Fee payable on renewal of licence.	Fee payable on issue of authority for transfer of licence to another person.	Fee payable on issue of authority for removal of licence to other premises.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Wholesale	100 0 0	50 0 0	25 0 0	25 0 0
Foreign	100 0 0	50 0 0	25 0 0	25 0 0
Brewer	100 0 0	50 0 0	25 0 0	25 0 0
Bottle	100 0 0	50 0 0	25 0 0	25 0 0
Restaurant	50 0 0	25 0 0	15 0 0	15 0 0
Hotel	100 0 0	50 0 0	25 0 0	25 0 0
Bar	—	100 0 0	50 0 0	50 0 0
Club	100 0 0	50 0 0	25 0 0	25 0 0
Theatre or sports ground	50 0 0	25 0 0	25 0 0	25 0 0
Temporary	5 0 0	per diem in respect of each bar kept under the licence, but not exceeding £15 in respect of all bars kept under any one temporary licence.	15 in respect of each bar for which the licence is granted.	each bar or portion of the licence is granted.
Late hours occasional	1 0 0	in respect of each hour of an hour granted.	for which the licence is granted.	
Wine and malt liquor	20 0 0	10 0 0	10 0 0	10 0 0
Wine farmer	0 5 0	0 2 6	0 2 6	0 2 6

175. Artikel *agt-en-vyftig* van „de Spoorwegin en Hayens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916), word hiermee gewysig—

5 (a) deur in paragraaf (b) van sub-artikel (2) die woorde „artikel *honderd vyf-en-zeventig* van de Drankwet, 1928 (Wet No. 30 van 1928)”, te vervang deur die woorde „artikel *honderd zes-en-zeventig* van die Drankwet, 1951”;

10 (b) deur die tweede voorbehoudsbepaling by paragraaf (c) van genoemde sub-artikel te vervang deur die volgende voorbehoudsbepaling:

15 „Met dien verstande voorts dat de Minister deselfde bevoegdheden heeft ten opsigte van het beheer of verlenging van de uren van verkoop van bedwelmende drank in een verversingskamer als de „Sentrale Lisensie Raad”, aangesteld ingevolge die Drankwet 1951” heeft.”.

Wysiging van artikel 58 van Wet 22 van 1916, soos vervang deur artikel 39 van Wet 41 van 1934 en gewysig deur artikel 3 van Wet 20 van 1942 en artikel 8 van Wet 49 van 1949.

176. Hierdie Wet heet die Drankwet 1951, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in 20 die *Staatskoerant* te word vasgestel. Kort titel.

Eerste Bylae.

HERROEPE WETTE.

No. en Jaar van Wet.	Kort Titel of Onderwerp van Wet.	Wat Herroep word.
Wet No. 30 van 1928.	Die Drankwet, 1928	Die geheel.
Wet No. 41 van 1934.	Die Drank-Wysigingswet, 1934	Artikels <i>een</i> tot en met <i>ses-en-dertig</i> .
Wet No. 46 van 1935.	Die Algemene Regswysigingswet, 1935.	Artikel <i>honderd-en-elf</i> .
Wet No. 39 van 1937.	Die Drank-Wysigingswet, 1937	Die geheel.
Wet No. 38 van 1945.	Die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945.	Artikel <i>twee-en-dertig</i> .
Wet No. 40 van 1945.	Die Wysigingswet op die Kieswette, 1945.	Artikel <i>een-en-sewentig</i> .
Wet No. 54 van 1949.	Die Algemene Regswysigingswet, 1949.	Artikel <i>nege</i> .

Tweede Bylae.

FOOIE WAT BY UITREIKING VAN LISENSIES VERSKULDIG IS, MET DIE KORTINGS VASGESTEL IN ARTIKEL *elf*.

Soort van Lisensie.	Ver-skuldigde fooi by uitreiking van nuwe lisensie.	Ver-skuldigde fooi by vernuwing van lisensie.	Ver-skuldigde fooi by magtiging tot oordrag van lisensie van iemand anders.	Ver-skuldigde fooi by magtiging tot verplasing van lisensie na ander gebou.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Groothandelaars ..	100 0 0	50 0 0	25 0 0	25 0 0
Buitelandse ..	100 0 0	50 0 0	25 0 0	25 0 0
Bierbrouers ..	100 0 0	50 0 0	25 0 0	25 0 0
Bottel ..	100 0 0	50 0 0	25 0 0	25 0 0
Restaurant ..	50 0 0	25 0 0	15 0 0	15 0 0
Hotel ..	100 0 0	50 0 0	25 0 0	25 0 0
Kantien ..	—	100 0 0	50 0 0	50 0 0
Klub ..	100 0 0	50 0 0	25 0 0	25 0 0
Teater of sportgronde	50 0 0	25 0 0	25 0 0	25 0 0
Tydlike ..	5 0 0	per dag vir elke kantien die lisensie gehou nie meer as £15 ten alle kantien onder een tydelike drank lisensie gehou.	vir elke kantien die lisensie gehou.	en wat kragtens die lisensie gehou word, maar opsigte van enkele tydelike drank lisensie gehou.
Nagtlike geleentheids	1 0 0	vir elke uur of gedeelte van 'n uur waarvoor die lisensie verleen is.	10 0 0	10 0 0
Wyn- en bier	20 0 0	10 0 0	10 0 0	10 0 0
Wynboer ..	0 5 0	0 2 6	0 2 6	0 2 6

Third Schedule.

(Front.)

Place

No. Date

Permission is hereby granted to

Name

Address

to purchase for consumption off licensed premises for the period from
to liquor of the following kind or
kinds namely
in quantities not exceeding in any one calendar month

Signature

Rank

THIS PERMIT MUST BE DELIVERED UP FOR CANCELLATION ON EXPIRY,
ON DEMAND OF THE ISSUING OFFICER OR ON THE CONVICTION OF
THE HOLDER OF A CONTRAVENTION OF ANY PROVISION OF THE LIQUOR
LAWS.

(Back.)

Date.	Quantity.	Kind.	Signature of Licensee.

Fourth Schedule.

PART A.

MEDICAL CERTIFICATE FOR SUPPLY OF LIQUOR NOT EXCEEDING HALF A
PINT TO PROHIBITED PERSON DANGEROUSLY ILL.

Address

Date

I, a registered medical practitioner residing
at hereby certify that at o'clock on the
..... day of 195....., I saw
a person prohibited from procuring intoxicating liquor; that he is at
present in a condition of dangerous illness; and that it is necessary in
consequence thereof that there should be administered to him
of such administration to be (distributed over a period of
..... hours) immediate.

PART B.

MEDICAL CERTIFICATE FOR SUPPLY OF LIQUOR NOT EXCEEDING ONE
QUART IN THE CASE OF SPIRITUOUS LIQUOR OR WINE OR ONE GALLON
IN THE CASE OF ANY OTHER LIQUOR TO PROHIBITED PERSON FOR
RESTORATION OF HEALTH.

Address

Date

I, a registered medical practitioner residing
at hereby certify that at o'clock on the
..... day of 195....., I saw
a person prohibited from procuring intoxicating liquor; that he is suf-
fering from and that it is necessary for the
restoration of his health that of should be ad-
ministered to him during the next at intervals of

I, a of
police stationed at hereby authorize the
holder of a bottle liquor licence to supply to or for the said
one of

Derde Bylae.

(Voorkant.)

Plek.....

No..... Datum.....

Hiermee word verlof verleen aan

Naam.....

Adres.....

om gedurende die tydperk van..... tot.....
 drank van die volgende soort of soorte te koop vir gebruik buite 'n
 gelisensieerde gebou, naamlik.....
 in hoeveelhede van nie meer as..... in een kalendermaand.

Handtekening.....

Rang.....

HIERDIE PERMIT MOET NA AFLOOP OP VERSOEK VAN DIE UITREIKENDE
 BEAMPTTE OF NA VEROORDELING VAN DIE HOUEER WEENS 'N OORTRE-
 DING VAN ENIGE BEPALING VAN DIE DRANKWETTE, AFGELEG WORD.
 (Agterkant.)

Datum.	Hoeveelheid.	Soort.	Handtekening van Lisensiehouer.

Vierde Bylae.**DEEL A.**

GENEESKUNDIGE SERTIFIKAAT VIR VERSTREKKING VAN NIE MEER DAN 'N
 HALWE PINT DRANK AAN 'N VERBODE PERSOON WAT GEVAARLIK
 SIEK IS.

Adres.....

Datum.....

Ek,, 'n geregistreerde geneesheer, woon-
 agtig in, sertifiseer hiermee dat ek.....
, iemand aan wie die verkryging van sterke drank
 ontse is, om..... uur op die..... dag van.....
 195..... gesien het; dat hy op die oomblik gevaarlik siek is, en dat dit
 daarom nodig is dat aan hom..... toegedien word, en wel (ver-
 deel oor..... uur) meteens.

DEEL B.

GENEESKUNDIGE SERTIFIKAAT VIR VERSTREKKING VAN DRANK (EN WEL
 NIE MEER DAN EEN KWART AS DIT SPIRITUALIEË OF WYN IS OF EEN
 GALLON AS DIT ENIGE ANDER DRANK IS) AAN 'N VERBODE PERSOON
 VIR HERSTEL VAN GESONDHEID.

Adres.....

Datum.....

Ek,, 'n geregistreerde geneesheer woonagtig in,
, sertifiseer hiermee dat ek.....
 iemand aan wie die verkryging van sterke drank ontse is, om..... uur
 op die..... dag van..... 195..... gesien het; da
 hy ly aan..... en dat dit vir die herstel van sy ge-
 sontheid nodig is dat aan hom..... toegedien word gedurende
 die volgende..... met tussenpose van.....

Ek,, 'n..... van Polisie, ge-
 stasioneer in (op)..... magtig hiermee enige houder van
 'n bottel-dranklisensie om aan of ten behoewe van die genoemde.....
, een..... te verstrek.