



55

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

Government Gazette No. 1166, dated 29 June 1977.

Government Gazette No. 1166, dated 29 June 1977.

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

CAPE TOWN, 29 JUNE 1977

VOL. 144]

[No. 5617

KAAPSTAD, 29 JUNIE 1977

DEPARTMENT OF THE PRIME MINISTER

No. 1166.

29 June 1977.

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

No. 87 of 1977: Liquor Act, 1977.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1166.

29 Junie 1977.

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

No. 87 van 1977: Drankwet, 1977.

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

ACT

To consolidate the laws for the control of the sale and supply
of liquor.

(English text signed by the State President.)
(Assented to 17 June 1977.)

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

ARRANGEMENT OF SECTIONS

	Section
Definitions	1
CHAPTER I The Liquor Board	2–8
CHAPTER II Meetings of the Board	9–21
CHAPTER III Licences and authorities for the sale of liquor	22–24
CHAPTER IV Requirements relating to applicants and premises in relation to applications for licences and authorities	25–35
CHAPTER V Applications for, and the issue of, licences and authorities	36–44
CHAPTER VI Transfer, removal, temporary continuation and suspension of licences	45–51
CHAPTER VII Control of licensed premises:	
A General	52–69
B On-consumption licences	70–80
(a) Occasional licences	81–83
(b) Hotel liquor licences	84–87
(c) Bar licences	88–89
(d) Club liquor licences	90–92
(e) Meal time wine and malt licences	93–95
(f) Restaurant liquor licences	96–97
(g) Sportsground liquor licences	98–99
(h) Theatre liquor licences	100–101
(i) Temporary liquor licences	102–107
(j) Wine and malt liquor licences	108–110
(k) Wine house licences	111–114
C Off-consumption licences	115–117
(a) Brewers' licences	118–124
(b) Foreign liquor licences	125–128
(c) Liquor store licences	129–135
(d) Wholesale liquor licences	136–145
(e) Grocers' wine licences	146–152
(f) Wine farmers' licences	153–157
CHAPTER VIII Prohibitions and restrictions in particular cases	158–166

DRANKWET, 1977.

Wet No. 87, 1977

103-106	Passes or tickets of preference	XI	CHAPTER
110-113	Borrowed tickets and preference	X	CHAPTER
113-116	Penalties of trespassing and	XI	CHAPTER
116-119	offences	XII	CHAPTER
120-123	Offences and penalties concerning	XIII	CHAPTER
123-126	offences of bootlegging	XIV	CHAPTER
126-129	Penalties of bootlegging	XV	CHAPTER
129-133	General provisions	XVI	CHAPTER

I. In die Aag wouces die conteele operswese nadecories —
 (i) "Asia" was en bestuur personele oor die

selde tesse of Asia exchange

(ii) die leuse conteele krouns die Gees Miesies

(iii) die leuse conteele krouns die Gees Miesies

(iv) die leuse conteele krouns die Gees Miesies

(v) die leuse conteele krouns die Gees Miesies

(vi) die leuse conteele krouns die Gees Miesies

WET

Tot samevatting van die wetsbepalings waarby die verkoop en verskaffing van drank gereel word.

(Engelse teks deur die Staatspresident geteken.)
 (Goedgekeur op 17 Junie 1977.)

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

INDELING VAN ARTIKELS

		<i>Artikel</i>
Woordomskrywings		1
HOOFSTUK I	Die Drankraad	2-8
HOOFSTUK II	Vergaderings van die Raad	9-21
HOOFSTUK III	Lisensies en magtigings vir die verkoop van drank	22-24
HOOFSTUK IV	Vereistes rakende aansoekers en persele met betrekking tot aansoeke om lisensies en magtigings	25-35
HOOFSTUK V	Aansoeke om, en uitreiking van, lisensies en magtigings	36-44
HOOFSTUK VI	Oordrag, verplasing, tydelike voortsetting en opskorting van lisensies	45-51
HOOFSTUK VII	Beheer van gelisensierde persele:	
A	Algemeen	52-69
B	Binneverbruiklisensies	70-80
(a)	Geleenheidslisensies	81-83
(b)	Hoteldranklisensies	84-87
(c)	Kantienlisensies	88-89
(d)	Klubdranklisensies	90-92
(e)	Maaltyd-wyn-en-bierlisensies	93-95
(f)	Restaurant-dranklisensies	96-97
(g)	Sportterrein-dranklisensies	98-99
(h)	Teaterdranklisensies	100-101
(i)	Tydelike dranklisensies	102-107
(j)	Wyn-en-bierlisensies	108-110
(k)	Wynhuislisensies	111-114
C	Buiteverbruiklisensies	115-117
(a)	Bierbrouerslisensies	118-124
(b)	Buitelandse dranklisensies	125-128
(c)	Drankwinkellisensies	129-135
(d)	Groothandelaars-dranklisensies	136-145
(e)	Kruideniers-wynlisensies	146-152
(f)	Wynboerlisensies	153-157
HOOFSTUK VIII	Verbiedinge en beperkings in bepaalde gevalle	158-166

CHAPTER	IX	Lease of licensed premises	167–169
CHAPTER	X	Prohibited liquors and substances	170–172
CHAPTER	XI	Functions of inspectors and police	173–181
CHAPTER	XII	Offences and penalties, jurisdiction of magistrates' courts and forfeiture of goods seized	182–190
CHAPTER	XIII	Evidence	191–206
CHAPTER	XIV	General provisions	207–213

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “Asian” means any person belonging to one of the native races of Asia, excluding—
 - (a) the race commonly known as the Cape Malays;
 - (b) the Jewish or Syrian race; or
 - (c) any race or branch of any race, declared by the State President by proclamation in the *Gazette* to be excluded from this definition; (iv)
 - (ii) “Bantu” means any person who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa, but does not include a Hottentot; (v)
 - (iii) “Bantu beer” means Bantu beer as defined in section 1 of the Bantu Beer Act, 1962 (Act No. 63 of 1962); (vi)
 - (iv) “Board” means the Liquor Board referred to in section 2; (xxxix)
 - (v) “brandy” means, for the purposes of section 74, 131 or 148, a liquor which complies with the requirements prescribed in the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), to be sold as brandy; (xiii)
 - (vi) “chairman” means the chairman of the Board; (1)
 - (vii) “class” means, in relation to persons, any number of persons having any characteristic in common, relating to race, sex, social distinction or otherwise; (xxiv)
 - (viii) “closed days” means—
 - (a) Sundays;
 - (b) Christmas Day;
 - (c) Good Friday;
 - (d) Ascension Day;
 - (e) Day of the Covenant;
 - (f) any polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or under that Act, read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the Indian Council, if the licensed premises in question are situated or the place where liquor is to be delivered, is situated in any division in which a poll is being taken or—
 - (i) in the case of a general election held in pursuance of a dissolution of the House of Assembly, a provincial council, the Coloured Persons Representative Council or the Indian Council, not more than thirty kilometres; or
 - (ii) in the case of any other election held under the said Electoral Consolidation Act, 1946, or the said Coloured Persons Representative Council Act, 1964, or any law which regulates the election of members of the Indian Council, not more than five kilometres,
 - by the shortest practicable public road from any polling station at which any vote in connection with that election may be recorded;
 - (g) in relation to any particular premises where liquor is sold, any other day on which such premises shall be closed under this Act or of any other law, but does not include a polling day fixed under any law relating to the election of elected members of a Legislative Assembly of any self-governing territory

HOOFSTUK	IX	Huur van gelisensieerde persele	167–169
HOOFSTUK	X	Verbode dranken en stowwe	170–172
HOOFSTUK	XI	Werkzaamhede van inspekteurs en polisie	173–181
HOOFSTUK	XII	Misdrywe en strawwe, regsges- voegdheid van landdroshewe en verbeuring van goed waarop beslag gelê is	182–190
HOOFSTUK	XIII	Bewyslewering	191–206
HOOFSTUK	XIV	Algemene bepalings	207–213

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywings beteken—

- (i) „aangewese polisie-offisier” die polisie-offisier wat kragtens artikel 174 aangewys is en ook 'n inspekteur wat kragtens artikel 173 aangewys is vir sover hy die werkzaamhede van daardie polisie-offisier moet verrig; (xiv)
- (ii) „afhanglikheidsvormende stof” 'n stof wat kragtens artikel 172 as sodanig verklaar is; (xiii)
- (iii) „ander gegiste drank” 'n drank van ander vrugte as druwe gemaak of vervaardig, wat meer alkohol as twee persent van sy volume bevat en voldoen aan die vereistes voorgeskryf by of kragtens die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), ten opsigte van die ander gegiste drank bedoel in daardie Wet of alkoholiese drank waarvan die verkoop deur 'n kennisgewing uitgereik kragtens artikel 7 (2) (a) (ii) van daardie Wet, toegelaat word; (xxxv)
- (iv) „Asiër” iemand wat tot 'n inboorlingras van Asië behoort, uitgesonderd—
 - (a) die ras wat gewoonlik Kaapse Maleiers genoem word;
 - (b) die Joodse of Siriese ras; of
 - (c) 'n ras, of tak van 'n ras, deur die Staatspresident by proklamasie in die *Staatskoerant* van hierdie omskrywing uitgesluit; (i)
- (v) „Bantoe” iemand wat 'n lid van 'n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaan, maar nie 'n Hottentot nie; (ii)
- (vi) „Bantoebier” Bantoebier soos omskryf in artikel 1 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962); (iii)
- (vii) „beheersende belang”, by die toepassing van artikel 32, 74, 131 of 148, met betrekking tot 'n maatskappy—
 - (a) die meerderheid van sy aandele;
 - (b) aandele wat meer as die helfte van sy aandelekapitaal verteenwoordig;
 - (c) aandele ter waarde van meer as die helfte van die gesamentlike waarde van al sy aandele;
 - (d) aandele wat aan die houers daarvan die reg op meer as die helfte van sy winste of bates verleen;
 - (e) aandele wat aan die houers daarvan reg op 'n meerderheid of oorwig van stemme verleen;
 - (f) die mag om, regstreeks of onregstreeks, deur die besit van een of ander belang, hetsy dit van die aard bedoel in paragraue (a) tot en met (e) is, al dan nie, in 'n ander maatskappy, of op 'n ander wyse, enige beheer hoegenaamd oor die werkzaamhede of bates van die maatskappy uit te oefen; (xi)
- (viii) „beperkte gedeelte” 'n kroeg op 'n perseel ten opsigte waarvan 'n binneverbruiklisensie uitgereik is en waarin drankoor 'n toonbank bedien word, of 'n ander vertrek of gedeelte van die perseel wat in 'n besondere geval deur die bevoegde gesag bepaal kan word; (xl)
- (ix) „bevoegde gesag”—
 - (a) die Minister;
 - (b) die Raad;
 - (c) iemand wat op gesag van die Minister handel;
 - (d) die voorstitter;

- established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971); (xix)
- (ix) "Coloured" means a person who is not a white, an Asian or a Bantu, but not any member of a race or branch of a race mentioned in paragraph (b) or (c) of the definition of "Asian"; (xxv)
- (x) "competent authority" means—
- (a) the Minister;
 - (b) the Board;
 - (c) a person acting under the directions of the Minister;
 - (d) the chairman;
 - (e) a magistrate, additional magistrate or assistant magistrate; or
 - (f) a receiver of revenue, by whom the matter in question is to be dealt with in terms of this Act; (ix)
- (xi) "controlling interest" means, for the purposes of section 32, 74, 131 or 148, in relation to a company—
- (a) a majority of its shares;
 - (b) shares representing more than half its share capital;
 - (c) shares of a value in excess of half the aggregate value of all its shares;
 - (d) shares entitling the holders thereof to more than half its profits or assets;
 - (e) shares entitling the holders thereof to a majority or preponderance of votes;
 - (f) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in paragraphs (a) to (e) inclusive, in any other company, or otherwise, any control whatsoever over the activities or assets of the company; (vii)
- (xii) "deal directly with the public", in relation to a wholesale liquor licence, does not include the sale, supply or delivery of liquor by the licensee to—
- (a) any person *bona fide* employed by him in connection with the carrying on of the business to which the licence relates;
 - (b) any person referred to in item 602.01 of Schedule No. 6 to the Customs and Excise Act, 1964 (Act No. 91 of 1964); or
 - (c) any person who supplies grapes or wine in bulk to him for purposes of processing or blending; (xli)
- (xiii) "dependence-producing substance" means any substance declared to be such under section 172; (ii)
- (xiv) "designated police officer" means the commissioned police officer designated under section 174 and includes an inspector designated under section 173 in so far as he is required to perform the functions of such police officer; (i)
- (xv) "district" means a magisterial district; (xvi)
- (xvi) "Government" means any department of State or the Railways Administration; (xl)
- (xvii) "grant" means, in relation to a licence or an authority, the grant of an application for such licence or authority; (xlvi)
- (xviii) "Indian Council" means the South African Indian Council, established by the South African Indian Council Act, 1968 (Act No. 31 of 1968); (xxiii)
- (xix) "issue" means, in relation to a licence or an authority, the handing over or dispatch of such licence or authority to the person to whom such licence or authority has been granted, or to his agent, by the competent authority; (xlv)
- (xx) "licence" means a licence issued under this Act for the sale or supply of liquor; (xxviii)
- (xxi) "licensed premises" means the building or portion of a building in respect of which a licence or a special authority or an authority under section 24 (4) is held and indicated on the plan thereof approved under this Act

- (e) 'n landdros, addisionele landdros of assistent-landdros; of
- (f) 'n ontvanger van inkomste, na gelang deur wie met die betrokke aangeleentheid ingevolge hierdie Wet gehandel moet word; (x)
- (x) „bier” die alkoholiese vloeistof verkry deur gisting van 'n moutpap, met of sonder graan, waaraan deur hops smaak verleen is, ale, stout en 'n ander drank wat as of onder die naam van bier, ale of stout vervaardig of verkoop word, as dit meer alkohol bevat as twee persent van sy volume, maar nie ook Bantobier nie; (xxvii)
- (xi) „binneverbruiklisensie” 'n lisensie bedoel in artikel 22 (a) en 'n kantienlisensie; (xxxii)
- (xii) „blanke” iemand wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as 'n blanke geklassifiseer is; (xliv)
- (xiii) „brandewyn”, by die toepassing van artikel 74, 131 of 148, 'n drank wat aan die vereistes voorgeskryf by die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), voldoen om as brandewyn verkoop te word; (v)
- (xiv) „brandspiritus”—
 - (a) spiritus gedenatureer volgens 'n geldende regulasie op die denaturering of metilisering van spiritus;
 - (b) 'n ander gedenatureerde, met medisyne gemengde, geparfumeerde of anders bewerkte spiritus wat die Minister by kennisgewing in die *Staatskoerant* vir die doeleinnes van hierdie Wet as brandspiritus kan verklaar; (xxviii)
- (xv) „buiteverbruiklisensie” 'n lisensie bedoel in artikel 22 (b); (xxx)
- (xvi) „distrik” 'n landdrosdistrik; (xv)
- (xvii) „drank”—
 - (a) 'n spiritus (uitgesonderd brandspiritus), wyn, likeur, bier of hopbier;
 - (b) 'n drank wat meer alkohol bevat as twee persent van sy volume, uitgesonderd Bantobier;
 - (c) 'n drank, stof of brousel wat die Minister by kennisgewing in die *Staatskoerant* kan verklaar om by hierdie omskrywing ingesluit te wees;
 - (d) 'n drank waarmee drank bedoel in paragraaf (a), (b) of (c) gemeng is;
 - (e) 'n lekker wat meer as twee persent alkohol volgens massa bevat; (xxiii)
- (xviii) „gelisensieerde perseel” die gebou of gedeelte van 'n gebou ten opsigte waarvan 'n lisensie of spesiale magtiging of 'n magtiging kragtens artikel 24 (4) gehou word en wat aangedui word op die plan daarvan wat kragtens hierdie Wet goedgekeur is en by die bevoegde gesag ingedien is, en ook die stoep, buitegeboue, agterplase, tuine of terreine wat by die gebou of gedeelte wat aldus aangedui word, hoort, maar nie ook die deel van die gebou of gedeelte en die ander plekke wat in 'n bepaalde geval uitdruklik deur die bevoegde gesag daarvan uitgesluit is nie; (xxi)
- (xix) „gesloten dae”—
 - (a) Sondae;
 - (b) Kersdag;
 - (c) Goeie Vrydag;
 - (d) Hemelvaartdag;
 - (e) Geloftedag;
 - (f) 'n stemdag vasgestel kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of kragtens daardie Wet, gelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of kragtens 'n wet wat die verkiesing van lede van die Indiëraad reël, indien die betrokke gelisensieerde perseel of die plek waar drank afgelewer gaan word, geleë is in 'n afdeling waarin 'n stemming gehou word of—

Act No. 87, 1977

LIQUOR ACT, 1977.

- and lodged with the competent authority, and includes such verandahs, outbuildings, yards, gardens or grounds appurtenant to such building or portion as are so indicated, but excludes such part of such building or portion and such other places as may in any particular case be specially excluded therefrom by the competent authority; (xviii)
- (xxii) "licensee" means the holder of a licence; (xxix)
- (xxiii) "liquor" means—
- (a) any spirit (excluding methylated spirit), wine, liqueur, malt liquor or hop beer;
 - (b) any drink containing more than two per cent by volume of alcohol, excluding Bantu beer;
 - (c) any drink, substance or concoction which the Minister may declare by notice in the *Gazette* to be included in this definition;
 - (d) any drink with which liquor referred to in paragraph (a), (b) or (c) has been mixed;
 - (e) any sweet containing more than two per cent of alcohol by mass; (xvii)
- (xxiv) "local authority" means an urban local authority or a divisional council; (xxxvi)
- (xxv) "lodger" means, in relation to any licensed premises, any person other than the licensee, the proprietor or the manager of the business to which the licence relates or the spouse or other member of the family of such licensee, proprietor or manager, or any other person employed in connection with the carrying on of the business to which the licence relates and who *bona fide* lives or sleeps upon such licensed premises; (xxx)
- (xxvi) "magistrate" means the magistrate of the district in which the licensed premises or the premises in respect of which an authority is issued under this Act, are or will be situate, and "additional magistrate" or "assistant magistrate" has a corresponding meaning; (xxvii)
- (xxvii) "malt liquor" means the alcoholic liquid obtained by the fermentation of a mash of malt, with or without cereals, flavoured with hops, or 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 Bantu beer; (x)
- (xxviii) "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 by notice in the *Gazette* declare to be methylated spirit for the purposes of this Act; (xiv)
- (xxix) "Minister" means the Minister of Justice; (xxx)
- (xxx) "non-white" means any Asian, Coloured or Bantu; (xxxii)
- (xxxii) "off-consumption licence" means a licence referred to in section 22 (b); (xv)
- (xxxii) "on-consumption licence" means a licence referred to in section 22 (a) and a bar licence; (xi)
- (xxxiii) "open days" means all days of the year except closed days; (xxxiii)
- (xxxiv) "ordinary meal" means a *bona fide* lunch or dinner actually supplied and for which a price of not less than one rand on any portion of any licensed premises restricted to white persons or to white persons and persons who are not white persons, and thirty-five cents on any portion thereof restricted to non-whites, is actually paid or *bona fide* to be paid; (xx)
- (xxxv) "other fermented beverage" means any beverage produced or manufactured from fruit, other than grapes, containing more than two per cent by volume of alcohol

DRANKWET, 1977.

Wet No. 87, 1977

- (i) in die geval van 'n algemene verkiesing gehou ingevolge 'n ontbinding van die Volksraad, 'n provinsiale raad, die Verteenwoordigende Kleurlingraad of die Indiërraad, nie verder as dertig kilometer; of
- (ii) in die geval van 'n ander verkiesing gehou kragtens bedoelde Wet tot Konsolidasie van die Kieswette, 1946, of bedoelde Wet op die Verteenwoordigende Kleurlingraad, 1964, of 'n wet wat die verkiesing van lede van die Indiërraad reël, nie verder as vyf kilometer, met die kortste bruikbare openbare pad van 'n stemburo waar 'n stem in verband met daardie verkiesing uitgebring kan word, geleë is nie;
- (g) met betrekking tot 'n besondere perseel waar drank verkoop word, 'n ander dag waarop daardie perseel gesluit moet word kragtens hierdie Wet of 'n ander wet,
- maar nie 'n stendag vasgestel kragtens 'n wet betreffende die verkiesing van verkoose lede van 'n wetgewende vergadering van 'n selfregerende gebied ingestel kragtens die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971), nie; (viii)
- (xx) „gewone maaltyd” 'n *bona fide*-middag- of aandete wat werklik verskaf is en waarvoor 'n prys van minstens een rand op enige gedeelte van 'n gelisensieerde perseel wat tot blankes of tot blankes en persone wat nie blankes is nie, beperk is en vyf-en-dertig sent op enige gedeelte daarvan wat tot Nieblankes beperk is, werklik betaal word of te goeder trou betaal moet word; (xxxiv)
- (xxi) „groothandelaar”, by die toepassing van die omskrywing van „produsent” in artikel 74, 131 of 148, iemand wat gedurende die verstreke gedeelte van enige jaar (soos omskryf in artikel 14 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970)), of gedurende die onmiddellik voorafgaande jaar (soos aldus omskryf) 'n hoeveelheid wyn van 'n besondere wynoos, wat 'n groothandelshoeveelheid is volgens die omskrywing, *mutatis mutandis*, van „groothandelshoeveelheid” in genoemde artikel (bepaal met verwysing na 1 November 1940), of 'n met so 'n hoeveelheid gelykstaande hoeveelheid spiritus gekoop het; (1)
- (xxii) „hierdie Wet” ook die regulasies daarkragtens uitgevaardig; (xlv)
- (xxiii) „Indiërraad” die Suid-Afrikaanse Indiërraad, ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968); (xviii)
- (xxiv) „klas”, met betrekking tot persone, 'n aantal persone met 'n gemeenskaplike kenmerk betreffende ras, geslag, maatskaplike onderskeiding of andersins; (vii)
- (xxv) „Kleurling” iemand wat nie 'n blanke, Asiër of Bantoe is nie, maar nie 'n lid van 'n ras of tak van 'n ras vermeld in paragraaf (b) of (c) van die omskrywing van „Asiër” nie; (ix)
- (xxvi) „koopverpligting” 'n ooreenkoms, verstandhouding of voorwaarde waarvolgens iemand direk of indirek verbind is om te eniger tyd—
- (a) drank, hetsy saam met 'n ander artikel, al dan nie, van of deur bemiddeling van 'n persoon, hetsy met uitsluiting geheel of gedeeltelik van 'n ander persoon, al dan nie, te koop;
- (b) drank wat deur 'n bepaalde produsent, vervaardiger of bierbrouer geproduseer, vervaardig of gebrou is, te koop of in voorraad te hou;
- (c) nie drank van of deur bemiddeling van 'n bepaalde persoon te koop nie; of
- (d) nie drank wat deur 'n bepaalde produsent, vervaardiger of bierbrouer geproduseer, vervaardig of gebrou is, te koop of in voorraad te hou nie; (xlvi)
- (xxvii) „landdros” die landdros van die distrik waarin die gelisensieerde perseel of die perseel ten opsigte waarvan

Act No. 87, 1977

LIQUOR ACT, 1977.

- and complying with the requirements prescribed by or under the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), in respect of other fermented beverages referred to in that Act, or any alcoholic beverage the sale of which is permitted by a notice issued under section 7 (2) (a) (ii) of that Act; (iii)
- (xxxvi) "parliamentary voter" means any person who may under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), vote at an election for members of the House of Assembly; (xxxiv)
- (xxxvii) "premises", for the purposes of a wine and malt liquor licence, includes any boat which is lawfully operated on any lake, lagoon, dam or river and "licensed premises" includes, for such purposes, such boat; (xxxv)
- (xxxviii) "prescribed" means prescribed under this Act; (xlx)
- (xxxix) "producer" means, for the purposes of section 32, 74, 131 or 148, a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), which produces or manufactures wine or brandy for sale, or a wholesale trader who so produces or manufactures wine or brandy; (xxxviii)
- (xl) "restricted portion" means any bar on any premises in respect of which an on-consumption licence has been issued and in which liquor is served over a counter, or any other room or portion of such premises as may in any particular case be determined by the competent authority; (viii)
- (xli) "rural area" means any area outside the limits of an urban area; (xxxvii)
- (xlii) "sell" includes keep, expose, deliver, supply or dispose of for sale, or authorizing, directing or allowing sale, or barter or exchange or possess for purposes of sale; (xlvi)
- (xliii) "special authority" means a special authority under section 23; (xlvi)
- (xliv) "supply" means, in relation to the supply of any liquor or thing, to place any person in possession or control of the liquor or thing for his own use; (xlviii)
- (xlv) "this Act" includes any regulation made thereunder; (xxii)
- (xlvi) "tie" means any agreement, understanding or condition whereby any person is directly or indirectly bound at any time—
- (a) to purchase liquor, whether or not in conjunction with any other article, from or through any person, whether to the exclusion in whole or in part of any other person or not;
 - (b) to purchase or keep in stock liquor produced, manufactured or brewed by any particular producer, manufacturer or brewer;
 - (c) not to purchase liquor from or through any particular person; or
 - (d) not to purchase or keep in stock any liquor produced, manufactured or brewed by any particular producer, manufacturer or brewer; (xxvi)
- (xlvii) "urban area" means an area under the jurisdiction of an urban local authority; (xlvi)
- (xlviii) "urban local authority" means any municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee, or the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941) of Natal, or any local area committee established under the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal; (xliv)

- 'n magtiging kragtens hierdie Wet uitgereik is, geleë is of sal wees, en „addisionele landdros” of „assistent-landdros” het 'n ooreenstemmende betekenis; (xxvi)
- (xxviii) „lensie” 'n lensie kragtens hierdie Wet uitgereik vir die verkoop of verskaffing van drank; (xx)
- (xxix) „lensiehouer” die houer van 'n lensie; (xxii)
- (xxx) „loseerde”, met betrekking tot 'n gelensieerde perseel, iemand anders as die lensiehouer, eienaar of bestuurder van die saak waarop die lensie betrekking het, of die gade of ander lid van die gesin van die lensiehouer, eienaar of bestuurder, of iemand anders wat in verband met die doen van die sake waarop die lensie betrekking het, in diens is en wat te goeder trou op die gelensieerde perseel woon of slaap; (xxv)
- (xxxi) „Minister” die Minister van Justisie; (xxix)
- (xxxii) „Nieblanke” 'n Asiér, Kleurling of Bantoe; (xxx)
- (xxxiii) „oop dae” alle dae van die jaar behalwe geslotte dae; (xxxiii)
- (xxxiv) „parlementêre kieser” 'n persoon wat kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), by 'n verkiesing van lede van die Volksraad kan stem; (xxxvi)
- (xxxv) „perseel”, vir die doeinde van 'n wyn-en-bierlisensie, ook 'n boot wat wettiglik op 'n meer, lagune, dam of rivier gebruik word en „gelensieerde perseel”, vir dié doeinde, ook bedoelde boot; (xxxvii)
- (xxxvi) „plaaslike bestuur” 'n stedelike plaaslike bestuur of 'n afdelingsraad; (xxiv)
- (xxxvii) „platteland” 'n gebied buite die grense van 'n stadsgebied; (xli)
- (xxxviii) „produsent”, by die toepassing van artikel 32, 74, 131 of 148, 'n koöperatiewe vereniging soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), wat wyn of brandewyn vir verkoop produseer of vervaardig, of 'n groothandelaar wat wyn of brandewyn aldus produseer of vervaardig; (xxxix)
- (xxxix) „Raad” die Drankraad bedoel in artikel 2; (iv)
- (xl) „Regering” 'n Staatsdepartement of die Spoerwegadministrasie; (xvi)
- (xli) „regstreeks met die publiek handel dryf”, met betrekking tot 'n groothandelaars-dranksensie, nie ook die verkoop, verskaffing of lewering van drank deur die lensiehouer nie aan—
- (a) iemand wat *bona fide* by hom in diens is in verband met die doen van sake waarop die lensie betrekking het;
 - (b) iemand bedoel in item 602.01 van Bylae No. 6 by die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964); of
 - (c) iemand wat druiwe of wyn in groot maat aan hom verskaf vir verwerking of versnyding; (xii)
- (xlii) „spesiale magtiging” 'n spesiale magtiging kragtens artikel 23; (xliii)
- (xliii) „stadsgebied” 'n gebied onder die beheer van 'n stedelike plaaslike bestuur; (xlvi)
- (xlv) „stedelike plaaslike bestuur” 'n munisipale raad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike raad, gesondheidraad of gesondheidskomitee of die Kommissie vir Plaaslike Gesondheid ingestel kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor Openbare Gesondheidsgebiede), 1941 (Ordonnansie No. 20 van 1941) van Natal, of 'n plaaslike gebiedskomitee ingestel kragtens die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943) van Transvaal; (xlviii)
- (xlv) „uitreik”, met betrekking tot 'n lensie of magtiging, die oorhandiging of versending van die lensie of magtiging aan die persoon aan wie die lensie of magtiging verleen is, of aan sy verteenwoordiger, deur die bevoegde gesag; (xix)

Act No. 87, 1977

LIQUOR ACT, 1977.

- (xlix) "white" means any person classified as a white person under the Population Registration Act, 1950 (Act No. 30 of 1950); (xlii)
- (i) "wholesale trader" means, for the purposes of the definition of "producer" in section 74, 131 or 148, any person who has during the expired portion of any year (as defined in section 14 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970)), or during the immediately preceding year (as so defined) purchased a quantity of wine of any one vintage which is a wholesale quantity in terms *mutatis mutandis* of the definition of "wholesale quantity" in the said section (determined with reference to 1 November 1940), or the equivalent of such quantity of wine in spirit; (xxi)
- (ii) "wine" means, for the purposes of section 74, 131 or 148, a liquor which complies with the requirements prescribed in the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), to be sold as wine. (ii)

CHAPTER I

THE LIQUOR BOARD

Continued existence of National Liquor Board under the name Liquor Board.

Functions of Board.

2. The National Liquor Board shall, notwithstanding the provisions of section 212, continue to exist under the name the Liquor Board.

3. The Board shall—

- (a) advise the State President or the Minister, as the case may be, as to any matter arising out of the application of this Act or the general distribution of liquor and referred to it;
- (b) perform such other functions as may be entrusted to it under this Act.

Constitution of Board.

4. (1) The Board shall consist of—

- (a) two officers in the Department of Justice nominated by the Minister, the one as the chairman and the other as the deputy chairman, and one such officer so nominated as alternative to the officer who is the deputy chairman;
- (b) the Commissioner of the South African Police or a person nominated by him; and
- (c) three other members appointed by the State President for a period of two years.

(2) Retiring members of the Board shall be eligible for re-appointment.

(3) Whenever the office of any member appointed under subsection (1) (c) for any reason becomes vacant before the expiration of the period for which he has been appointed, the State President may appoint any other person in his stead for the unexpired portion of his period of office.

(4) Three members of the Board shall form a quorum.

(5) If the chairman is absent or recuses himself from the hearing or consideration of any matter, the deputy chairman shall act as chairman.

(6) If the chairman and deputy chairman are absent from any meeting of the Board, the Minister shall appoint one of the members present thereto to act as chairman at such meeting.

(7) The decision of a majority of the members of the Board present at any meeting thereof, shall be the decision of the Board.

(8) In the event of an equality of votes on any matter before a meeting of the Board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(9) (a) If the Board is of the opinion that any particular person is able to assist the Board in the hearing or consideration of any particular matter before the Board, it may co-opt such person for that purpose.

- (xlvi) „verkoop” ook aanhou, uitstal, aflewer, verskaf of van die hand sit om te verkoop, of magtiging, opdrag of toelating van 'n verkoop, of verruil, of die besit om te verkoop; (xlii)
- (xlvii) „verleen”, met betrekking tot 'n licensie of magtiging, die toestaan van 'n aansoek om die licensie of magtiging; (xvii)
- (xlviii) „verskaf”, met betrekking tot die verskaffing van drank of 'n voorwerp, om 'n persoon in besit of beheer van die drank of voorwerp te stel vir sy eie gebruik; (xiv)
- (xlix) „voorgeskrewe” by hierdie Wet voorgeskrewe; (xxxviii)
 - (I) „voorsitter” die voorsitter van die Raad; (vi)
 - (ii) „wyn”, by die toepassing van artikel 74, 131 of 148, 'n drank wat aan die vereistes voorgeskryf by die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), voldoen om as wyn verkoop te word.
 - (li)

HOOFSTUK I

DIE DRANKRAAD

2. Die Nasionale Drankraad bly, ondanks die bepalings van artikel 212, voortbestaan onder die naam die Drankraad.

Voortbestaan van Nasionale Drankraad onder naam Drankraad.

3. Die Raad moet—

Werksaamhede van Raad.

- (a) die Staatspresident of die Minister, na gelang van die geval, van advies dien betreffende 'n aangeleentheid wat ontstaan uit die toepassing van hierdie Wet of die algemene verspreiding van drank en na hom verwys word;
- (b) die ander werksaamhede verrig wat kragtens hierdie Wet aan hom opgedra word.

4. (1) Die Raad bestaan uit—

Samestelling van Raad.

- (a) twee beampes in die Departement van Justisie deur die Minister benoem, die een as die voorsitter en die ander as die ondervoorsitter, en een bedoelde beampete aldus benoem as plaasvervanger vir die beampete wat die ondervoorsitter is;
- (b) die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom benoem; en
- (c) drie ander lede deur die Staatspresident aangestel vir 'n tydperk van twee jaar.

(2) Uittredende lede van die Raad kan weer aangestel word.

(3) Wanneer die amp van 'n lid wat kragtens subartikel (1) (c) aangestel is, om enige rede vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Staatspresident iemand anders in sy plek aanstel vir die onverstreke gedeelte van sy ampstermy.

(4) Drie lede van die Raad is 'n kworum.

(5) Indien die voorsitter afwesig is of hom ontrek aan die aanhoor of oorweging van 'n aangeleentheid, tree die ondervoorsitter as voorsitter op.

(6) Indien die voorsitter en ondervoorsitter van 'n vergadering van die Raad afwesig is, stel die Minister een van die lede wat daarop aanwesig is, aan om op daardie vergadering as voorsitter op te tree.

(7) Die besluit van 'n meerderheid van die lede van die Raad wat op 'n vergadering daarvan aanwesig is, is die besluit van die Raad.

(8) By 'n staking van stemme oor 'n aangeleentheid voor 'n vergadering van die Raad, het die persoon wat op daardie vergadering voorsit, 'n beslissende stem benewens sy beraadslagende stem.

(9) (a) Indien die Raad van oordeel is dat 'n bepaalde persoon in staat is om die Raad behulpsaam te wees by die aanhoor of oorweging van 'n besondere aangeleentheid wat voor die Raad dien, kan hy daardie persoon vir daardie doel koöpteer.

Act No. 87, 1977

LIQUOR ACT, 1977.

Disqualification of members of Board.

(b) The person referred to in paragraph (a) shall have no vote on any matter before the Board.

(10) The members appointed under subsection (1) (c) and any person co-opted under subsection (9), shall receive such allowances to meet the reasonable expenses to which they are put in connection with the business of the Board as the Minister in consultation with the Minister of Finance may determine.

Secretariat of Board.

5. (1) A member of the Board shall not take part in the consideration of any application which the Board is, in terms of this Act, required to consider, if he or his spouse or child—

- (a) is an owner, mortgagee, lessor or lessee of the premises in respect of which such application is made;
- (b) is a partner, agent, director, manager, officer or employee of the applicant or of any objector to or of any person who has made representations in support of such application;
- (c) has a direct financial interest in the business in respect of which application is made.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply in respect of any other matter which the Board is required to consider in terms of this Act.

Legal proceedings by or against Board or members thereof.

6. The chairman may designate one or more officers in the Department of Justice to perform the secretarial duties of the Board.

7. (1) (a) In any legal proceedings instituted against the Board or the chairman thereof in its or his official capacity, service of any process on the chairman and on the State Attorney at Pretoria shall, subject to the provisions of subsection (2), be sufficient service on the Board or the chairman, as the case may be.

- (b) No action shall be taken by the Board or the chairman in its or his official capacity in any such legal proceedings and no legal proceedings shall be instituted by the Board or the chairman in such capacity, except through the State Attorney.

(2) Unless the court in question otherwise authorizes, the time to be allowed, in the case of a summons issued in any legal proceedings referred to in subsection (1), for entering an appearance shall be not less than one month after service thereof and, in the case of an application in any such legal proceedings, for the hearing of the application or for the return of a rule *nisi*, not less than fourteen days after service of the notice of motion or of the rule *nisi*, as the case may be.

(3) The cost incurred by the chairman or members of the Board in connection with legal 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 chairman or said members *de bonis propriis*, be paid out of the State Revenue Fund.

Annual reports of Board.

8. The Board shall as soon as possible after 1 January in each year, submit a report to the Minister on its work during the preceding calendar year.

CHAPTER II

MEETINGS OF THE BOARD

Annual meetings of Board.

9. (1) The Board shall meet annually during each of the under-mentioned periods on such dates and at such places as may be determined by the chairman for the consideration of—

- (a) applications for licences under section 37;
- (b) applications for special authorities;
- (c) applications under section 54 (2) (a); and
- (d) any other matter which the Board is under this Act authorized or required to consider,

DRANKWET, 1977.

Wet No. 87, 1977

(b) Die persoon bedoel in paragraaf (a) het geen stem oor enige aangeleentheid voor die Raad nie.

(10) Die lede wat kragtens subartikel (1) (c) aangestel en iemand wat kragtens subartikel (9) gekoöpteer is, ontvang die toelaes wat die Minister in oorleg met die Minister van Finansies bepaal, ter dekking van die redelike uitgawes wat hulle aangaan in verband met die sake van die Raad.

5. (1) 'n Lid van die Raad mag nie deelneem aan die oorweging van 'n aansoek wat die Raad ingevolge hierdie Wet moet oorweeg nie, indien hy of sy gade of kind—

(a) 'n eienaar, verbandhouer, verhuurder of huurder is van die perseel ten opsigte waarvan aansoek gedoen word;

(b) 'n vennoot, verteenwoordiger, direkteur, bestuurder, beampie of werknemer is van die aansoeker of van 'n beswaarmaker teen of van iemand wat vertoë gerig het ter ondersteuning van die aansoek;

(c) 'n regstreekse geldelike belang het in die saak ten opsigte waarvan aansoek gedoen word.

(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van 'n ander aangeleentheid wat die Raad ingevolge hierdie Wet moet oorweeg.

6. Die voorsitter kan een of meer beampies in die Departement van Justisie aanwys om die sekretariële pligte van die Raad te verrig.

7. (1) (a) In 'n regsgeding ingestel teen die Raad of die voorsitter daarvan in sy ampelike hoedanigheid, is betekening van prosesstukke aan die voorsitter en aan die Staatsprokureur in Pretoria, behoudens die bepalings van subartikel (2), genoegsame betekening aan die Raad of die voorsitter, na gelang van die geval.

(b) Stappe word nie in so 'n regsgeding deur die Raad of die voorsitter in sy ampelike hoedanigheid gedoen nie en 'n regsgeding word nie deur die Raad of die voorsitter in daardie hoedanigheid ingestel nie, behalwe deur bemiddeling van die Staatsprokureur.

(2) Tensy die betrokkehof anders magtig, is die toelaatbare termyn, in die geval van 'n dagvaarding uitgereik in 'n regsgeding bedoel in subartikel (1), vir die aantekening van verskyning minstens een maand na betekening daarvan en, in die geval van 'n aansoek in so 'n regsgeding, vir die verhoor van die aansoek of vir die keerdatum van 'n bevel *nisi*, minstens veertien dae na die betekening van die kennisgewing van mosie of bevel *nisi*, na gelang van die geval.

(3) Die koste aangegaan deur die voorsitter of lede van die Raad in verband met 'n regsgeding deur of teen hulle in hul ampelike hoedanigheid ingestel, word uit die Staatsinkomstefonds betaal tensy die hof waarin die geding aanhangig is, gelas dat die koste deur die teenparty of deur die voorsitter of genoemde lede *de bonis propriis* gedra moet word.

8. So spoedig moontlik na 1 Januarie in elke jaar lê die Raad 'n verslag van sy werkzaamhede gedurende die voorafgaande kalenderjaar aan die Minister voor.

HOOFTUK II

VERGADERINGS VAN DIE RAAD

9. (1) Die Raad vergader jaarliks gedurende elk van die Jaarlike vergaderings ondervermelde tydperke op die datums en plekke wat die voorsitter bepaal ter oorweging van—

(a) aansoeke om lisensiess kragtens artikel 37;

(b) aansoeke om spesiale magtigings;

(c) aansoeke kragtens artikel 54 (2) (a); en

(d) enige ander aangeleentheid wat die Raad kragtens hierdie Wet kan of moet oorweeg,

Act No. 87, 1977

LIQUOR ACT, 1977.

emanating from the province indicated opposite the relevant period:

<i>Period</i>	<i>Province</i>
January and February	The Cape of Good Hope
March and April	The Orange Free State
June and July	Natal
August and September	The Transvaal:

Provided that any such meeting may, if the Board is of the opinion that circumstances warrant it, be adjourned and resumed at such place and on such date as it may in its discretion determine.

(2) The chairman or a person acting under the directions of the chairman shall not less than thirty days before any such annual meeting, give notice thereof in the prescribed form in the *Gazette*, stating the date, time and place thereof.

Special meetings of Board.

10. (1) (a) The chairman may on application made in the prescribed manner, convene a special meeting of the Board for the consideration of any application lodged with a magistrate for—

(i) a licence under section 37;

(ii) a special authority; or

(iii) an authority under section 54 (2) (a).

(b) Any meeting referred to in paragraph (a) shall be held at such place and on such date as the chairman may determine and may, if the Board is of the opinion that circumstances warrant it, be adjourned and resumed at such place and on such date as the Board may in its discretion determine.

(c) If an application is granted under paragraph (a) for the holding of a special meeting, the applicant shall give notice in the prescribed manner of such meeting, the place and date thereof and the matter to be dealt with thereat.

(2) The Board shall, at any such meeting, have power to deal with any application referred to in subsection (1) (a) as if it were an application being dealt with at an annual meeting.

(3) (a) A special meeting of the Board may be held at any time upon the order made under section 20 (2) or otherwise, by a competent division of the Supreme Court: Provided that such division shall not have power to order the holding of such a special meeting if the chairman has in terms of subsection (1) (a) refused to convene such a meeting.

(b) Unless such a court otherwise directs, the provisions of subsection (2) shall apply *mutatis mutandis* in relation to any matter dealt with at such meeting in terms of any order made as contemplated in paragraph (a).

(c) Unless such a court otherwise directs, notice of such meeting shall be given as provided in subsection (1) (c).

Interim meetings of Board.

11. (1) Subject to the provisions of this Act, an interim meeting of the Board may at any time be convened by the chairman for the consideration of—

(a) any application made to the chairman in terms of this Act and which he in his discretion refers to such meeting for consideration by the Board;

(b) any report submitted to the chairman by a designated police officer under section 175 or 176;

(c) any request referred to in section 48;

(d) any application made by a licensee or the holder of a special authority whose licence or authority or of whom any right or privilege pertaining to such licence or authority has been cancelled or suspended pursuant to a report referred to in section 175 or 176, for the restoration of such licence, authority, right or privilege on the ground thereof that any conviction which gave rise to such cancellation or suspension has been set aside

afkomstig uit die provinsie aangedui teenoor die tersaaklike tydperk:

Tydperk	Provinsie
Januarie en Februarie	Die Kaap die Goeie Hoop

Maart en April Die Oranje-Vrystaat

Junie en Julie Natal

Augustus en September Transvaal:

Met dien verstande dat so 'n vergadering, indien die Raad van oordeel is dat omstandighede dit regverdig, verdaag en hervat kan word op 'n plek en datum wat hy na goeddunke bepaal.

(2) Die voorsitter of iemand wat op gesag van die voorsitter handel, moet minstens dertig dae voor 'n jaarlikse vergadering, kennis daarvan in die voorgeskrewe vorm in die *Staatskoerant* gee, met vermelding van die datum, tyd en plek daarvan.

10. (1) (a) Die voorsitter kan op aansoek op die voorgeskrewe Spesiale vergaderings wyse gedoen, 'n spesiale vergadering van die Raad van Raad.

belê vir die oorweging van 'n aansoek wat by 'n landdros ingedien is om—

- (i) 'n lisensie kragtens artikel 37;
- (ii) 'n spesiale magtiging; of
- (iii) 'n magtiging kragtens artikel 54 (2) (a).

(b) 'n Vergadering bedoel in paragraaf (a) word gehou op 'n plek en datum wat die voorsitter bepaal en kan, indien die Raad van oordeel is dat omstandighede dit regverdig, verdaag en hervat word op die plek en datum wat die Raad na goeddunke bepaal.

(c) Indien 'n aansoek om die hou van 'n spesiale vergadering kragtens paragraaf (a) toegestaan word, moet die aansoeker kennis op die voorgeskrewe wyse gee van die vergadering, die plek en datum daarvan en die aangeleentheid wat daarop behandel sal word.

(2) Die Raad is bevoeg om op so 'n vergadering met 'n aansoek bedoel in subartikel (1) (a) te handel asof dit 'n aansoek is waarmee op 'n jaarlikse vergadering gehandel word.

(3) (a) 'n Spesiale vergadering van die Raad kan te eniger tyd gehou word ingevolge 'n bevel deur 'n bevoegde afdeling van die Hooggereghof kragtens artikel 20 (2) of andersins: Met dien verstande dat so 'n afdeling nie bevoeg is om die hou van so 'n spesiale vergadering te gelas nie, indien die voorsitter ingevolge subartikel (1) (a) geweier het om so 'n vergadering te belê.

(b) Tensy so 'n hof anders gelas, is die bepalings van subartikel (2) *mutatis mutandis* van toepassing met betrekking tot 'n aangeleentheid waarmee op die vergadering gehandel word ooreenkomsdig 'n bevel verleen soos in paragraaf (a) beoog.

(c) Tensy so 'n hof anders gelas, moet kennis van die vergadering gegee word soos in subartikel (1) (c) bepaal.

11. (1) Behoudens die bepalings van hierdie Wet, kan 'n Tussentydse vergadering van die Raad te eniger tyd deur die voorsitter belê word vir die oorweging van—

(a) 'n aansoek wat by die voorsitter ingevolge hierdie Wet gedoen is en wat hy na goeddunke na bedoelde vergadering vir oorweging deur die Raad verwys;

(b) 'n verslag wat deur 'n aangewese polisie-offisier aan die voorsitter kragtens artikel 175 of 176 gedoen is;

(c) 'n versoek bedoel in artikel 48;

(d) 'n aansoek deur 'n lisensiehouer of houer van 'n spesiale magtiging wie se lisensie of magtiging of van wie 'n reg of voorreg wat betrekking het op bedoelde lisensie of magtiging, uit hoofde van 'n verslag bedoel in artikel 175 of 176 ingetrek of opgeskort is, om die herstel van bedoelde lisensie, magtiging, reg of voorreg op grond daarvan dat 'n skuldigbevinding wat aanleiding tot die intrekking of opskorting gegee het, deur 'n bevoegde

Act No. 87, 1977

LIQUOR ACT, 1977.

by a competent court or that in respect of such conviction a free pardon has been granted to him;

(e) any application under section 43 (4) (a) by a licensee or holder of a special authority for condonation of his failure to pay the prescribed annual fees in time;

(f) any other application, excluding an application referred to in section 9 or 72 (3), which the Board is required to consider under this Act.

(2) An interim meeting convened under subsection (1) shall be held at the place and on the date determined by the chairman and may, if the Board is of the opinion that circumstances warrant it, be adjourned and resumed at such place and on such date as the Board may in its discretion determine.

(3) (a) Notwithstanding anything to the contrary contained in this Act, the Board may dispose of any application referred to in subsection (1) (a) in such manner as the chairman could have disposed of such application under this Act.

(b) The Board may at such interim meeting—

(i) in the case of a report or request referred to in subsection (1) (b) or (c), cancel or suspend for such period as it may deem fit, from a date specified, any licence, authority, right or privilege which is the subject of such report or request, or determine any additional prohibition, restriction or condition as it may deem fit;

(ii) in the case of any application referred to in subsection (1) (d), forthwith restore any licence, authority, right or privilege subject to such prohibition, restriction or condition as it may deem fit.

(4) Any person aggrieved by a decision of the Board to cancel or suspend any licence, authority, right or privilege under subsection (3) or to determine any prohibition, restriction or condition thereunder, may by notice delivered to the secretary of the Board within a period of fourteen days from the date of notification of such decision, and upon payment of the prescribed fees to the magistrate, appeal to the Minister against such decision.

(5) (a) The chairman shall, within thirty days after the receipt by the secretary of a notice referred to in subsection (4), transmit that notice to the Minister, together with the relevant documents, a copy of the record of the Board's proceedings and the Board's reasons for its decision.

(b) The Minister may confirm, set aside or amend such a decision of the Board.

(6) (a) In the case of an application referred to in subsection (1) (a), (d), (e) or (f), the applicant shall, if required to do so in writing by the chairman or a person acting under his directions, appear before the Board, either personally or by counsel or attorney or, when the applicant is an association of persons, by a person deputed by it in writing.

(b) In the case of a report or request referred to in subsection (1) (b) or (c) respectively—

(i) the chairman shall—

(aa) cause the licensee, holder of an authority or manager of the premises in question or his principal, to be notified in such form and manner as he may deem fit, of such meeting informing him of the date, time and place thereof and the matters to be dealt with thereat; and

(bb) cause such licensee, holder of an authority, manager or principal, to be furnished with a copy of the report or written request in question;

(ii) the licensee, holder of an authority or manager concerned shall, subject to the provisions of section 16, appear before the Board either personally or by

hof tersyde gestel is of dat algehele gracie ten opsigte van die skuldigbevinding aan hom verleen is;

- (e) 'n aansoek kragtens artikel 43 (4) (a) deur 'n lisensiehouer of houer van 'n spesiale magtiging vir kondonasié van sy versuim om die voorgeskrewe jaarlikse gelde betyds te betaal;

- (f) 'n ander aansoek, uitgesonderd 'n aansoek bedoel in artikel 9 of 72 (3), wat die Raad kragtens hierdie Wet moetoorweeg.

(2) 'n Tussentydse vergadering belê kragtens subartikel (1) word gehou op die plek en datum wat die voorsitter bepaal en kan, indien die Raad van oordeel is dat omstandighede dit regverdig, verdaag en hervat word op die plek en datum wat die Raad na goedgunke bepaal.

(3) (a) Ondanks andersluidende bepalings van hierdie Wet kan die Raad 'n aansoek bedoel in subartikel (1) (a) afhandel op die wyse waarop die voorsitter die aansoek kragtens hierdie Wet sou kon afgehandel het.

- (b) Die Raad kan op die tussentydse vergadering—

- (i) in die geval van 'n verslag of versoek bedoel in subartikel (1) (b) of (c), 'n lisensie, magtiging, reg of voorreg wat die onderwerp van die verslag of versoek is, vanaf 'n bepaalde datum intrek, of vir 'n tydperk wat hy goedvind, opskort, of 'n bykomende verbod, beperking of voorwaarde bepaal wat hy goedvind;

- (ii) in die geval van 'n aansoek bedoel in subartikel (1) (d), 'n lisensie, magtiging, reg of voorreg onverwyld herstel onderworpe aan die verbod, beperking of voorwaarde wat hy goedvind.

(4) Iemand wat veronreg voel deur 'n besluit van die Raad om 'n lisensie, magtiging, reg of voorreg kragtens subartikel (3) in te trek of op te skort of om 'n verbod, beperking of voorwaarde daarkragtens te bepaal, kan by kennisgewing aan die sekretaris van die Raad gelewer binne 'n tydperk van veertien dae vanaf die datum van kennisgewing van so 'n besluit, en teen betaling by die landdros van die voorgeskrewe gelde, by die Minister teen die besluit appelleer.

(5) (a) Die voorsitter moet binne dertig dae na die ontvangs deur die sekretaris van 'n kennisgewing bedoel in subartikel (4), daardie kennisgewing aan die Minister stuur tesame met die tersaaklike stukke, 'n afskrif van die notule van die verrigtinge van die Raad en die Raad se redes vir sy besluit.

- (b) Die Minister kan so 'n besluit van die Raad bekragtig, tersyde stel of wysig.

(6) (a) In die geval van 'n aansoek bedoel in subartikel (1) (a), (d), (e) of (f), moet die aansoeker, indien hy deur die voorsitter of iemand wat op sy gesag handel, skriftelik aangesê word om dit te doen, persoonlik of deur 'n advokaat of prokureur of, wanneer die aansoeker 'n vereniging van persone is, deur iemand deur hom skriftelik gemagtig, voor die Raad verskyn.

- (b) In die geval van 'n verslag of versoek bedoel in onderskeidelik subartikel 1 (b) of (c) moet—

- (i) die voorsitter—

- (aa) die lisensiehouer, houer van die magtiging of bestuurder van die betrokke perseel of sy prinsipaal, in die vorm en op die wyse wat hy goedvind in kennis laat stel van bedoelde vergadering en van die datum, tyd en plek daarvan en van die aangeleenthede wat daarop behandel sal word; en

- (bb) die lisensiehouer, houer van die magtiging, bestuurder of prinsipaal van 'n afskrif van die betrokke verslag of skriftelike versoek laat voorsien;

- (ii) die betrokke lisensiehouer, houer van die magtiging of bestuurder moet, behoudens die bepalings van artikel 16, persoonlik of deur 'n advokaat of

Act No. 87, 1977

LIQUOR ACT, 1977.

Hearing of applicants and objectors at annual and special meetings.

counsel or attorney or, in the case of an association of persons, a person deputed by it in writing.

- (c) The designated police officer who signed the report referred to in subsection (1) (b) may be called as a witness by the licensee or holder of an authority concerned or by his counsel or attorney, so as to be cross-examined in connection with such report, and such police officer, whether so called or not, or any other member of the police may present evidence or arguments in support of the report.

Power of Board to object to certain applications.

12. (1) In the consideration of any application at an annual or special meeting of the Board held under section 9 or 10 the applicant shall, subject to the provisions of section 16, appear before the Board either personally or by counsel or attorney or, in the case of an association of persons, a person deputed by it in writing.

(2) Any person who has lodged an objection in the prescribed manner to such application may appear before the Board, personally or by counsel or attorney or by some other person deputed by him in writing, to object to the grant of such application.

(3) The Board may in its discretion hear any objection to such application, made by any local authority within, or person resident within, the district in question, in spite thereof that notice of such objection has not been given in the prescribed manner, provided the Board allows the applicant a reasonable opportunity of replying to such objection, and the Board shall, if necessary, adjourn the meeting for that purpose.

(4) The designated police officer who signed a report referred to in section 174 may, upon having been given written notice, be called as a witness by the applicant concerned so as to be cross-examined in connection with the report, and such police officer, whether so called or not, or any other member of the police, may present evidence or arguments in support of such report.

General address at annual or special meetings.

13. (1) The Board may, of its own motion, take notice of any matter or thing whatsoever, which in its opinion may be a ground for objection to the grant of any application under consideration at any annual or special meeting or any application referred to in section 11 (1) (a), in spite thereof that no objection has been made thereto.

(2) The Board shall inform the applicant of the matter or thing referred to in subsection (1), and shall adjourn the further consideration of the application, if the applicant so requests, for such period as it may deem fit so as to afford the applicant an opportunity of stating his case in connection therewith.

14. (1) Subject to the provisions of subsection (2), any person, including a representative of any association of persons, may at any annual or special meeting of the Board address the Board generally on the distribution, and the control of the distribution, of liquor.

(2) No address referred to in subsection (1) shall be received unless at least seven days before such meeting a notice in writing has been lodged with the secretary of the Board, stating the person by whom, or the association of persons on behalf of which, the address will be made, and the nature of the representations.

(3) The chairman may refuse to allow the delivery of such an address or a continuation thereof on the ground thereof that—

- (a) the provisions of subsection (2) have not been complied with; or
- (b) the contemplated representations are irrelevant or a repetition of representations previously made to the Board.

(4) The Board may, if it deems fit, permit any applicant, his representative or any other person to reply to any address delivered in terms of subsection (1).

prokureur of, in die geval van 'n vereniging van persone, deur iemand deur hom skriftelik gemagtig, voor die Raad verskyn.

- (c) Die aangewese polisie-offisier wat die verslag bedoel in subartikel (1) (b) onderteken het, kan as 'n getuie deur die betrokke lisensiehouer of houer van die magtiging of sy advokaat of prokureur geroep word om in kruisverhoor geneem te word in verband met die verslag, en daardie polisie-offisier, of hy aldus geroep word, al dan nie, of 'n ander lid van die polisie kan getuenis of argumente aanvoer ter ondersteuning van die verslag.

12. (1) By die oorweging van 'n aansoek op 'n jaarlike of spesiale vergadering van die Raad gehou kragtens artikel 9 of 10 moet die aansoeker, behoudens die bepalings van artikel 16, persoonlik of deur 'n advokaat of prokureur of, in die geval van 'n vereniging van persone, deur iemand deur hom skriftelik gemagtig, voor die Raad verskyn.

(2) Iemand wat op die voorgeskrewe wyse 'n beswaarskrif teen die aansoek ingedien het, kan persoonlik of deur 'n advokaat of prokureur of deur iemand deur hom skriftelik gemagtig voor die Raad verskyn om beswaar teen die toestaan van die aansoek te maak.

(3) Die Raad kan na goeddunke 'n beswaar teen die aansoek, gemaak deur 'n plaaslike owerheid in, of iemand woonagtig in, die betrokke distrik, aanhoor, ten spyte daarvan dat daar nie op die voorgeskrewe wyse kennis van die beswaar gegee is nie, mits die Raad die aansoeker 'n redelike geleentheid bied om op die beswaar te antwoord, en die Raad moet, indien nodig, die vergadering vir dié doel verdaag.

(4) Die aangewese polisie-offisier wat 'n verslag bedoel in artikel 174 onderteken het, kan na skriftelike kennisgewing deur die betrokke aansoeker as 'n getuie geroep word om in kruisverhoor geneem te word in verband met die verslag en daardie polisie-offisier, of hy aldus geroep word, al dan nie, of 'n ander lid van die polisie, kan getuenis of argumente aanvoer ter ondersteuning van die verslag.

13. (1) Die Raad kan uit eie beweging kennis neem van 'n aangeleentheid of feit van watter aard ook al, wat na sy oordeel 'n grond vir beswaar kan wees teen die toestaan van 'n aansoek onder oorweging op 'n jaarlike of spesiale vergadering of 'n aansoek bedoel in artikel 11 (1) (a) ten spyte daarvan dat geen beswaar daarteen gemaak is nie.

Bevoegdheid van
Raad om beswaar te
maak teen sekere
aansoeke.

(2) Die Raad moet die aansoeker aangaande die aangeleentheid of feit bedoel in subartikel (1) inlig en moet, indien die aansoeker dit versoek, die verdere oorweging van die aansoek uitstel vir die tydperk wat hy goedvind, ten einde die aansoeker 'n geleentheid te bied om sy saak in verband daarmee te stel.

14. (1) Behoudens die bepalings van subartikel (2) kan iemand, met inbegrip van 'n verteenwoordiger van 'n vereniging van persone, op 'n jaarlike of spesiale vergadering van die Raad 'n betoog in die algemeen lewer aangaande die verspreiding en die beheer oor die verspreiding van drank.

Algemene vertoë op
jaarlike of spesiale
vergaderings.

(2) 'n Betoog bedoel in subartikel (1) word nie toegelaat nie tensy minstens sewe dae voor bedoelde vergadering 'n skriftelike kennisgewing by die sekretaris van die Raad ingedien is waarin vermeld word die persoon deur wie, of die vereniging van persone namens wie, die betoog gelewer sal word, en wat die aard van die vertoë is.

(3) Die voorsitter kan weier om die lewering van bedoelde betoog, of 'n voortsetting daarvan, toe te laat, op grond daarvan dat—

- (a) die bepalings van subartikel (2) nie nagekom is nie; of
- (b) die beoogde vertoë nie ter sake is nie of 'n herhaling is van vertoë wat vantevore tot die Raad gerig is.

(4) Die Raad kan, indien hy dit goedvind, 'n aansoeker, sy verteenwoordiger of iemand anders toelaat om te antwoord op 'n betoog gelewer ingevolge subartikel (1).

Act No. 87, 1977

LIQUOR ACT, 1977.

General provisions in respect of annual, special and interim meetings of Board.

Meetings of Board open to public.

Record of Board's proceedings.

Inquiries by Board.

15. The provisions of section 18 (2), (3), (4), (5), (7), (8), (9), (10), (11) and (12) shall *mutatis mutandis* apply in respect of any annual, special or interim meeting of the Board.

16. Any annual, special or interim meeting of the Board shall be open to the public: Provided that, if the Board so determines, the deliberation and voting upon any matter considered at any such meeting shall be in private.

17. (1) A record of the proceedings in public at every annual, special or interim meeting of the Board shall be kept and filed in the office of the Secretary for Justice and may be inspected and copies thereof obtained on the same conditions and on payment of the same fees applicable in respect of a record of proceedings in a civil case in a magistrate's court.

(2) A separate record shall be kept of the proceedings of the Board which takes place in private and such record shall, unless any division of the Supreme Court otherwise directs, not be disclosed to any person other than the Minister, members of the Board and officers in the Department of Justice entrusted with the administration of this Act.

18. (1) The Board shall conduct an inquiry into any matter referred to it for that purpose by the Minister.

(2) The chairman may, for the purposes of the inquiry, cause any person to be summoned in the same manner as that in which a person may be subpoenaed to appear in a criminal case in a magistrate's court, to give evidence at the inquiry or to produce thereat anything which may, in the opinion of the chairman, be relevant to the subject matter of the inquiry.

(3) The Board may call and examine any person present at the inquiry, whether or not he has been summoned under subsection (2) to attend the inquiry, and may inspect and retain for such period as the Board may deem fit, anything the production of which was required under the said subsection or produced to it at such inquiry.

(4) (a) The Board may direct any person to give his evidence at the inquiry on oath or after having made an affirmation.

(b) The chairman may administer an oath to, or accept an affirmation from, any person appearing before the Board to give evidence or to produce anything.

(5) The law relating to privilege as applicable to a witness in a criminal case in a magistrate's court, shall apply *mutatis mutandis* to a witness in any inquiry referred to in this section.

(6) The Board may in its discretion direct that any person whose presence is not necessary at the inquiry, shall not attend the inquiry.

(7) Any person attending an inquiry by virtue of a subpoena referred to in subsection (2), shall be entitled to an allowance as if he were a witness for the State in a criminal case.

(8) Any person who—

(a) having been summoned under subsection (2) fails to attend at the time and place specified in the subpoena, or, without the leave of the chairman, fails to remain in attendance until the conclusion of the inquiry, or fails to produce in accordance with the summons anything in his possession or custody or under his control; or

(b) having been called under subsection (3) as a witness and who refuses to take the oath or make an affirmation under subsection (4), or after having taken the oath or made an affirmation, refuses to testify, or refuses or fails to answer fully and satisfactorily any question lawfully put to him,

shall, unless he proves that he has a just excuse for his failure or refusal, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period

15. Die bepalings van artikel 18 (2), (3), (4), (5), (7), (8), (9), (10), (11) en (12) is *mutatis mutandis* van toepassing ten opsigte van 'n jaarlike, spesiale of tussentydse vergadering van die Raad.

Algemene bepalings ten opsigte van jaarlike, spesiale en tussentydse vergaderings van Raad.

16. 'n Jaarlike, spesiale of tussentydse vergadering van die Raad is vir die publiek toeganklik: Met dien verstande dat indien die Raad aldus besluit, die beraadslaging en stemming oor 'n aangeleentheid wat by bedoelde vergadering oorweeg word, agter gesloten deure geskied.

Vergaderings van Raad vir publiek toeganklik.

17. (1) 'n Notule van die openbare verrigtinge van elke jaarlike, spesiale of tussentydse vergadering van die Raad moet gehou en in die kantoor van die Sekretaris van Justisie bewaar word en insae daarin en afskrifte daarvan kan verkry word op dieselfde voorwaardes en teen betaling van dieselfde gelde wat van toepassing is ten opsigte van 'n notule van verrigtinge in 'n siviele geding in 'n landdroshof.

Notule van Raad se verrigtinge.

(2) 'n Afsonderlike notule moet gehou word van die verrigtinge van die Raad wat agter gesloten deure plaasvind en daardie notule mag nie, tensy 'n afdeling van die Hooggereghof anders gelas, aan iemand anders as die Minister, lede van die Raad en beampies in die Departement van Justisie belas met die administrasie van hierdie Wet, openbaar gemaak word nie.

18. (1) Die Raad moet ondersoek instel na enige aangeleentheid wat vir daardie doel deur die Minister na hom verwys word.

Ondersoek deur Raad.

(2) Die voorsitter kan, vir die doeleindes van die ondersoek, enigiemand laat dagvaar op dieselfde wyse waarop iemand as getuie gedagvaar kan word om in 'n strafsaak in 'n landdroshof te verskyn, om by die ondersoek getuenis af te lê of enigiets oor te lê wat, na die oordeel van die voorsitter, op die onderwerp van die ondersoek betrekking kan hê.

(3) Die Raad kan iemand wat by die ondersoek aanwesig is, oproep en ondervra, hetsy hy kragtens subartikel (2) gedagvaar is om by die ondersoek aanwesig te wees, al dan nie, en kan enigiets waarvan die oorlegging kragtens bedoelde subartikel vereis is of wat by so 'n ondersoek aan die Raad oorgelê is, inspekteer en vir die tydperk hou wat die Raad goedvind.

(4) (a) Die Raad kan iemand gelas om by die ondersoek sy getuenis onder eed of na die doen van 'n bevestiging af te lê.

(b) Die voorsitter kan aan iemand wat voor die Raad verskyn om getuenis af te lê of om enigiets oor te lê, 'n eed ople van hom 'n bevestiging aanneem.

(5) Die reg betreffende privilegie wat op 'n getuie in 'n strafsaak in 'n landdroshof van toepassing is, is *mutatis mutandis* van toepassing op 'n getuie by 'n ondersoek bedoel in hierdie artikel.

(6) Die Raad kan na goeddunke gelas dat iemand wie se aanwesigheid by die ondersoek nie nodig is nie, nie die ondersoek mag bywoon nie.

(7) Iemand wat by 'n ondersoek aanwesig is uit hoofde van 'n dagvaarding bedoel in subartikel (2), is op 'n toelae geregtig asof hy 'n getuie vir die Staat in 'n strafsaak is.

(8) Iemand wat—

(a) kragtens subartikel (2) gedagvaar is en versuim om aanwesig te wees op die in die dagvaarding bepaalde tyd en plek, of, sonder verlof van die voorsitter, versuim om aanwesig te bly tot by afloop van die ondersoek, of versuim om ooreenkomsdig die dagvaarding enigiets in sy besit of bewaring of onder sy beheer oor te lê; of

(b) kragtens subartikel (3) as 'n getuie opgeroep is en wat weier om kragtens subartikel (4) die eed af te lê of 'n bevestiging te doen of wat, nadat hy die eed afgelê of bevestiging gedoen het, weier om getuenis af te lê of weier of versuim om 'n vraag wettiglik aan hom gestel, ten volle en op bevredigende wyse te beantwoord, is, tensy hy bewys dat hy 'n voldoende verskoning vir sy versuim of weiering het, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met

Act No. 87, 1977**LIQUOR ACT, 1977.**

not exceeding six months or to both such fine and such imprisonment.

(9) Any person who, after having taken the oath or made an affirmation, gives false evidence at the inquiry in question knowing such evidence to be false or not believing it to be true, shall be guilty of an offence and liable on conviction to the penalties which may by law be imposed for perjury.

(10) Any person who wilfully interrupts the proceedings at an inquiry under this section or who wilfully hinders or obstructs the Board or any member thereof in the performance of its or his functions at such inquiry, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(11) Any licensee who has a substantial interest in any matter referred to the Board for inquiry under this section may appear either personally or, if such licensee is an association of persons, through a person deputed by it in writing at such inquiry and may be represented thereat by counsel or an attorney.

(12) Subject to the provisions of section 4 (4), (7) and (8) any inquiry under this section shall be conducted in such manner and under such rules as the Board may deem fit.

(13) The Board shall, as soon as possible after the conclusion of an inquiry, make such report and recommendation to the Minister as it may deem fit.

**Reasons for decisions
of Board.**

19. (1) Except when the Board—

- (a) gives a decision on a question of law; or
- (b) cancels or suspends any licence or authority or any right or privilege pertaining to such licence or authority, it shall not be required to give any reasons for its decision.

(2) Unless otherwise provided in this Act, the provisions of subsection (1) shall *mutatis mutandis* apply in respect of any matter which is, under this Act, required to be considered by the Minister or the chairman.

**Review of
proceedings of Board.**

20. (1) Any proceedings of the Board may be reviewed by any division of the Supreme Court, on notice of motion by any applicant or objector, only if it appears to the court that—

- (a) in the proceedings in question the Board exceeded its powers, or refused to exercise powers which it was obliged to exercise, or exercised its powers in an arbitrary or *mala fide* or grossly unreasonable manner; or
- (b) a member who was disqualified from taking any part in the proceedings in question, took part therein.

(2) If the court finds that any of the grounds for review referred to in subsection (1) has been proved, it may set aside the proceedings in question and make any such order as it may deem fit, including an order that a special meeting of the Board be convened for the rehearing or reconsideration of the matter: Provided that no proceedings shall be set aside by reason only of a formal or technical defect in any of the proceedings or for any other reason, unless the court is satisfied that the applicant or any other person has been or could have been substantially prejudiced thereby.

(3) The provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of any matter which is under this Act required to be considered by the chairman.

**Appeal against
decisions of Board.**

21. (1) Any person aggrieved by a decision of the Board, may lodge an appeal against that decision only when it relates to a question of law.

(2) An appeal referred to in subsection (1) shall be noted and prosecuted as if it were an appeal from a judgment of a magistrate's court in a civil matter, and any rule applicable to such last-mentioned appeal, whether in respect of the hearing thereof or of the confirmation or setting aside of the proceedings appealed

gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(9) Iemand wat, nadat hy die eed afgelê of 'n bevestiging gedoen het, valse getuienis by die betrokke ondersoek aflê terwyl hy weet dat daardie getuienis vals is of sonder dat hy glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meineed opgelê kan word.

(10) Iemand wat die verrigtinge by 'n ondersoek kragtens hierdie artikel opsetlik versteur of die Raad of 'n lid daarvan by die verrigting van sy werkzaamhede by die ondersoek opsetlik hinder of dwarsboom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(11) 'n Licensiehouer wat 'n wesenlike belang het by 'n aangeleentheid wat kragtens hierdie artikel na die Raad vir ondersoek verwys is of, indien die licensiehouer 'n vereniging van persone is, iemand skriftelik deur hom gemagtig, kan by die ondersoek verskyn en kan deur 'n advokaat of prokureur verteenwoordig word.

(12) Behoudens die bepalings van artikel 4 (4), (7) en (8), word 'n ondersoek ingevolge hierdie artikel gehou op die wyse en kragtens die reëls wat die Raad goedvind.

(13) Die Raad moet so spoedig moontlik na afloop van 'n ondersoek die verslag en aanbeveling aan die Minister doen wat die Raad goedvind.

19. (1) Behalwe wanneer die Raad—

Redes vir besluite van Raad.

- (a) 'n besluit oor 'n regspunt gee; of
- (b) 'n licensie of magtiging of 'n reg of voorreg wat op die licensie of magtiging betrekking het, intrek of opskort, is hy nie verplig om redes vir sy besluit te gee nie.

(2) Tensy in hierdie Wet anders bepaal, is die bepalings van subartikel (1) *mutatis mutandis* van toepassing ten opsigte van 'n aangeleentheid wat die Minister of die voorsitter kragtens hierdie Wet moet oorweeg.

20. (1) 'n Afdeling van die Hooggeregshof kan die verrigtinge van die Raad in hersiening neem na kennisgewing van mosie deur 'n aansoeker of beswaarmaker, slegs indien dit aan die hof blyk dat—

Hersiening van verrigtinge van Raad.

- (a) die Raad by die betrokke verrigtinge sy bevoegdheid oorskry het of geweier het om bevoegdhede uit te oefen wat hy verplig was om uit te oefen, of sy bevoegdhede willekeurig of *mala fide* of uiters onbillik uitgeoefen het;
- (b) 'n lid wat onbevoeg was om aan die betrokke verrigtinge deel te neem, daaraan deelgeneem het.

(2) Indien die hof bevind dat enige van die gronde vir hersiening bedoel in subartikel (1) bewys is, kan hy die betrokke verrigtinge tersyde stel en die bevel uitreik wat hy goedvind, met inbegrip van 'n bevel dat 'n spesiale vergadering van die Raad belê moet word om die aangeleentheid opnuut aan te hoor of te oorweeg: Met dien verstande dat geen verrigtinge tersyde gestel word nie slegs weens 'n formele of tegniese gebrek in enige van die verrigtinge of om enige ander rede tensy die hof oortuig is dat die aansoeker of iemand anders wesenlik daardeur benadeel is of benadeel sou kon word.

(3) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n aangeleentheid wat die voorsitter kragtens hierdie Wet moet oorweeg.

21. (1) Iemand wat deur 'n besluit van die Raad veronreg voel, kan teen daardie besluit appelleer slegs wanneer dit op 'n regspunt betrekking het.

Appèl teen besluite van Raad.

(2) 'n Appèl bedoel in subartikel (1) word aangeteken en voortgesit asof dit 'n appèl is teen 'n vonnis van 'n landdroghof in 'n siviele saak, en 'n reël wat op laasgenoemde appèl van toepassing is, hetsy ten opsigte van die verhoor daarvan of die bekragting of die tersydestelling van die verrigtinge waarteen

against, or otherwise, shall *mutatis mutandis* apply to an appeal under this section.

(3) Unless otherwise provided in this Act, the provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of any matter which is under this Act required to be considered by the chairman.

CHAPTER III

LICENCES AND AUTHORITIES FOR THE SALE OF LIQUOR

Licences for the sale of liquor.

22. The following licences may be granted for the sale of liquor for consumption—

(a) on the premises where it is sold, namely—

- (i) occasional licences;
- (ii) hotel liquor licences;
- (iii) club liquor licences;
- (iv) meal time wine and malt licences;
- (v) restaurant liquor licences;
- (vi) sportsground liquor licences;
- (vii) theatre liquor licences;
- (viii) temporary liquor licences;
- (ix) wine and malt liquor licences;
- (x) wine house licences;

(b) off the premises where it is sold, namely—

- (i) brewers' licences;
- (ii) foreign liquor licences;
- (iii) liquor store licences;
- (iv) wholesale liquor licences;
- (v) grocers' wine licences;
- (vi) wine farmers' licences.

Special authorities for the sale of liquor to Bantu, Coloureds or Asians.

23. (1) The Minister may, on application made through the magistrate, and on such conditions or restrictions as he may deem fit to determine, grant special authority to sell liquor or such kinds of liquor as he may determine, for consumption on or off the premises mentioned in such application, to—

(a) any Bantu or class of Bantu of the age of eighteen years or older, to any person, including the investment corporation or any development corporation as defined in section 1 of the Promotion of the Economic Development of Bantu Homelands Act, 1968 (Act No. 46 of 1968), and any Bantu territorial, regional or tribal authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951); or

(b) such class of persons as he may determine, to—

- (i) any Coloured or Asian;
- (ii) any association of Coloureds or Asians; or
- (iii) any company in which the Coloured Development Corporation Limited, established under section 2 of the Coloured Development Corporation Act, 1962 (Act No. 4 of 1962), is the sole shareholder or in which the said Coloured Development Corporation Limited and one or more Coloureds are the sole shareholders.

(2) In the case of any application referred to in subsection (1) (b), authority for the sale of liquor for consumption off the premises in question shall not be granted unless the applicant concerned is the holder of an authority to sell liquor for consumption on that premises.

(3) The Minister or any person acting under his directions may, in addition to any condition or restriction determined under this section, specify in the authority in question or declare in a notice in the *Gazette* that such provisions of this Act specified in such authority or notice, shall *mutatis mutandis* apply to the holder of the authority and to, or in respect of, the premises in respect of which it is held.

geappelleer word, of andersins, is *mutatis mutandis* van toepassing op 'n appèl kragtens hierdie artikel.

(3) Tensy in hierdie Wet anders bepaal word, is die bepalings van subartikels (1) en (2) *mutatis mutandis* van toepassing ten opsigte van 'n aangeleentheid wat die voorsteller kragtens hierdie Wet moet oorweeg.

HOOFSTUK III

LISENSIES EN MAGTIGINGS VIR DIE VERKOOP VAN DRANK

22. Die volgende lisensies kan verleen word vir die verkoop van drank vir gebruik— Licensies vir die verkoop van drank.

- (a) op die perseel waarop dit verkoop word, naamlik—
 - (i) geleenthedslisensies;
 - (ii) hoteldranklisensies;
 - (iii) klubdranklisensies;
 - (iv) maaltyd-wyn-en-bierlisensies;
 - (v) restaurant-dranklisensies;
 - (vi) sportterrein-dranklisensies;
 - (vii) teaterdranklisensies;
 - (viii) tydelike dranklisensies;
 - (ix) wyn-en-bierlisensies;
 - (x) wynhuislisensies;
- (b) buite die perseel waarop dit verkoop word, naamlik—
 - (i) bierbrouerslisensies;
 - (ii) buitelandse dranklisensies;
 - (iii) drankwinkellisensies;
 - (iv) groothandelaars-dranklisensies;
 - (v) kruideniers-wynlisensies;
 - (vi) wynboerlisensies.

23. (1) Die Minister kan, op aansoek deur bemiddeling van die landdros gedoen, en op die voorwaardes of beperkings wat hy na goeddunke bepaal, spesiale magtiging om drank of die soorte drank wat hy bepaal vir gebruik op of buite die perseel vermeld in die aansoek, te verkoop aan— Spesiale magtigings vir die verkoop van drank aan Bantoes, Kleurlinge of Asiërs.

- (a) enige Bantoe of klas Bantoe van die ouderdom van agtien jaar of ouer, verleen aan enigiemand, met inbegrip van die beleggingskorporasie of 'n ontwikkelingskorporasie soos omskryf in artikel 1 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968 (Wet No. 46 van 1968), en 'n Bantoegebieds-, -streeks- of -stamowerheid ingestel kragtens die bepalings van die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951); of
- (b) die klas persone wat hy bepaal, verleen aan—
 - (i) 'n Kleurling of Asiër;
 - (ii) 'n vereniging van Kleurlinge of Asiërs; of
 - (iii) 'n maatskappy waarin die Kleurlingontwikkelingskorporasie Beperk, ingestel kragtens artikel 2 van die Wet op die Kleurlingontwikkelingskorporasie, 1962 (Wet No. 4 van 1962), die enigste aandeelhouer is of waarin bedoelde Kleurlingontwikkelingskorporasie Beperk, en een of meer Kleurlinge die enigste aandeelhouers is.

(2) In die geval van 'n aansoek bedoel in subartikel (1) (b), word magtiging vir die verkoop van drank vir gebruik buite die betrokke perseel nie verleen nie tensy die betrokke aansoeker die houer is van 'n magtiging om drank te verkoop vir gebruik op daardie perseel.

(3) Die Minister of iemand wat op sy gesag handel, kan, benewens 'n voorwaarde van beperking kragtens hierdie artikel bepaal, in die betrokke magtiging vermeld of in 'n kennisgewing in die *Staatskoerant* verklaar dat daardie bepalings van hierdie Wet wat in daardie magtiging of kennisgewing vermeld word, *mutatis mutandis* van toepassing is op die houer van die magtiging en op, of met betrekking tot, die perseel ten opsigte waarvan dit gehou word.

Act No. 87, 1977

LIQUOR ACT, 1977.

(4) (a) Any condition or restriction determined under this section may at any time be amended or cancelled by the Minister or a person acting under his directions.

(b) The Minister or any person acting under his directions may, in his discretion at any time determine any further condition or restriction in respect of any authority referred to in subsection (1).

(5) Notwithstanding anything to the contrary in any law contained, the holder of a special authority for the sale of liquor for consumption on the premises mentioned therein, may sell or supply liquor on any closed day which is a polling day fixed—

(a) under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946); or

(b) under the said Act as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the Indian Council: Provided that in the case of an authority referred to in subsection (1) (b) liquor may be so sold or supplied only between 21h00 and 23h30.

(6) (a) No application for a special authority referred to in subsection (1) shall be granted in respect of premises situate in an area under the control of an urban local authority unless the Minister is satisfied that a copy of such application has been transmitted to such local authority.

(b) For the purposes of an authority referred to in subsection (1) (a), the expression "urban local authority" in this section includes, in relation to any area in respect of which it has been so designated, any body designated as an urban local authority under section 39 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and, in relation to a Bantu Affairs administration area, the Bantu Affairs Administration Board in question established by section 2 of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971).

(7) The holder of a special authority who fails to comply with any condition or restriction determined in respect of that authority, or with any provision of this Act applicable to him, and to, or in respect of, the premises in question, under this section, shall be guilty of an offence.

(8) (a) Any special authority referred to in subsection (1) shall be of no force and effect unless the person to whom it is issued, has paid to the receiver of revenue such fees, not exceeding, in the case of an authority referred to in subsection (1) (a), four hundred rand and, in the case of an authority referred to in subsection (1) (b), six hundred rand, as the Minister may, after consultation with the Minister of Finance, determine.

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

(9) The transfer or removal of a special authority shall be of no force and effect unless there has been paid in respect thereof to the receiver of revenue such fees as the Minister may, after consultation with the Minister of Finance, determine.

(10) If the prescribed fees payable in respect of the issue, transfer or removal of any special authority is not paid within a period of sixty days after the date of the said issue, transfer or removal, such authority, transfer or removal shall lapse and become null and void and the application in question for the authority or for the transfer or removal shall be deemed not to have been granted.

(11) No special authority shall be granted except upon the recommendation of the Board, made after consideration of a police report and all relevant documents, information, objections,

(4) (a) 'n Voorwaarde of beperking wat kragtens hierdie artikel bepaal is, kan te eniger tyd deur die Minister of iemand wat op sy gesag handel, gewysig of ingetrek word.

(b) Die Minister of iemand wat op sy gesag handel, kan te eniger tyd ten opsigte van 'n magtiging bedoel in subartikel (1) na goedunke 'n verdere voorwaarde of beperking bepaal.

(5) Ondanks andersluidende bepalings van die een of ander wet, kan die houer van 'n spesiale magtiging vir die verkoop van drank vir gebruik op die perseel daarin vermeld, drank verkoop of verskaf op 'n geslote dag wat 'n stendag is wat vasgestel is—

(a) kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946); of

(b) kragtens bedoelde Wet, gelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of kragtens 'n wet wat die verkiesing reël van lede van die Indiërraad: Met dien verstande dat in die geval van 'n magtiging bedoel in subartikel (1) (b) drank slegs tussen 21h00 en 23h30 aldus verkoop of verskaf kan word.

(6) (a) 'n Aansoek om 'n spesiale magtiging bedoel in subartikel (1), word nie ten opsigte van 'n perseel geleë in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur toegestaan nie, tensy die Minister oortuig is dat 'n afskrif van daardie aansoek aan daardie plaaslike bestuur gestuur is.

(b) Vir die doeleindes van 'n magtiging bedoel in subartikel (1) (a), beteken die uitdrukking „stedelike plaaslike bestuur“ in hierdie artikel ook, met betrekking tot 'n gebied ten opsigte waarvan dit aldus aangewys is, 'n liggaaam wat ingevolge artikel 39 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), as 'n stedelike plaaslike bestuur aangewys is en, met betrekking tot 'n Bantoesake-administrasiegebied, die betrokke Bantoesake-administrasieraad, ingestel by artikel 2 van die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971).

(7) Die houer van 'n spesiale magtiging wat versuim om te voldoen aan 'n voorwaarde of beperking wat ten opsigte van bedoelde magtiging bepaal is, of aan 'n bepaling van hierdie Wet wat op hom en op, of met betrekking tot, die betrokke perseel kragtens hierdie artikel van toepassing is, is aan 'n misdryf skuldig.

(8) (a) 'n Spesiale magtiging bedoel in subartikel (1), is nie van krag nie tensy die persoon aan wie dit uitgereik word, aan die ontvanger van inkomste die gelde, wat in die geval van 'n magtiging bedoel in subartikel (1) (a) nie vierhonderd rand en, in die geval van 'n magtiging bedoel in subartikel (1) (b), nie seshonderd rand, te bove gaan nie, betaal het wat die Minister na oorlegpleging met die Minister van Finansies bepaal.

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

(9) Die oordrag of verplasing van 'n spesiale magtiging is van geen krag nie tensy ten opsigte daarvan aan die ontvanger van inkomste die gelde betaal is wat die Minister na oorlegpleging met die Minister van Finansies bepaal.

(10) Indien die voorgeskrewe geldie betaalbaar ten opsigte van die uitreiking, oordrag of verplasing van 'n spesiale magtiging nie binne 'n tydperk van sestig dae na die datum van die bedoelde uitreiking, oordrag of verplasing betaal is nie, verval die magtiging, oordrag of verplasing en word dit ongeldig en word die betrokke aansoek om die magtiging, oordrag of verplasing geag nie toegestaan te gewees het nie.

(11) 'n Spesiale magtiging word nie verleen nie behalwe op aanbeveling van die Raad, gedoen na oorweging van 'n polisieverslag en alle tersaaklike stukke, inligting, besware,

Act No. 87, 1977

LIQUOR ACT, 1977.

replies thereto and representations submitted under this Act, and with due regard to any other matter which, in the opinion of the Minister, should be taken into account in the consideration of the application.

(12) The powers of the Minister referred to in—

- (a) subsection (1) (a) shall be exercised by him after consultation with the Minister of Bantu Administration and Development or a person acting under his directions; and
- (b) subsection (1) (b) shall be exercised by him after consultation, in the case of a Coloured or an association of Coloured persons, with the Minister of Coloured, Rehoboth and Nama Relations or, in the case of an Asian or an association of Asians, with the Minister responsible for the interests of the Asians concerned or with any person acting under the directions of the responsible Minister, and any authority referred to in subsection (1) (b) shall be granted with due regard to any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof.

(13) All profits derived from the sale of liquor under any authority referred to in subsection (1) (a), shall (after deduction of any legal costs incurred by the Minister in connection with the recovery thereof) be dealt with by the Minister in the manner specified in such authority after consultation with the Treasury, and the Minister may cause action to be brought in any court of competent jurisdiction against the holder of such authority for the recovery of an amount equal to such profits.

(14) The provisions of the Mining Rights Act, 1967 (Act No. 20 of 1967), and of any other law or of any title deed, servitude or contract restricting, prohibiting or regulating in any manner the carrying on of trade or business on proclaimed land or land held under mining title or land on which mining operations are lawfully being carried on, shall not apply to the sale or supply of liquor, aerated and mineral waters and Bantu beer on that land under any authority referred to in subsection (1) (a) and held by any *bona fide* employer regularly employing and housing Bantu labourers, as defined in section 1 of the Bantu Labour Act, 1964 (Act No. 67 of 1964).

(15) Any authority referred to in subsection (1) (b) shall only be granted if the premises in question are situate in an area set apart under the Group Areas Act, 1966 (Act No. 36 of 1966), for occupation by members of the Coloured group, the Malay group, or the Indian group or in an area predominantly occupied by such members.

Sale of wine or other fermented beverages by certain persons.

24. (1) Subject to the provisions of subsection (2) and the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), and any regulation made thereunder, any person *bona fide* engaged in viticulture or the production of any other fermented beverage, may under and in accordance with an authority issued under subsection (4), sell or dispose of—

- (a) any wine produced from grapes grown on land owned or lawfully occupied by such person or, in the case of an association of persons, any member thereof; or
- (b) any other fermented beverage produced from fruit, other than grapes, grown on such land or from such other fruit or the juice of such fruit purchased or procured by the person or member concerned, or from such fruit or juice together with cane-sugar,

and produced upon such land or in any central cellar, factory or brewery owned or lawfully occupied by the said person or member.

(2) (a) (i) The sale or disposal of the wine or other fermented beverage referred to in subsection (1) shall, subject to the provisions of subparagraph (ii), be in quantities of not less than 9 litres contained in one or more receptacles securely sealed or in a securely

DRANKWET, 1977.

Wet No. 87, 1977

antwoorde daarop en vertoë kragtens hierdie Wet voorgelê, en met behoorlike inagneming van enige ander aangeleentheid wat na die oordeel van die Minister by oorweging van die aansoek in aanmerking geneem behoort te word.

(12) Die bevoegdhede van die Minister bedoel in—

- (a) subartikel (1) (a) word deur hom uitgeoefen na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling of iemand wat op sy gesag handel; en
- (b) subartikel (1) (b) word deur hom uitgeoefen na oorlegpleging, in die geval van 'n Kleurling of 'n vereniging van Kleurlinge, met die Minister van Kleurling-, Rehoboth- en Namabetrekkinge, of, in die geval van 'n Asiér of vereniging van Asiërs, met die Minister wat vir die belang van die betrokke Asiërs verantwoordelik is of met iemand wat op gesag van die verantwoordelike Minister handel, en 'n magtiging in subartikel (1) (b) bedoel, word verleen met behoorlike inagneming van die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger kan word.

(13) Oor alle winste verkry van die verkoop van drank kragtens 'n magtiging in subartikel (1) (a) bedoel, word (na aftrekking van regskoste deur die Minister aangegaan in verband met die verhaal daarvan) deur die Minister beskik op die wyse vermeld in die magtiging na oorlegpleging met die Tesourie, en die Minister kan 'n geding in 'n bevoegde hof instel teen die houer van die magtiging vir die verhaal van 'n bedrag gelykstaande aan daardie winste.

(14) Die bepalings van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), en van die een of ander wet of van enige titelbewys, serwituut of kontrak wat die dryf van handel of die doen van sake op geproklameerde grond of grond gehou kragtens myntitel of grond waarop mynwerksaamhede wettiglik voortgesit word, beperk, verbied of op enige wyse reël, is nie van toepassing nie op die verkoop of verskaffing van drank, spuit- en mineraalwaters en Bantoebier op daardie grond kragtens 'n magtiging bedoel in subartikel (1) (a) en wat gehou word deur 'n *bona fide*-werkewer wat gereeld Bantoe-arbeiders, soos omskryf in artikel 1 van die Wet op Bantoe-arbeid, 1964 (Wet No. 67 van 1964), in diens het en huisves.

(15) 'n Magtiging bedoel in subartikel (1) (b) word slegs verleen indien die betrokke perseel geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), afgesonder is vir okkupasie deur lede van die gekleurde groep, die Maleiergroep of die Indiërgroep of in 'n gebied wat hoofsaaklik deur sodanige lede geokkupeer word.

24. (1) Behoudens die bepalings van subartikel (2) en die Wet op Wijn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), en 'n regulasie daarkragtens uitgevaardig, kan enigiemand wat hom te goeder trou op die wynbou of die vervaardiging van ander gegiste drank toelê, kragtens en ooreenkomsdig 'n magtiging uitgereik ingevolge subartikel (4)—

- (a) enige wyn vervaardig van druwe wat verbou is op grond wat behoort aan of in die wettige besit van so iemand of, in die geval van 'n vereniging van persone, 'n lid daarvan, is; of
- (b) enige ander gegiste drank vervaardig van ander vrugte as druwe, wat op bedoelde grond verbou is, of van die ander vrugte of die sap van die vrugte wat deur die betrokke persoon of lid gekoop of verkry is, of van die vrugte of sap tesame met rietsuiker, en vervaardig op bedoelde grond of in 'n sentrale kelder, fabriek of brouery wat behoort aan of in die wettige besit is van bedoelde persoon of lid, verkoop of van die hand sit.

(2) (a) (i) Die verkoop of die van die hand sit van die wyn of ander gegiste drank bedoel in subartikel (1) geskied, behoudens die bepalings van subparaagraaf (ii), in hoeveelhede van minstens 9 liter vervat in een of meer houers wat dig verseël is of

Verkoop van wyn of
ander gegiste drank
deur sekere persone.

Act No. 87, 1977

LIQUOR ACT, 1977.

closed case containing not less than 4,5 litres of such wine or other fermented beverage in not less than four receptacles.

(ii) The provisions of subparagraph (i) shall not apply to the sale or disposal of wine—

(aa) by a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), to its members under an authority issued in terms of subsection (4);

(bb) to a *bona fide* visitor to any premises referred to in subsection (4) (a) if the quantity of wine so sold or disposed of is not less than 375 millilitres and such wine is contained in one or more receptacles of a capacity of not less than 375 millilitres securely sealed.

(b) The wine or other fermented beverage referred to in subsection (1) may only be sold, disposed of or, unless it is dispatched by rail to the purchaser thereof or the person acquiring it, delivered upon or at the said land, cellar, factory or brewery.

(c) No such wine or other fermented beverage shall be sold or disposed of on a closed day or before 07h00 or after 18h00 on any open day.

(d) The holder of an authority referred to in subsection (1) shall in one of the official languages keep a record of the quantity and description of the said wine or other fermented beverage which he has produced and sold or disposed of.

(e) The record referred to in paragraph (d) and the premises on which such wine or other fermented beverage is manufactured or kept shall at all reasonable times be open to inspection by any police officer.

(3) The owner or occupier of land or any person *bona fide* engaged in viticulture or the production of any other fermented beverage and who desires an authority referred to in subsection (1), shall in the prescribed manner and through the magistrate apply therefor to the Minister.

(4) (a) The Minister may in his discretion, on the recommendation of the Board made after consideration of the application and such other information as the Board may deem necessary, grant, on such conditions or restrictions as he may, upon the recommendation of the Board and notwithstanding anything to the contrary in subsection (2) contained, deem fit to determine, authority to the applicant to sell or dispose of such wine or other fermented beverage for consumption off the premises described in such authority.

(b) If the Minister grants such authority, a person acting under his directions shall issue to the applicant an appropriate authority in the prescribed form.

(c) The said authority shall not authorize the sale or disposal of wine or other fermented beverage at premises other than premises situated on the land upon which such wine or other fermented beverage has been produced.

(d) Notwithstanding the provisions of paragraph (a), wine or other fermented beverage may be consumed by a *bona fide* visitor to any premises referred to in that paragraph, in such room or other place on such premises as the Minister may approve, provided such wine or other fermented beverage is supplied, on such conditions and restrictions as the Minister may deem fit to determine, free of charge to the visitor concerned in reasonable quantities for the exclusive purpose of tasting.

(5) (a) The holder of an authority issued under subsection (4) may apply in the prescribed manner to the Minister through the magistrate for the transfer of such authority to any other person, and the Minister or any person

DRANKWET, 1977.

Wet No. 87, 1977

in 'n dig toegemaakte kis is wat minstens 4,5 liter van sodanige wyn of ander gegiste drank in minstens vier houers bevat.

- (ii) Die bepalings van subparagraaf (i) is nie van toepassing nie op die verkoop of die van die hand sit van wyn—
 - (aa) deur 'n koöperatiewe vereniging, soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), aan sy lede kragtens 'n magtiging uitgereik ingevolge subartikel (4);
 - (bb) aan 'n *bona fide*-besoeker, aan 'n perseel bedoel in subartikel (4)(a), indien die hoeveelheid wyn aldus verkoop of van die hand gesit nie minder as 375 milliliter is nie, en daardie wyn vervat is in een of meer houers met 'n inhoudsvermoë van nie minder as 375 milliliter nie, wat dig verseel is.
 - (b) Die wyn of ander gegiste drank bedoel in subartikel (1) kan slegs op of by bedoelde grond, kelder, fabriek of brouery verkoop, van die hand gesit of, tensy dit per spoor versend word aan die koper of verkryger daarvan, gelewer word.
 - (c) Die wyn of ander gegiste drank word nie verkoop of van die hand gesit op 'n geslote dag of voor 07h00 of na 18h00 op 'n oop dag nie.
 - (d) Die houer van 'n magtiging bedoel in subartikel (1) moet in een van die amptelike tale aantekeninge hou van die hoeveelheid en soort van bedoelde wyn of ander gegiste drank wat hy vervaardig en verkoop of van die hand gesit het.
 - (e) Die aantekeninge bedoel in paragraaf (d) en die perseel waarop die wyn of ander gegiste drank vervaardig of gehou word, moet te alle redelike tye vry wees vir inspeksie deur 'n polisiebeampte.
- (3) Die eienaar of bewoner van grond of iemand wat hom te goeder trou op die wynbou of die vervaardiging van ander gegiste drank toelê en wat 'n magtiging bedoel in subartikel (1) verlang, moet op die voorgeskrewe wyse en deur bemiddeling van die landdros by die Minister daarom aansoek doen.
- (4) (a) Die Minister kan na goeddunke, op aanbeveling van die Raad gedoen na oorweging van die aansoek en die ander inligting wat die Raad nodig ag, op die voorwaardes of beperkings wat hy, op aanbeveling van die Raad en ondanks andersluidende bepalings van subartikel (2), na goeddunke bepaal, magtiging aan die aansoeker verleen om die wyn of ander gegiste drank vir gebruik buite die perseel in die magtiging omskryf, te verkoop of van die hand te sit.
 - (b) Indien die Minister bedoelde magtiging verleen, reik iemand wat op sy gesag handel, aan die aansoeker 'n gepaste magtiging in die voorgeskrewe vorm uit.
 - (c) Die bedoelde magtiging magtig nie die verkoop of die van die hand sit van wyn of ander gegiste drank op 'n ander perseel as 'n perseel wat op die grond geleë is en waar bedoelde wyn of ander gegiste drank vervaardig is nie.
 - (d) Ondanks die bepalings van paragraaf (a), kan wyn of ander gegiste drank deur 'n *bona fide*-besoeker aan 'n perseel bedoel in daardie paragraaf gebruik word, en wel in die vertrek of ander plek op daardie perseel wat die Minister goedkeur, mits daardie wyn of ander gegiste drank aan die betrokke besoeker op die voorwaardes en beperkings wat die Minister na goeddunke bepaal, gratis en in redelike hoeveelhede verskaf word, met die uitsluitlike doel om dit te proe.
- (5) (a) Die houer van 'n magtiging uitgereik kragtens subartikel (4), kan op die voorgeskrewe wyse deur bemiddeling van die landdros by die Minister aansoek doen om die oordrag van die magtiging aan iemand anders, en die

Act No. 87, 1977

LIQUOR ACT, 1977.

acting under his directions may, after consideration of any police report and all relevant documents, information, objections, replies thereto and representations submitted to him under this Act, grant the application.

(b) Any person to whom an authority has been transferred by virtue of the provisions of paragraph (a) shall possess all the rights and be subject to all the duties, obligations and penalties of the original holder of the authority.

(6) Any authority issued under subsection (4) or transferred under subsection (5) may at any time be cancelled by the Minister without giving any reasons.

(7) The Minister may, in addition to determining any condition or restriction under any other provision of this section, determine that such provisions of this Act as he may deem fit and which shall be specified in the authority in question, shall *mutatis mutandis* apply to the holder of such authority and to, or in respect of, the premises in respect of which the authority is held.

(8) Any condition or restriction determined under this section may at any time be amended or withdrawn by the Minister, and he may in relation to any authority issued or transferred under this section, in his discretion determine any condition or restriction or any further condition or restriction at any time.

(9) For the purposes of this section, "wine" means the beverage obtained solely by the alcoholic fermentation of the juice of fresh grapes, without the addition, either before, during or after the manufacture of such beverage, of any substance other than a substance which the Minister of Agriculture has, under section 3 of the Wine, Other Fermented Beverages and Spirits Act, 1957, declared to be a substance which may be added thereto.

CHAPTER IV

REQUIREMENTS RELATING TO APPLICANTS AND PREMISES IN RELATION TO APPLICATIONS FOR LICENCES AND AUTHORITIES

Persons to whom licences or special authorities may not be granted.

25. (1) No licence or special authority shall be issued or transferred under this Act to or in favour of or be held by any person who—

(a) within the Republic or elsewhere has within the preceding ten years been sentenced to imprisonment without the option of a fine for any offence, unless the competent authority considering the application for the grant or transfer of the licence or special authority, is of the opinion that such offence was of a nature which does not imply that such person is unsuitable to hold such licence or special authority;

(b) has, within the preceding ten years, been convicted of an offence under this Act and has subsequently within five years after that conviction, been convicted of an offence under this Act and sentenced to a fine of not less than two hundred rand or to imprisonment without the option of a fine;

(c) does not reside within the Republic;

(d) is an unrehabilitated insolvent;

(e) is under the age of twenty-one years;

(f) holds an office of profit under the Republic: Provided that, for the purposes of this paragraph, any person who has been appointed a justice of the peace under section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), or is in terms of the provisions of that Act deemed to have been appointed a justice of the peace, shall be deemed not to hold an office of profit under the Republic;

(g) occupies premises on which business is carried on under a licence and of which any member of the police is the owner or lessee or in which such member has any interest;

DRANKWET, 1977.

Wet No. 87, 1977

(d) iemand wat op sy gesag handel, kan na oorweging van 'n polisieverslag en alle tersaaklike stukke, inligting, besware, antwoorde daarop en vertoe kragtens hierdie Wet aan hom voorgelê, die aansoek toestaan.

(b) Iemand aan wie 'n magtiging oorgedra is uit hoofde van die bepalings van paragraaf (a), besit al die regte en is onderworpe aan al die pligte, verpligtinge en strawwe van die oorspronklike houer van die magtiging.

(6) 'n Magtiging kragtens subartikel (4) uitgereik of kragtens subartikel (5) oorgedra, kan te eniger tyd deur die Minister sonder verstrekking van redes ingetrek word.

(7) Die Minister kan benewens 'n voorwaarde of beperking kragtens 'n ander bepaling van hierdie artikel te bepaal, bepaal dat die bepalings van hierdie Wet wat hy goedvind en wat in die betrokke magtiging vermeld moet word, *mutatis mutandis* van toepassing is op die houer van bedoelde magtiging en op, of met betrekking tot, die perseel ten opsigte waarvan die magtiging gehou word.

(8) 'n Voorwaarde of beperking wat kragtens hierdie artikel bepaal is, kan te eniger tyd deur die Minister gewysig of ingetrek word, en hy kan na goeddunke met betrekking tot 'n magtiging wat kragtens hierdie artikel uitgereik of oorgedra is, te eniger tyd enige voorwaarde of beperking of 'n verdere voorwaarde of beperking bepaal.

(9) By die toepassing van hierdie artikel beteken „wyn” die drank verkry uitsluitlik deur die alkoholiese gisting van die sap van vars druwe, sonder byvoeging, hetsy voor, gedurende of na die vervaardiging van sodanige drank, van enige ander bestanddeel as 'n bestanddeel wat die Minister van Landbou ingevolge artikel 3 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957, 'n bestanddeel verklaar het wat daarby gevoeg mag word.

HOOFSTUK IV**VEREISTES RAKENDE AANSOEKERS EN PERSELE MET BETREKKING TOT AANSOEK OM LISENSIES EN MAGTIGINGS**

25. (1) 'n Licensie of spesiale magtiging word nie kragtens hierdie Wet uitgereik of oorgedra aan of ten behoeve van of gehou nie deur iemand wat—

Personne aan wie licensies of spesiale magtigings nie verleen kan word nie.

(a) in die Republiek of elders in die voorafgaande tien jaar gevonnis is tot gevangenisstraf sonder die keuse van 'n boete weens die een of ander misdryf, tensy die bevoegde gesag wat die betrokke aansoek om die verlening of oordrag van die licensie of spesiale magtigingoorweeg van oordeel is dat die misdryf van 'n aard was wat nie impliseer dat so iemand nie geskik is om die licensie of spesiale magtiging te hou nie;

(b) in die voorafgaande tien jaar skuldig bevind is aan 'n misdryf kragtens hierdie Wet en daarna binne vyf jaar na daardie skuldigbevinding aan 'n misdryf kragtens hierdie Wet skuldig bevind is en gevonnis is tot 'n boete van minstens tweehonderd rand of tot gevangenisstraf sonder die keuse van 'n boete;

(c) nie in die Republiek woonagtig is nie;

(d) 'n ongerehabiliteerde insolvent is;

(e) onder die ouderdom van een-en-twintig jaar is;

(f) 'n winsbetrokking onder die Republiek beklee: Met dien verstande dat by die toepassing van hierdie paragraaf, iemand wat ingevolge artikel 2 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (Wet No. 16 van 1963), as 'n vrederegter aangestel is of ingevolge die bepalings van daardie Wet geag word as 'n vrederegter aangestel te gewees het, geag word nie 'n winsbetrokking onder die Republiek te beklee nie;

(g) in perseel okkuper waarop sake kragtens 'n licensie gedoen word en waarvan 'n polisiebeampte die eienaar of huurder is of waarby so 'n beampte 'n belang het;

Act No. 87, 1977

LIQUOR ACT, 1977.

(h) is the wife of any person referred to in paragraph (a), (b), (d) or (f), except when she is separated from him under an order of judicial separation or a written agreement of separation; or

(i) except in the case of a foreign liquor licence, has not, for a period of at least two of the five years preceding the date of his application resided in the Republic.

(2) For the purposes of subsection (1) "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 to the person concerned.

Persons to whom occasional licences may be granted.

Requirements for grant of club liquor licences.

26. An occasional licence shall be granted only to—

(a) the holder of an hotel liquor licence, a bar licence, a club liquor licence, a restaurant liquor licence or a wine and malt liquor licence; or

(b) the holder of a special authority for the sale of liquor for consumption on the premises described in such authority.

27. (1) No club liquor licence shall be granted unless the competent authority is satisfied—

(a) that the club is a *bona fide* club;

(b) that, according to a copy of the rules of the club, which shall be certified by the president, chairman or secretary of the club and which shall accompany an application for such licence—

(i) the club is managed by a management of its members;

(ii) such management regularly holds meetings and that proper minutes are kept thereof;

(iii) only members of the club (including *bona fide* reciprocity members) are permitted to pay for accommodation therein or for liquor or refreshments supplied therein;

(iv) no ordinary member of the club is elected less than fourteen days after his nomination or without his name having been screened on the premises of the club for at least seven days;

(v) the election of such member is either by the management 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;

(vi) no person residing within fifteen kilometres from the premises of the club is eligible as an honorary or temporary or reciprocity member of the club except where—

(aa) such person is eligible under the rules of the club by reason of his holding a public office or being a *bona fide* candidate for membership or having conferred some special benefit upon the club; or

(bb) by resolution of the management such person is allowed the privileges of membership while engaged in any match or competition;

(vii) proper books, including a register of members, are kept;

(viii) the annual subscription for ordinary members is at least twelve rand;

(ix) except under any written agreement approved by the Minister or a person acting under his directions, no profit from the sale of liquor by the club accrues to any individual; and

(x) no member who has not paid his subscription within three months after it became due shall be allowed to remain a member while his subscription is unpaid;

DRANKWET, 1977.

Wet No. 87, 1977

- (h) die eggenote is van iemand bedoel in paragraaf (a), (b), (d) of (f), behalwe wanneer sy van hom kragtens 'n geregtelike bevel of skriftelike skeidingsooreenkoms van tafel en bed geskei is; of
 (i) behalwe in die geval van 'n buitelandse dranklisensie, gedurende 'n tydperk van minstens twee uit die vyf jaar wat die datum van sy aansoek voorafgaan, nie in die Republiek gewoon het nie.
 (2) By die toepassing van subartikel (1) beteken „vonnis“ en „skuldigbevinding“ nie ook 'n vonnis of 'n skuldigbevinding wat op appèl of hersiening tersyde gestel is of ten opsigte waarvan gracie aan die betrokke persoon verleen is nie.

26. 'n Geleenheidslisensie mag verleen word slegs aan—

- (a) die houer van 'n hoteldranklisensie, kantienlisensie, klubdranklisensie, restaurant-dranklisensie of wyn-en-bierlisensie; of
 (b) die houer van 'n spesiale magtiging vir die verkoop van drank vir gebruik op die perseel in die magtiging omskryf.

Persone aan wie geleenheidslisensies verleen kan word.

27. (1) 'n Klubdranklisensie word nie verleen nie tensy die bevoegde gesag oortuig is—

- (a) dat die klub 'n *bona fide*-klub is;
 (b) dat, volgens 'n eksemplaar van die reglement van die klub wat deur die president, voorsitter of sekretaris van die klub gesertifiseer moet word en wat 'n aansoek om 'n lisensie moet vergesel—
 (i) die klub deur 'n bestuur uit sy lede beheer word;
 (ii) die bestuur gereeld vergaderings hou en dat behoorlik notule daarvan gehou word;
 (iii) slegs lede van die klub (insluitende *bona fide*-wederkerigheidslede) vir akkommodasie daarin of vir drank of verversings daarin verskaf, mag betaal;
 (iv) 'n gewone lid van die klub nie minder as veertien dae na sy nominasie of sonder dat sy naam gedurende minstens sewe dae op die perseel van die klub vertoon is, verkies word nie;
 (v) die lid of deur die bestuur of deur al die lede van die klub verkies word: Met dien verstande dat die reglement van die klub 'n lid wat met 'n verskuldigde betaling aan die klub agterstallig is, van die stemming kan uitsluit;
 (vi) niemand wat binne vyftien kilometer vanaf die perseel van die klub woon as erelid of tydelike lid of wederkerigheidslid van die klub verkiesbaar is nie, behalwe waar—
 (aa) so iemand kragtens die reglement van die klub verkiesbaar is omdat hy 'n openbare amp beklee of 'n *bona fide*-kandidaat vir lidmaatskap is of 'n besondere voordeel aan die klub verleen het; of
 (bb) by besluit van die bestuur die voorregte van lidmaatskap aan so iemand toegestaan word terwyl hy aan 'n wedstryd of kompetisie deelneem;
 (vii) behoorlike boeke, met inbegrip van 'n lederegister, gehou word;
 (viii) die jaarlikse ledegeld vir gewone lede minstens twaalf rand bedra;
 (ix) behalwe kragtens 'n skriftelike ooreenkoms wat deur die Minister of iemand wat op sy gesag handel, goedgekeur is, geen wins uit die verkoop van drank deur die klub aan 'n individu toekom nie; en
 (x) 'n lid wat sy ledegeld nie binne drie maande nadat dit verskuldig geword het, betaal het nie, nie toegelaat word om lid te bly terwyl sy ledegeld onbetaald is nie;

Vereistes vir verlening van klubdranklisensies.

Persons to whom temporary liquor licences may be granted.

(c) on evidence under oath, that the club consists of at least fifty or, in the circumstances referred to in subsection (2), at least thirty-five ordinary members.

(2) A club liquor licence may be granted in respect of a club which consists of less than fifty but not less than thirty-five ordinary members if that club is situated at a place in a rural area and if the competent authority is satisfied, on evidence under oath, that a considerable number of persons who are eligible for membership of such club is or will in the near future be employed in an industrial undertaking which is of a permanent nature.

Persons to whom foreign liquor licences may be granted.

28. A temporary liquor licence shall be granted only to—

- (a) the holder of a bar licence, a restaurant liquor licence, an hotel liquor licence or a wine and malt liquor licence;
- (b) the holder of a special authority for the sale of liquor for consumption on the premises described in such authority;
- (c) the secretary of a *bona fide* exhibition;
- (d) the secretary, manager or chief steward of a *bona fide* race meeting or sports meeting or similar event;
- (e) the holder of a club liquor licence or a sportsground liquor licence who has satisfied the magistrate to whom application for the licence is made, that the said licence is required for a *bona fide* public function on the premises or the playing-fields of the club or on the sportsground in respect of which he is licensed—

- (i) connected with any game, match, competition or social event forming part of the activities normally pursued on such premises or playing-fields or sportsground; or
- (ii) for which no suitable facilities are reasonably available at any place other than on the premises or playing-fields of a club or at a sportsground within the district.

Persons to whom and premises in respect of which grocers' wine licences may be granted or transferred.

29. A foreign liquor licence shall be granted only to the *bona fide* agent of a person whose business consists of the manufacturing or selling of liquor outside the Republic.

30. (1) No grocer's wine licence shall be granted or transferred under this Act to any person who is a disqualified person in relation to the premises in respect of which the licence or transfer thereof is sought.

(2) For the purposes of this section "disqualified person" means—

- (a) in relation to premises situate in an area declared by proclamation in terms of—
 - (i) section 23 (1) (a) of the Group Areas Act, 1966 (Act No. 36 of 1966), an area for occupation by members of the group specified in such proclamation; or
 - (ii) section 24 (1) (a) of the said Act, an area for future occupation by members of the group specified in such proclamation,
- a person who is not a member of the group specified in the proclamation in question;
- (b) in relation to premises situate in an area set apart under the provisions of the Bantu Land Act, 1913 (Act No. 27 of 1913), or of any other law, for the occupation of Bantu, a person who is not a Bantu;
- (c) a company in which a controlling interest as defined in the Group Areas Act, 1966 (Act No. 36 of 1966), is held or deemed to be held by or on behalf of or for the benefit of a person referred to in paragraph (a) or (b).

(3) No grocer's wine licence shall be granted in connection with any premises in any district if any objector to the application in

(c) op grond van getuenis onder eed, dat die klub uit minstens vyftig of, onder die omstandighede bedoel in subartikel (2), minstens vyf-en-dertig gewone lede bestaan.

(2) 'n Klubdranklisensie kan verleen word ten opsigte van 'n klub wat uit minder as vyftig maar nie minder nie as vyf-en-dertig gewone lede bestaan, indien die klub op 'n plek op die platteland geleë is en die bevoegde gesag op grond van getuenis onder eed, oortuig is dat 'n aansienlike getal persone wat vir lidmaatskap van die klub verkiesbaar is in diens is of in die nabye toekoms in diens sal wees van 'n nywerheidsonderneming wat van 'n permanente aard is.

28. 'n Tydelike dranklisensie word verleen slegs aan—

- (a) die houer van 'n kantienlisensie, restaurantdranklisensie, hoteldranklisensie of wyn-en-bierlisensie;
- (b) die houer van 'n spesiale magtiging vir die verkoop van drank vir gebruik op die perseel in die magtiging omskryf;
- (c) die sekretaris van 'n *bona fide*-tentoonstelling;
- (d) die sekretaris, bestuurder of eerste hofmeester van 'n *bona fide*-resies- of sportbyeenkoms of dergelyke geleentheid;
- (e) die houer van 'n klubdranklisensie of 'n sportterreindranklisensie wat die landdros aan wie die aansoek om die lisensie gerig is, oortuig het dat bedoelde lisensie nodig is vir 'n *bona fide*-openbare funksie op die perseel of op die speelterrein van die klub of op die sportterrein ten opsigte waarvan hy gelisensieer is—
 - (i) wat in verband staan met 'n spel, wedstryd, kompetisie of sosiale geleentheid wat deel uitmaak van die gewone bedrywigheid wat op die perseel of op die speelterrein of sportterrein plaasvind; of
 - (ii) waarvoor gesikte geriewe nie redelikerwys op 'n ander plek as op die perseel of op die speelterrein van 'n klub of op sportterreine in die distrik beskikbaar is nie.

Persone aan wie tydelike dranklisensies verleen kan word.

29. 'n Buitelandse dranklisensie mag verleen word slegs aan die *bona fide*-verteenvoerdiger van iemand wat buite die Republiek die bedryf uitoefen van die vervaardiging of verkoop van drank.

Persone aan wie buitenlandse dranklisensies verleen kan word.

30. (1) 'n Kruideniers-wynlisensie word nie kragtens hierdie Wet verleen of oorgedra aan iemand wat 'n onbevoegde persoon is met betrekking tot die perseel in verband waarmee die lisensie of oordrag daarvan verlang word nie.

Persone aan wie en persele ten opsigte waarvan kruideniers-wynlisensies verleen of oorgedra kan word.

(2) By die toepassing van hierdie artikel beteken „onbevoegde persoon“—

- (a) met betrekking tot 'n perseel geleë in 'n gebied wat by proklamasie ingevolge—
 - (i) artikel 23 (1) (a) van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die groep in daardie proklamasie vermeld, verklaar is; of
 - (ii) artikel 24 (1) (a) van bedoelde Wet 'n gebied vir toekomstige okkupasie deur lede van die groep in daardie proklamasie vermeld, verklaar is,
 - (b) met betrekking tot 'n perseel geleë in 'n gebied wat kragtens die bepalings van die Bantoe Grond Wet, 1913 (Wet No. 27 van 1913), of van 'n ander wet afgesonder is vir okkupasie deur Bantoes, iemand wat nie 'n Bantoe is nie;
 - (c) 'n maatskappy waarin 'n beheersende belang soos omskryf in die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), besit word of geag word besit te word deur of ten behoeue of ten voordele van iemand bedoel in paragraaf (a) of (b);
- (3) 'n Kruideniers-wynlisensie word nie in verband met 'n perseel in 'n distrik verleen nie indien 'n beswaarmaker teen die

question adduces proof upon oath that during the twelve calendar months immediately preceding the date of the application, the total number of litres of table wine, excluding sparkling wine as defined in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than fourteen per cent of alcohol by volume, sold on premises within such district for off-consumption by the holders of—

- (a) liquor store licences;
- (b) wholesale liquor licences who deal directly with the public;
- (c) on-consumption licences who have in terms of any provision of this Act been authorized to sell liquor for consumption off the licensed premises; and
- (d) special authorities,

exceeds thirty per cent of the total number of litres of all liquor (including the said table wine) sold for consumption off the said premises during the said twelve calendar months by the said holders.

Persons to whom, and premises in respect of which, wine farmers' licences may be granted.

Prohibition of acquisition of licences by producers.

31. A wine farmer's licence shall only be—

- (a) granted or transferred to a person who is engaged in viticulture; and
- (b) granted in respect of or removed to premises situated at a place other than the place where the wine in question is produced.

32. (1) No licence, other than a wholesale liquor licence, a brewer's licence, a wine farmer's licence, a foreign liquor licence or an hotel liquor licence shall be granted or transferred under this Act to—

- (a) any producer or his agent;
- (b) any brewer or his agent;
- (c) any person who has a financial interest in the business of such a producer or a brewer or the agent of such person;
- (d) any company in which shareholders having a financial interest in the business of a producer or a brewer together hold a controlling interest, or the agent of such company;
- (e) any company in which a company referred to in paragraph (d) holds a controlling interest, or the agent of such a company.

(2) Subsection (1) shall not be construed so as to—

- (a) prohibit the competent authority to grant an application for the transfer of any licence—
 - (i) to any person who was on 4 May 1956 the lessor of the premises in respect of which the licence was held on that date and is on the date of transfer, the lessor of the premises in respect of which the licence is held on the last-mentioned date, or to the agent of such person;
 - (ii) from one agent of any person to another agent of the same person;
 - (iii) to a producer or a brewer, or any person having a controlling interest in a company which is such a producer or brewer, who has, with the consent of the Minister granted under section 186 (t), directly or indirectly acquired any financial interest in the business in respect of which the licence in question has been issued, or to the agent of such producer, brewer or person;
 - (iv) to any person (other than a producer or brewer, or a person having a controlling interest in a company which is a producer or a brewer) who has, with the consent of the Minister granted under section 186 (u), directly or indirectly acquired any financial

betrokke aansoek bewys onder eed lewer dat gedurende die twaalf kalendermaande wat die datum van die aansoek onmiddellik voorafgaan, die totale getal liter tafelwyn, uitgesonderd vonkelwyn soos omskryf in artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), wat uitsluitlik die produk is van die alkoholiese gisting van die sap van vars druwe en wat nie meer alkohol bevat nie as veertien persent van sy volume, wat vir buiteverbruik op persele in die distrik verkoop is deur houers van—

- (a) drankwinkellisensies;
- (b) groothandelaars-dranklisensies wat regstreeks met die publiek handel dryf;
- (c) binneverbruiklisensies wat kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop; en
- (d) spesiale magtigings,

meer is as dertig persent van die totale getal liter drank (met inbegrip van bedoelde tafelwyn) wat gedurende bedoelde twaalf kalendermaande deur bedoelde houers vir gebruik buite bedoelde persele verkoop is.

31. 'n Wynboerlisensie mag slegs—

- (a) verleen of oorgedra word aan iemand wat die wynbou beoefen; en
- (b) verleen word ten opsigte van of verplaas word na 'n perseel wat geleë is op 'n ander plek as die plek waar die betrokke wyn vervaardig word.

Persone aan wie, en persele ten opsigte waarvan, wynboerlisensies verleent kan word.

32. (1) 'n Licensie, behalwe 'n groothandelaars-dranklisensie, bierbrouerslisensie, wynboerlisensie, buitelandse dranklisensie of hoteldranklisensie, word nie kragtens hierdie Wet verleent of oorgedra nie, aan—

- (a) 'n produsent of sy verteenwoordiger;
- (b) 'n bierbrouer of sy verteenwoordiger;
- (c) iemand wat 'n geldelike belang in die saak van 'n produsent of 'n bierbrouer het of die verteenwoordiger van so iemand;
- (d) 'n maatskappy waarin aandeelhouers wat 'n geldelike belang in die saak van 'n produsent of 'n bierbrouer het, tesame 'n beheersende belang het, of die verteenwoordiger van so 'n maatskappy;
- (e) 'n maatskappy waarin 'n maatskappy bedoel in paraaf (d) 'n beheersende belang het, of die verteenwoordiger van so 'n maatskappy.

(2) Subartikel (1) word nie so uitgelê nie dat—

- (a) die bevoegde gesag verbied word om 'n aansoek toe te staan vir die oordrag van 'n licensie—
 - (i) aan iemand wat op 4 Mei 1956 die verhuurder was van die perseel ten opsigte waarvan die licensie op daardie datum gehou was en op die datum van oordrag die verhuurder is van die perseel ten opsigte waarvan die licensie op laasgenoemde datum gehou word, of aan die verteenwoordiger van so iemand;
 - (ii) van een verteenwoordiger van 'n persoon aan 'n ander verteenwoordiger van dieselfde persoon;
 - (iii) aan 'n produsent of 'n bierbrouer, of iemand wat 'n beheersende belang het in 'n maatskappy wat so 'n produsent of 'n bierbrouer is, wat, met die instemming van die Minister verleent kragtens artikel 186 (t), regstreeks of onregstreeks 'n geldelike belang verkry het in die saak ten opsigte waarvan die betrokke licensie uitgereik is, of aan die verteenwoordiger van die produsent, bierbrouer of persoon;
 - (iv) aan iemand (behalwe 'n produsent of 'n bierbrouer, of iemand wat 'n beheersende belang het in 'n maatskappy wat 'n produsent of 'n bierbrouer is) wat, met die instemming van die Minister verleent kragtens artikel 186 (u), regstreeks of onregstreeks

interest in the business in respect of which the licence in question has been issued, or to the agent of such person;

(b) prohibit the transfer of any licence—

(i) lawfully held by or by the agent of a brewer who on 4 May 1956 was a member of the Brewers' Institute of South Africa, to or to the agent of any other brewer who on that date was a member of the said Institute; or

(ii) lawfully held by any company, or the agent of any company, to any person who on 4 May 1956 owned all the shares in such company, or to the agent of such person.

Requirements with which premises shall comply.

33. No licence, special authority or authority under section 87 (1) (a) shall be granted, and no licence, special authority or authority under section 87 (1) (a) shall be removed from the licensed premises, either temporarily or permanently, to any other premises, unless the competent authority is satisfied—

(a) that the applicant, on the date of consideration of the application in question, has a right to occupy the premises in question if the licence or authority in question is granted or removed;

(b) that the premises in question is or on completion will be suitable for the purposes for which it may be used under such licence or authority; and

(c) if the premises in question are situated in the vicinity of a place of worship, a school, or a Bantu compound, that the business shall be carried on in such a manner as not to prejudice the conduct of the proceedings in such place of worship or school, or prejudice the occupants or adversely affect the control of such compound.

Requirements for grant of liquor store licences in respect of premises in urban or rural areas.

34. (1) No liquor store licence in respect of any premises situate within any urban area shall, subject to the provisions of subsection (2), be granted, if thereby the total number of liquor store licences and on-consumption licences referred to in section 115 (excluding wine house licences) with a special right or a privilege to sell liquor for off-consumption, within the urban area in question would be more than one for every two thousand parliamentary voters registered within such area.

(2) The Minister may, subject to the provisions of section 37, grant a liquor store licence in respect of any premises situate within any urban area if the number of parliamentary voters registered within such area is less than six thousand and if thereby the total number of liquor store licences in such area would not be more than three.

(3) (a) The chief electoral officer shall annually, as soon as possible after the last day of—

(i) August in the case of the Province of the Cape of Good Hope;

(ii) October in the case of the Province of the Orange Free State;

(iii) January in the case of the Province of Natal;

(iv) March in the case of the Province of the Transvaal, determine, in respect of every urban area in each of those provinces, the number of parliamentary voters registered therein on the appropriate date mentioned.

(b) The said officer shall notify the number so determined in the *Gazette* not later than the last day of—

(i) September in the case of the Province of the Cape of Good Hope;

(ii) November in the case of the Province of the Orange Free State;

(iii) February in the case of the Province of Natal;

(iv) April in the case of the Province of the Transvaal.

DRANKWET, 1977.

Wet No. 87, 1977

'n geldelike belang verkry het in die saak ten opsigte waarvan die betrokke lisensie uitgereik is, of aan die verteenwoordiger van so iemand;

(b) dit die oordrag verbied van 'n lisensie—

- (i) wat wettiglik gehou word deur of deur die verteenwoordiger van 'n bierbrouer wat op 4 Mei 1956 'n lid van die „Brewers' Institute of South Africa" was, aan of aan die verteenwoordiger van 'n ander bierbrouer wat op daardie datum 'n lid van bedoelde „Institute" was; of
- (ii) wat wettiglik deur 'n maatskappy of die verteenwoordiger van 'n maatskappy gehou word, aan enigiemand wat op 4 Mei 1956 al die aandele in die maatskappy besit het, of aan die verteenwoordiger van so iemand.

33. 'n Lisensie, spesiale magtiging of magtiging kragtens artikel 87 (1) (a) word nie verleen nie, en 'n lisensie, spesiale Vereistes waaraan magtiging of magtiging kragtens artikel 87 (1) (a) word nie vanaf die gelisensieerde perseel, hetsy tydelik of permanent, na 'n ander perseel verplaas nie, tensy die bevoegde gesag oortuig is—

- (a) dat die aansoeker op die datum van die oorweging van die betrokke aansoek 'n reg het om die betrokke perseel te okkuper indien die betrokke lisensie of magtiging verleen of verplaas word;
- (b) dat die betrokke perseel geskik is of by voltooiing sal wees vir die doeleindes waarvoor dit kragtens die lisensie of magtiging gebruik kan word; en
- (c) indien die betrokke perseel in die nabijheid van 'n plek van aanbidding, 'n skool of Bantoekwartiere geleë is, dat die saak gedryf sal word op 'n wyse wat nie die verrigtinge in bedoelde plek van aanbidding of skool sal steur nie of die inwoners van bedoelde kwartiere sal benadeel nie, of aan die beheer daarvan afbreuk sal doen nie.

34. (1) 'n Drankwinkellisensie ten opsigte van 'n perseel geleë in 'n stadsgebied word, behoudens die bepalings van subartikel (2), nie verleen nie indien daardeur die totale getal drankwinkellisensies en die binneverbruiklisensies bedoel in artikel 115 (behalwe wynhuislisensies) met 'n spesiale reg of 'n voorreg om drank vir buiteverbruik te verkoop in die betrokke stadsgebied meer sou wees as een vir elke tweeduiseend parlementêre kiesers wat in daardie gebied geregistreer is.

(2) Die Minister kan, behoudens die bepalings van artikel 37, 'n drankwinkellisensie ten opsigte van 'n perseel geleë in 'n stadsgebied verleen indien die getal parlementêre kiesers wat in daardie gebied geregistreer is minder as sesduisend is en indien daardeur die totale getal drankwinkellisensies in daardie gebied nie meer as drie sal wees nie.

(3) (a) Die hoofverkiesingsbeampte moet jaarliks, so spoedig moontlik na die laaste dag van—

- (i) Augustus in die geval van die provinsie die Kaap die Goeie Hoop;
 - (ii) Oktober in die geval van die provinsie die Oranje-Vrystaat;
 - (iii) Januarie in die geval van die provinsie Natal;
 - (iv) Maart in die geval van die provinsie Transvaal,
- ten opsigte van elke stadsgebied in elkeen van daardie provinsies die getal parlementêre kiesers bepaal wat op die toepaslike genoemde datum daarin geregistreer is.

(b) Die bedoelde beampte moet die aldus bepaalde getalle in die *Staatskoerant* bekend maak nie later nie as die laaste dag van—

- (i) September in die geval van die provinsie die Kaap die Goeie Hoop;
- (ii) November in die geval van die provinsie die Oranje-Vrystaat;
- (iii) Februarie in die geval van die provinsie Natal;
- (iv) April in die geval van die provinsie Transvaal.

Act No. 87, 1977

LIQUOR ACT, 1977.

(c) A notification contemplated in paragraph (b) shall, until the next notification in respect of the area in question, for the purposes of this Act be conclusive proof as to the number of parliamentary voters registered in that area.

(4) For the purposes of subsections (1), (2) and (3) a proclaimed township within the area under the control of any local area committee established under the provisions of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal, shall be deemed to be a separate urban area, and the number of registered parliamentary voters to be determined and notified in terms of subsection (3) in respect of the area under the control of any such local area committee, shall exclude the number of such voters registered in such proclaimed township.

(5) No liquor store licence shall be granted in respect of premises situate at any place within a rural area, and no licence shall be removed from an urban area to a rural area.

Requirements for grant of certain licences in respect of premises on which other business is carried on.

35. (1) Any licence or any application to remove a licence from the licensed premises to any other premises may, on the conditions as may be determined by the competent authority, be granted in the case of—

(a) any on-consumption licence, in respect of premises upon which any person lawfully carries on the business of selling newspapers, tea, coffee, cocoa, cakes, confectionery and other light refreshments (including drinks other than liquor), and tobacco, cigars, cigarettes and matches, or any other business specially approved by the competent authority, and any person acting under the directions of the Minister may at any time on application made to him in writing and on such conditions or restrictions as he may deem fit to determine, authorize any other lawful business to be carried on upon the premises in respect of which such licence is held;

(b) a brewer's licence, in respect of premises upon which the licensee lawfully carries on the business of brewing any malt liquor, irrespective of whether or not he also lawfully brews thereon any beer containing less than two per cent by volume of alcohol;

(c) a liquor store licence, in respect of premises upon which the licensee lawfully carries on business under a wholesale liquor licence or trades in methylated spirits, mineral waters and other drinks (not being liquor) in closed receptacles, tobacco, cigars, cigarettes, matches, cooler bags, articles declared by the Minister by notice in the *Gazette* to be articles normally used in conjunction or in connection with the serving of liquor, and in Bantu beer under the provisions of section 11 of the Bantu Beer Act, 1962 (Act No. 63 of 1962), packed or bottled in the manner prescribed by regulation made under section 15 of that Act;

(d) a grocer's wine licence, in respect of premises upon which the licensee lawfully carries on the business of a general dealer and any other business specially authorized by the competent authority;

(e) a wine farmer's licence, in respect of premises upon which the licensee lawfully carries on the business of selling articles declared by the Minister by notice in the *Gazette* to be articles normally used in conjunction or in connection with the serving of wine.

(2) Subject to the provisions of subsection (1) and sections 83 and 105, no licence other than a wholesale or foreign liquor licence shall be granted in respect of any premises upon which any other trade, business (including the selling of liquor under any other licence held in terms of this Act) or occupation is carried on.

(c) 'n Bekendmaking beoog in paragraaf (b) is, tot die volgende bekendmaking ten opsigte van die betrokke gebied, by die toepassing van hierdie Wet afdoende bewys van die getal parlementêre kiesers in daardie gebied geregistreer.

(4) By die toepassing van subartikels (1), (2) en (3) word 'n geproklameerde dorp binne 'n gebied onder die beheer van 'n plaaslike gebiedskomitee ingestel kragtens die bepalings van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal, geag 'n afsonderlike stadsgebied te wees, en die getal geregistreerde parlementêre kiesers wat ingevolge subartikel (3) bepaal en bekend gemaak moet word ten opsigte van die gebied onder die beheer van so 'n plaaslike gebiedskomitee, moet die getal sodanige kiesers wat in daardie geproklameerde dorp geregistreer is, uitsluit.

(5) 'n Drankwinkellisensie mag nie ten opsigte van 'n perseel geleë op 'n plek op die platteland verleen word nie, en 'n lisensie mag nie van 'n stadsgebied na die platteland verplaas word nie.

35. (1) 'n Lisensie kan verleen word of 'n aansoek om 'n Vereistes vir lisensie vanaf 'n gelisensieerde perseel na 'n ander perseel te verlening van sekere verplaas, kan toegestaan word, op die voorwaardes wat die lisensies ten opsigte van persele waarop bevoegde gesag kan bepaal, in die geval van—

(a) 'n binneverbruiklisensie, ten opsigte van 'n perseel waarop iemand wettiglik sake doen deur die verkoop

van koerante, tee, koffie, kakao, koek, suikergoed en ander lichte verversings (met inbegrip van dranke wat nie sterk drank is nie), en tabak, sigare, sigarette en vuurhoutjies of ander sake doen wat die bevoegde gesag in die besonder goedgekeur het, en iemand wat op gesag van die Minister handel, kan te eniger tyd, op skriftelike aansoek by hom gedoen, en op die voorwaardes of beperkings wat hy na goeddunke bepaal, toelaat dat ander wettige sake gedoen word op die perseel ten opsigte waarvan die lisensie gehou word;

(b) 'n bierbrouerslisensie, ten opsigte van 'n perseel waarop die lisensiehouer wettiglik sake doen deur die brou van enige soort bier, ongeag of hy ook daarin wettiglik bier brou wat minder alkohol as twee persent van sy volume bevat;

(c) 'n drankwinkellisensie, ten opsigte van 'n perseel waarop die lisensiehouer wettiglik sake doen kragtens 'n groothandelaars-dranklisensie of handel dryf in brand-spiritus, mineraalwaters en ander dranke (wat nie sterk drank is nie) in toe houers, tabak, sigare, sigarette, vuurhoutjies, verkoelsakke, artikels wat die Minister by kennisgewing in die *Staatskoerant* as artikels verklaar het wat gewoonlik saam, of in verband, met die bediening van drank gebruik word en in Bantoebier kragtens die bepalings van artikel 11 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962), verpak of gebottel op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel 15 van daardie Wet;

(d) 'n kruideniers-wynlisensie, ten opsigte van 'n perseel waarop die lisensiehouer wettiglik sake doen as 'n algemene handelaar en enige ander sake doen wat die bevoegde gesag in die besonder gemagtig het;

(e) 'n wynboerlisensie, ten opsigte van 'n perseel waarop die lisensiehouer wettiglik sake doen deur artikels te verkoop wat die Minister by kennisgewing in die *Staatskoerant* as artikels verklaar het wat gewoonlik saam, of in verband met, die bediening van wyn gebruik word.

(2) Behoudens die bepalings van subartikel (1) en artikels 83 en 105, mag 'n lisensie, behalwe 'n groothandelaars- of buitelandse dranklisensie, nie verleen word nie ten opsigte van 'n perseel waarop handel van 'n ander aard gedryf, ander sake gedoen (met inbegrip van die verkoop van drank kragtens 'n ander lisensie wat ingevolge hierdie Wet gehou word) of 'n ander beroep uitgeoefen word nie.

Act No. 87, 1977

LIQUOR ACT, 1977.

(3) For the purposes of this section two or more premises under the same roof shall be deemed to be one premises, if those premises are not completely separated from each other by a wall or walls having no door, window, aperture or other thoroughfare.

(4) Notwithstanding the provisions of subsection (3), any two premises separated from each other by a wall or walls in which there is a door or other thoroughfare, may be regarded as separate premises, for the purposes of the grant of—

(a) a restaurant liquor licence in respect of one premises and a theatre liquor licence in respect of the other premises; or

(b) an on-consumption licence, in respect of one premises in which residential accommodation is provided for guests, if the other premises are used for the garaging of motor vehicles.

(5) The provisions of subsection (4) shall *mutatis mutandis* apply for the purposes of the grant of an application, to remove a licence referred to in that subsection from the licensed premises to any other premises.

CHAPTER V

APPLICATIONS FOR, AND THE ISSUE OF, LICENCES AND

AUTHORITIES

Notice of applications for licences.

Applications for licences and special authorities.

36. (1) Notice of any application for a licence or for the transfer thereof or for the removal of the licence from the licensed premises to any other premises, and information concerning such application shall be given in the prescribed manner.

(2) The validity of a licence issued, transferred or removed from the licensed premises to any other premises shall not be affected by reason only of the fact that any notice required to be published under subsection (1) was not duly published.

37. (1) Any application for a licence, excluding an occasional licence or a temporary liquor licence, or for a special authority, shall be made to the Minister by lodging the prescribed form together with the prescribed documents and information, except if such application is to be considered at a special meeting referred to in section 10, with the magistrate at least two months but not more than three months before the first day of the period referred to in section 9 (1).

(2) The magistrate shall as soon as possible after receipt of the police report relating to such application, transmit the application to the Board, together with such report and all other relevant documents, information, written objections, replies thereto and representations submitted under this Act.

(3) (a) The Minister may, after having obtained the recommendation of the Board made after consideration of the application, the police report and all relevant documents, information, objections, replies thereto and representations transmitted to the Board in terms of subsection (2), and with due regard to—

(i) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof;

(ii) the total number of liquor licences and special authorities already in force in the district in which the premises in question are or will be situate and the number of persons served under such licences and authorities; and

(iii) generally, any other matter which, in the opinion of the Minister, is one proper to be taken into account in the consideration of the application, if the Board has so recommended, grant a licence on such conditions and restrictions as he may, in addition to any conditions or restrictions determined under section 53 (1), deem fit.

DRANKWET, 1977.

Wet No. 87, 1977

(3) By die toepassing van hierdie artikel word twee of meer persele wat onder dieselfde dak is, geag een perseel te wees, indien daardie persele nie heeltemal van mekaar geskei is nie deur 'n muur of mure waarin daar nie 'n deur, venster, opening of ander deurgang is nie.

(4) Ondanks die bepalings van subartikel (3), kan twee persele, wat van mekaar geskei word deur 'n muur of mure waarin 'n deur of ander deurgang is, as afsonderlike persele beskou word by die verlening van—

(a) 'n restaurant-dranklisensie, ten opsigte van die een perseel en 'n teaterdranklisensie ten opsigte van die ander perseel; of

(b) 'n binneverbruiklisensie, ten opsigte van die een perseel waarop woonakkommodesie vir gaste voorsien word, indien die ander perseel aangewend word vir die stalling van motorvoertuie.

(5) Die bepalings van subartikel (4) is *mutatis mutandis* van toepassing op die toestaan van 'n aansoek om 'n lisensie bedoel in daardie subartikel vanaf die gelisensieerde perseel na 'n ander perseel te verplaas.

HOOFSTUK V

AANSOEKE OM, EN UITREIKING VAN, LISENSIES EN MAGTIGINGS

36. (1) Kennis van 'n aansoek om 'n lisensie of om die oordrag daarvan of om die lisensie vanaf die gelisensieerde perseel na 'n ander perseel te verplaas, en inligting met betrekking tot die aansoek, word op die voorgeskrewe wyse gegee.

(2) Die geldigheid van 'n lisensie uitgereik, oorgedra of verplaas vanaf die gelisensieerde perseel na 'n ander perseel word nie geraak bloot op grond daarvan dat 'n kennisgewing wat kragtens subartikel (1) gepubliseer moes word, nie behoorlik gepubliseer is nie.

37. (1) 'n Aansoek om 'n lisensie uitgesonderd 'n geleentheidslisensie of tydelike dranklisensie, of om 'n spesiale magtiging, word by die Minister gedoen deur die voorgeskrewe vorm tesame met die voorgeskrewe stukke en inligting, behalwe wanneer bedoelde aansoek op 'n spesiale vergadering bedoel in artikel 10 oorweeg moet word, minstens twee maande en hoogstens drie maande voor die eerste dag van die tydperk bedoel in artikel 9 (1), by die landdros in te dien.

(2) Die landdros stuur so spoedig moontlik na die ontvangs van die polisieverslag betreffende die aansoek, die aansoek tesame met daardie verslag en alle ander tersaaklike stukke, inligting, skriftelike besware, antwoorde daarop en vertoe kragtens hierdie Wet voorgelê, aan die Raad.

(3) (a) Die Minister kan, nadat hy die aanbeveling van die Raad, gedoen na oorweging van die aansoek, die polisieverslag en alle tersaaklike stukke, inligting, besware, antwoorde daarop en vertoe wat ingevolge subartikel (2) aan die Raad gestuur is, verkry het, en met behoorlike inagneming van—

(i) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan ontstaan of vererger word;

(ii) die totale getal dranklisensies en spesiale magtigings wat reeds in die distrik van krag is waarin die betrokke perseel geleë is of geleë sal wees en die getal persone wat kragtens daardie lisensies en magtigings bedien word; en

(iii) oor die algemeen, enige ander aangeleenthed wat na die oordeel van die Minister by die oorweging van die aansoek in aanmerking geneem behoort te word,

indien die Raad aldus aanbeveel het, 'n lisensie verleen op die voorwaardes en beperkings wat hy, benewens enige voorwaardes of beperkings kragtens artikel 53 (1) bepaal, goedvind.

Aansoeke om
lisensies en spesiale
magtigings.

Act No. 87, 1977

LIQUOR ACT, 1977.

(b) Before the Minister decides not to grant a licence or a special authority under section 23 (1) (b) on account of the possibility of a monopolistic condition arising or being aggravated, he shall afford the applicant an opportunity to make representations to him within such period as the Minister may determine.

(c) Any decision of the Minister regarding any application for a licence or special authority shall be final.

(4) (a) If an application for a licence or special authority is granted by the Minister in respect of premises not yet erected, or premises which require additions or alterations so as to make them suitable for the purposes of the business to be carried on thereon, a person acting under the directions of the Minister shall issue to the applicant a conditional authority in the prescribed form and endorse thereon such conditions or requirements as the Minister may in his discretion determine and the period determined by the Minister within which the premises in question shall be so erected or altered.

(b) The period referred to in paragraph (a) shall not be longer than twenty-four months or, in the case of premises which are not yet erected, such longer period not exceeding a further twelve months as the person referred to in paragraph (a) may on application determine, if he is satisfied that a substantial portion of the premises has been erected since the issue of the conditional authority in question.

(5) (a) If a person acting under the directions of the Minister is satisfied that the premises in respect of which a conditional authority under subsection (4) has been issued, have been completed in accordance with the plans approved by him or the Minister and any conditions or requirements determined by the Minister, and are suitable for the purposes of the business to be carried on thereon, he shall in accordance with section 41 issue the necessary licence or special authority.

(b) If the necessary licence or special authority is not issued within sixty days after the expiration of the period determined in terms of subsection (4), the conditional authority in question shall lapse and become null and void and the relevant application for the licence or special authority shall in such event be deemed not to have been granted.

Applications for occasional licences and temporary liquor licences.

38. Application for an occasional licence or a temporary liquor licence shall be made in the prescribed manner to the magistrate, additional magistrate or assistant magistrate who may grant such licence on such conditions or restrictions as he may deem fit to determine.

Death or disability of applicants.

39. (1) If any person who has applied for a licence or for the transfer of a licence or for the removal thereof from the licensed premises to any other premises, dies or becomes insolvent or is declared incapable of managing his own affairs, before or on the date determined for the consideration of such application, then, subject to any law relating to deceased estates, insolvency or mental health, as the case may be—

(a) the executor, trustee or curator concerned or, if no executor, trustee or curator has been appointed, or if the holder of such office is unable or unwilling to act, any member of the family of the applicant concerned, who has been authorized thereto by the competent authority, shall have, and may exercise, all such rights as the applicant would have had, and would have been entitled to exercise, but for his death, insolvency or disability; and

(b) the competent authority may in its discretion and subject to the provisions of this Act, grant the application in favour of the said executor, trustee or curator or member of the family of the applicant, as the case may be.

- (b) Voordat die Minister besluit om nie 'n lisensie of 'n spesiale magtiging kragtens artikel 23 (1) (b) te verleen nie vanweë die moontlikheid dat 'n monopolistiese toestand kan ontstaan of vererger word, moet hy die aansoeker 'n geleentheid gee om, binne die tydperk wat die Minister bepaal, vertoe tot hom te rig.
- (c) 'n Besluit van die Minister rakende 'n aansoek om 'n lisensie of om 'n spesiale magtiging is afdoende.
- (4) (a) Indien 'n aansoek om 'n lisensie of spesiale magtiging deur die Minister toegestaan word ten opsigte van 'n perseel wat nog nie opgerig is nie, of 'n perseel waaraan nog aangebou of verander moet word ten einde daardie perseel geskik te maak vir die doeleindes van die sake wat daarop gedoen gaan word, reik iemand wat op gesag van die Minister handel 'n voorwaardelike magtiging in die voorgeskrewe vorm aan die aansoeker uit en teken hy daarop aan die voorwaardes of vereistes wat die Minister na goeddunke bepaal, en die tydperk deur die Minister bepaal waarin die betrokke perseel aldus opgerig of verander moet word.
- (b) Die tydperk bedoel in paragraaf (a) mag nie langer as vier-en-twintig maande wees nie of, in die geval van 'n perseel wat nog nie opgerig is nie, die langer tydperk, maar hoogstens 'n verdere twaalf maande, wat die persoon bedoel in paragraaf (a) op aansoek bepaal, indien hy oortuig is dat 'n aansienlike gedeelte van die perseel opgerig is sedert die uitreiking van die betrokke voorwaardelike magtiging.
- (5) (a) Indien iemand wat op gesag van die Minister handel, oortuig is dat die perseel ten opsigte waarvan 'n voorwaardelike magtiging ingevolge subartikel (4) uitgereik is, in ooreenstemming met die planne, wat hy of the Minister goedgekeur het, en die voorwaardes of vereistes bepaal deur die Minister, voltooi is en geskik is vir die doeleindes van die sake wat daarop gedoen gaan word, reik hy ooreenkomsdig artikel 41 die vereiste lisensie of spesiale magtiging uit.
- (b) Indien die nodige lisensie of spesiale magtiging nie binne sestig dae na die verstryking van die tydperk bepaal ingevolge subartikel (4), uitgereik word nie, verval die betrokke voorwaardelike magtiging en word dit ongeldig en die betrokke aansoek om die lisensie of spesiale magtiging word in so 'n geval geag nie toegestaan te gewees het nie.

38. Aansoek om 'n geleentheidslisensie of 'n tydelike dranklisensie word op die voorgeskrewe wyse gedoen by die landdros, addisionele landdros of assistent-landdros wat die lisensie kan verleen op die voorwaardes of beperkings wat hy na goeddunke bepaal.

Aansoeke om geleentheidslisensies en tydelike dranklisensies.

39. (1) Indien iemand wat aansoek gedoen het om 'n lisensie of om die oordrag van 'n lisensie of om die verplasing daarvan vanaf die gelisensieerde perseel na 'n ander perseel, voor of op die datum wat vir die oorweging van daardie aansoek bepaal is, sterf of insolvent raak of onbekwaam verklaar word om sy eie sake te beheer, dan, behoudens die reg betreffende boedels van oorlede persone, insolvensie of geestesgesondheid, na gelang van die geval—

Dood of onbekwaamheid van aansoekers.

- (a) het die betrokke eksekuteur of kurator of, indien 'n eksekuteur of kurator nie aangestel is nie, of indien die bekleer van so 'n amp nie kan of wil optree nie, 'n lid van die familie van die betrokke aansoeker wat deur die bevoegde gesag daartoe gemagtig is, al die regte, en kan hy al die regte uitoefen, wat die aansoeker gehad het en sou kon uitgeoefen het indien hy nie gesterf het, insolvent geraak het of onbekwaam verklaar is nie; en kan die bevoegde gesag na goeddunke en behoudens die bepalings van hierdie Wet, die aansoek toestaan ten gunste van bedoelde eksekuteur of kurator of lid van die familie van die aansoeker, na gelang van die geval.

Act No. 87, 1977

LIQUOR ACT, 1977.

(2) If a company or a co-operative society or co-operative company which has applied for a licence or for the transfer of a licence or for the removal thereof from the licensed premises to any other premises, is placed under liquidation before or on the date determined for the consideration of such application, the liquidator shall, subject to the provisions of any law relating to companies or co-operative societies or co-operative companies, as the case may be, have all such powers and rights in respect of such application as would, under subsection (1), be held by a trustee where the estate of an applicant is sequestrated under any law relating to insolvency.

Application fees.

40. (1) There shall be paid to the magistrate an amount of—
 (a) two hundred rand in respect of any application for the holding of a special meeting referred to in section 10 (1);
 (b) one hundred rand in respect of any application to be considered at a special meeting to be held in pursuance of an order, other than an order referred to in section 20 (2), made by any division of the Supreme Court for the consideration of the matter specified in such order;
 (c) one hundred rand in respect of any application made to the Minister for a licence or a special authority;
 (d) one hundred rand in respect of any application in terms of section 72 (3) or 167 (1);
 (e) fifty rand in respect of any application for the transfer of a licence or special authority or for the temporary or permanent removal of a licence or special authority from the licensed premises to any other premises, or for authority to sell, under an authority granted under section 87, liquor for consumption off the licensed premises in a place other than the place already approved of by the Minister.

(2) No application made to the Minister for a licence shall be considered at a special meeting convened under section 10 (1) for the consideration thereof unless there is paid to the magistrate, in addition to any amount payable in terms of subsection (1) (a), the amount referred to in subsection (1) (c).

(3) No amount paid in terms of subsection (1), or any part thereof, shall be refunded to the applicant, except that—

- (a) in the case of an amount paid in terms of subsection (1) (a), seventy-five per cent thereof shall be refunded if the application for the holding of the special meeting has been refused;
- (b) any amount paid in terms of subsection (2) in respect of an application referred to in subsection (1) (c) shall be refunded if the application for the holding of a special meeting for the consideration of the said application has been refused.

Issue of licences and special authorities.

41. (1) If any licence, excluding an occasional licence or a temporary liquor licence, or any special authority or an application for the transfer of such a licence or special authority or for the removal thereof from the licensed premises to any other premises, is granted, the licence or authority in question shall, subject to the provisions of subsections (4) and (5) of section 37, be issued, transferred or removed in the prescribed manner by the person acting under the directions of the Minister.

(2) No licence issued, transferred or removed shall be of force and effect unless the prescribed fees has been paid in respect of the issue, transfer or removal thereof to the receiver of revenue of the district in which the relevant premises are situated.

(3) If the prescribed fee has not been paid in respect of the issue, transfer or removal of any licence within a period of sixty days after the date of such issue, transfer or removal, such licence as so issued, transferred or removed shall lapse and become null and void, and the relevant application for the licence or for the

DRANKWET, 1977.

Wet No. 87, 1977

(2) Indien 'n maatskappy of 'n koöperatiewe vereniging of koöperatiewe maatskappy wat aansoek gedoen het om 'n licensie of om die oordrag van 'n licensie of om die verplasing daarvan vanaf die gelisensieerde perseel na 'n ander perseel voor of op die datum bepaal vir die oorweging van daardie aansoek gelikwider word, het die likwidator, behoudens die bepalings van enige wet op maatskappye of koöperatiewe verenigings of koöperatiewe maatskappye, na gelang van die geval, al die bevoegdhede en regte ten opsigte van daardie aansoek wat 'n kurator ingevolge subartikel (1) sou hê wanneer die boedel van 'n aansoeker kragtens enige wet op insolvensie gesekwestreer word.

40. (1) Daar word aan die landdros 'n bedrag betaal van— Aansoekgelde.

- (a) tweehonderd rand ten opsigte van 'n aansoek om die hou van 'n spesiale vergadering bedoel in artikel 10 (1);
- (b) honderd rand ten opsigte van 'n aansoek wat oorweeg moet word op 'n spesiale vergadering wat gehou moet word ingevolge 'n bevel, behalwe 'n bevel bedoel in artikel 20 (2), uitgereik deur 'n afdeling van die Hooggereghof vir die oorweging van die aangeleentheid in die bevel vermeld;
- (c) honderd rand ten opsigte van 'n aansoek by die Minister gedoen om 'n licensie of 'n spesiale magtiging;
- (d) honderd rand ten opsigte van 'n aansoek ingevolge artikel 72 (3) of 167 (1);
- (e) vyftig rand ten opsigte van 'n aansoek om die oordrag van 'n licensie of spesiale magtiging of om die tydelike of permanente verplasing van 'n licensie of spesiale magtiging vanaf die gelisensieerde perseel na 'n ander perseel, of om magtiging om kragtens 'n magtiging verleen kragtens artikel 87, drank te verkoop vir gebruik buite 'n gelisensieerde perseel in 'n ander plek as die plek reeds deur die Minister goedgekeur.

(2) 'n Aansoek om 'n licensie wat by die Minister gedoen is, word nie op 'n spesiale vergadering wat kragtens artikel 10 (1) vir die oorweging daarvan belê is, oorweeg nie tensy daar aan die landdros, benewens 'n bedrag betaalbaar ingevolge subartikel (1)

(a) die bedrag bedoel in subartikel (1) (c) betaal word nie.

(3) 'n Bedrag wat ingevolge subartikel (1) betaal is, of 'n deel daarvan, word nie aan die aansoeker terugbetaal nie, behalwe dat—

- (a) in die geval van 'n bedrag wat ingevolge subartikel (1) (a) betaal is, vyf-en-sewentig persent daarvan aldus terugbetaal word indien die aansoek om die hou van die spesiale vergadering geweier is;
- (b) 'n bedrag wat ingevolge subartikel (2) ten opsigte van 'n aansoek bedoel in subartikel (1) (c) betaal is, terugbetaal word indien die aansoek om die hou van 'n spesiale vergadering vir oorweging van bedoelde aansoek geweier is.

41. (1) Indien 'n licensie, uitgesonderd 'n geleenthedslicensie of 'n tydelike dranklicensie, of 'n spesiale magtiging verleen word of 'n aansoek om die oordrag van 'n licensie of spesiale magtiging of om die verplasing daarvan vanaf die gelisensieerde perseel na 'n ander perseel, toegestaan word, word, behoudens die bepalings van subartikels (4) en (5) van artikel 37, die betrokke licensie of magtiging op die voorgeskrewe wyse uitgereik, oorgedra of verplaas deur die persoon wat op gesag van die Minister handel.

Uitreiking van
licensies of spesiale
magtigings.

(2) 'n Licensie wat uitgereik, oorgedra of verplaas is, is nie van krag nie tensy die voorgeskrewe gelde ten opsigte van die uitreiking, oordrag of verplasing daarvan aan die ontvanger van inkomste van die distrik waarin die betrokke perseel geleë is, betaal is.

(3) Indien die voorgeskrewe geld nie ten opsigte van die uitreiking, oordrag of verplasing van 'n licensie binne 'n tydperk van sestig dae na die datum van bedoelde uitreiking, oordrag of verplasing betaal is nie, verval daardie licensie soos aldus uitgereik, oorgedra of verplaas en word dit ongeldig, en word die

Act No. 87, 1977

LIQUOR ACT, 1977.

transfer or removal thereof shall be deemed not to have been granted.

(4) (a) If an occasional licence or a temporary liquor licence is granted, the competent authority granting such licence shall issue a certificate in the prescribed form indicating that the issue of such licence has been authorized under this Act.

(b) Any occasional licence or temporary liquor licence authorized to be issued under this Act, shall be issued in the prescribed manner by the receiver of revenue of the district in which the licensed premises are situate.

(5) (a) No licence or special authority shall be granted, issued or transferred to any person to whom under any provision of this Act it shall not be issued or transferred and no licence or special authority shall be granted in respect of or removed to any premises in relation to which it shall not be held under such provision.

(b) The grant, issue, transfer or removal of any licence or special authority contrary to the provisions of paragraph (a) shall be null and void.

(c) Any person holding a licence or special authority granted, issued, transferred or removed contrary to the provisions of paragraph (a) shall be deemed not to be licensed and the premises in respect of which the licence or special authority has been granted, issued or transferred or to which it has been removed, may be closed for the sale or supply of liquor by order of the Minister or any person acting under his directions.

Payment of licence fees.

42. (1) Subject to the provisions of this section—

(a) there shall, upon the issue, transfer or removal of any licence be paid the applicable fees set out in Part A of Schedule 1;

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

(2) (a) The annual fees referred to in subsection (1) (b) or, in the case of any special authority, referred to in section 23 (8) shall be paid on or before 31 December of each year to the receiver of revenue of the district indicated in the advice referred to in paragraph (b) (ii).

(b) Any person acting under the directions of the Minister shall—

(i) except in the case of an occasional licence or a temporary liquor licence, keep a record of all licensed premises in the Republic as well as such particulars in respect of each such premises as he may deem fit;

(ii) before 30 September 1978 and thereafter before 30 September of each succeeding year, issue to every licensee or holder of a special authority, excluding the holder of an occasional licence or a temporary liquor licence, an advice in the prescribed form indicating the annual fees which are to be paid in respect of the licence or authority held by him: Provided that if such a holder of a licence or special authority does not receive such advice, he shall not be absolved from the obligation to pay such annual fees timeously.

(c) No receiver of revenue shall, subject to the provisions of section 43 (4), accept payment of any such fees unless the relevant advice is produced to him.

betrokke aansoek om die lisenzie of om die oordrag of verplasing daarvan geag nie toegestaan te gewees het nie.

(4) (a) Indien 'n geleentheidslisenzie of 'n tydelike dranklisenzie verleen word, reik die bevoegde gesag wat daardie lisenzie verleen 'n sertifikaat in die voorgeskrewe vorm uit waarin aangedui word dat die uitreiking van daardie lisenzie kragtens hierdie Wet gemagtig is.

(b) 'n Geleentheidslisenzie of tydelike dranklisenzie waarvan die uitreiking kragtens hierdie Wet gemagtig is, word op die voorgeskrewe wyse uitgereik deur die ontvanger van inkomste van die distrik waarin die gelisenzieerde perseel geleë is.

(5) (a) 'n Lisenzie of spesiale magtiging mag nie verleen, uitgereik of oorgedra word aan iemand aan wie dit kragtens 'n bepaling van hierdie Wet nie uitgereik of oorgedra mag word nie en 'n lisenzie of spesiale magtiging word nie verleen ten opsigte van, of verplaas na, 'n perseel met betrekking waartoe dit kragtens so 'n bepaling nie gehou mag word nie.

(b) Die verlening, uitreiking, oordrag of verplasing van 'n lisenzie of spesiale magtigingstrydig met die bepalings van paragraaf (a) is ongeldig.

(c) Iemand wat 'n lisenzie of spesiale magtiging hou watstrydig met die bepalings van paragraaf (a) verleen, uitgereik, oorgedra of verplaas is, word as ongelisenzieerde beskou en die perseel ten opsigte waarvan die lisenzie of spesiale magtiging verleen, uitgereik of oorgedra is of waarheen dit verplaas is, kan op bevel van die Minister of iemand wat op sy gesag handel vir die verkoop of verskaffing van drank gesluit word.

42. (1) Behoudens die bepalings van hierdie artikel—

(a) word by die uitreiking, oordrag of verplasing van 'n lisenzie die toepaslike gelde uiteengesit in Deel A van Bylae 1 betaal;

(b) word vir die jaar 1978 en vir elke daaropvolgende kalenderjaar, ten opsigte van elke lisenzie, uitgesonderd 'n geleentheidslisenzie, 'n tydelike dranklisenzie en 'n lisenzie wat geag word kragtens artikel 209 gehou te word, die toepaslike jaarlikse gelde uiteengesit in Deel B van Bylae 1, betaal.

(2) (a) Die jaarlikse gelde bedoel in subartikel (1) (b) of, in die geval van 'n spesiale magtiging, die gelde bedoel in artikel 23 (8) word voor of op 31 Desember van elke jaar betaal aan die ontvanger van inkomste van die distrik aangedui in die advies bedoel in paragraaf (b) (ii).

(b) Iemand wat op gesag van die Minister handel, moet—
 (i) behalwe in die geval van 'n geleentheidslisenzie of 'n tydelike dranklisenzie, aantekeninge hou van alle gelisenzieerde persele in die Republiek tesame met die besonderhede ten opsigte van elkeen van daardie persele wat hy goedvind;

(ii) voor 30 September 1978 en daarna voor 30 September van elke daaropvolgende jaar aan elke houer van 'n lisenzie of spesiale magtiging, uitgesonderd die houer van 'n geleentheidslisenzie of 'n tydelike dranklisenzie, 'n advies in die voorgeskrewe vorm uitrek waarin die jaarlikse gelde aangedui word wat ten opsigte van die lisenzie of magtiging wat deur hom gehou word, betaalbaar is: Met dien verstande dat indien so 'n houer van 'n lisenzie of spesiale magtiging nie sodanige advies ontvang nie, hy nie onthef word van die verpligting om die bedoelde jaarlikse gelde betydts te betaal nie.

(c) Behoudens die bepalings van artikel 43 (4), ontvang 'n ontvanger van inkomste nie betaling van bedoelde gelde nie tensy die betrokke advies aan hom voorgelê word.

Betaling van
lisenziegeld.

Act No. 87, 1977

LIQUOR ACT, 1977.

(3) The fees payable in terms of subsection (1) in respect of a temporary liquor licence, shall, on the issue of such licence to the secretary of any exhibition or agricultural show held by an association or institution whose members will not share in any profit derived from such exhibition or agricultural show, be reduced to five rand per day in respect of each bar or other point of sale authorized under such licence.

(4) Whenever a licence, excluding an occasional licence or a temporary liquor licence, is issued after 31 January in any year, the amount payable in terms of subsection (1) or, in the case of any special authority, the fees payable in terms of section 23 (8) in respect of the issue of such a licence or authority shall be reduced by one twelfth in respect of each completed calendar month which has passed since the preceding 31 December until the date of issue thereof, and if such licence or authority is issued after 30 June of any year, the annual fees in respect of such licence or authority for the whole of the next succeeding year shall be paid together with the fees so reduced.

(5) The State President may by proclamation in the *Gazette* declare any area to be an area in which no new liquor store licence shall be issued except upon payment, in addition to the fees payable under subsection (1), of an amount, not exceeding ten thousand rand, specified by the State President in the said proclamation.

Duration of licences or special authorities and substitution thereof.

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

(2) Subject to the provisions of this Act a licence or special authority shall lapse and become null and void—

(a) whenever such licence or special authority is cancelled under this Act;

(b) subject to the provisions of subsection (4), as from the first day of any year in respect of which the fees referred to in section 42 was not paid before 31 December of the preceding year.

(3) A right, privilege, condition or restriction pertaining or attached to, or determined in respect of any licence or special authority, shall be and remain of force and effect until the licence or special authority in question lapses and becomes null and void under subsection (2) or is cancelled under this Act.

(4) (a) The Board may, in the case of a failure to pay the fees referred to in section 42 timeously, on application made in the prescribed manner and received before 31 March of the year in respect of which the said fees were not paid, condone such failure, if it is of the opinion that such failure was due to circumstances beyond the control of the licensee or the holder of a special authority concerned, or that the circumstances relating to such failure are such as to render it just that relief should be granted, and may in its discretion impose additional fees not exceeding five hundred rand.

(b) No receiver of revenue shall, subject to the provisions of section 42 (4), accept payment of any annual fees after the due date unless—

(i) there is produced to him a certificate, signed by the secretary of the Board and indicating that the failure to pay such fees timeously has been condoned by the Board and indicating the amount of the additional fees, if any, imposed; and
(ii) such additional fees and annual fees are paid simultaneously.

(c) A licence or special authority in respect of which paragraphs (a) and (b) have been applied, every right or privilege pertaining or attached thereto and every condition or restriction determined in respect thereof, shall upon payment of the annual fees due and the additional fees, if any, again become of force and effect.

DRANKWET, 1977.

Wet No. 87, 1977

(3) Die gelde betaalbaar ingevolge subartikel (1) ten opsigte van 'n tydelike dranklisensie, word, by uitreiking van so 'n lisensie aan die sekretaris van 'n tentoonstelling of landbouskou, wat gehou word deur 'n vereniging of instelling wie se lede nie sal deel in enige wins wat daardie tentoonstelling of landbouskou mag oplewer nie, verminder tot vyf rand per dag vir elke kroeg of ander verkooppunt wat kragtens die lisensie gemagtig word.

(4) Wanneer 'n lisensie, uitgesonderd 'n geleentheidslisensie of 'n tydelike dranklisensie, na 31 Januarie van die een of ander jaar uitgereik word, word die bedrag ingevolge subartikel (1) of, in die geval van 'n spesiale magtiging, die gelde ingevolge artikel 23 (8) betaalbaar vir die uitreiking van daardie lisensie of magtiging, verminder met een-twaalfde vir elke voltooide kalendermaand wat verstryk het sedert die voorafgaande 31 Desember tot die datum van uitreiking daarvan, en indien bedoelde lisensie of magtiging na 30 Junie van die een of ander jaar uitgereik word, word die jaarlikse gelde ten opsigte van die lisensie of magtiging vir die volle daaropvolgende jaar tesame met die aldus verminderde gelde betaal.

(5) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n gebied verklaar tot 'n gebied waarin geen nuwe drankwinkellisensie uitgereik mag word nie behalwe teen betaling, benewens die gelde betaalbaar kragtens subartikel (1), van 'n bedrag, van hoogstens tienduisend rand, wat die Staatspresident in bedoelde proklamasie vasstel.

43. (1) Behoudens die bepalings van subartikels (2) en (5) en andersluidende bepalings van hierdie Wet, is en bly elke lisensie van krag vanaf die datum van uitreiking daarvan.

Duur van lisensies of
spesiale magtigings en
vervanging daarvan.

(2) Behoudens die bepalings van hierdie Wet verval 'n lisensie of spesiale magtiging en word dit ongeldig—

(a) wanneer daardie lisensie of spesiale magtiging kragtens hierdie Wet ingetrek word;

(b) behoudens die bepalings van subartikel (4), vanaf die eerste dag van 'n jaar ten opsigte waarvan die gelde bedoel in artikel 42 nie voor of op 31 Desember van die vorige jaar betaal is nie.

(3) 'n Reg, voorreg, voorwaarde of beperking wat betrekking het op, of verbonde is aan, of bepaal is ten opsigte van 'n lisensie of spesiale magtiging, is en bly van krag totdat die betrokke lisensie of spesiale magtiging kragtens subartikel (2) verval en ongeldig word of kragtens hierdie Wet ingetrek word.

(4) (a) Die Raad kan, in die geval van 'n versuim om die gelde bedoel in artikel 42 betyds te betaal, op aansoek, gedoen op die voorgeskrewe wyse en ontvang voor 31 Maart van die jaar ten opsigte waarvan die bedoelde gelde nie betaal is nie, die versuim kondoneer indien hy van oordeel is dat die versuim te wye is aan omstandighede buite die beheer van die betrokke lisensiehouer of houer van die spesiale magtiging of dat die omstandighede in verband met daardie versuim sodanig is dat dit billik is dat verligting verleen moet word, en kan na goeddunke bykomende gelde van hoogstens vyfhonderd rand ople.

(b) Behoudens die bepalings van artikel 42 (4), aanvaar 'n ontvanger van inkomste nie betaling van enige jaarlikse gelde na die vervaldatum nie, tensy—

(i) 'n sertifikaat, onderteken deur die sekretaris van die Raad, aan hom voorgelê word waarin aangedui word dat die versuim om daardie gelde betyds te betaal, deur die Raad gekondoneer is en waarin die bedrag van die opgelegde bykomende gelde, as daar is, aangedui word; en

(ii) bedoelde bykomende gelde en jaarlikse gelde gelyktydig betaal word.

(c) 'n Licensie of spesiale magtiging ten opsigte waarvan paragrawe (a) en (b) toegepas is, elke reg of voorreg wat daarop betrekking het of daaraan verbonde is en elke voorwaarde of beperking wat ten opsigte daarvan bepaal is, word by betaling van die verskuldigde jaarlikse gelde en die bykomende gelde, as daar is, weer van krag.

Act No. 87, 1977

LIQUOR ACT, 1977.

- (5) (a) Any person acting under the directions of the Minister may, subject to the provisions of this Act—
 (i) at any time, in the prescribed form, substitute for any licence or special authority another licence or special authority of the same class and description in respect of the premises in question; and
 (ii) in so substituting a licence or special authority, also substitute any authority pertaining to such licence or special authority and replace, amend or cancel any condition or restriction determined in respect of such licence or special authority.
 (b) The substitution of any such licence, special authority or authority shall not affect any right or privilege pertaining thereto which does not arise from any such condition or restriction.
 (c) The provisions of subsections (2) and (3), shall *mutatis mutandis* apply in respect of any licence, special authority, condition or restriction substituted in terms of paragraph (a) for any other one.
 (6) A person acting under the directions of the Minister shall, on application made in the prescribed manner and upon payment of the prescribed fees, issue to any licensee or holder of an authority under this Act, a copy of the licence or authority held by him and of any annexures thereto.

Grant of licences to, and carrying on of business under licences or special authorities by, companies, partnerships or associations of persons.

44. (1) Subject to the provisions of section 29, no licence shall be granted or issued to a nominee of a company, partnership or association of persons but shall be granted to, and issued in the name of, the relevant company, partnership or other association of persons, as the case may be.

- (2) (a) No business shall be carried on by a company, partnership or association of persons under a licence or special authority, unless it nominates and appoints in writing a director, shareholder, member, partner or employee thereof, who is not disqualified from holding a licence or special authority in terms of section 25 (1) (a), (b), (c), (d), (e), (f), (g) or (h), to manage and be responsible for its business.
 (b) The company, partnership or other association of persons in question, shall, except in the case of an occasional licence or a temporary liquor licence, forthwith notify the Board and the designated police officer concerned, in the prescribed manner, of every nomination or appointment referred to in paragraph (a) and of any termination thereof.

CHAPTER VI

Transfer of licences or special authorities.

TRANSFER, REMOVAL, TEMPORARY CONTINUATION AND SUSPENSION OF LICENCES

45. (1) Any licensee or the holder of a special authority desiring to transfer a licence or authority to any other person, shall apply in the prescribed manner to the Minister through the magistrate for such transfer, and the Minister or a person acting under his directions may, after consideration of the application, the police report and all other relevant documents, information, objections, replies thereto and representations submitted to him under this Act and with due regard to—

- (i) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof; and
 (ii) generally, any other matter which, in the opinion of the Minister or the person acting under the directions of the Minister, is one proper to be taken into account in the consideration of the application,

DRANKWET, 1977.

Wet No. 87, 1977

- (5) (a) Iemand wat op gesag van die Minister handel, kan, behoudens die bepalings van hierdie Wet—
 (i) te eniger tyd 'n licensie of spesiale magtiging deur 'n ander licensie of spesiale magtiging van die selfde klas en soort ten opsigte van die betrokke perseel, in die voorgeskrewe vorm vervang; en
 (ii) by so 'n vervanging van 'n licensie of spesiale magtiging, ook 'n magtiging verbonde aan die betrokke licensie of spesiale magtiging vervang en 'n voorwaarde of beperking wat ten opsigte van daardie licensie of spesiale magtiging bepaal is, vervang, wysig of intrek.
 (b) Die vervanging van so 'n licensie, spesiale magtiging of magtiging raak nie 'n reg of voorreg wat daarop betrekking het en wat nie uit so 'n voorwaarde of beperking voortspruit nie.
 (c) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van 'n licensie, spesiale magtiging, voorwaarde of beperking wat in gevolge paragraaf (a) in die plek van 'n ander gestel is.
- (6) Iemand wat op gesag van die Minister handel, reik op aansoek wat op die voorgeskrewe wyse gedoen is en teen betaling van die voorgeskrewe gelde, aan 'n licensiehouer of houer van 'n magtiging kragtens hierdie Wet, 'n afskrif uit van die licensie of magtiging wat deur hom gehou word en van enige aanhangsels daarby.

44. (1) Behoudens die bepalings van artikel 29, word 'n licensie nie aan die benoemde van 'n maatskappy, vennootskap of vereniging van persone verleen of uitgereik nie maar word verleent aan, en uitgereik op naam van, die betrokke maatskappy, vennootskap of ander vereniging van persone, na gelang van die gevval.

- (2) (a) 'n Maatskappy, vennootskap of vereniging van persone doen nie sake kragtens 'n licensie of spesiale magtiging nie, tensy hy 'n direkteur, aandeelhouer, lid, vennoot of werknemer van hom wat nie ingevolge artikel 25 (1) (a), (b), (c), (d), (e), (f), (g) of (h) onbevoeg is om 'n licensie of spesiale magtiging te hou nie, skriftelik benoem en aanstel om sy sake te bestuur en daarvoor verantwoordelik te wees.
 (b) Die betrokke maatskappy, vennootskap of vereniging van persone stel, behalwe in die geval van 'n geleenthedslicensie of 'n tydelike dranklicensie, die Raad en die betrokke aangewese polisie-offisier onverwyld op die voorgeskrewe wyse in kennis van elke benoeming of aanstelling bedoel in paragraaf (a) en van 'n beëindiging daarvan.

HOOFSTUK VI**OORDRAG, VERPLASING, TYDELIKE VOORTSETTING EN OPSKORTING VAN LISENSIES**

45. (1) 'n Licensiehouer of houer van 'n spesiale magtiging wat die licensie of magtiging aan iemand anders wil oordra, moet op die voorgeskrewe wyse by die Minister deur bemiddeling van die landdros aansoek doen om die oordrag, en die Minister of iemand wat op sy gesag handel, kan, na oorweging van die aansoek, die polisieverslag en alle ander tersaaklike stukke, inligting, besware, antwoorde daarop en vertoe wat kragtens hierdie Wet aan hom voorgelê is, en met behoorlike inagneming van—

- (i) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakkig daarvan kan ontstaan of vererger word; en
 (ii) oor die algemeen, enige ander aangeleenthed wat, na die oordeel van die Minister of die persoon wat op gesag van die Minister handel, by die oorweging van die aansoek in aanmerking geneem behoort te word,

Verlening van licensies aan, en doen van sake kragtens licensies of spesiale magtigings deur, maatskappye, vennootskappe of verenigings van persone.

Oordrag van licensies of spesiale magtigings.

Act No. 87, 1977

LIQUOR ACT, 1977.

grant the application for transfer: Provided that no such application shall be refused on the grounds that the transfer of the licence or special authority might give rise to or aggravate a monopolistic condition detrimental to the public interest, in the liquor trade or any branch thereof, unless the Minister or the said person has afforded the applicant an opportunity to make representations concerning the matter to him within such period as the Minister or the said person may determine.

(2) If the Minister or a person acting under his directions grants an application under subsection (1), the licence or special authority in question shall be transferred in terms of section 41 (1).

(3) The transfer of a licence under this section may include the transfer of any billiard table licence or bagatelle table licence held in respect of any table upon the same premises as the premises in respect whereof such first-mentioned licence is held, and in such a case the provisions of any law governing the matter shall not apply to or in respect of any such transfer of the billiard table licence or bagatelle table licence.

Removal of licences or special authorities from licensed premises to other premises.

46. (1) The holder of a licence or special authority who may desire to remove his licence or special authority, whether permanently or temporarily, from the licensed premises to any other premises in the same district, shall apply in the prescribed manner to the chairman, through the magistrate, for such removal, and the chairman may, after consideration of the police report and all relevant documents, information, objections, replies thereto and representations submitted to him under this Act, and after consultation with the other members of the Board, grant the application for such removal, on such conditions or restrictions as he in his discretion may determine.

(2) If the chairman grants an application in terms of subsection (1) in respect of premises not yet erected, or which require additions or alterations so as to make them suitable for the purposes of the business to be carried on therein, the provisions of section 37 (4) and (5) shall *mutatis mutandis* apply.

(3) The provisions of section 23 (15) shall *mutatis mutandis* apply to any application to remove any special authority referred to in section 23 (1) (b) from the licensed premises to any other premises.

Carrying on of business in case of death, incapability or absence of licensee.

47. (1) (a) If a licensee or the holder of a conditional authority referred to in section 37 (4), dies, or is declared by any court to be incapable of managing his own affairs, or a prodigal, or is detained under a reception order or an order of court issued under the Mental Health Act, 1973 (Act No. 18 of 1973), or if the estate of any licensee or holder of such a conditional authority is sequestrated, the licence or authority in question shall vest in his executor, curator or trustee, as the case may be, who may, subject to the law relating to mental health, the estates of deceased persons or insolvency, as the case may be, without formal transfer, carry on the business, either personally or by some agent approved in writing by a person acting under the directions of the Minister, for such period not exceeding eighteen months as such person may in his discretion determine.

(b) The person acting under the directions of the Minister may, subject to express provisions to the contrary contained in this Act, while the appointment of such executor, curator or trustee, as the case may be, is pending, in writing authorize any person whom he thinks fit to carry on such business until such executor, curator or trustee is appointed, but not for a period exceeding four months.

(c) No authority referred to in paragraph (b) shall be granted for a period in excess of one month unless reasonable notice, to the satisfaction of the person acting under the directions of the Minister, of any intention to

die aansoek om oordrag toestaan: Met dien verstande dat die aansoek nie geweier word nie op grond daarvan dat die oordrag van die lisensie of spesiale magtiging 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan kan laat ontstaan of laat vererger, tensy die Minister of bedoelde persoon die aansoeker 'n geleentheid gebied het om, binne die tydperk wat die Minister of bedoelde persoon bepaal, vertoë daaromtrent tot hom te rig.

(2) Indien die Minister of iemand wat op sy gesag handel, 'n aansoek kragtens subartikel (1) toestaan, word die betrokke lisensie of spesiale magtiging ingevolge artikel 41 (1) oorgedra.

(3) Die oordrag van 'n lisensie kragtens hierdie artikel kan die oordrag insluit van 'n biljarttafel-lisensie of bagateltafel-lisensie wat gehou word ten opsigte van 'n tafel op dieselfde perseel as die perseel in verband waarmee eersbedoelde lisensie gehou word, en in so 'n geval is die bepalings van die een of ander wet wat die aangeleentheid reël, nie op of ten opsigte van so 'n oordrag van die biljarttafel-lisensie of bagateltafel-lisensie van toepassing nie.

46. (1) Die houer van 'n lisensie of spesiale magtiging wat sy Verplasing van lisensies of spesiale magtigings vanaf gelisensieerde persele na ander persele.
lisensie of spesiale magtiging wil verplaas, hetsy permanent of tydelik, van die gelisensieerde perseel na 'n ander perseel in dieselfde distrik, moet op die voorgeskrewe wyse deur bemiddeling van die landdros by die voorstuur aansoek doen om die verplasing, en die voorstuur kan, na oorweging van die polisieverslag en alle tersaakklike stukke, inligting, besware, antwoorde daarop en vertoë wat ingevolge hierdie Wet aan hom voorgelê is, en na oorlegpleging met die ander lede van die Raad, die aansoek om die verplasing toestaan op die voorwaardes of beperkings wat hy na goeddunke bepaal.

(2) Indien die voorstuur 'n aansoek ingevolge subartikel (1) toestaan ten opsigte van 'n perseel wat nog nie opgerig is nie, of waaraan nog aangebou of verander moet word ten einde daardie perseel geskik te maak vir die doeleindes van die sake wat daarop gedoen gaan word, is die bepalings van artikel 37 (4) en (5) *mutatis mutandis* van toepassing.

(3) Die bepalings van artikel 23 (15) is *mutatis mutandis* van toepassing op 'n aansoek om 'n spesiale magtiging bedoel in artikel 23 (1) (b) vanaf die gelisensieerde perseel na 'n ander perseel te verplaas.

47. (1) (a) Indien 'n lisensiehouer of die houer van 'n Voorsetting van saak in geval van dood, onbekwaamheid of afwesigheid van lisensiehouer.
voorwaardelike magtiging bedoel in artikel 37 (4) sterf of deur 'n hof as onbekwaam om sy eie sake te beheer of tot verkwister verklaar word, of aangehou word kragtens 'n opnemingsbevel of 'n hofbevel, uitgerek kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of indien die boedel van die lisensiehouer of houer van die voorwaardelike magtiging gesekwesterreer word, gaan die betrokke lisensie of magtiging oor op sy eksekuteur of kurator, na gelang van die geval, wat, behoudens die reg betreffende geestesgesondheid, die boedels van oorlede persone of insolvensie, na gelang van die geval, sonder formele oordrag, die saak self of deur 'n verteenwoordiger wat skriftelik goedgekeur is deur iemand wat op gesag van die Minister handel, kan voortsit gedurende die tydperk van hoogstens agtien maande wat so iemand na goeddunke bepaal.

(b) Die persoon wat op gesag van die Minister handel, kan, behoudens uitdruklike andersluidende bepalings van hierdie Wet, terwyl die aanstelling van so 'n eksekuteur of kurator, na gelang van die geval, hangende is, iemand wat hy geskik ag, skriftelik magtig om die saak voort te sit totdat so 'n eksekuteur of kurator aangestel is, maar nie vir 'n tydperk wat vier maand te bove gaan nie.

(c) 'n Magtiging bedoel in paragraaf (b) word nie vir 'n tydperk van meer as een maand verleen nie tensy aan elkeen wat 'n geldelike belang in die saak het, tot bevrediging van die persoon wat op gesag van die

Act No. 87, 1977

LIQUOR ACT, 1977.

any person who apply for such authority, has been given to every person who is financially interested in the business.

(2) If the premises in respect of which a licence is held have been attached in execution of a judgment or order of a court, the officer who effected the attachment may, with the approval of a person acting under the directions of the Minister, appoint any person to carry on the business in question while the premises are under attachment.

(3) If a licensee who is a company or co-operative society or co-operative company, is placed under liquidation, the liquidator shall, subject to any 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, in terms of this section, be held, in the case of the sequestration of the estate of any licensee, by a trustee.

(4) (a) If during the currency of any licence the licensee absconds without making provision for the carrying on of the business to which the licence relates, or if for any other reason such business cannot during such currency

be carried on by reason of the absence or disqualification of any person authorized under this Act to carry on such business, or in the case of the dissolution of a partnership which is a licensee, a person acting under the directions of the Minister, may, subject to express provisions to the contrary contained in this Act, authorize any person whom he thinks fit to carry on such business for any period not exceeding twelve months.

(b) No authority contemplated in paragraph (a) shall be granted for a period in excess of one month unless reasonable notice, to the satisfaction of the person acting

(1) under the directions of the Minister, of any intention to apply for such authority, has been given 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 in question.

Objections to licences or special authorities.

48. (1) Any person ordinarily resident within the district in which premises are situate in respect of which a licence or special authority is held, may either alone or jointly with other persons so resident, and any licensee or holder of a special authority in respect of other premises situate in the same district, may either alone or jointly with other such holders, and any local authority within such district may, during August of any year, in the prescribed manner lodge with the secretary of the Board a written request to the Board for the cancellation or suspension of such licence, special authority or any right or privilege pertaining thereto.

(2) Upon receipt of a request referred to in subsection (1), the chairman may, after consultation with the other members of the Board, convene an interim meeting in terms of section 11 for the consideration of the matter.

Circumstances after cancellation or suspension of licences or special authorities.

49. (1) If a licence or special authority is in terms of any law cancelled by the court, or if at any interim meeting, the Board has cancelled or suspended a licence or special authority, the licence or authority in question shall, in the case of such cancellation, subject to the provisions of section 11 (3) (b), immediately become null and void or, in the case of such suspension, be of no force and effect for the period of such suspension.

(2) The holder of such a licence or special authority may, within thirty days after such cancellation or suspension, or within thirty days after the final confirmation on review or appeal of such cancellation or suspension, sell by public auction upon the premises in respect of which the licence or authority was held,

DRANKWET, 1977.

Wet No. 87, 1977

Minister handel, redelike kennis van 'n voorneme om so 'n magtiging aan te vra, gegee is.

(2) Indien op die perseel ten opsigte waarvan 'n lisensie gehou word, by die tenuitvoerlegging van 'n vonnis of bevel van 'n hof beslag gelê is, kan die beampite wat daarop beslag gelê het, met die goedkeuring van iemand wat op gesag van die Minister handel, iemand aanstel om die betrokke saak voort te sit terwyl die perseel onder beslag is.

(3) Indien 'n lisensiehouer wat 'n maatskappy of 'n koöperatiewe vereniging of koöperatiewe maatskappy is, gelikwideer word, het die likwidateur, behoudens die reg betreffende maatskappye, of betreffende koöperatiewe verenigings en koöperatiewe maatskappye, na gelang van die geval, al die bevoegdhede en regte ten opsigte van die lisensie wat 'n kurator, in die geval van die sekwestrasie van die boedel van 'n lisensiehouer, ingevolge hierdie artikel het.

(4) (a) Indien 'n lisensiehouer gedurende die geldigheidsduur van sy lisensie vlug sonder om voorsiening te maak vir die voortsetting van die saak waarop die lisensie betrekking het, of indien daardie saak om 'n ander rede gedurende daardie geldigheidsduur weens afwesigheid of onbevoegdheid van iemand wat kragtens hierdie Wet gemagtig is om die saak te dryf, nie voortgesit kan word nie, of, in die geval van die ontbinding van 'n vennootskap wat 'n lisensiehouer is, kan iemand wat op gesag van die Minister handel, behoudens uitdruklike andersluidende bepalings van hierdie Wet, iemand wat hy geskik ag, magtig om die saak voort te sit vir 'n tydperk van hoogstens twaalf maande.

(b) 'n Magtiging beoog in paragraaf (a) word nie vir 'n tydperk van meer as een maand verleen nie, tensy aan elkeen wat 'n geldelike belang in die saak het, tot bevrediging van die persoon wat op gesag van die Minister handel, redelike kennis van 'n voorneme om so 'n magtiging aan te vra, gegee is.

(5) Die bepalings van hierdie artikel doen nie afbreuk nie aan 'n reg of aanspraak van iemand wat 'n wettige belang in die betrokke saak het.

48. (1) Iemand wat gewoonlik woonagtig is in die distrik waarin 'n perseel geleë is ten opsigte waarvan 'n lisensie of spesiale magtiging gehou word, kan alleen of gesamentlik met ander sodanige inwoners, en 'n lisensiehouer of houer van so 'n spesiale magtiging ten opsigte van 'n ander perseel geleë in dieselfde distrik, kan alleen of tesame met ander sodanige houers, en 'n plaaslike bestuur in bedoelde distrik, kan gedurende Augustus van die een of ander jaar, by die sekretaris van die Raad op die voorgeskrewe wyse 'n skriftelike versoek aan die Raad indien om die intrekking of opskorting van bedoelde lisensie of spesiale magtiging of enige reg of voorreg wat daarop betrekking het.

(2) By die ontvangs van 'n versoek bedoel in subartikel (1) kan die voorsitter, na oorlegpleging met die ander lede van die Raad, 'n tussentydse vergadering ingevolge artikel 11 belê vir oorweging van die aangeleentheid.

49. (1) Indien 'n lisensie of spesiale magtiging ingevolge die een van ander wet deur die hof ingetrek word, of indien die Raad op 'n tussentydse vergadering 'n lisensie of spesiale magtiging ingetrek of opgeskort het, word die betrokke lisensie of magtiging, in die geval van sodanige intrekking, behoudens die bepalings van artikel 11 (3) (b), onmiddellik ongeldig, of, in die geval van sodanige opskorting, van nul en gener waarde vir die tydperk van sodanige opskorting.

(2) Die houer van so 'n lisensie of spesiale magtiging kan, binne dertig dae na bedoelde intrekking of opskorting, of binne dertig dae nadat daardie intrekking of opskorting finaal op hersiening of appèl bekragtig is, enige drank wat op die datum van die intrekking of opskorting op die perseel ten opsigte waarvan die lisensie of spesiale magtiging gehou is, was, by

Besware teen lisensies of spesiale magtigings.

Omstandighede na intrekking of opskorting van lisensies of spesiale magtigings.

Act No. 87, 1977

LIQUOR ACT, 1977.

through a licensed auctioneer, any liquor which was upon such premises at the date of the cancellation or suspension.

(3) If—

(a) any cancellation or suspension of any licence or special authority is set aside by any competent court on review or appeal or by the Minister in terms of section 11 (5) (b);

(b) the period of suspension of such licence or authority has expired; or

(c) any licence or special authority which has been cancelled or suspended, is restored by the Board in terms of section 11 (3) (b) (ii), the licence or special authority in question shall again become of force and effect.

(4) No portion of the prescribed fees paid in respect of a licence or special authority which—

(a) is cancelled or suspended;

(b) by reason of any cancellation or suspension thereof, has been null and void or of no force and effect during the period before such cancellation or suspension has been set aside by a competent court on review or appeal, or by the Minister, or before such licence or authority has been restored by the Board in terms of section 11 (3) (b) (ii), shall be refunded to the holder or person who was the holder of such licence or authority.

Grant of new licences or special authorities if licences or special authorities cancelled for personal reasons.

50. (1) If the Board, for any reason personal to a licensee or holder of a special authority, cancels any licence or special authority at an interim meeting held in terms of section 11, it may, on such conditions as it may determine as to publication and the giving of notices or otherwise—

(a) authorize an application by any other person for a licence or special authority in respect of the same premises to be made to the Minister through the Board on a date fixed by it;

(b) adjourn the meeting until the date referred to in paragraph (a); and

(c) upon such date, if it is satisfied that the conditions so determined have been complied with, consider the application.

(2) Any application made under subsection (1) shall for all purposes be deemed to be, and shall be dealt with as if it were, an application made under section 37, and the Minister may, notwithstanding the provisions of section 34 (1) or (2), grant the application.

Closing of licensed premises during strike, lock-out, riots or tumult.

51. (1) The magistrate or, in his absence, any additional or assistant magistrate or, in their absence, any police officer of or above the rank of warrant officer, may order any licensed premises, or any other premises where liquor may be sold without any licence under this Act, to be closed at or near any place where any strike or lock-out is in progress, or any riot or tumult occurs or is expected to occur, during such times or for such periods as the said magistrate, additional or assistant magistrate or police officer may deem fit.

(2) The licensee or person authorized to sell liquor without a licence concerned or his manager or agent shall forthwith comply with an order referred to in subsection (1), and on his failure for any reason to do so, the person giving the order may take such steps and use such force or cause such force to be used as he may deem necessary for the closing of the premises in question.

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

DRANKWET, 1977.

Wet No. 87, 1977

openbare veiling op daardie perseel deur 'n gelisensieerde vendu-afslaer verkoop.

(3) Indien—

- (a) 'n intrekking of opskorting van 'n licensie of spesiale magtiging deur 'n bevoegde hof op hersiening of appèl of deur die Minister ingevolge artikel 11 (5) (b) tersyde gestel word;
- (b) die tydperk van opskorting van bedoelde licensie of magtiging verstryk het; of
- (c) 'n licensie of spesiale magtiging wat ingetrek of opgeskort is deur die Raad ingevolge artikel 11 (3) (b)

(ii) herstel word,

word die betrokke licensie of spesiale magtiging weer van krag.

(4) Geen gedeelte van die voorgeskrewe gelde betaal ten opsigte van 'n licensie of spesiale magtiging wat—

- (a) ingetrek of opgeskort is;
- (b) as gevolg van die intrekking of opskorting daarvan ongeldig of van nul en gener waarde was gedurende die tydperk voordat daardie intrekking of opskorting op hersiening of appèl deur 'n bevoegde hof of deur die Minister tersyde gestel is of voordat bedoelde licensie of magtiging deur die Raad ingevolge artikel 11 (3) (b) (ii) herstel is,

word terugbetaal aan die houer of iemand wat die houer was van die licensie of spesiale magtiging nie.

50. (1) Indien die Raad op grond van 'n rede wat op 'n Verlening van nuwe lisensiehouer of houer van 'n spesiale magtiging persoonlik betrekking het, 'n licensie of spesiale magtiging op 'n tussentydse vergadering gehou ingevolge artikel 11 intrek, kan hy, op die voorwaarde wat hy aangaande bekendmaking en kennisgewing of andersins kan bepaal—

- (a) iemand anders magtig om op 'n datum deur hom bepaal, deur bemiddeling van die Raad by die Minister aansoek te doen om 'n licensie of spesiale magtiging ten opsigte van dieselfde perseel;
- (b) die vergadering tot die datum bedoel in paragraaf (a) verdaag; en
- (c) op daardie datum, indien hy oortuig is dat aan die voorwaarde aldus bepaal, voldoen is, die aansoek oorweeg.

(2) 'n Aansoek kragtens subartikel (1) gedoen, word vir alle doeleindeste geag 'n aansoek te wees wat, en word behandel asof dit 'n aansoek is wat, ingevolge artikel 37 gedoen is, en die Minister kan, ondanks die bepalings van artikel 34 (1) of (2), die aansoek toestaan.

51. (1) Die landdros of, in sy afwesigheid, 'n addisionele of assistent-landdros of, in hulle afwesigheid, 'n polisie-offisier met die rang van adjudant-offisier of hoér, kan die sluiting beveel van 'n gelisensieerde perseel of ander perseel waar drank kragtens hierdie Wet sonder 'n licensie verkoop kan word, op of nabij enige plek waar 'n staking of uitsluiting aan die gang is of onluste of oproer plaasvind of verwag word, gedurende daardie tye of vir daardie typerke wat bedoelde landdros, addisionele of assistent-landdros of polisie-offisier goedvind.

Sluiting van gelisensieerde persele tydens staking, uitsluiting, onluste of oproer.

(2) Die betrokke lisensiehouer of persoon gemagtig om drank sonder 'n licensie te verkoop, of sy bestuurder of verteenwoordiger, moet onverwyld aan 'n bevel bedoel in subartikel (1) gehoor gee, en as hy om enige rede versuim om dit te doen, kan die persoon wat die bevel gegee het die stappe doen en die geweld gebruik of laat gebruik wat hy nodig ag om die betrokke perseel te sluit.

(3) Indien die landdros of die persoon wat die bevel gegee het, voor die verstryking van die tyd of tydperk waarvoor daardie bevel gegee is, van oordeel is dat daar nie rede vir die behoud daarvan bestaan nie, kan hy die bevel intrek.

CHAPTER VII

CONTROL OF LICENSED PREMISES —^(C)

A. GENERAL

Rights and duties of persons to whom licences have been transferred or persons carrying on business under section 47.

Determination by Minister of conditions or restrictions in respect of certain classes of licences or special authorities.

Restrictions on use of licensed premises.

52. Any person to whom a licence has been transferred or any person carrying on the business to which the licence relates under the provisions of section 47 or under any authority granted in terms of that section shall, subject to the provisions of section 44 (2), have all the rights and be subject to all the duties, obligations and penalties of the original licensee.

53. (1) The Minister may, on the recommendation of the Board, by notice in the *Gazette* determine in respect of any class of licences or special authorities specified in the notice such conditions or restrictions as he may deem fit, and thereupon every licence or special authority of such class shall, as from a date so specified or, if such licence or special authority is issued after that date, as from the date of the issue thereof, be subject to those conditions or restrictions.

(2) The Minister or any person acting under his directions may, on the application in writing of any licensee or holder of a special authority and on good cause shown, suspend, for such period as he may deem fit, any condition or restriction determined under subsection (1) in so far as such condition or restriction is applicable to the licence or special authority concerned.

(3) The provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of any right referred to in section 115 (1), to sell liquor for off-consumption, and to any authority granted under section 70 (3) or 73 (5).

54. (1) Whenever a licence or an application for the removal of a licence from the licensed premises to any other premises is granted, the competent authority may, and at any other time the Minister or a person acting under his directions may in respect of any licensed premises, upon a written request by the licensee or the designated police officer—

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

(b) determine a condition that—

(i) liquor shall be sold or supplied to any particular class of persons only in a place upon the licensed premises specially set apart for such particular class of persons;

(ii) in the case of an on-consumption licence, no liquor shall be sold or supplied to a particular class of persons.

(2) If the competent authority determines or has determined a condition under subsection (1) (b) (i) that liquor shall be sold or supplied to a particular class of persons only in a place upon the licensed premises specially set apart for such class of persons, the Minister may—

(a) on application authorize the licensee, in lieu of selling or supplying liquor to such class of persons in a place upon the licensed premises, to sell or supply liquor to such class of persons in any other place approved by the Minister, and thereupon such other place shall for all purposes be deemed to form part of the licensed premises;

(b) when granting the licence, determine a further condition that the holder of the licence concerned shall, within a period specified in such further condition, make application to the Minister under paragraph (a) for authority, in lieu of selling or supplying liquor to such class of persons in a place upon the licensed premises, to sell or supply liquor to such class of persons in any other place approved of by the Minister.

DRANKWET, 1977.

Wet No. 87, 1977

HOOFSTUK VII

BEHEER VAN GELISENSIEERDE PERSELE

A. ALGEMEEN

52. Iemand aan wie 'n lisensie oorgedra is of iemand wat kragtens artikel 47 of kragtens 'n magtiging ingevolge daardie artikel verleen, die saak waarop die lisensie betrekking het, voortsit, het behoudens die bepalings van artikel 44 (2) al die regte en is onderworpe aan al die pligte, verpligtinge en strawwe van die oorspronklike lisensiehouer.

Regte en pligte van persone aan wie lisensies oorgedra is of persone wat kragtens artikel 47 sake doen.

53. (1) Die Minister kan, op aanbeveling van die Raad, by kennisgewing in die Staatskoerant ten opsigte van 'n klas lisensies of spesiale magtigings wat in die kennisgewing vermeld word, na goeddunke voorwaarde of beperkings bepaal, en daarop is elke lisensie of spesiale magtiging van daardie klas vanaf 'n aldus bepaalde datum of, indien so 'n lisensie of spesiale magtiging na daardie datum uitgereik word, vanaf die datum van uitreiking daarvan, onderworpe aan daardie voorwaarde of beperkings.

Bepaling deur Minister van voorwaarde of beperkings ten opsigte van sekere klasse lisensies of spesiale magtigings.

(2) Die Minister of iemand wat op sy gesag handel, kan op skriftelike aansoek van 'n lisensiehouer van 'n spesiale magtiging en indien goeie gronde aangevoer word, 'n voorwaarde of beperking wat kragtens subartikel (1) bepaal is, vir die tydperk wat hy goedvind opskort vir sover so 'n voorwaarde of beperking op die betrokke lisensie of spesiale magtiging van toepassing is.

(3) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n reg bedoel in artikel 115 (1) om drank vir buiteverbruik te verkoop en 'n magtiging wat kragtens artikel 70 (3) of 73 (5) verleen is.

54. (1) Wanneer 'n lisensie verleen word of 'n aansoek om 'n lisensie vanaf die gelisensieerde perseel na 'n ander perseel te verplaas, toegestaan word, kan die bevoegde gesag, en op enige ander tydstip kan die Minister of iemand wat op sy gesag handel, ten opsigte van 'n gelisensieerde perseel, op skriftelike versoek van die lisensiehouer of die aangewese polisie-offisier—

Beperkings op gebruik van gelisensieerde perseel.

(a) bepaal dat 'n bepaalde gedeelte van die betrokke perseel, behalwe die eetsaal, waarin die sake gedoen word of gedoen gaan word, by die beperkte gedeelte gereken moet word; en

(b) 'n voorwaarde bepaal dat—

(i) drank aan 'n bepaalde klas persone verkoop of verskaf mag word slegs in 'n plek op die gelisensieerde perseel wat in die besonder vir daardie bepaalde klas persone afgesonder is;

(ii) in die geval van 'n binneverbruiklisensie, drank nie aan 'n bepaalde klas persone verkoop of verskaf mag word nie.

(2) Indien die bevoegde gesag 'n voorwaarde kragtens subartikel (1) (b) (i) bepaal of bepaal het dat drank aan 'n bepaalde klas persone slegs verkoop of verskaf mag word in 'n plek op die gelisensieerde perseel wat in die besonder vir daardie klas persone afgesonder is, kan die Minister—

(a) op aansoek, die lisensiehouer magtig om in plaas van drank aan daardie klas persone in 'n plek op die gelisensieerde perseel te verkoop of te verskaf, drank aan daardie klas persone te verkoop of te verskaf in 'n ander plek wat die Minister goedkeur het, en daarna word daardie ander plek vir alle doeleindes geag deel uit te maak van die gelisensieerde perseel;

(b) wanneer hy die lisensie verleen, 'n verdere voorwaarde bepaal dat die houer van die betrokke lisensie binne 'n tydperk in daardie verdere voorwaarde vermeld by die Minister ingevolge paragraaf (a) aansoek moet doen om magtiging om, in plaas van drank aan daardie klas persone in 'n plek op die gelisensieerde perseel te verkoop of te verskaf, drank aan daardie klas persone te verkoop of te verskaf in 'n ander plek wat die Minister goedkeur.

Act No. 87, 1977

LIQUOR ACT, 1977.

(3) The provisions of sections 36 and 37 and of the regulations relating to applications for licences shall *mutatis mutandis* apply to any application referred to in subsection (2).

Conditions relating to alterations of, or accommodation on, licensed premises.

55. (1) The competent authority in granting an application for any licence or for the removal of a licence from the licensed premises to any other premises, may, and the Board may in pursuance of a report submitted in terms of section 175 and at an interim meeting convened in terms of section 11, determine 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

(b) accommodation to be afforded thereon to the public; or

(c) the provision of any other thing it deems necessary in order to meet the reasonable requirements of the public or visitors upon such premises or to facilitate supervision by the police, or in any other respect,

and may determine the period within which the licensee shall comply with such conditions or may determine that a licence shall not be issued or so removed before the designated police officer concerned has certified in writing that the conditions have been fulfilled.

(2) Subject to the provisions of subsection (1) and any condition determined under this Act, no structural alteration or addition to any licensed premises shall be carried out without the written authority of a person acting under the directions of the Minister.

Authorities in respect of licensed premises which become unfit for carrying on business.

56. (1) If any licensed premises or a material portion thereof is destroyed or becomes unfit for the proper carrying on of business to which a licence relates, or for any other sufficient reason such business cannot be properly carried on on the licensed premises, the Minister or a person acting under his directions may at any time, on application in writing and after such investigation as he may deem fit, authorize such licensee, on such conditions as the Minister or such person may deem fit to determine, to carry on business during such period as he may determine, only upon such portion of the premises as is undamaged or not unfit for occupation or not to carry on business for such period as he may determine.

(2) Subject to the provisions of section 76 (4), a licensee shall, during the period referred to in subsection (1) during which he is not authorized to do business or authorized not to do business for the purpose of any provision of this Act prohibiting the sale or supply of or the dealing in liquor, be deemed not to be a licensee and shall not carry on any business whatsoever on the licensed premises.

(3) The licensee shall, during the period referred to in subsection (2), display in a conspicuous place on or near the licensed premises a notice in both official languages specifying the period during which no business may under the provisions of this section be carried on on the licensed premises.

(4) If the competent authority who has determined a condition referred to in section 55 (1) (a) or has granted an authority referred to in section 55 (2), is satisfied that business to which the licence relates cannot properly be carried on upon the licensed premises without undue inconvenience or disruption, it may authorize the licensee not to do business during such period as may reasonably be required to comply with such condition or the terms of such authority.

Prohibition of carrying on of business in terms of licences on certain licensed premises.

57. Subject to the provisions of section 35, a licensee shall not carry on business under the licence on licensed premises on which any other trade, business or occupation is carried on.

Records to be kept by licensees.

58. (1) A licensee shall keep in one of the official languages the prescribed records of all liquor acquired and disposed of by him.

(3) Die bepalings van artikels 36 en 37 en van die regulasies betreffende aansoeke om lisensies, is *mutatis mutandis* van toepassing op 'n aansoek bedoel in subartikel (2).

55. (1) By die toestaan van 'n aansoek om 'n lisensie of om 'n lisensie vanaf die gelisensieerde perseel na 'n ander perseel te verplaas, kan die bevoegde gesag, en die Raad kan na aanleiding van 'n verslag wat ingevolge artikel 175 uitgebring is en op 'n tussentydse vergadering wat ingevolge artikel 11 belê is, voorwaardes na goeddunke bepaal ten opsigte van—

- (a) die verbouing, inrigting, aanbou of herstel van die perseel ten opsigte waarvan die aansoek gedoen word; of
- (b) die akkommisasie wat vir die publiek daarop voorsien moet word; of
- (c) die voorsiening van iets anders wat hy, ten einde te voldoen aan die redelike behoeftes van die publiek of besoekers op daardie perseel of om toesig deur die polisie te vergemaklik of in enige ander oopsig, nodig ag, en kan hy 'n tydperk bepaal waarbinne die lisensiehouer aan die voorwaardes moet voldoen, of kan hy bepaal dat 'n lisensie nie uitgereik word of aldus verplaas word nie alvorens die betrokke aangewese polisie-offisier skriftelik gesertifiseer het dat die voorwaardes nagekom is.

Voorwaardes betreffende veranderinge aan, of akkommisasie op, gelisensieerde persele.

(2) Behoudens die bepalings van subartikel (1) en 'n voorwaarde kragtens hierdie Wet bepaal, word 'n verbouing van of aanbouing aan 'n gelisensieerde perseel nie uitgevoer nie sonder die skriftelike magtiging van iemand wat op gesag van die Minister handel.

56. (1) Indien 'n gelisensieerde perseel of 'n wesenlike gedeelte daarvan vernietig word of ongeskik word vir die behoorlike voortsetting van sake waarop 'n lisensie betrekking het, of om 'n ander voldoende rede daardie sake nie behoorlik op die gelisensieerde perseel gedoen kan word nie, kan die Minister of iemand wat op sy gesag handel, te eniger tyd op skriftelike aansoek en na die ondersoek wat hy goedvind, die lisensiehouer magtig om, op die voorwaardes wat die Minister of bedoelde persoon na goeddunke kan bepaal, vir 'n tydperk wat hy kan bepaal, sake te doen slegs op die gedeelte van die perseel wat onbeskadig is of wat nie vir besetting ongeskik is nie of vir 'n tydperk wat hy kan bepaal, nie sake te doen nie.

Magtigings ten opsigte van gelisensieerde persele wat ongeskik word om sake op te doen.

(2) Gedurende die tydperk bedoel in subartikel (1) waartydens 'n lisensiehouer nie gemagtig is om sake te doen nie, of gemagtig is om nie sake te doen nie, word hy, by die toepassing van 'n bepaling van hierdie Wet wat die verkoop of verskaffing van, of die handeldryf in, drank verbied, maar behoudens die bepalings van artikel 76 (4), geag nie 'n lisensiehouer te wees nie en mag hy geen sake hoegenaamd op die gelisensieerde perseel doen nie.

(3) Die lisensiehouer moet, gedurende die tydperk bedoel in subartikel (2), 'n kennisgewing in albei amptelike tale op 'n oppallende plek op of nabij die gelisensieerde perseel vertoon wat die tydperk vermeld waartydens sake kragtens hierdie artikel nie op die gelisensieerde perseel gedoen mag word nie.

(4) Indien die bevoegde gesag wat 'n voorwaarde bedoel in artikel 55 (1) (a) bepaal het of 'n magtiging bedoel in artikel 55 (2) verleen het, oortuig is dat die sake waarop die lisensie betrekking het, nie behoorlik op die gelisensieerde perseel sonder oormatige ongerief of ontwrigting gedoen kan word nie, kan hy die lisensiehouer magtig om, gedurende die tydperk wat redelikerwys nodig is om aan die voorwaarde of die bepalings van die magtiging te voldoen, nie sake te doen nie.

Verbod op doen van sake ingevolge lisensies op sekere gelisensieerde persele.

57. Behoudens die bepalings van artikel 35, mag 'n lisensiehouer nie kragtens die lisensie sake doen op 'n gelisensieerde perseel waarop enige ander handel gedryf, sake gedoen of beroep uitgeoefen word nie.

Aantekeninge wat lisensiehouers moet hou.

58. (1) 'n Lisensiehouer moet in een van die amptelike tale die voorgeskrewe aantekeninge hou van drank deur hom verkry en van die hand gesit.

Act No. 87, 1977

LIQUOR ACT, 1977.

(2) Regulations prescribing such records may differ in respect of different classes of licensees and in respect of different areas.

(3) The Minister may by notice under his hand delivered or tendered to the holder of an off-consumption licence or the holder of an on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, direct such holder to keep such additional records as may be specified in such notice of all liquor sold or disposed of by him for consumption off his licensed premises during a period so specified.

Special condition of licences in relation to furnishing of information by licensees.

59. It shall be a special condition of every licence that the holder thereof shall, upon request of a person acting under the directions of the Minister, furnish such person with such information and documents pertaining to the business to which such licence relates or pertaining to the licensed premises, including a description and plan thereof, as he may require.

Sale or supply of liquor to children.

60. No person shall upon licensed premises, sell or supply liquor to any person under the age of eighteen years: Provided that a licensee or the proprietor or manager of any business to which a licence relates or the spouse of such licensee, proprietor or manager may supply liquor to any such person who is a member of his family ordinarily resident with him, for immediate consumption on the licensed premises.

Presence of prohibited persons on licensed premises.

61. (1) If under any provision of this Act or any condition or restriction determined thereunder it is unlawful to sell or supply, at a particular time in a particular place, liquor to any person because of his being a member of any class of persons, no licensee shall allow such person to be in such a place at such a time.

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

- (a) perform thereon any service for which he may be lawfully employed;
- (b) perform thereon, at any time during which the licensed premises are closed for the sale or supply of liquor, any *bona fide* domestic service.

Refusal of admission to, or removal of any persons from, licensed premises by licensees or police officers.

62. (1) Any licensee or his employee or agent may—

- (a) refuse to admit any person to any restricted portion of the licensed premises;
- (b) refuse to sell or supply liquor to any person;
- (c) request any person who is in any portion of such premises in which liquor is served, or who is in any cloakroom on such premises, to depart therefrom; and
- (d) request any person who is not a lodger at such premises and who is in any portion of the premises reserved for lodgers, to depart therefrom.

(2) Any licensee or his employee or agent may eject from the licensed premises any person who is drunk, violent or disorderly or whose presence on the licensed premises may render the licensee subject to prosecution under this Act or any other law.

(3) Any police officer shall, on the request of such licensee, his employee or agent, remove or assist in removing from the licensed premises any person referred to in subsection (2) and shall remove from the licensed premises any person refusing or failing to comply with any request referred to in subsection (1), and may use such force as may be required for those purposes.

Conditions relating to quality of liquor.

63. (1) It shall be a condition of any licence that liquor sold or supplied thereunder by any name designated, or any description contained, in the Wine, Other Fermented Beverages and Spirits

(2) Regulasies wat bedoelde aantekeninge voorskryf, kan ten opsigte van verskillende klasse lisensiehouers en ten opsigte van verskillende gebiede verskil.

(3) Die Minister kan by wyse van 'n kennisgewing wat deur hom onderteken is en wat oorhandig of aangebied word aan die houer van 'n buiteverbruiklisensie of die houer van 'n binneverbruiklisensie wat kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop, so 'n houer gelas om die bykomende aantekeninge wat in die kennisgewing bepaal word, te hou van alle drank wat gedurende 'n aldus bepaalde tydperk deur hom vir gebruik buite sy gelisensieerde perseel verkoop of van die hand gesit is.

59. Dit is 'n besondere voorwaarde van elke lisensie dat die houer daarvan op versoek van iemand wat op gesag van die Minister handel, aan so iemand die inligting en stukke moet verstrek met betrekking tot die saak waarop daardie lisensie betrekking het of met betrekking tot die gelisensieerde perseel, wat hy vereis, met inbegrip van 'n beskrywing en plan daarvan.

Besondere voorwaarde van lisensie met betrekking tot verstrekking van inligting deur lisensiehouers.

60. Niemand mag op 'n gelisensieerde perseel drank aan iemand onder die ouderdom van agtien jaar verkoop of verskaf nie: Met dien verstande dat 'n lisensiehouer of die eienaar of bestuurder van 'n saak waarop 'n lisensie betrekking het of die gade van bedoelde lisensiehouer, eienaar of bestuurder drank kan verskaf aan so iemand wat 'n lid is van sy gesin en gewoonlik by hom inwoon, vir onmiddellike gebruik op die gelisensieerde perseel.

Verkoop of verskaffing van drank aan kinders.

61. (1) Indien dit kragtens 'n bepaling van hierdie Wet of 'n voorwaarde of beperking daarkragtens bepaal, onwettig is om aan iemand op 'n bepaalde tyd en plek drank te verkoop of te verskaf omdat hy tot die een of ander klas persone behoort, mag 'n lisensiehouer so iemand nie op daardie tyd op so 'n plek toelaat nie.

Teenwoordigheid van verbode persone op gelisensieerde persele.

(2) Die bepalings van hierdie artikel belet nie die toegang tot enige deel van die gelisensieerde perseel nie van iemand om daar—

- (a) werk te verrig waarvoor hy wettig in diens geneem kan word;
- (b) gedurende 'n tyd wanneer die gelisensieerde perseel vir die verkoop of verskaffing van drank gesluit is, 'n *bona fide*-huishoudelike taak te verrig.

62. (1) 'n Lisensiehouer of sy werknemer of verteenwoordiger kan—

- (a) aan enigeen toegang tot enige beperkte gedeelte van die gelisensieerde perseel weier;
- (b) weier om aan iemand drank te verkoop of te verskaf;
- (c) iemand wat in enige gedeelte van bedoelde perseel waarin drank bedien word, of wat in enige kleedkamer op daardie perseel is, versoek om dit te verlaat; en
- (d) iemand wat nie 'n loseerdeer by bedoelde perseel is nie en wat in 'n gedeelte van die perseel is wat vir loseerdeers gereserveer is, versoek om dit te verlaat.

Weiering van toegang tot, of verwydering van iemand vanaf, gelisensieerde perseel deur lisensiehouers of polisiebeamptes.

(2) 'n Lisensiehouer of sy werknemer of verteenwoordiger kan iemand wat dronk of gewelddadig of wanordelik is, of wie se teenwoordigheid op die gelisensieerde perseel die lisensiehouer blootstel aan vervolging kragtens hierdie Wet of enige ander wet, van die gelisensieerde perseel verwyder.

(3) 'n Polisiebeampte moet op versoek van die lisensiehouer, sy werknemer of verteenwoordiger, iemand bedoel in subartikel (2) van die gelisensieerde perseel verwyder of met sy verwydering behulpsaam wees en moet iemand wat weier of versium om te voldoen aan 'n versoek bedoel in subartikel (1), van die gelisensieerde perseel verwyder en kan die geweld gebruik wat vir daardie doeleindes nodig is.

63. (1) Dit is 'n voorwaarde van 'n lisensie dat drank wat daarkragtens verkoop of verskaf word onder 'n naam wat aangegee word of vervat is in 'n omskrywing in die Wet op Wyn,

Voorwaardes betreffende kwaliteit van drank.

Act No. 87, 1977

LIQUOR ACT, 1977.

Act, 1957 (Act No. 25 of 1957), or in any other law, shall conform as to its constituents with any requirement contained in the said Act or such other law.

(2) No licensee shall sell or supply 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) (a) Nothing in this Act contained shall affect the operation, in respect of any liquor sold or supplied by any licensee, of any law referred to in subsection (1) or of any law dealing with the adulteration of foods, drugs and liquors.

(b) Any relevant provision of this Act shall be in addition to, and not in substitution of, any provision of any such law.

Storing of liquor.

64. (1) Whenever any licence or any authority referred to in section 55 (2) or any application for the removal of a licence from the licensed premises to any other premises is granted, the competent authority shall determine a place in which the licensee shall store his liquor: Provided that a person acting under the directions of the Minister may at any other time upon application in writing and after consultation with the designated police officer determine another or an additional place in which the licensee shall store his liquor.

(2) A licensee shall store all liquor received or manufactured by him and not immediately required for sale in the place so determined.

Conditions relating to delivery of liquor.

65. (1) No licensee or person authorized under this Act to sell liquor without a licence shall, either by himself or by any employee or agent—

(a) supply, distribute or deliver, or induce any person to supply, distribute or deliver any liquor from any vehicle or receptacle, unless, before the liquor has been despatched, such liquor has been ordered and an invoice in the prescribed form has been made out in respect of such order, the original of which shall be kept on the premises from which the liquor is despatched;

(b) carry or convey in any vehicle or receptacle, while in use for the distribution or delivery of liquor, any liquor unless he or, if he carries or conveys such liquor by an employee or agent, such employee or agent, is in possession of a copy of an invoice referred to in paragraph (a) in respect of that liquor;

(c) distribute or deliver any liquor at any address not specified in such invoice; or

(d) refuse to allow any member of the police to examine such vehicle or receptacle, or such invoice or copy thereof.

(2) Nothing in subsection (1) shall apply to the supply, distribution or delivery of liquor in the ordinary course of business to any other licensee or a person authorized under this Act to sell liquor without a licence.

Sale, supply and delivery of liquor on closed days.

66. Subject to any express provisions to the contrary contained in this Act, no liquor shall be sold, supplied or delivered on any closed day by any licensee: Provided that liquor may be sold, supplied or delivered on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant by any licensee to any other licensee or to any person authorized under this Act to sell liquor without a licence.

Restriction on sale of liquor on credit.

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

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

(b) consume any liquor on such premises,

Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), of in enige ander wet, moet voldoen, betreffende sy bestanddele, aan die vereiste van genoemde Wet of so 'n ander wet.

(2) 'n Licensiehouer mag nie drank as 'n besondere soort of merk of as die fabrikaat van 'n bepaalde persoon verkoop of verskaf wat nie van daardie soort of merk is nie of wat nie die fabrikaat van daardie persoon is nie.

(3) (a) Die bepalings van hierdie Wet maak nie inbreuk nie op die toepassing, ten opsigte van drank wat 'n licensiehouer verkoop of verskaf, van 'n wet bedoel in subartikel (1) of van die een of ander wet op die vervalsing van eetware, medisyne en dranke.

(b) 'n Tersaaklike bepaling in hierdie Wet geld benewens 'n bepaling van so 'n wet en dien nie ter vervanging daarvan nie.

64. (1) Wanneer 'n licensie of 'n magtiging bedoel in artikel Opberging van drank.

55 (2) verleen word of 'n aansoek om 'n licensie vanaf die gelisensieerde perseel na 'n ander perseel te verplaas, toegestaan word, moet die bevoegde gesag 'n plek bepaal waarin die licensiehouer sy drank moet opberg. Met dien verstande dat iemand wat op gesag van die Minister handel te eniger ander tyd op skriftelike aansoek en na oorlegpleging met die aangewese polisie-offisier, 'n ander of bykomende plek kan bepaal waarin die licensiehouer sy drank moet opberg.

(2) 'n Licensiehouer moet alle drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop nodig is nie, in die plek aldus bepaal, opberg.

65. (1) 'n Licensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n licensie te verkoop, mag nie, hetsy self of deur 'n werknemer of verteenwoordiger— Voorwaardes betreffende aftewering van drank.

(a) drank uit 'n voertuig of houer verskaf, versprei of aflewier, of iemand anders beweeg om dit te doen nie, tensy, voor die versending van die drank, daardie drank bestel is en 'n faktuur in die voorgeskrewe vorm ten opsigte van die bestelling uitgemaak is, waarvan die oorspronklike gehou moet word op die perseel waaruit die drank gestuur word;

(b) terwyl 'n voertuig of houer gebruik word om drank te versprei of af te lewer, drank daarin vervoer nie tensy hy, of indien hy daardie drank deur 'n werknemer of verteenwoordiger vervoer, die werknemer of verteenwoordiger, in besit is van 'n afskrif van 'n faktuur bedoel in paragraaf (a) ten opsigte van daardie drank;

(c) drank versprei of aflewier aan 'n adres wat nie in daardie faktuur vermeld word nie; of

(d) 'n polisiebeampte die ondersoek van so 'n voertuig of houer of so 'n faktuur of afskrif daarvan ontsê nie.

(2) Subartikel (1) is nie van toepassing nie op die verskaffing, verspreiding of aflewering van drank as 'n gewone besigheidstransaksie aan 'n ander licensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n licensie te verkoop.

66. Behoudens uitdruklike andersluidende bepalings van hierdie Wet word drank nie deur 'n licensiehouer op 'n gesloten dag verkoop, verskaf of afgelewer nie: Met dien verstande dat drank deur 'n licensiehouer aan 'n ander licensiehouer of aan iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n licensie te verkoop, op 'n gesloten dag, behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag, verkoop, verskaf of afgelewer kan word.

Verkoop, verskaffing en aftewering van drank op geslotte dae.

67. (1) Niemand mag, behalwe op 'n perseel ten opsigte waarvan 'n klubdranklicensie gehou word—

(a) op 'n gelisensieerde perseel drank verskaf vir gebruik op die perseel; of

(b) op so 'n perseel drank gebruik,

Beperking van verkoop van drank op krediet.

unless it is paid for at the time when it is supplied: Provided that this provision shall not be deemed to be contravened if—

- (i) the liquor is supplied for consumption with or immediately before or after an ordinary meal and is so consumed, and the price of the liquor is paid together with the price of such meal;
- (ii) *bona fide* arrangements have been made for the payment by some person for the liquor, so supplied, through any credit card system lawfully established, an account in respect of such liquor has been furnished to such person, particulars of his membership of any body for the purposes of that system have been recorded on a copy of that account, and he has signed such copy;
- (iii) the liquor is supplied for consumption during the course of a *bona fide* function held on the premises to persons present therat; or
- (iv) the liquor is supplied in moderate quantities to the order of any person actually boarding or lodging on such premises.

(2) Except in a case referred to in the proviso to subsection (1) no licensee shall recover any sum of money or any other thing on account of any liquor sold by him on credit to any person for consumption on the licensed premises.

(3) The licensee concerned shall keep on his licensed premises for a period of not less than six months the copy of an account signed for the purposes of paragraph (ii) of the proviso to subsection (1).

Prohibition of soliciting of orders and acceptance of offers off licensed premises.

68. (1) Subject to the provisions of subsection (2) and section 106, no person, excluding the holder of a brewer's licence, shall, either by himself or through any other person—

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

at any place other than the premises or portion of the 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.

(2) Nothing in this section contained shall be deemed to prohibit—

- (a) the advertising of liquor for sale at any licensed premises;
- (b) the soliciting, taking, accepting or receiving of orders or offers for the sale or purchase of liquor in the course of a transaction between licensees, distillers, brewers or persons authorized under this Act to sell liquor without a licence.

Management, control, or sharing in profits by persons other than licensees.

69. (1) No licensee, excluding a licensee who is an association of persons, shall without the written authority of the magistrate, granted after consultation with the designated police officer, permit any other person to manage, superintend or conduct the business to which his licence relates for a longer period than one month.

(2) No authority referred to in subsection (1) shall be granted for a period in excess of three months unless a person acting under the directions of the Minister has authorized such magistrate to grant such authority.

(3) No licensee, excluding the holder of a temporary liquor licence, shall without the written authority of the Minister or a person acting under his directions, allow any other person in effect to control the business to which his licence relates or to become a partner therein or to share in the profits thereof: Provided that no such authority shall be necessary in respect of the acquisition of—

- (i) membership in a society;
- (ii) shares in a public company; or

tensy tydens die verskaffing daarvan daarvoor betaal word nie: Met dien verstande dat dit nie as 'n oortreding van hierdie bepaling beskou word nie indien—

- (i) die drank verskaf word vir gebruik met of onmiddellik voor of na 'n gewone maaltyd en aldus gebruik word, en die prys van die drank tesame met die prys van daardie maaltyd betaal word;
- (ii) reëlings te goeder trou getref is vir die betaling vir die drank, aldus verskaf, deur iemand deur middel van die een of ander wettig ingestelde kredietkaartstelsel, 'n rekening ten opsigte van die drank aan hom gelewer is, besonderhede van sy lidmaatskap van die een of ander liggaaam vir die doeleinades van daardie stelsel op 'n afskrif van daardie rekening aangegetekend is, en hy die afskrif onderteken het;
- (iii) die drank verskaf word vir gebruik tydens 'n funksie wat te goeder trou op die perseel gehou word, aan persone wat daar teenwoordig is; of
- (iv) die drank in matige hoeveelhede verskaf word op bestelling van 'n werklike kosganger of loseerde op die perseel.

(2) Behalwe in 'n geval vermeld in die voorbehoudsbepaling by subartikel (1), mag 'n lisensiehouer nie 'n geldsom of iets anders invorder nie vir drank wat hy aan iemand vir gebruik op die gelisensieerde perseel op krediet verkoop het.

(3) Die betrokke lisensiehouer moet die afskrif van 'n rekening wat vir die doeleinades van paragraaf (ii) van die voorbehoudsbepaling by subartikel (1) onderteken is, op sy gelisensieerde perseel vir 'n tydperk van minstens ses maande bewaar.

68. (1) Behoudens die bepalings van subartikel (2) en artikel 106 mag niemand, uitgesonderd die houer van 'n bierbrouerslisensie, hetsy self of deur iemand anders—

- (a) bestellings vir die verkoop van drank werf of aanneem nie;
 - (b) aanbiedinge om drank te koop, aanneem nie; of
 - (c) aanbiedinge om drank te koop, ontvang nie vir oordrag aan iemand aan wie die aanbod gemaak word of aan sy verteenwoordiger of werknemer,
- op 'n ander plek as op die perseel of gedeelte van die perseel 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—

- (a) drank vir verkoop op 'n gelisensieerde perseel geadverteer word nie;
- (b) bestellings of aanbiedinge vir verkoop of koop van drank gewerf, geneem, aangeneem of ontvang word nie, in die loop van 'n transaksie tussen lisensiehouers, drankstokers, bierbrouers of persone wat kragtens hierdie Wet sonder 'n lisensie drank kan verkoop.

Verbod op werf van bestellings en aanname van aanbiedinge buite gelisensieerde persele.

69. (1) 'n Lisensiehouer, uitgesonderd 'n lisensiehouer wat 'n vereniging van persone is, mag nie sonder die skriftelike magtiging van die landdros, verleen na oorlegpleging met die aangewese polisie-offisier, toelaat dat iemand anders vir 'n langer tydperk as 'n maand die saak waarop sy lisensie betrekking het, bestuur, toesig daaroor hou of dit dryf nie.

(2) 'n Magtiging bedoel in subartikel (1) word nie vir 'n langer tydperk as drie maande verleen nie, tensy iemand wat op gesag van die Minister handel, die landdros gemagtig het om so 'n magtiging te verleen.

(3) 'n Lisensiehouer, uitgesonderd die houer van 'n tydelike dranklisensie, mag nie sonder die skriftelike magtiging van die Minister of iemand wat op sy gesag handel, toelaat dat iemand anders in werklikheid die saak waarop sy lisensie betrekking het, beheer of 'n vennoot daarin word of in die winste daarvan deel nie: Met dien verstande dat geen sodanige magtiging nodig is nie ten opsigte van die verkryging van—

- (i) lidmaatskap van 'n vereniging;
- (ii) aandele in 'n publieke maatskappy; of

Bestuur, beheer of deelname in wins deur ander persone as lisensiehouers.

Act No. 87, 1977

LIQUOR ACT, 1977.

(iii) shares not resulting in a change in the control of a private company, which already lawfully shares in the profits of the business to which the licence relates.

(4) Any application for written authority in terms of subsection (3) shall be considered with due regard to—

(i) any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof; and

(ii) generally, any other matter which, in the opinion of the Minister or a person acting under his directions, is one proper to be taken into account in the consideration of the application.

(5) No application for authority in terms of subsection (3) shall be refused on the ground that such authority might give rise to or aggravate a monopolistic condition detrimental to the public interest in the liquor trade or any branch thereof, unless the Minister or the person acting under his directions has afforded the applicant an opportunity to make representations thereon to him within such period as the Minister or such person may determine.

(6) Any application for authority under this section shall be made in the prescribed manner.

B. ON-CONSUMPTION LICENCES

Presence of females and children on premises in respect of which on-consumption licences are held.

70. (1) Subject to the provisions of subsection (2) and section 102 (1), no holder of any on-consumption licence shall permit any female or any person under the age of eighteen years to be at any time in any restricted portion of the licensed premises, unless he is authorized by or under this Act to permit females or such persons to be in such portion of the licensed premises.

(2) The provisions of subsection (1) shall not apply in respect of—

(a) any female who is the holder of, or lawfully carries on business under, a licence, while she is upon the licensed premises, or who is the wife of the licensee or of the proprietor or manager of the business to which the licence relates, or is a member of the family of such licensee, proprietor or manager, or is a part owner, to the extent of not less than ten per cent of the business carried on under a licence or who is lawfully employed by the holder of such a licence in any restricted portion of the licensed premises;

(b) any person of or over the age of sixteen years who has undergone or is undergoing a course of instruction in catering and who is upon the premises of any licensee to whom he is duly apprenticed in any capacity connected with the management of the business to which the licence relates.

(3) The Minister may, after consideration of a written application made in the prescribed manner, when granting any on-consumption licence (other than a temporary liquor licence), and the Minister or a person acting under his directions may at any time after such a licence has been granted and after consideration of such an application, authorize the licensee, on such conditions or restrictions as the Minister or such person, as the case may be, may in his discretion determine, to permit females of or above the age of eighteen years or such females as well as persons under the age of eighteen years to be in any specified restricted portion of the licensed premises.

(4) Any authority granted in terms of subsection (3) shall be issued in the prescribed form by a person acting under the directions of the Minister.

Presence of prohibited persons on premises in respect of which on-consumption licences are held.

71. (1) No holder of any on-consumption licence shall allow any person the sale or supply of liquor to whom is prohibited under section 163, to be at any time in the restricted portion or any other portion of the licensed premises from which liquor is sold or supplied.

DRANKWET, 1977.

Wet No. 87, 1977

(iii) aandele wat nie lei nie tot 'n verandering van beheer van 'n private maatskappy, wat alreeds wettiglik in die winste van die saak waarop die lisensie betrekking het, deel.

(4) 'n Aansoek om skriftelike magtiging ingevolge subartikel (3) word oorweeg met behoorlike inagneming van—

- (a) die moontlikheid dat 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakkings daarvan kan ontstaan of vererger word; en
- (b) oor die algemeen, enige ander aangeleentheid wat volgens die oordeel van die Minister of iemand wat op sy gesag handel, by die oorweging van die aansoek in aanmerking geneem behoort te word.

(5) 'n Aansoek om magtiging ingevolge subartikel (3) word nie geweier nie op grond daarvan dat bedoelde magtiging 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakkings daarvan kan laat ontstaan of laat vererger tensy die Minister of die persoon wat op sy gesag handel die aansoeker 'n geleentheid gebied het om vertoe daaromtrek tot hom te rig binne die tydperk wat die Minister of die persoon bepaal.

(6) 'n Aansoek om magtiging kragtens hierdie artikel moet op die voorgeskrewe wyse gedoen word.

B. BINNEVERBRUIKLISENSIES

70. (1) Behoudens die bepalings van subartikel (2) en artikel 102 (1) mag 'n houer van 'n binneverbruiklisensie nie 'n vrouspersoon of iemand wat onder die ouderdom van agtien jaar is te eniger tyd in 'n beperkte gedeelte van die gelisensieerde perseel toelaat nie, tensy hy by of kragtens hierdie Wet gemagtig is om vrouspersone of sodanige persone toe te laat om in so 'n gedeelte van die gelisensieerde perseel te wees.

(2) Die bepalings van subartikel (1) is nie van toepassing nie op—

- (a) 'n vrouspersoon wat die houer is van of wettig sake doen kragtens 'n lisensie, terwyl sy op die gelisensieerde perseel is, of wat die eggeneote is van die lisensiehouer of van die eienaar of bestuurder van die saak waarop die lisensie betrekking het, of 'n lid is van die gesin van so 'n lisensiehouer, eienaar of bestuurder, of mede-eienaar is tot 'n omvang van nie minder nie as tien persent van die saak wat kragtens 'n lisensie gedryf word, of wat deur die houer van so 'n lisensie in 'n beperkte gedeelte van die gelisensieerde perseel wettig in diens gestel word;
- (b) iemand van die ouderdom van sestien jaar of ouer wat 'n opleidingskursus in spyseniering ondergaan of ondergaan het en wat op die perseel is van 'n lisensiehouer by wie hy behoorlik in die leer gesit is in 'n hoedanigheid in verband met die bestuur van die saak waarop die lisensie betrekking het.

(3) Die Minister kan, na oorweging van 'n skriftelike aansoek op die voorgeskrewe wyse gedoen, wanneer hy 'n binneverbruiklisensie (behalwe 'n tydelike dranklisensie) verleen, en die Minister of iemand wat op sy gesag handel kan te eniger tyd nadat so 'n lisensie verleen is en na oorweging van so 'n aansoek, die lisensiehouer magtig om, op die voorwaardes of beperkings wat die Minister of bedoelde persoon, na gelang van die geval, na goedunk bepaal, vrouspersone van die ouderdom van agtien jaar of ouer of sodanige vrouspersone sowel as persone onder die ouderdom van agtien jaar toe te laat om in 'n bepaalde beperkte gedeelte van die gelisensieerde perseel te wees.

(4) 'n Magtiging ingevolge subartikel (3) verleen, word deur iemand wat op gesag van die Minister handel, in die voorgeskrewe vorm uitgereik.

71. (1) 'n Houer van 'n binneverbruiklisensie mag nie iemand aan wie die verkoop of verskaffing van drank kragtens artikel 163 verbied is, toelaat om te eniger tyd in die beperkte gedeelte of enige ander gedeelte van die gelisensieerde perseel van waar drank verkoop of verskaf word, te wees nie.

Teenwoordigheid van vrouspersone en kinders op persele ten opsigte waarvan binneverbruiklisensies gehou word.

Teenwoordigheid van verbode persone op persele ten opsigte waarvan binneverbruiklisensies gehou word.

Act No. 87, 1977

LIQUOR ACT, 1977.

(2) Nothing in this section contained shall be deemed to prohibit the access to any portion of the licensed premises of any person to—

- (a) perform thereon any service for which he may be lawfully employed;
- (b) perform thereon, at any time during which the licensed premises are closed for the sale or supply of liquor, any *bona fide* domestic service.

Special conditions relating to premises intended for occupation by whites.

72. (1) Notwithstanding anything to the contrary in any other law contained but subject to the provisions of subsections (2), (3) and (4) and of section 211, it shall be a special condition of an on-consumption licence issued in respect of any premises intended for occupation by, or the convenience of, whites, or whites and persons who are not whites, that the licensee shall not on the licensed premises sell or supply to any person who is not a white any refreshments, meals or accommodation or any liquor for consumption thereon, or admit any such person as a guest to such premises: Provided that the provisions of this subsection shall not apply in respect of the supply of refreshments, meals or accommodation to any person who is not a white and who is in the *bona fide* employ of the licensee or of any white guest visiting or staying at the licensed premises, if such person who is so employed is accommodated in a place upon the premises specially set apart for that purpose and such refreshments or meals are supplied and consumed in such place.

(2) The provisions of subsection (1) shall not prohibit the supply of liquor, refreshments or meals to any person who is not a white or the consumption thereof by such person, if it takes place in a place upon the licensed premises specially set apart for the class of persons to which he belongs in terms of a condition determined under section 54 (1) (b) (i) prior to 16 February 1976.

(3) (a) Notwithstanding anything to the contrary in any other law contained, the Minister may, upon application made by the holder of any on-consumption licence in respect of any premises referred to in subsection (1) and after consideration of a report of the Board made after such enquiry and investigation as the Board may deem fit, authorize the licensee concerned, on such conditions or restrictions as the Minister may in his discretion determine, to sell or supply liquor, refreshments, meals or accommodation on the premises to any person who is not a white and to admit any such person as a guest to the premises.

(b) Any application under this subsection shall—

- (i) be made in the prescribed manner;
- (ii) be lodged with the magistrate at least three months but not more than four months before 30 June of any year; and
- (iii) be accompanied by the fees prescribed by section 40 (1) (d).

(c) Subject to the provisions of paragraph (f), any authority granted under paragraph (a) shall expire on 30 June immediately following upon the date on which such authority came into force.

(d) If an application for authority under this subsection is granted, the authority in question shall be issued in the prescribed form to the applicant by a person acting under the directions of the Minister.

(e) Any authority granted under this subsection shall be of no force and effect unless there has been paid to the receiver of revenue concerned in respect of such authority an amount equal to the annual fees payable in respect of the licence in question.

(f) Any authority granted under this subsection and any condition or restriction determined thereunder, may at any time be amended or withdrawn by the Minister or a person acting under his directions.

(2) Die bepalings van hierdie artikel belet nie die toegang tot enige gedeelte van die gelisensieerde perseel nie van iemand om daar—

- (a) werk te verrig waarvoor hy wettig in diens geneem kan word;
- (b) gedurende 'n tydanneer die gelisensieerde perseel vir die verkoop of verskaffing van drank gesluit is, 'n *bona fide*-huishoudelike taak te verrig.

72. (1) Ondanks andersluidende bepalings van die een of ander wet, maar behoudens die bepalings van subartikels (2), (3) en (4) en van artikel 211 is 'n binneverbruiklisensie, uitgereik ten opsigte van 'n perseel wat bedoel is vir besetting deur, of vir die gerief van, blankes, of blankes en persone wat nie blankes is nie, onderworpe aan die besondere voorwaarde dat die lisensiehouer nie op die gelisensieerde perseel aan iemand wat nie 'n blanke is nie, verversings, maaltye of akkommodasie of drank vir gebruik daarop mag verkoop of verskaf nie, of so iemand as 'n gas op bedoelde perseel mag toelaat nie: Met dien verstande dat die bepalings van hierdie subartikel nie geld nie ten opsigte van die verskaffing van verversings, maaltye of akkommodasie aan iemand wat nie 'n blanke is nie en in die *bona fide*-diens is van die lisensiehouer of van 'n blanke gas wat die gelisensieerde perseel besoek of daar tuisgaan, indien bedoelde persoon wat aldus in diens is, geakkommodeer word in 'n plek op die perseel wat spesiaal vir daardie doel afgesonder is en die verversings of maaltye in daardie plek verskaf en gebruik word.

Besondere voorwaardes rakende persele bedoel vir besetting deur blankes.

(2) Die bepalings van subartikel (1) verbied nie die verskaffing van drank, verversings of maaltye aan iemand wat nie 'n blanke is nie, of die gebruik daarvan deur so iemand, indien dit geskied in 'n plek op die gelisensieerde perseel wat spesiaal vir die klas persone waartoe hy behoort, afgesonder is ingevolge 'n voorwaarde wat kragtens artikel 54 (1) (b) (i) voor 16 Februarie 1976 bepaal is.

- (3) (a) Ondanks andersluidende bepalings van die een of ander wet kan die Minister op aansoek van die houer van 'n binneverbruiklisensie ten opsigte van 'n perseel bedoel in subartikel (1) en na oorweging van 'n verslag van die Raad gedoen na die navraag en ondersoek wat die Raad nodig ag, die betrokke lisensiehouer magtig om, op die voorwaardes of beperkings wat die Minister na goed-dunke bepaal, drank, verversings, maaltye of akkommodasie op die perseel aan iemand wat nie 'n blanke is nie, te verkoop of te verskaf en om so iemand as 'n gas op die perseel toe te laat.
- (b) 'n Aansoek kragtens hierdie subartikel moet—
 - (i) op die voorgeskrewe wyse gedoen word;
 - (ii) minstens drie maande maar nie meer nie as vier maande voor 30 Junie van enige jaar by die landdros ingedien word; en
 - (iii) vergesel wees van die by artikel 40 (1) (d) voorgeskrewe gelde.
- (c) Behoudens die bepalings van paragraaf (f) verval 'n magtiging wat kragtens paragraaf (a) verleen is op 30 Junie wat onmiddellik volg op die datum waarop die magtiging van krag geword het.
- (d) Indien 'n aansoek om magtiging kragtens hierdie subartikel verleen word, word die betrokke magtiging in die voorgeskrewe vorm deur iemand wat op die gesag van die Minister handel, aan die aansoeker uitgereik.
- (e) 'n Magtiging wat kragtens hierdie subartikel verleen is, is nie van krag nie tensy 'n bedrag gelyk aan die jaarlikse gelde wat ten opsigte van die betrokke lisensie betaalbaar is, aan die betrokke ontvanger van inkomste ten opsigte van daardie magtiging betaal is.
- (f) 'n Magtiging kragtens hierdie subartikel verleen en 'n voorwaarde of beperking daarkragtens bepaal, kan te eniger tyd gewysig of ingetrek word deur die Minister of iemand wat op sy gesag handel.

Act No. 87, 1977

LIQUOR ACT, 1977.

(4) Notwithstanding anything to the contrary in any law contained, the Minister or a person acting under his directions may in a particular case authorize the holder of any on-consumption licence in respect of any premises referred to in subsection (1), on such conditions or restrictions as the Minister or such person may deem fit to determine, to sell or supply liquor, refreshments, meals or accommodation on the premises to any person who is not a white and to admit any such person as a guest to the premises.

Employment of females and certain other persons on licensed premises.

73. (1) Unless he is authorized by or under this Act to do so, no holder of an on-consumption licence shall employ any female—
 (a) in or in connection with the sale or supply of liquor; or
 (b) in any restricted portion of his premises during the hours when liquor may be sold or supplied by him.

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

- (i) who is under the age of eighteen years;
- (ii) to whom the sale or supply of liquor has been prohibited under section 163;
- (iii) who, to his knowledge, has within the preceding two years been convicted of any contravention of any law relating to the sale or supply of liquor, and has been sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding one hundred rand.

(3) The provisions of subsections (1) and (2) shall not apply to—

- (a) any person of or over the age of sixteen years who has undergone or is undergoing a course of instruction in catering, and who is employed upon the premises of any licensee to whom he is duly apprenticed in any capacity connected with the management of the business to which the licence relates;
- (b) the wife or a member of the family of the licensee or of the proprietor or the manager of the business to which the licence relates.

(4) The provisions of subsections (1) to (3), inclusive, shall not affect the exercise upon any premises in accordance with the provisions of this Act of any rights of a female who is an owner or 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.

(5) The Minister may, after consideration of a written application made in the prescribed manner when granting any on-consumption licence (other than a temporary liquor licence), and the Minister or a person acting under his directions, may at any time after such a licence has been granted and after consideration of such an application, authorize the licensee to employ, on such conditions or restrictions as the Minister or such person, as the case may be, may deem fit to determine, females of the age of eighteen years or more in or in connection with the sale or supply of liquor—

- (a) in any specified restricted portion of his premises; or
- (b) in any other portion of his premises which is not a restricted portion.

(6) Any authority granted under subsection (5) shall be issued in the prescribed form by a person acting under the directions of the Minister.

Duties of holders of on-consumption licences to provide for reasonable requirements of public.

74. (1) The holder of an on-consumption licence, other than an occasional licence or a club liquor licence, shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor.

(4) Ondanks andersluidende bepalings van die een of ander wet kan die Minister of iemand wat op sy gesag handel die houer van 'n binneverbruiklisensie ten opsigte van 'n perseel bedoel in subartikel (1) in 'n bepaalde geval magtig om, op die voorwaardes of beperkings wat die Minister of so iemand na goeddunke bepaal, drank, verversings, maaltye of akkommodasie op die perseel aan iemand wat nie 'n blanke is nie, te verkoop of te verskaf en om so iemand as 'n gas op die perseel toe te laat.

73. (1) Tensy hy by of kragtens hierdie Wet daartoe gemagtig is, mag 'n houer van 'n binneverbruiklisensie nie 'n vrouspersoon in diens hê nie—

(a) by of in verband met die verkoop of verskaffing van drank; of

(b) in 'n beperkte gedeelte van sy perseel gedurende die ure wanneer hy drank mag verkoop of verskaf.

(2) 'n Houer van 'n binneverbruiklisensie mag nie—

(a) by of in verband met die verkoop of verskaffing van drank; of

(b) gedurende die ure wanneer hy drank mag verkoop of verskaf, in 'n beperkte gedeelte of ander gedeelte van sy perseel waaruit drank verkoop of verskaf word, iemand in diens hê nie—

(i) wat onder die ouderdom van agtien jaar is;

(ii) aan wie die verkoop of verskaffing van drank kragtens artikel 163 verbied is;

(iii) wat volgens sy kennis binne die voorafgaande twee jaar weens 'n oortreding van 'n wet op die verkoop of verskaffing van drank skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as honderd rand.

(3) Die bepalings van subartikels (1) en (2) is nie van toepassing nie—

(a) op iemand van die ouderdom van sestien jaar of ouer wat 'n opleidingskursus in spyseniering ondergaan of ondergaan het, en wat in diens is op die perseel van 'n lisensiehouer by wie hy behoorlik in die leer gesit is in 'n hoedanigheid in verband met die bestuur van die saak waarop die lisensie betrekking het;

(b) op die eggenote of 'n lid van die gesin van die lisensiehouer of van die eienaar of die bestuurder van die saak waarop die lisensie betrekking het.

(4) Die bepalings van subartikels (1) tot en met (3) maak nie inbreuk nie op die uitoefening op een of ander perseel in ooreenstemming met die bepalings van hierdie Wet van die regte van 'n vrouspersoon wat 'n eienaar of mede-eienaar in die mate van minstens tien persent is van 'n saak gedryf kragtens 'n lisensie om op daardie perseel drank te verkoop of te verskaf.

(5) Die Minister kan, na oorweging van 'n skriftelike aansoek op die voorgeskrewe wyse gedoen, wanneer hy 'n binneverbruiklisensie (behalwe 'n tydelike dranklisensie) verleen, en die Minister of iemand wat op sy gesag handel, kan te eniger tyd nadat so 'n lisensie verleent is en na oorweging van so 'n aansoek, die lisensiehouer magtig om, op die voorwaardes of beperkings wat die Minister of bedoelde persoon, na gelang van die geval, na goeddunke bepaal, vrouspersone van die ouderdom van agtien jaar of ouer in diens te hê by of in verband met die verkoop of verskaffing van drank—

(a) in enige bepaalde beperkte gedeelte van sy perseel; of

(b) in enige ander gedeelte van sy perseel wat nie 'n beperkte gedeelte is nie.

(6) 'n Magtiging kragtens subartikel (5) verleent, word deur iemand wat op gesag van die Minister handel, in die voorgeskrewe vorm uitgerek.

74. (1) Die houer van 'n binneverbruiklisensie, uitgesonder 'n geleentheidslisensie of 'n klubdranklisensie, moet te alle tye voldoen aan die redelike vereistes van die publiek betreffende die verskaffing van wyn, brandewyn en bier.

Indiensstelling van vrouspersone en sekere ander persone op gelisensieerde persele.

Verpligtinge van houers van binneverbruiklisensies om aan redelike vereistes van publiek te voldoen.

Act No. 87, 1977

LIQUOR ACT, 1977.

(2) The holder of a licence referred to in subsection (1) shall not be deemed to satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor unless he has, except in so far as he is prevented from doing so by circumstances beyond his control, at all times available and prominently displayed or, in the case of table wine, advertised by means of a wine list or otherwise, for sale on the licensed premises, in reasonable quantities and at reasonable prices—

- (a) if any wine is sold on the licensed premises, wine of at least eight different persons each of whom shall either be the holder of a wine farmer's licence or the holder of an authority under section 24 or a producer of wine, and, in the case of such a producer, be an independent producer in relation to the holder of the licence referred to in subsection (1), and to every other such producer taken into account for the purposes of calculating that number of persons;
- (b) if any brandy is sold on the licensed premises, brandy, for which there is a reasonable demand by the public, of at least six different producers of brandy each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer; and
- (c) if any malt liquor is sold on the licensed premises, malt liquor, for which there is a reasonable demand by the public, of at least seven different brewers of malt liquor in the Republic and the territory of South West Africa, each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent brewer.

(3) For the purposes of this section a producer or brewer of malt liquor—

- (a) in whose business or undertaking another producer or brewer of malt liquor, or some person on behalf of another producer or brewer of malt liquor, has a financial interest, shall not, in relation to that other producer or brewer of malt liquor or any producer or brewer of malt liquor in whose business or undertaking that other producer or brewer of malt liquor, or some person on behalf of that other producer or brewer of malt liquor, has a financial interest, be deemed to be an independent producer or brewer of malt liquor;
- (b) who is a company wherein any other person, or some person on behalf of any other person, holds a controlling interest, shall not in relation to any other producer or brewer of malt liquor who is a company wherein the said other person, or some person on behalf of the said other person, holds a controlling interest, be deemed to be an independent producer or brewer of malt liquor;
- (c) shall not be deemed to be an independent producer or brewer of malt liquor in relation to the holder of a licence referred to in subsection (1) if he, or some other person on his behalf, has a financial interest in the business or undertaking in respect of which the licence has been issued.

(4) The holder of a licence referred to in subsection (1) may in writing request any person to furnish him in writing within thirty days from the date of the request with such information, including the name and address of any person, as he may reasonably require for the purpose of ascertaining whether a producer or brewer of malt liquor whose wine or brandy or malt liquor he wishes to acquire is an independent producer or brewer of malt liquor in relation to any other producer or brewer of malt liquor, including the name and address of any producer or brewer of malt liquor in relation to whom such first-mentioned producer or brewer of malt liquor is not an independent producer or brewer of malt liquor.

(5) Any person who refuses or fails to comply with any request referred to in subsection (4), or on such request furnishes any information which is false knowing it to be false, shall be guilty of an offence.

(2) Die houer van 'n lisensie bedoel in subartikel (1) word nie geag aan die redelike vereistes van die publiek betreffende die verskaffing van wyn, brandewyn en bier te voldoen nie tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder word om dit te doen—

- (a) indien wyn op die gelisensieerde perseel verkoop word, wyn van minstens agt verskillende persone van wie elkeen of die houer van 'n wynboerlisensie of die houer van 'n magtiging kragtens artikel 24 of 'n produsent van wyn moet wees, en, in die geval van so 'n produsent, 'n onafhanklike produsent moet wees met betrekking tot die houer van die lisensie bedoel in subartikel (1), en elke ander sodanige produsent wat vir die doeleindes van die berekening van daardie getal persone in aanmerking geneem word;
- (b) indien brandewyn op die gelisensieerde perseel verkoop word, brandewyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens ses verskillende produsente van brandewyn van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike produsent moet wees; en
- (c) indien bier op die gelisensieerde perseel verkoop word, bier, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens sewe verskillende bierbrouers in die Republiek en die gebied Suidwes-Afrika, van wie elkeen met betrekking tot elkeen van die ander en tot die houer van die lisensie, 'n onafhanklike brouer moet wees,

in redelike hoeveelhede en teen redelike pryse te alle tye op die gelisensieerde perseel vir verkoop beskikbaar en opvallend uitgestal hou of, in die geval van tafelwyn, by wyse van 'n wynlys of andersins adverteer.

(3) By die toepassing van hierdie artikel word 'n produsent of bierbrouer—

- (a) in wie se saak of onderneming 'n ander produsent of bierbrouer, of iemand ten behoeve van 'n ander produsent of bierbrouer, 'n geldelike belang het, nie met betrekking tot daardie ander produsent of bierbrouer of 'n produsent of bierbrouer in wie se saak of onderneming daardie ander produsent of bierbrouer, of iemand ten behoeve van daardie ander produsent of bierbrouer, 'n geldelike belang het, geag 'n onafhanklike produsent of bierbrouer te wees nie;
- (b) wat 'n maatskappy is waarin 'n ander persoon, of iemand ten behoeve van 'n ander persoon, 'n beheersende belang besit, nie met betrekking tot enige ander produsent of bierbrouer wat 'n maatskappy is waarin bedoelde ander persoon, of iemand namens bedoelde ander persoon, 'n beheersende belang besit, geag 'n onafhanklike produsent of bierbrouer te wees nie;
- (c) nie geag 'n onafhanklike produsent of bierbrouer met betrekking tot die houer van 'n lisensie in subartikel (1) bedoel, te wees nie indien hy of iemand anders ten behoeve van hom 'n geldelike belang het in die saak of onderneming ten opsigte waarvan die lisensie uitgereik is.

(4) Die houer van 'n lisensie bedoel in subartikel (1) kan enigiemand skriftelik versoek om binne dertig dae vanaf die datum van die versoek, die inligting, met inbegrip van die naam en adres van enigiemand, skriftelik aan hom te verstrek wat hy redelikerwys nodig het om vas te stel of 'n produsent of bierbrouer wie se wyn, brandewyn of bier hy wil verkry, met betrekking tot 'n ander produsent of bierbrouer, 'n onafhanklike produsent of bierbrouer is, met inbegrip van die naam en adres van enige produsent of bierbrouer met betrekking tot wie eersbedoelde produsent of bierbrouer nie 'n onafhanklike produsent of bierbrouer is nie.

(5) Iemand wat weier of versuim om te voldoen aan 'n versoek bedoel in subartikel (4) of wat op die versoek inligting verstrek wat vals is wetende dat dit vals is, is aan 'n misdryf skuldig.

Act No. 87, 1977

LIQUOR ACT, 1977.

Quantity of liquor which may be sold under on-consumption licences.

Authority to carry on business during specified periods.

Sale, supply and delivery of liquor on certain closed days.

75. The quantity of liquor which may be sold or supplied 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 such liquor is supplied.

76. (1) (a) If an applicant for any on-consumption licence does not intend to do business throughout the whole of any particular year and has given adequate reasons therefor in writing, and the Minister is satisfied that the public will not be unduly inconvenienced thereby, the Minister may, in granting such licence, authorize the licensee to do business only during specified periods during the year.

(b) The provisions of paragraph (a) shall *mutatis mutandis* apply in respect of any person who already is the holder of an on-consumption licence: Provided that in any such case a person acting under the directions of the Minister may also grant the authority in question.

(2) The licensee shall during any period during which he is in terms of subsection (1) not authorized to do business or authorized not to do business, for the purposes of any provision of this Act prohibiting the sale or supply of or dealing in liquor, be deemed, subject to the provisions of subsection (4), not to be a licensee and shall not carry on any business whatsoever on the licensed premises.

(3) The licensee shall, during any period referred to in subsection (2), display in a conspicuous place on or near the licensed premises a notice in both official languages specifying the period during which no business may in terms of the provisions of this section be carried on on the licensed premises.

(4) If the holder of an on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, has been authorized under this section or section 56 to do business only during specified periods during the year or not to do business during any period or to do business only upon a portion of his premises, such licensee may, notwithstanding anything to the contrary in this section contained, sell liquor for consumption off the licensed premises during any period during which he is not authorized or authorized not to do business under his licence or during any period during which he is so authorized to do business only upon a portion of his premises.

77. (1) Notwithstanding anything to the contrary in any law contained, the holder of an on-consumption licence issued in respect of premises intended for occupation by or the convenience of whites may, on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), as read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), for the election of members of the Coloured Persons Representative Council of the Republic of South Africa, or under any law, for the election of members of the Indian Council, sell or supply liquor to any white, or to any person who is not a white but to whom liquor may, in terms of a written authority under section 72 (3), be sold or supplied on such premises, for consumption on such premises.

(2) Notwithstanding anything to the contrary in any law contained, the holder of an on-consumption licence issued in respect of premises intended for occupation by or the convenience of persons who are not whites, may, on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946, sell or supply liquor to any person who is not a white for consumption on such premises.

(3) Notwithstanding anything to the contrary in any law contained, the holder of an on-consumption licence may, on any closed day which is a polling day fixed under the Electoral Consolidation Act, 1946, or under that Act as read with the

75. Die hoeveelheid drank wat kragtens 'n binneverbruiklisensie verkoop of verskaf kan word, mag nie meer wees nie as wat redelikerwys op die gelisensieerde perseel gebruik kan word deur die persoon aan of vir wie daardie drank verskaf word.

Hoeveelheid drank wat kragtens binneverbruiklisensies verkoop kan word.

76. (1) (a) Indien 'n aansoeker om 'n binneverbruiklisensie nie voornemens is om in 'n bepaalde jaar gedurende die hele jaar sake te doen nie en voldoende skriftelike redes daarvoor aangevoer het en die Minister oortuig is dat die publiek nie daardeur oormatig ongerief veroorsaak sal word nie, kan die Minister by die verlening van die lisensie die lisensiehouer magtig om slegs gedurende bepaalde tydperke gedurende die jaar sake te doen.

Magtiging om sake gedurende bepaalde tydperke te doen.

(b) Die bepalings van paragraaf (a) is *mutatis mutandis* van toepassing ten opsigte van iemand wat reeds die houer van 'n binneverbruiklisensie is: Met dien verstande dat in so 'n geval iemand wat op gesag van die Minister handel ook die betrokke magtiging kan verleen.

(2) Gedurende 'n tydperk waartydens 'n lisensiehouer ingevolge subartikel (1) nie gemagtig is om sake te doen nie, of gemagtig is om nie sake te doen nie, word hy, by die toepassing van 'n bepaling van hierdie Wet wat die verkoop of verskaffing van, of handeldryf in, drank verbied, behoudens die bepalings van subartikel (4) geag nie 'n lisensiehouer te wees nie en mag hy geen sake hoegenaamd op die gelisensieerde perseel doen nie.

(3) Die lisensiehouer moet, gedurende 'n tydperk bedoel in subartikel (2), 'n kennisgewing in albei ampelike tale op 'n in die oog lopende plek op of naby die gelisensieerde perseel vertoon wat die tydperk vermeld waartydens geen sake ingevolge die bepalings van hierdie artikel op die gelisensieerde perseel gedoen mag word nie.

(4) Indien die houer van 'n binneverbruiklisensie wat kragtens enige bepaling van hierdie Wet gemagtig is om drank te verkoop vir gebruik buite die gelisensieerde perseel, kragtens hierdie artikel of artikel 56 gemagtig is om slegs gedurende bepaalde tydperke gedurende die jaar sake te doen of om gedurende 'n tydperk nie sake te doen nie, of om sake slegs op 'n gedeelte van sy perseel te doen, kan daardie lisensiehouer, ondanks 'n andersluidende bepaling van hierdie artikel, drank vir gebruik buite die gelisensieerde perseel verkoop gedurende 'n tydperk waartydens hy nie gemagtig is om, of gemagtig is om nie, sake ingevolge sy lisensie te doen nie, of gedurende 'n tydperk waartydens hy aldus gemagtig is om sake slegs op 'n gedeelte van sy perseel te doen.

77. (1) Ondanks andersluidende bepalings van die een of ander wet kan die houer van 'n binneverbruiklisensie wat uitgereik is ten opsigte van 'n perseel wat bedoel is vir besetting deur, of die gerief van, blankes, op 'n geslote dag wat 'n stendag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), gelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), vir die verkiesing van lede van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika, of kragtens die een of ander wet, vir die verkiesing van lede van die Indiërraad, drank aan 'n blanke, of aan iemand wat nie 'n blanke is nie maar aan wie drank ingevolge 'n skriftelike magtiging kragtens artikel 72 (3) op bedoelde perseel verkoop of verskaf kan word, vir gebruik op daardie perseel verkoop of verskaf.

Verkoop, verskaffing en aflewing van drank op sekere geslote dae.

(2) Ondanks andersluidende bepalings van die een of ander wet kan die houer van 'n binneverbruiklisensie wat uitgereik is ten opsigte van 'n perseel wat bedoel is vir besetting deur, of die gerief van, persone wat nie blankes is nie, op 'n geslote dag wat 'n stendag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946, drank aan iemand wat nie 'n blanke is nie, vir gebruik op bedoelde perseel verkoop of verskaf.

(3) Ondanks andersluidende bepalings van die een of ander wet kan die houer van 'n binneverbruiklisensie op 'n geslote dag wat 'n stendag is wat vasgestel is kragtens die Wet tot Konsolidasie van die Kieswette, 1946, of kragtens daardie Wet gelees met die

Act No. 87, 1977**LIQUOR ACT, 1977.**

Coloured Persons Representative Council Act, 1964, or under any law which regulates the election of members of the Indian Council, sell or supply liquor between 21h00 and 23h30 for consumption on the licensed premises.

Places of sale and delivery of liquor.

78. (1) No holder of an on-consumption licence shall sell liquor at any other place than the licensed premises or in any other portion of such premises than such portion as may be indicated in his licence.

(2) In the case of an on-consumption licence, no delivery of liquor shall be given at any other place than the licensed premises or in any other portion of such premises than such portion as may be indicated in the licence.

(3) Any indication in a licence where liquor is in terms of subsection (1) or (2) required to be sold or delivered, may, on written application by the licensee concerned, be amended by the Minister or a person acting under his directions.

Condition of licences relating to place of consumption of liquor.

79. Subject to the provisions of section 115 (2) it shall be a condition of every on-consumption licence that liquor sold thereunder shall be consumed only upon the licensed premises.

Payment for liquor or entertainment.

80. (1) No holder 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.

(2) (a) No licensee referred to in subsection (1) shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money or goods for the supply of liquor in future.

(b) Any payment, money or goods referred to in paragraph (a) may be recovered in spite thereof that any liquor may have been supplied subsequent to the receipt thereof or that other goods have been supplied with the liquor.

(3) (a) No licensee referred to in subsection (1) shall receive any pledge for or in connection with any liquor or entertainment supplied on or from his licensed premises.

(b) The owner of anything pledged in contravention of this subsection shall have the same remedies for recovering any such thing or the value thereof as if it had not been pledged.

(a) Occasional licences

Special condition relating to supply of liquor to certain persons.

81. It shall be a special condition of any occasional licence that liquor shall be sold or supplied thereunder only to a person *bona fide* attending the function in respect of which the licence has been granted.

Days and hours of sale and supply of liquor.

82. Subject to the provisions of this Act, an occasional licence shall not authorize the sale or supply of liquor except on the one day mentioned in such licence or at any other times than between the hour of closing of the premises in respect of which such occasional licence has been granted and such hour, which shall not be later than 02h00 of the following day, which is not a closed day, as the authority granting the licence may determine.

Premises in respect of which occasional licences may be granted.

83. (1) Any occasional licence may be granted only in respect of premises in respect of which—

(a) an hotel liquor licence, a bar licence, a club liquor licence, a restaurant liquor licence or a wine and malt liquor licence is held; or

(b) a special authority for the sale of liquor for consumption on the premises described in such authority is held, and it is proved to the satisfaction of the magistrate to whom application for the licence is made that on the occasion for which

DRANKWET, 1977.

Wet No. 87, 1977

Wet op die Verteenwoordigende Kleurlingraad, 1964, of kragtens die een of ander wet wat die verkiesing van lede van die Indiërraad reël, drank tussen 21h00 en 23h30 verkoop of verskaf vir gebruik op die gelisensieerde perseel.

78. (1) Die houer van 'n binneverbruiklisensie mag nie drank verkoop nie op 'n ander plek as op die gelisensieerde perseel, of op 'n ander gedeelte van daardie perseel as dié wat sy lisensie mag aanwys.

Plekke van verkoop en levering van drank.

(2) In die geval van 'n binneverbruiklisensie mag drank nie op 'n ander plek as op die gelisensieerde perseel of in 'n ander gedeelte van daardie perseel as dié wat die lisensie mag aanwys, gelewer word nie.

(3) 'n Aanwysing in 'n lisensie waar drank ingevolge subartikel (1) of (2) verkoop of gelewer moet word, kan, op skriftelike aansoek deur die betrokke lisensiehouer, deur die Minister of iemand wat op sy gesag handel, gewysig word.

79. Behoudens die bepalings van artikel 115 (2) is elke binneverbruiklisensie onderworpe aan die voorwaarde dat drank wat daarkragtens verkoop is slegs op die gelisensieerde perseel gebruik mag word.

Voorwaarde in lisensie betreffende plek van drankverbruik.

80. (1) 'n Houer van 'n binneverbruiklisensie mag nie as betaling of sekuriteit vir enige drank of onthaal, wat op of uit sy gelisensieerde perseel verskaf is, iets anders as gangbare geld of banktjeks ontvang nie.

Betaling vir drank of onthaal.

(2) (a) 'n Licensiehouer bedoel in subartikel (1) mag, voor die sluiting van 'n verkoop van drank, nie vir daardie drank betaling ontvang nie of van iemand 'n gelddeposito of goedere ontvang vir die verskaffing van drank in die toekoms nie.

(b) 'n Betaling, geld of goedere bedoel in paragraaf (a) kan terugvorder word ten spye daarvan dat drank na die ontvangs daarvan, of ander goedere met die drank, verskaf is.

(3) (a) 'n Licensiehouer bedoel in subartikel (1) mag nie 'n pand ontvang vir of in verband met enige drank of onthaal wat op of uit sy gelisensieerde perseel verskaf is nie.

(b) Die eienaar van 'n voorwerp wat instryd met hierdie subartikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder, asof dit nie verpand was nie.

(a) *Geleenheidslisensies*

81. Dit is 'n besondere voorwaarde van 'n geleenheidslisensie dat drank daarkragtens verkoop of verskaf word slegs aan iemand wat te goeder trou die byeenkoms, ten opsigte waarvan die lisensie verleen is, bywoon.

Besondere voorwaarde betreffende verskaffing van drank aan sekere persone.

82. Behoudens die bepalings van hierdie Wet mag 'n geleenheidslisensie nie die verkoop of verskaffing van drank magtig nie, behalwe op die een dag wat in die lisensie vermeld word, of op enige ander tye as tussen die sluitingsuur van die perseel ten opsigte waarvan die geleenheidslisensie verleen is, en die uur, wat nie later is nie as 02h00 van die volgende dag, wat nie 'n geslotte dag is nie, wat die gesag wat die lisensie verleen, bepaal.

Dae en ure van verkoop en verskaffing van drank.

83. (1) 'n Geleenheidslisensie kan slegs verleen word ten opsigte van 'n perseel ten opsigte waarvan—

Persele ten opsigte waarvan geleenheidslisensies verleen kan word.

(a) 'n hoteldranklisensie, kantienlisensie, klubdranklisensie, restaurante-dranklisensie of wyn-en-bierlisensie gehou word; of

(b) 'n spesiale magtiging vir die verkoop van drank vir gebruik op die perseel omskryf in die magtiging, gehou word,
en dit tot bevrediging van die landdros, by wie aansoek om die lisensie gedoen word, bewys word dat by die geleenheid

Act No. 87, 1977

LIQUOR ACT, 1977.

the licence is sought a *bona fide* social function is to be held upon such premises.

(2) An occasional licence shall not be issued in respect of any particular premises more than three times in a calendar week.

(b) Hotel liquor licences

Limitation of liability
of holders of hotel
liquor licenses
in respect of
property of
customers.

84. (1) No holder of an hotel liquor licence 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 on the licensed premises of such licensee, in any greater amount than the sum of one hundred rand, unless—

- (a) 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 of any person in his employ; or
- (b) the loss or injury was sustained while the property was deposited with the licensee or a person expressly or impliedly authorized by the licensee to receive such deposit; or
- (c) the licensee refused, except in the circumstances contemplated in subsection (2), to receive the property offered for deposit, or failed to make adequate provision whereby the property may be deposited with him; or
- (d) the licensee failed to comply with the requirements of subsection (3).

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

(3) The holder of an hotel liquor licence shall exhibit a reproduction of subsections (1) and (2) in both official languages in a conspicuous place at the reception counter of the licensed premises and in such manner that it may readily be seen and easily read by any person proposing to lodge on such premises.

(4) The provisions of this section shall not affect the operation of the common law in so far as the liability of the licensee up to the amount of one hundred rand is concerned.

(5) The provisions of this section shall *mutatis mutandis* apply in connection with any lodging-house keeper.

Days and hours of
sale and supply of
liquor.

85. (1) Subject to the provisions of this Act, the holder of an hotel liquor licence shall not sell or supply liquor earlier than 10h00 or later than 23h30: Provided that if a condition has been determined under section 54 (1) (b) (i) in respect of the sale or supply of liquor to any particular class of persons under an hotel liquor licence in respect of premises situate in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and supplied by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than 10h00 or later than 23h30) as the Minister may, on the recommendation of the Board, made after enquiry in terms of section 18, determine.

(2) The holder of an hotel liquor licence may, notwithstanding anything to the contrary in any other law contained, sell or supply liquor on any closed day between 12h00 and 14h30 and between 18h00 and 21h00, to any person *bona fide* taking or about to take an ordinary meal on the licensed premises which has been purchased thereat and for consumption with or immediately before or after such meal in a room or place other than a restricted portion of the licensed premises.

DRANKWET, 1977.

Wet No. 87, 1977

waarvoor die lisensie aangevra word, 'n *bona fide*-gesellige byeenkoms op bedoelde perseel sal plaasvind.

(2) 'n Geleenheidslisensie word nie meer as drie maal per kalenderweek ten opsigte van dieselfde perseel uitgereik nie.

(b) *Hoteldranklisensies*

84. (1) 'n Houer van 'n hoteldranklisensie is nie verplig om iemand skadeloos te stel tot 'n bedrag van meer as honderd rand weens 'n verlies of beskadiging van so iemand se eiendom terwyl hy 'n loseerde op die gelisensieerde perseel van die lisensiehouer was nie, tensy—

Beperking van aanspreeklikheid van houers van hoteldranklisensies ten opsigte van eiendom van gaste.

- (a) bewys word dat die verlies of skade veroorsaak is deur 'n opsetlike daad of ten gevolge van die versuim of nalatigheid van die lisensiehouer of van iemand in sy diens; of
- (b) die verlies of skade gely is terwyl die eiendom in die bewaring van die lisensiehouer was of van iemand wat deur die lisensiehouer uitdruklik of stilswyend gemagtig was om die bewaring te aanvaar; of
- (c) die lisensiehouer geweier het, behalwe in die omstandighede beoog in subartikel (2), om die eiendom wat vir bewaring aangebied is, te ontvang of versuim het om voldoende voorsiening te maak dat die eiendom by hom in bewaring gegee kan word; of
- (d) die lisensiehouer versuim het om aan die vereistes van subartikel (3) te voldoen.

(2) Die houer van 'n hoteldranklisensie aan wie iemand wat op die gelisensieerde perseel loseer of op die punt staan om daarop te gaanloseer, eiendom vir bewaring aambied, kan eis dat die eiendom vervat moet wees in 'n gesikte houer, deur die bewaargewer toegemaak en verseël, en 'n weiering van daardie lisensiehouer om eiendom in bewaring te neem op grond daarvan dat die betrokke persoon versuim het om aan daardie eis te voldoen, ontnem die lisensiehouer nie die voordeel verleen deur subartikel (1) van beperking van aanspreeklikheid weens verlies of beskadiging van bedoelde eiendom nie.

(3) Die houer van 'n hoteldranklisensie moet 'n weergawe van subartikels (1) en (2) in albei amptelike tale op 'n in die oog lopende plek by die ontvangstoonbank van die gelisensieerde perseel vertoon, en wel op so 'n wyse dat dit dadelik gesien en maklik gelees kan word deur enige wat van plan is om op daardie perseel te loseer.

(4) Die bepalings van hierdie artikel maak nie inbreuk nie op die toepassing van die gemene reg vir sover die aanspreeklikheid van die lisensiehouer tot die bedrag van honderd rand betrokke is.

(5) Die bepalings van hierdie artikel is *mutatis mutandis* op losieshuishouers van toepassing.

85. (1) Behoudens die bepalings van hierdie Wet mag die houer van 'n hoteldranklisensie nie vroeër as 10h00 of later as 23h30 drank verkoop of verskaf nie: Met dien verstande dat indien 'n voorwaarde kragtens artikel 54 (1) (b) (i) bepaal is ten opsigte van die verkoop of verskaffing van drank aan 'n bepaalde klas persone kragtens 'n hoteldranklisensie ten opsigte van 'n perseel geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en verskaf word slegs gedurende die tye (wat nie vroeër as 10h00 of later as 23h30 is nie) wat die Minister, op aanbeveling van die Raad, gedoen na ondersoek ingevolge artikel 18, bepaal.

Dae en ure van verkoop en verskaffing van drank.

(2) Die houer van 'n hoteldranklisensie kan, ondanks andersluidende bepalings van die een of ander wet, drank verkoop of verskaf op 'n geslote dag tussen 12h00 en 14h30 en tussen 18h00 en 21h00, aan iemand wat *bona fide* op die gelisensieerde perseel 'n gewone maaltyd wat daarop gekoop is, nuttig of op die punt staan om die maaltyd aldus te nuttig, om by of onmiddellik voor of na daardie maaltyd gebruik te word in 'n vertrek of op 'n plek wat nie 'n beperkte gedeelte van die gelisensieerde perseel is nie.

Act No. 87, 1977

LIQUOR ACT, 1977.

(3) Notwithstanding anything to the contrary in any other law contained, the holder of an hotel liquor licence may on any day, including a closed day, and at any time, sell or supply liquor on his licensed premises to any lodger at the hotel for consumption on such premises elsewhere than in the restricted portion thereof by such lodger or his guest: Provided that no liquor shall be sold or supplied under the provisions of this subsection to such a lodger for consumption by his guest, unless the name and address of such guest and the name of such lodger have been clearly and indelibly recorded by such lodger in a record in the prescribed form to be kept by the licensee for the purpose.

(4) The Minister may, upon application made in writing by the holder of an hotel liquor licence, and on the recommendation of the Board, amend any determination referred to in subsection (1) as he deems fit.

Special conditions of
hotel liquor licences
relating to premises.

86. (1) It shall be special conditions of an hotel liquor licence that at all times—

- (a) the premises in respect of which the licence is held, shall afford residential accommodation of a high standard for guests, including not less than ten bedrooms where the premises are situate within an area under the jurisdiction of a municipal council or borough council or five bedrooms where the premises are situate elsewhere;
- (b) adequate and proper sanitary and bathroom facilities shall be provided on the premises;
- (c) a *bona fide* hotel providing such accommodation and facilities shall be carried on by the licensee upon the premises; and
- (d) such premises shall comply with such minimum requirements as the Minister may, upon the recommendation of the Board, make known in the *Gazette*.

(2) The Minister or a person acting under his directions may, on application in writing of the licensee and on good cause shown, suspend for such period as the Minister or such person may deem fit, the operation of any requirement referred to in subsection (1) (d) in so far as it affects the licensed premises of such licensee.

(3) For the purposes of this section no room shall be counted as a bedroom if it is ordinarily occupied by—

- (a) the licensee or any member of his family;
- (b) the proprietor or manager of the business to which the licence relates, or any member of his family; or
- (c) any other person employed in connection with the carrying on of the business to which the licence relates.

(4) If, by the constitution or extension of the boundaries of the area under the jurisdiction of a municipal council or borough council, any premises in respect of which an hotel liquor licence is held which were previously situate outside such area become included in such area, the provisions of subsection (1) requiring that such premises shall contain not less than ten bedrooms shall not apply until the expiration of twenty-four months from the date when the premises became so included.

Privileges which may
be granted in respect
of hotel liquor
licences.

87. (1) Notwithstanding anything to the contrary in any law contained, the Minister may, on application made in the prescribed manner, when granting an hotel liquor licence or at any time thereafter, grant authority to the holder of such licence—

- (a) to sell liquor under that licence for consumption off the licensed premises, in any place approved by the Minister and situated, if such licensed premises are situate within an urban area, within such urban area and within the district within which such licensed premises are situate, or, if such licensed premises are situate in a rural area, within the district within which such licensed premises are situate: Provided that if such place does not form part of the premises in respect of which such licence is held, such place shall for all purposes be deemed to form part of the licensed premises;

DRANKWET, 1977.

Wet No. 87, 1977

(3) Ondanks andersluidende bepalings van die een of ander wet, kan die houer van 'n hoteldranklisensie op enige dag, met inbegrip van 'n gesloten dag, en te eniger tyd, op sy gelisensieerde perseel drank verkoop of verskaf aan 'n loseerder by die hotel om op daardie perseel elders as in die beperkte gedeelte daarvan gebruik te word deur die loseerder of sy gas: Met dien verstande dat drank nie kragtens die bepalings van hierdie subartikel aan daardie loseerder vir gebruik deur sy gas verkoop of verskaf mag word nie, tensy die naam en adres van die gas en die naam van daardie loseerder duidelik en onuitwisbaar aangeteken is deur daardie loseerder in aantekeninge in die voorgeskrewe vorm wat die licensiehouer vir dié doel moet hou.

(4) Die Minister kan, op skriftelike aansoek deur die houer van 'n hoteldranklisensie en op aanbeveling van die Raad, 'n bepaling bedoel in subartikel (1) na goeddunke wysig.

86. (1) Dit is besondere voorwaarde van 'n hoteldranklisensie dat te alle tye—

Besondere voorwaarde van hoteldranklisensies betreffende persele.

- (a) die perseel ten opsigte waarvan die licensie gehou word, woonakkommodasie van 'n hoë standaard vir gaste moet bevat, met minstens tien slaapkamers indien die perseel in 'n gebied onder beheer van 'n munisipale raad of stadsraad geleë is, of vyf slaapkamers as die perseel elders geleë is;
- (b) toereikende en behoorlike sanitêre en badkamergeriewe op die perseel voorsien moet word;
- (c) die licensiehouer op die perseel 'n *bona fide*-hotel met sodanige akkommodasie en geriewe moet bedryf; en
- (d) die perseel moet voldoen aan die minimum vereistes wat die Minister op aanbeveling van die Raad in die *Staatskoerant* bekend maak.

(2) Die Minister of iemand wat op sy gesag handel, kan op skriftelike aansoek van 'n licensiehouer en by aanvoering van goeie redes, die werking van 'n vereiste bedoel in subartikel (1) (d) vir die tydperk wat die Minister of so iemand goedvind, opskort vir sover dit die gelisensieerde perseel van die licensiehouer raak.

(3) By die toepassing van hierdie artikel word 'n vertrek nie as slaapkamer gereken nie indien dit gewoonlik beset word deur—

- (a) die licensiehouer of 'n lid van sy gesin;
- (b) die eienaar of die bestuurder van die saak waarop die licensie betrekking het, of 'n lid van sy gesin; of
- (c) iemand anders wat in verband met die dryf van die saak waarop die licensie betrekking het, in diens is.

(4) Indien 'n perseel ten opsigte waarvan 'n hoteldranklisensie gehou word, wat voorheen buite 'n gebied onder die beheer van 'n munisipale raad of stadsraad geleë was, deur stigting van so 'n raad of grensutbreiding van so 'n gebied in so 'n gebied opgeneem word, is die vereiste van subartikel (1) dat daardie perseel minstens tien slaapkamers moet bevat nie van toepassing nie, totdat vier-en-twintig maande verloop het vanaf die dag waarop daardie perseel aldus opgeneem is.

87. (1) Ondanks andersluidende bepalings van die een of ander wet kan die Minister, op aansoek gedoen op die voorgeskrewe wyse wanneer hy 'n hoteldranklisensie verleen of te eniger tyd daarna, magtiging aan die houer van die licensie verleen—

Voorregte wat verleen kan word ten opsigte van hoteldranklisensies.

- (a) om kragtens daardie licensie drank vir gebruik buite die gelisensieerde perseel te verkoop in 'n plek wat die Minister goedkeur en wat geleë is, indien die gelisensieerde perseel in 'n stadsgebied geleë is, in daardie stadsgebied en in die distrik waarin die gelisensieerde perseel is, of, indien die gelisensieerde perseel op die platteland geleë is, in die distrik waarin die gelisensieerde perseel geleë is: Met dien verstande dat indien bedoelde plek nie deel uitmaak van die perseel ten opsigte waarvan daardie licensie gehou word nie, bedoelde plek vir alle doeleindes geag word deel van die gelisensieerde perseel uit te maak;

Act No. 87, 1977

LIQUOR ACT, 1977.

- (b) to sell or supply liquor in any specified restricted portion of the premises, for consumption in such restricted portion on any specified closed day between 12h00 and 14h30 and between 18h00 and 21h00 to any person referred to in section 85 (2);
- (c) to sell or supply liquor until such hour, later than 23h30, and including an hour in the morning of the following day, as the Minister may determine.

(2) The Minister may—

- (a) grant any authority referred to in subsection (1), on such conditions or restrictions, in addition to any condition or restriction determined under section 53 (1), as he may deem fit to determine;
- (b) at any time amend or withdraw any condition or restriction determined under this section or determine any condition or restriction or any further condition or restriction in respect of any authority granted or deemed to have been granted under subsection (1) as he may deem fit.

(3) Any authority granted under subsection (1) shall be issued in the prescribed form by the person acting under the directions of the Minister.

(4) No authority under subsection (1) (a) shall be of any force and effect unless there has been paid to the receiver of revenue concerned in respect thereof an amount equal to one half of the annual fees payable in respect of the licence in question: Provided that if such authority is issued after 31 January in any year the amount so payable in respect thereof shall be reduced by one twelfth in respect of each completed calendar month which has passed from the preceding 31 December to the date upon which such authority has been issued in terms of subsection (3).

(c) Bar licences

Special condition relating to meals and facilities.

88. It shall be a special condition of a bar licence that ordinary meals shall regularly be provided on the licensed premises for guests and that the premises shall at all times afford reasonable facilities for persons taking meals thereon.

Days and hours of sale and supply of liquor.

89. (1) Subject to the provisions of this Act, the holder of a bar licence shall not sell or supply liquor earlier than 10h00 or later than 23h30: Provided that—

(a) he may sell or supply liquor until such later hour as the Minister may, upon written application made in the prescribed manner, authorize in writing;

(b) if a condition has been determined under section 54 (1) (b) (i) in respect of the sale or supply of liquor to any particular class of persons under a bar licence in respect of premises situate in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for occupation by members of the white group, liquor shall be sold and supplied by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than 10h00 or later than 23h30) as the Minister may, on the recommendation of the Board, made after enquiry in terms of section 18, determine.

(2) The holder of a bar licence may, notwithstanding anything to the contrary in any other law contained, sell or supply liquor on any closed day between 12h00 and 14h30, and between 18h00 and 21h00, to any person *bona fide* taking or about to take an ordinary meal on the licensed premises which has been purchased thereat and for consumption with or immediately before or after such meal in a room or place other than a restricted portion of the licensed premises.

(3) The Minister may, upon application made in writing by the holder of a bar licence, and on the recommendation of the Board, amend any determination or authority referred to in subsection (1) as he deems fit.

DRANKWET, 1977.

Wet No. 87, 1977

(b) om drank in 'n bepaalde beperkte gedeelte van die perseel vir gebruik in so 'n beperkte gedeelte op 'n bepaalde geslote dag tussen 12h00 en 14h30 en tussen 18h00 en 21h00 te verkoop of te verskaf aan 'n persoon bedoel in artikel 85 (2);

(c) om drank te verkoop of te verskaf tot 'n uur, later as 23h30, en ook 'n uur in die môre van die volgende dag, wat die Minister bepaal.

(2) Die Minister kan—

(a) 'n magtiging bedoel in subartikel (1) verleen op die voorwaardes of beperkings, benewens enige voorwaarde of beperking kragtens artikel 53 (1) bepaal, wat hy na goeddunke bepaal;

(b) te eniger tyd 'n voorwaarde of beperking wat kragtens hierdie artikel bepaal is, wysig of intrek of 'n voorwaarde of beperking of verdere voorwaarde of beperking na goeddunke bepaal ten opsigte van 'n magtiging wat kragtens subartikel (1) verleen is of geag word daarkragtens verleen te gewees het.

(3) 'n Magtiging wat kragtens subartikel (1) verleen word, word in die voorgeskrewe vorm uitgereik deur die persoon wat op gesag van die Minister handel.

(4) 'n Magtiging kragtens subartikel (1) (a) is nie van krag nie, tensy ten opsigte daarvan aan die betrokke ontvanger van inkomste 'n bedrag betaal is gelyk aan 'n helfte van die jaarlikse gelde wat ten opsigte van die betrokke lisensie betaalbaar is; Met dien verstande dat indien so 'n magtiging na 31 Januarie van die een of ander jaar uitgereik word, die bedrag wat aldus ten opsigte daarvan betaalbaar is, verminder word met 'n twalfde ten opsigte van elke voltooide kalendermaand wat verstreke is tussen die voorafgaande 31 Desember en die dag waarop bedoelde magtiging ingevolge subartikel (3) uitgereik word.

(c) Kantienlisensies

88. Dit is 'n besondere voorwaarde van 'n kantienlisensie dat gewone maaltye gereeld op die gelisensieerde perseel aan gaste verskaf moet word en dat die perseel te alle tye redelike fasiliteite moet bevat vir mense wat maaltye daarop nuttig.

Besondere voorwaarde betreffende maaltye en fasiliteite.

89. (1) Behoudens die bepaling van hierdie Wet, mag die houer van 'n kantienlisensie nie vroeër as 10h00 of later as 23h30 drank verkoop of verskaf nie: Met dien verstande dat—

Dae en ure van verkoop en verskaffing van drank.

(a) hy drank kan verkoop of verskaf tot die latere tyd wat die Minister op skriftelike aansoek gedoen op die voorgeskrewe wyse, skriftelik magtig;

(b) indien 'n voorwaarde kragtens artikel 54 (1) (b) (i) bepaal is ten opsigte van die verkoop of verskaffing van drank aan 'n bepaalde klas persone kragtens 'n kantienlisensie ten opsigte van 'n perseel geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en verskaf word slegs gedurende die tye (wat nie vroeër as 10h00 of later as 23h30 is nie) wat die Minister, op aanbeveling van die Raad, gedoen na onderzoek ingevolge artikel 18, bepaal.

(2) Die houer van 'n kantienlisensie kan, ondanks andersluidende bepaling van die een of ander wet, drank verkoop of verskaf op 'n geslote dag tussen 12h00 en 14h30 en tussen 18h00 en 21h00, aan iemand wat bona fide op die gelisensieerde perseel 'n gewone maaltyd wat daarop gekoop is, nuttig of op die punt staan om die maaltyd aldus te nuttig, om by of onmiddellik voor of na daardie maaltyd gebruik te word in 'n vertrek of op 'n plek wat nie 'n beperkte gedeelte van die gelisensieerde perseel is nie.

(3) Die Minister kan, op skriftelike aansoek deur die houer van 'n kantienlisensie en op aanbeveling van die Raad, 'n bepaling of magtiging bedoel in subartikel (1) na goeddunke wysig.

Act No. 87, 1977

LIQUOR ACT, 1977.

Special conditions relating to rules and number of members of clubs.

Days and hours of sale and supply of liquor.

Payment for liquor or entertainment.

Condition relating to kinds of liquor which may be sold or supplied under meal time wine and malt licences.

Days and hours of sale and supply of liquor.

Special condition relating to accommodation.

(d) Club liquor licences

90. It shall be special conditions of a club liquor licence that—

- (a) the rules of the club shall at all times comply with the requirements referred to in section 27 (1) (b); and
- (b) the club shall at all times consist of—
 - (i) at least thirty-five members if the relevant licence was granted before the date of commencement of section 60 of the Liquor Amendment Act, 1977 (Act No. 44 of 1977);
 - (ii) at least fifty ordinary members or, in the case of a club referred to in section 27 (2), at least thirty-five such members, if the relevant licence is granted on or after the said date.

91. (1) Subject to the provisions of this Act, the holder of a club liquor licence shall not sell or supply liquor earlier than 10h00 or later than 23h30.

(2) Notwithstanding anything to the contrary in any other law contained, the competent authority may, in granting a club liquor licence, and on such conditions or restrictions as it may deem fit to determine, authorize the holder of such a licence to sell or supply liquor on any day, including a closed day, and at any time, on the licensed premises in question to any member of the club for consumption by such member or his guest: Provided that—

- (a) where such sale or supply takes place outside the hours of sale determined in subsection (1), such liquor shall be consumed elsewhere than in the restricted portion of the premises;
- (b) no liquor shall be sold or supplied under this subsection to a member for consumption by his guest, unless the name and address of such guest and the name of such member have been clearly and indelibly recorded by such member in a record in the prescribed form to be kept by the licensee for the purpose.

(3) The Minister may, upon application made in writing by the holder of a club liquor licence and on the recommendation of the Board, amend any authority referred to in subsection (2) as he deems fit.

92. Notwithstanding the provisions of section 80 (1) and (2), the holder of a club liquor licence may, for liquor supplied on the licensed premises, receive payment by means of coupons which have been paid for by current money or cheques on bankers or in respect of which such holder has obtained an undertaking that they will be so paid for.

(e) Meal time wine and malt licences

93. It shall be a condition of a meal time wine and malt licence that no liquor other than malt liquor, table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than fourteen per cent of alcohol by volume, and other fermented beverages, shall be sold or supplied thereunder.

94. Subject to the provisions of this Act, the holder of a meal time wine and malt licence may, notwithstanding anything to the contrary in any other law contained, sell and supply liquor on any day, including any closed day, to any lodger or other person *bona fide* taking an ordinary meal on the licensed premises, and for consumption with such meal, but not at any other time than between 12h00 and 14h00 and between 18h00 and 20h00.

95. It shall be a special condition of a meal time wine and malt licence that the holder thereof shall keep upon his licensed premises a *bona fide* lodging-house and that the premises shall at all times afford reasonable residential accommodation for guests.

(d) Klubdranklisensies

90. Dit is besondere voorwaardes van 'n klubdranklisensie dat—

Besondere voorwaardes betreffende reglemente en aantal lede van klubs.

- (a) die reglement van die klub te alle tye moet voldoen aan die vereistes bedoel in artikel 27 (1) (b); en
- (b) die klub te alle tye moet bestaan uit—
 - (i) minstens vyf-en-dertig lede indien die betrokke lisensie voor die datum van inwerkingtreding van artikel 60 van die Drankwysigingswet, 1977 (Wet No. 44 van 1977), verleen is;
 - (ii) minstens vyftig gewone lede of, in die geval van 'n klub bedoel in artikel 27 (2), minstens vyf-en-dertig sodanige lede, indien die betrokke lisensie op of na die genoemde datum verleen is.

91. (1) Behoudens die bepalings van hierdie Wet mag die houer van 'n klubdranklisensie nie drank vroeër as 10h00 of later as 23h30 verkoop of verskaf nie.

Dae en ure van verkoop en verskaffing van drank.

(2) Ondanks andersluidende bepalings van die een of ander wet, kan die bevoegde gesag, wanneer hy 'n klubdranklisensie verleen, en op die voorwaardes of beperkings wat hy na goeddunke bepaal, die houer van so 'n lisensie magtig om op enige dag, insluitende 'n gesloten dag, en te eniger tyd, op die gelisensieerde perseel drank te verkoop of te verskaf aan 'n lid van die klub vir gebruik deur daardie lid of sy gas: Met dien verstande dat—

- (a) waar bedoelde verkoop of verskaffing plaasvind buite die ure van verkoop bepaal in subartikel (1) daardie drank elders as in die beperkte gedeelte van die perseel gebruik moet word;
- (b) drank nie kragtens hierdie subartikel aan 'n lid vir gebruik deur sy gas verkoop of verskaf mag word nie, tensy die naam en adres van daardie gas en die naam van daardie lid duidelik en onuitwisbaar aangeteken is deur daardie lid in aantekeninge in die voorgeskrewe vorm wat die lisensiehouer vir dié doel moet hou.

(3) Die Minister kan, op skriftelike aansoek deur die houer van 'n klubdranklisensie en op aanbeveling van die Raad, 'n magtiging bedoel in subartikel (2) na goeddunke wysig.

92. Ondanks die bepalings van artikel 80 (1) en (2) kan die houer van 'n klubdranklisensie vir drank wat op die gelisensieerde perseel verskaf is, betaling ontvang deur middel van koepons waarvoor met gangbare geld of banktjeks betaal is of ten opsigte waarvan so 'n houer 'n onderneming verkry het dat aldus daarvoor betaal sal word.

Betaling vir drank of onthaal.

(e) Maaltyd-wyn-en-bierlisensies

93. Dit is 'n voorwaarde van 'n maaltyd-wyn-en-bierlisensie dat geen ander drank as bier, tafelwyn wat uitsluitlik die produk is van die alkoholiese gisting van die sap van vars druwe en wat nie meer alkohol bevat nie as veertien persent van sy volume, en ander gegiste drank kragtens verkoop of verskaf mag word nie.

Voorwaarde betreffende soorte drank wat kragtens maaltyd-wyn-en-bier-lisensies verkoop of verskaf kan word.

94. Behoudens die bepalings van hierdie Wet kan die houer van 'n maaltyd-wyn-en-bierlisensie, ondanks andersluidende bepalings van die een of ander wet, drank op enige dag, insluitende 'n gesloten dag, verkoop en verskaf aan 'nloseerde of ander persoon wat bona fide op die gelisensieerde perseel 'n gewone maaltyd nuttig, en wel om by die maaltyd gebruik te word, maar slegs tussen 12h00 en 14h00 en tussen 18h00 en 20h00.

Dae en ure van verkoop en verskaffing van drank.

95. Dit is 'n besondere voorwaarde van 'n maaltyd-wyn-en-bierlisensie dat die houer daarvan op sy gelisensieerde perseel 'n bona fide-losieshuis moet hou en dat die perseel te alle tye redelike woonakkommodasie vir gaste moet bevat.

Besondere voorwaarde betreffende akkommodasie.

(f) Restaurant liquor licences

Special condition relating to meals and facilities.

Days and hours of sale and supply of liquor.

Special condition relating to sports meetings.

Days and hours of sale and supply of liquor.

Special condition relating to performances and facilities.

Days and hours of sale and supply of liquor.

96. It shall be a special condition of a restaurant liquor licence that the holder thereof shall keep upon the licensed premises a *bona fide* restaurant at which ordinary meals are regularly provided for guests and that the premises shall at all times afford facilities of a high standard for persons taking meals thereon.

97. (1) Subject to the provisions of this Act, the holder of a restaurant liquor licence may, notwithstanding anything to the contrary in any other law contained, sell or supply liquor on any day, including any closed day, to any person *bona fide* taking or about to take an ordinary meal in the restaurant which has been purchased thereat, for consumption with or immediately before or after such meal, but not at any other time than between 12h00 and 14h30 and between 18h00 and 23h30 or such later hour as the Minister may upon written application made in the prescribed manner authorize in writing: Provided that no liquor shall be sold after 21h00 on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant.

(2) The Minister may, upon application made in writing by the holder of a restaurant liquor licence and on the recommendation of the Board, amend any authority referred to in subsection (1) as he deems fit.

(g) Sportsground liquor licences

98. (1) It shall be a special condition of a sportsground liquor licence that *bona fide* public sports meetings shall regularly take place upon the premises in respect of which the licence is held and that the premises shall at all times afford reasonable facilities for persons consuming liquor thereon.

(2) If the Minister is satisfied that the provisions of subsection (1) will cause undue hardship to the holder of such licence granted prior to the date of commencement of section 71^{quat} of the Liquor Act, 1928 (Act No. 30 of 1928), he may upon application made in writing exempt such holder from the said provisions in so far as the holding of such sports meetings is concerned.

99. (1) Subject to the provisions of this Act, liquor may be sold and supplied by the holder of a sportsground liquor licence only on those days upon which any public sports meeting takes place upon the sportsground in question and then only during such hours as may be determined by the competent authority, which hours shall only be from the time of commencement of such meeting, being not earlier than 10h00 until thirty minutes after the time when such meeting ends, being not later than 23h30: Provided that in the case of a licensee who has been exempted under section 98, liquor may be sold and supplied by such licensee only on such occasions and during such hours as may be determined by the Minister in granting such exemption, which hours shall not be earlier than 10h00 and not later than 23h30.

(2) The Minister may, upon application made in writing by the holder of a sportsground liquor licence and on the recommendation of the Board, amend any determination referred to in subsection (1) as he deems fit.

(h) Theatre liquor licences

100. It shall be a special condition of a theatre liquor licence that at all times a *bona fide* theatre shall be maintained on the premises in respect of which the licence is held at which dramatic performances or plays or concerts are regularly presented or cinematographic films are regularly shown to the public and that the licensed premises shall at all times afford reasonable facilities for persons consuming liquor thereon.

101. (1) Subject to the provisions of this Act, liquor may be sold and supplied by the holder of a theatre liquor licence only on those days upon which any public entertainment takes place upon

DRANKWET, 1977.

Wet No. 87, 1977

(f) Restaurant-dranklisensies

96. Dit is 'n besondere voorwaarde van 'n restaurant-dranklisensie dat die houer daarvan op die gelisensieerde perseel 'n *bona fide*-restaurant in stand moet hou waar gewone maaltye gereeld aan gaste verskaf word en dat die perseel te alle tye fasiliteite van 'n hoë standaard moet bevat vir mense wat maaltye daarop nuttig.

Besondere voorwaarde betreffende maaltye en fasiliteite.

97. (1) Behoudens die bepalings van hierdie Wet kan die houer van 'n restaurant-dranklisensie, ondanks andersluidende bepalings van die een of ander wet, drank op enige dag, insluitende 'n gesloten dag, verkoop of verskaf aan iemand wat *bona fide* in die restaurant 'n gewone maaltyd wat daarin gekoop is, nuttig of op die punt staan om die maaltyd te nuttig, om by of onmiddellik voor of na die maaltyd gebruik te word, maar slegs tussen 12h00 en 14h30 en tussen 18h00 en 23h30 of die later tyd wat die Minister op skriftelike aansoek gedoen op die voorgeskrewe wyse, skriftelik magtig: Met dien verstande dat drank nie na 21h00 op Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie.

Dae en ure van verkoop en verskaffing van drank.

(2) Die Minister kan, op skriftelike aansoek deur die houer van 'n restaurant-dranklisensie en op aanbeveling van die Raad, 'n magtiging bedoel in subartikel (1) na goeddunke wysig.

(g) Sportterrein-dranklisensies

98. (1) Dit is 'n besondere voorwaarde van 'n sportterrein-dranklisensie dat *bona fide*-openbare sportbyeenkomste gereeld gehou moet word op die perseel ten opsigte waarvan die lisensie gehou word en dat die perseel te alle tye redelike fasiliteite moet bevat vir persone wat drank daarop gebruik.

Besondere voorwaarde betreffende sportbyeenkomste.

(2) Indien die Minister oortuig is dat die bepalings van subartikel (1) oormatige ontbering sal veroorsaak aan die houer van so 'n lisensie wat voor die datum van inwerkingtreding van artikel 71^{qua}t van die Drankwet, 1928 (Wet No. 30 van 1928), verleen is, kan hy op skriftelike aansoek so 'n houer vrystel van bedoelde bepalings vir sover dit die hou van bedoelde sportbyeenkomste betref.

Dae en ure van verkoop en verskaffing van drank.

99. (1) Behoudens die bepalings van hierdie Wet, kan drank deur die houer van 'n sportterrein-dranklisensie verkoop en verskaf word slegs op daardie dae waarop 'n openbare sportbyeenkoms op die betrokke sportterrein plaasvind en dan slegs gedurende die ure wat die bevoegde gesag bepaal, welke ure slegs kan wees vanaf die tyd waarop die openbare sportbyeenkoms begin, synde nie vroeër as 10h00 nie, tot dertig minute na die tyd waarop daardie byeenkoms eindig, synde nie later nie as 23h30: Met dien verstande dat in die geval van 'n lisensiehouer wat kragtens artikel 98 vrygestel is, drank deur bedoelde lisensiehouer slegs verkoop en verskaf kan word by die geleenthede en gedurende die ure wat die Minister by verlening van bedoelde vrystelling bepaal, welke ure nie vroeër as 10h00 en nie later as 23h30 mag wees nie.

(2) Die Minister kan, op skriftelike aansoek deur die houer van 'n sportterrein-dranklisensie en op aanbeveling van die Raad, 'n bepaling bedoel in subartikel (1) na goeddunke wysig.

(h) Teaterdranklisensies

100. Dit is 'n besondere voorwaarde van 'n teaterdranklisensie dat 'n *bona fide*-teater te alle tye op die perseel ten opsigte waarvan die lisensie gehou word, in stand gehou moet word waar toneelopvoerings of -stukke of konserte of rolprente gereeld aan die publiek aangebied of vertoon word en dat die gelisensieerde perseel te alle tye redelike fasiliteite moet bevat vir persone wat drank daarop gebruik.

Besondere voorwaarde rakende aanbiedinge en fasiliteite.

101. (1) Behoudens die bepalings van hierdie Wet, kan drank deur die houer van 'n teaterdranklisensie verkoop en verskaf word slegs op daardie dae waarop 'n openbare vermaaklikheid op die

Dae en ure van verkoop en verskaffing van drank.

Act No. 87, 1977

LIQUOR ACT, 1977.

the theatre premises and then only during such hours as may be determined by the competent authority which hours shall only be from the time of commencement of such entertainment, being not earlier than 10h00, until thirty minutes after the time when any such entertainment ends, being not later than 23h30.

(2) The Minister may, upon application made in writing by the holder of a theatre liquor licence and on the recommendation of the Board, amend any determination referred to in subsection (1) as he deems fit.

(i) *Temporary liquor licences*

Presence of women and children on premises at agricultural shows.

102. (1) The provisions of section 70 (1) shall not apply in respect of any female or person under the age of eighteen years who is in any portion of premises in respect of which there has been issued a temporary liquor licence to the secretary of a *bona fide* agricultural show for the sale of wine as defined in section 24.

(2) The provisions of section 73 (1) and (2) shall not apply to any female of the age of twenty-one years or more who is employed in or in connection with the sale or supply of liquor on premises referred to in subsection (1).

Special condition relating to persons to whom liquor, and kinds of liquor which, may be sold or supplied.

103. (1) It shall be a special condition of a temporary liquor licence granted under section 28 (b), that no liquor shall be sold or supplied thereunder to any person who is not a member of a class of persons to whom the licensee is authorized under a special authority to sell or supply liquor.

(2) It shall be a condition of a temporary liquor licence issued to the holder of a wine and malt liquor licence that no liquor other than wine, as defined in section 24 (9) of this Act or in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), other fermented beverages and malt liquor which has been produced or brewed in the Republic or the territory of South West Africa shall be sold or supplied thereunder.

Days and hours of sale and supply of liquor.

104. Subject to the provisions of this Act, a temporary liquor licence shall not authorize the sale or supply of liquor for any longer period than six consecutive days or upon any day other than one on which the place of the public function, recreation or amusement in respect of which it is granted, is open to the public, and then only during such hours as may be determined by the competent authority, which hours shall only be between the hours at which such place is opened and closed to the public being not earlier than 10h00 or later than 24h00 or, if any day following any day in respect of which such licence is granted is not a closed day, not later than 02h00 of such following day: Provided that for the purposes of a temporary liquor licence issued to the holder of an authority referred to in section 23 (1) (a) for the sale of liquor for consumption on the premises described in such authority, any polling day fixed under the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or under the said Act, read with the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or under any law which regulates the election of members of the Indian Council, shall be deemed to be an open day.

Restrictions relating to granting of temporary liquor licences.

105. (1) A temporary liquor licence may be granted only for the purpose of one or more bars or other points of sale, as specified in the licence, in or from which liquor is to be sold or supplied within, or within the grounds of, any exhibition, show, race meeting, or other place of public function, recreation or amusement.

(2) In the case of a sports meeting held at one and the same time within, or within the grounds of, more than one place of public recreation within the same district, one such licence may be issued in respect of one or more such bars or other points of sale, as specified in the licence, within, or within the grounds of, any one or more or all of such places of public recreation.

DRANKWET, 1977.

Wet No. 87, 1977

teaterperseel plaasvind en dan slegs gedurende die ure wat die bevoegde gesag bepaal, watter ure slegs mag wees vanaf die tyd waarop daardie vermaakklikheid begin, synde nie vroeër as 10h00 nie, tot dertig minute na die tyd waarop daardie vermaakklikheid eindig, synde nie later nie as 23h30.

(2) Die Minister kan, op skriftelike aansoek deur die houer van 'n teaterdranklisensie en op aanbeveling van die Raad, 'n bepaling bedoel in subartikel (1) na goedgunke wysig.

(i) Tydelike dranklisensies

102. (1) Die bepalings van artikel 70 (1) is nie van toepassing nie op 'n vrouspersoon of iemand wat onder die ouderdom van agtien jaar is wat in 'n gedeelte van 'n perseel verkeer ten opsigte waarvan 'n tydelike dranklisensie aan die sekretaris van 'n *bona fide*-landboutentoonstelling uitgereik is vir die verkoop van wyn soos omskryf in artikel 24.

(2) Die bepalings van artikel 73 (1) en (2) is nie van toepassing nie op 'n vrouspersoon van die ouderdom van een-en-twintig jaar of ouer wat in diens is by of in verband met die verkoop of verskaffing van drank op 'n perseel bedoel in subartikel (1).

Teenwoordigheid van vrouspersone en kinders op persele by landboutentoonstellings.

103. (1) Dit is 'n besondere voorwaarde van 'n tydelike dranklisensie verleen kragtens artikel 28 (b) dat drank nie daarkragtens verkoop of verskaf mag word nie aan iemand wat nie 'n lid is nie van 'n klas persone aan wie die lisensiehouer kragtens 'n spesiale magtiging gemagtig is om drank te verkoop of te verskaf.

(2) Dit is 'n voorwaarde van 'n tydelike dranklisensie uitgereik aan die houer van 'n wyn-en-bierlisensie dat geen ander drank as wyn, soos omskryf in artikel 24 (9) van hierdie Wet of artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), ander gegiste drank en bier wat in die Republiek of Suidwes-Afrika vervaardig of gebrou is, daarkragtens verkoop of verskaf mag word nie.

Besondere voorwaarde betreffende persone aan wie drank, en soorte van drank wat, verkoop of verskaf kan word.

104. Behoudens die bepalings van hierdie Wet mag 'n tydelike dranklisensie nie die verkoop of verskaffing van drank vir 'n langer tydperk magtig nie as ses agtereenvolgende dae of op 'n ander dag as 'n dag waarop die plek van die openbare funksie, gesellige byeenkoms, ontspanning of vermaak in verband waarmee dit verleen is, vir die publiek toeganklik is, en dan slegs gedurende die ure wat die bevoegde gesag bepaal, watter ure slegs tussen die uur van opening en die uur van sluiting van daardie plek vir die publiek mag wees, synde nie vroeër nie as 10h00 of nie later nie as 24h00 of, indien 'n dag wat volg op 'n dag ten opsigte waarvan sodanige lisensie verleen is, nie 'n gesloten dag is nie, nie later nie as 02h00 van sodanige volgende dag: Met dien verstande dat vir die doeleindes van 'n tydelike dranklisensie wat uitgereik word aan die houer van 'n magtiging bedoel in artikel 23 (1) (a) vir die verkoop van drank vir gebruik op die perseel omskryf in die magtiging, 'n stemdag vasgestel kragtens die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of kragtens daardie Wet, gelees met die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of kragtens 'n wet wat die verkiesing reël van lede van die Indiërraad, geag word 'n ope dag te wees.

Dae en ure van verkoop en verskaffing van drank.

105. (1) 'n Tydelike dranklisensie mag slegs verleen word vir die doel van een of meer kroëë of ander verkooppunte, soos in die lisensie bepaal, waarin vanwaar drank verkoop of verskaf gaan word by, of op die terrein van, 'n vertoning, tentoonstelling, wedrenbyeenkoms of ander plek van openbare funksie, ontspanning of vermaak.

Beperkings betreffende verlening van tydelike dranklisensies.

(2) In die geval van 'n sportbyeenkoms wat op een en dieselfde tyd by, of op die terrein van, meer as een plek van openbare ontspanning in dieselfde distrik gehou word, kan een sodanige lisensie verleen word ten opsigte van een of meer sodanige kroëë of ander verkooppunte, soos in die lisensie bepaal, by, of op die terrein van, een of meer of al die bedoelde plekke van openbare ontspanning.

Act No. 87, 1977

LIQUOR ACT, 1977.

Taking of orders and acceptance of offers on premises of agricultural shows.

Control or sharing of profits by persons other than licensees.

Special conditions relating to meals and facilities.

Condition relating to kinds of liquor which may be sold or supplied.

Days and hours of sale and supply of liquor.

106. Notwithstanding the provisions of section 68, orders or offers for the sale or purchase of wine as defined in section 24 and which has been produced by the holder of an authority under that section, may be taken, accepted or received if the transaction takes place at premises in respect of which the secretary of a *bona fide* agricultural show holds a temporary liquor licence under which such wine may be sold.

107. (1) The holder of a temporary liquor licence shall not without the written authority of the magistrate granting such a licence, allow any other person in effect to control the business to which the temporary liquor licence relates or to become a partner therein or to share in the profits thereof.

(2) Any application for authority under this section shall be made in the prescribed manner.

(j) Wine and malt liquor licences

108. Except in the case of a licence held in respect of a boat referred to in the definition of "premises" in section 1, it shall be a special condition of a wine and malt liquor licence that ordinary meals shall regularly be provided on the licensed premises for guests and that the premises shall at all times afford reasonable facilities for persons taking meals thereon.

109. It shall be a condition of a wine and malt liquor licence that no liquor other than wine as defined in section 24 (9) of this Act or in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), other fermented beverages and malt liquor which has been produced or brewed in the Republic or the territory of South West Africa shall be sold or supplied thereunder.

110. (1) Subject to the provisions of this Act, the holder of a wine and malt liquor licence—

(a) granted prior to 15 July 1964 in respect of any premises or issued at any time in respect of premises providing residential accommodation for guests, shall not sell or supply liquor earlier than 10h00 or later than 23h30: Provided that if a condition has been determined under section 54 (1) (b) (i) in respect of the sale or supply of liquor to any particular class of persons under such licence in respect of premises situate in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and supplied by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than 10h00 or later than 23h30) as the Minister may on the recommendation of the Board, made after enquiry in terms of section 18, determine;

(b) granted after 14 July 1964 in respect of premises not providing residential accommodation for guests, shall only sell or supply liquor between 12h00 and 14h30 and between 18h00 and 23h30, unless the Minister, upon written application made in the prescribed manner, in writing authorizes such holder to sell or supply liquor during other hours, which shall not be earlier than 10h00 or later than 23h30.

(2) The holder of a wine and malt liquor licence may, notwithstanding anything to the contrary in any other law contained, sell or supply liquor on any closed day between 12h00 and 14h30 and between 18h00 and 21h00, to any person *bona fide* taking or about to take an ordinary meal on the licensed premises which has been purchased thereat, for consumption with or immediately before or after such meal in a room or place other than a restricted portion of the licensed premises.

(3) The Minister may, upon application made in writing by the holder of a wine and malt liquor licence and on the recommenda-

106. Ondanks die bepalings van artikel 68, kan bestellings of aanbiedinge vir die verkoop of koop van wyn soos omskryf in artikel 24, wat vervaardig is deur die houer van 'n magtiging kragtens daardie artikel, geneem, aangeneem of ontvang word, indien die transaksie plaasvind by 'n perseel ten opsigte waarvan die sekretaris van 'n *bona fide*-landboutontoonstelling 'n tydelike dranklisensie hou waarkragtens sodanige wyn verkoop mag word.

107. (1) 'n Houer van 'n tydelike dranklisensie mag nie sonder die skriftelike magtiging van die landdros wat die lisensie verleen, toelaat dat iemand anders in werklikheid die saak waarop die tydelike dranklisensie betrekking het, beheer of 'n vennoot daarin word of in die winste daarvan deel nie.

(2) 'n Aansoek om magtiging kragtens hierdie artikel moet op die voorgeskrewe wyse gedoen word.

(j) *Wyn-en-bierlisensies*

108. Behalwe in die geval van 'n lisensie wat gehou word ten opsigte van 'n boot bedoel in die omskrywing van „perseel“ in artikel 1, is dit 'n besondere voorwaarde van 'n wyn-en-bierlisensie dat gewone maaltye gereeld op die gelisensieerde perseel aan gaste verskaf moet word en dat die perseel te alle tye redelike fasilitete moet bevat vir persone wat maaltye daarop nuttig.

109. Dit is 'n voorwaarde van 'n wyn-en-bierlisensie dat geen ander drank as wyn soos omskryf in artikel 24 (9) van hierdie Wet of artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritualiteit, 1957 (Wet No. 25 van 1957), ander gegiste drank en bier wat in die Republiek of die gebied Suidwes-Afrika vervaardig of gebrou is, daarkragtens verkoop of verskaf mag word nie.

110. (1) Behoudens die bepalings van hierdie Wet mag die houer van 'n wyn-en-bierlisensie—

(a) wat voor 15 Julie 1964 ten opsigte van 'n perseel verleen is of wat te eniger tyd uitgereik is ten opsigte van 'n perseel wat woonakkommodasie vir gaste voorsien, nie vroeër as 10h00 of later as 23h30 drank verkoop of verskaf nie: Met dien verstande dat indien 'n voorwaarde kragtens artikel 54 (1) (b) (i) bepaal is ten opsigte van die verkoop of verskaffing van drank aan 'n bepaalde klas persone kragtens bedoelde lisensie ten opsigte van 'n perseel geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houer van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en verskaf word slegs gedurende die tye (wat nie vroeër as 10h00 of later as 23h30 is nie) wat die Minister op aanbeveling van die Raad, gedoen na ondersoek ingevolge artikel 18, bepaal;

(b) wat na 14 Julie 1964 verleen is ten opsigte van 'n perseel wat nie woonakkommodasie vir gaste voorsien nie, slegs tussen 12h00 en 14h30 en tussen 18h00 en 23h30 drank verkoop of verskaf, tensy die Minister op skriftelike aansoek op die voorgeskrewe wyse gedoen bedoelde houer skriftelik magtig om drank te verkoop of te verskaf gedurende ander ure wat nie vroeër as 10h00 of later as 23h30 mag wees nie.

(2) Die houer van 'n wyn-en-bierlisensie kan, ondanks andersluidende bepalings van die een of ander wet, drank verkoop of verskaf op 'n geslotte dag tussen 12h00 en 14h30 en tussen 18h00 en 21h00, aan iemand wat *bona fide* op die gelisensieerde perseel 'n gewone maaltyd nuttig wat daarop gekoop is of op die punt staan om dit aldus te nuttig, om by of onmiddellik voor of na daardie maaltyd gebruik te word in 'n vertrek of op 'n plek wat nie 'n beperkte gedeelte van die gelisensieerde perseel is nie.

(3) Die Minister kan, op skriftelike aansoek deur die houer van 'n wyn-en-bierlisensie en op aanbeveling van die Raad, 'n

Neem van bestellings en aanname van aanbiedinge op persele van landboutontoonstellings.

Beheer of deelneming in wins deur ander persone as lisensiehouers.

Besondere voorwaarde betreffende maaltye en fasilitete.

Voorwaarde betreffende soorte drank wat verkoop of verskaf kan word.

Dae en ure van verkoop en verskaffing van drank.

Act No. 87, 1977

LIQUOR ACT, 1977.

tion of the Board, amend any determination or authority referred to in subsection (1) as he deems fit.

(k) Wine house licences

Authority to sell wine for off-consumption.

111. (1) The Minister may, on application made in the prescribed manner, when granting a wine house licence or at any time thereafter, authorize the holder of such licence to sell such wine as may be sold by him in terms of section 113, under that licence in a place upon the licensed premises set apart for such purposes, for consumption off the licensed premises.

(2) The Minister may—

(a) grant the authority referred to in subsection (1) on such conditions or restrictions, in addition to any condition or restriction determined under section 53, as he may deem fit to determine;

(b) at any time amend or withdraw any condition or restriction determined under this section or determine any condition or restriction or any further condition or restriction in respect of any authority held under this section.

(3) Any authority granted under this section shall be issued in the prescribed form.

(4) An authority issued under this section shall be of no force and effect unless there has been paid to the receiver of revenue concerned in respect of such authority an amount equal to one half of the annual fees payable in respect of the licence in question: Provided that whenever any such authority is issued after 31 January in any year, the amount so payable in respect thereof shall be reduced by one-twelfth in respect of each completed calendar month which has passed from the preceding 31 December to the date upon which such authority has been issued in terms of subsection (3).

Special condition relating to meals and facilities.

112. It shall be a special condition of a wine house licence that the holder thereof shall keep upon the licensed premises a *bona fide* wine house at which ordinary meals are regularly provided for guests and that the premises shall at all times afford reasonable facilities for persons taking meals thereon.

Condition relating to kinds of liquor which may be sold or supplied.

113. (1) It shall be a condition of a wine house licence that no liquor other than wine as defined in section 24 (9), which is produced or manufactured by the holder of an authority referred to in that section and table wine produced or manufactured upon an estate in an area in which the licensed premises in question are situate, shall be sold or supplied thereunder.

(2) For the purposes of this section—

“area” means an area of production defined on or before 31 December 1976 under section 22 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957);

“estate” means an estate defined under the said section 22;

“table wine” means liquor which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than fourteen per cent of alcohol by volume and which is sold under the name of the estate in question.

Days and hours of sale and supply of liquor.

114. Subject to the provisions of this Act, the holder of a wine house licence may, notwithstanding anything to the contrary in any other law contained, sell and supply liquor on any day, including any closed day, between 10h00 and 23h30: Provided that no liquor shall be sold or supplied on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant except between 12h00 and 14h30 and between 18h00 and 21h00, and then only to a person *bona fide* taking or about to take, on the licensed premises, an ordinary meal which has been purchased thereat, and for consumption with or immediately before or after such meal.

bepaling of magtiging bedoel in subartikel (1) na goeddunke wysig.

(k) *Wynhuislisensies*

111. (1) Die Minister kan, op aansoek op die voorgeskrewe wyse gedoen, wanneer hy 'n wynhuislisensie verleen of te eniger tyd daarna, die houer van so 'n lisensie magtig om die wyn wat hy ingevolge artikel 113 mag verkoop, kragtens daardie lisensie in 'n plek op die gelisensieerde perseel wat vir daardie doel afgesonder is, vir gebruik buite die gelisensieerde perseel te verkoop.

(2) Die Minister kan—

(a) die magtiging bedoel in subartikel (1) verleen op die voorwaardes of beperkings, benewens enige voorwaarde of beperking bepaal kragtens artikel 53, wat hy na goeddunke bepaal;

(b) te eniger tyd 'n voorwaarde of beperking wat kragtens hierdie artikel bepaal is, wysig of intrek of 'n voorwaarde of beperking of 'n verdere voorwaarde of beperking ten opsigte van so 'n magtiging bepaal.

(3) 'n Magtiging kragtens hierdie artikel verleen, word in die voorgeskrewe vorm uitgereik.

(4) 'n Magtiging kragtens hierdie artikel uitgereik, is nie van krag nie tensy 'n bedrag gelyk aan die helfte van die jaarlikse gelde wat ten opsigte van die betrokke lisensie betaalbaar is, aan die betrokke ontvanger van inkomste ten opsigte van sodanige magtiging betaal is: Met dien verstande dat wanneer so 'n magtiging na 31 Januarie van die een of ander jaar uitgereik word, die bedrag wat aldus ten opsigte daarvan betaalbaar is, verminder word met 'n twaalfde vir elke voltooide kalendermaand wat verloop het tussen die voorafgaande 31 Desember en die dag waarop die magtiging ingevolge subartikel (3) uitgereik is.

112. Dit is 'n besondere voorwaarde van 'n wynhuislisensie dat die houer daarvan op die gelisensieerde perseel 'n *bona fide*-wynhuis in stand moet hou waar gewone maaltye gereeld aan gaste verskaf word en dat die perseel te alle tye redelike fasiliteite moet bevat vir persone wat maaltye daarop nuttig.

Besondere voorwaarde betreffende maaltye en fasiliteite.

113. (1) Dit is 'n voorwaarde van 'n wynhuislisensie dat geen ander drank as wyn soos omskryf in artikel 24 (9), wat geproduseer of vervaardig is deur die houer van 'n magtiging bedoel in daardie artikel en tafelwyn wat geproduseer of vervaardig is op 'n landgoed in 'n gebied waarin die betrokke gelisensieerde perseel geleë is, daarkragtens verkoop of verskaf mag word nie.

Voorwaarde betreffende soorte drank wat verkoop of verskaf kan word.

(2) By die toepassing van hierdie artikel beteken— „gebied” 'n produksiegebied wat voor of op 31 Desember 1976 kragtens artikel 22 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957) omskryf is;

„landgoed” 'n landgoed wat kragtens bedoelde artikel 22 omskryf is;

„tafelwyn” drank wat uitsluitlik die produk is van die alkoholieuse gisting van die sap van vars druwe en wat nie meer alkohol bevat nie as veertien persent van sy volume en wat verkoop word onder die naam van die betrokke landgoed.

114. Behoudens die bepalings van hierdie Wet kan die houer van 'n wynhuislisensie, ondanks andersluidende bepalings van die een of ander wet, drank op enige dag, insluitende 'n geslotte dag, verkoop en verskaf tussen 10h00 en 23h30: Met dien verstande dat drank nie op Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop of verskaf mag word nie behalwe tussen 12h00 en 14h30 en tussen 18h00 en 21h00, en dan slegs aan iemand wat *bona fide* op die gelisensieerde perseel 'n gewone maaltyd wat daarop gekoop is, nuttig, of op die punt staan om dit aldus daarop te nuttig, om by of onmiddellik voor of na die maaltyd gebruik te word.

Dae en ure van verkoop en verskaffing van drank.

Act No. 87, 1977

LIQUOR ACT, 1977.

C. OFF-CONSUMPTION LICENCES

Privileges, obligations and disabilities under special right to sell liquor for off-consumption.

115. (1) The provisions of this Act relating to sales under a liquor store licence, including the hours and days of sale and the quantity of liquor which may be sold, and the obligations and disabilities of and penalties upon the holders of liquor store licences, shall apply in respect of sales of liquor for consumption off the licensed premises under any special right which at the commencement of this Act was of full force and effect, excluding the special right of off-sale which is under section 54 (4) of the Liquor Amendment Act, 1977 (Act No. 44 of 1977), deemed to be a privilege to sell liquor for consumption off any licensed premises authorized under section 87 (1) (a), or under any privilege to sell liquor for consumption off the licensed premises authorized under section 87 or 111, and in respect of the licensee of such premises, and the competent authority may, in respect of such sales and such licensee, exercise all such powers as it may exercise in respect of a liquor store licence.

(2) The provisions of subsection (1) shall not be deemed to prohibit a licensee of any licensed premises referred to in that subsection from permitting a lodger at such premises, or to prohibit a lodger at such premises from consuming in the private apartment occupied by such lodger upon such premises, any liquor which he has purchased from such licensee for consumption off the licensee's premises.

Places at which liquor may be sold.

116. (1) No holder of an off-consumption licence, excluding a wholesale liquor licence, a foreign liquor licence and a brewer's licence, shall sell liquor at any other place than upon the licensed premises or in any other portion of such premises than such portion as may be indicated in his licence.

(2) Any indication in a licence where liquor is in terms of subsection (1) required to be sold may, on written application by the licensee concerned, be amended by the Minister or a person acting under his directions.

Condition relating to place of consumption of liquor.

117. It shall be a condition of any off-consumption licence that no liquor shall be consumed by any customer upon the licensed premises, or upon any premises or place adjoining or near the licensed premises and which the licensee occupies or controls.

(a) Brewers' licences

Sale of liquor by brewers.

118. (1) Notwithstanding anything to the contrary in any law contained, but except as otherwise expressly provided in this Act, no holder of a brewer's licence shall directly or indirectly sell for use or consumption in the Republic, any malt liquor brewed by him or by any other brewer, to any person other than the holder of a licence or a person authorized under this Act to sell liquor without such a licence.

(2) The holder of a brewer's licence may, under the authority of the Minister or a person acting under his directions, and on such conditions or restrictions as he may deem fit to determine, sell to persons other than licensees or persons authorized under this Act to sell liquor without a licence, malt liquor of the kind and in the quantity permitted to be sold under such brewer's licence.

Condition relating to liquor which may be sold.

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

Quantity of liquor which may be sold under brewers' licences.

120. The quantity of liquor which may be sold or supplied under a brewer's licence shall not be less than 4,5 litres to be supplied at one time in a receptacle or receptacles securely sealed.

C. BUITEGERBRUKLISENSIES

115. (1) Die bepalings van hierdie Wet wat betrekking het op verkope kragtens 'n drankwinkellisensie, met inbegrip van die ure en dae van verkoop en die hoeveelheid drank wat verkoop mag word, die verpligtinge en onbevoegdhede van die houers van drankwinkellisensies en die strawwe waaraan hulle onderworpe is, is van toepassing met betrekking tot die verkoop van drank vir gebruik buite die gelisensieerde perseel kragtens 'n spesiale reg wat by die inwerkingtreding van hierdie Wet van krag is, uitgesonderd die spesiale reg van buiterebruik-verkoop wat kragtens artikel 54 (4) van die Drankwysigingswet, 1977 (Wet No. 44 van 1977), geag word 'n voorreg te wees om drank vir gebruik buite 'n gelisensieerde perseel te verkoop wat kragtens artikel 87 (1) (a) gemagtig is, of kragtens 'n voorreg om drank vir gebruik buite die gelisensieerde perseel te verkoop wat kragtens artikel 87 of 111 gemagtig is, en met betrekking tot die lisensiehouer van daardie perseel, en die bevoegde gesag kan met betrekking tot bedoelde verkoop en daardie lisensiehouer al die bevoegdhede uitoefen wat hy met betrekking tot 'n drankwinkellisensie kan uitoefen.

(2) Die bepalings van subartikel (1) word nie geag 'n lisensiehouer van 'n gelisensieerde perseel bedoel in daardie subartikel te verbied om 'n loseerder op daardie perseel toe te laat, of 'n loseerder op daardie perseel te verbied om in die private kamer wat deur daardie loseerder op daardie perseel geokkupeer word, drank wat hy van daardie lisensiehouer vir gebruik buite die gelisensieerde perseel gekoop het, te gebruik nie.

116. (1) Die houer van 'n buiterebruiklisensie, uitgesonderd 'n groothandelaars-dranklisensie, 'n buitelandse dranklisensie en 'n bierbrouerslisensie, mag nie drank op 'n ander plek as op die gelisensieerde perseel, of in 'n ander gedeelte van daardie perseel as die gedeelte wat sy lisensie mag aanwys, verkoop nie.

(2) 'n Aanwysing in 'n lisensie waar drank ingevolge subartikel (1) verkoop moet word, kan, op skriftelike aansoek van die betrokke lisensiehouer, deur die Minister of iemand wat op sy gesag handel, gewysig word.

117. Dit is 'n voorwaarde van 'n buiterebruiklisensie dat drank nie deur 'n klant gebruik mag word nie 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 besit of beheer.

(a) Bierbrouerslisensies

118. (1) Ondanks andersluidende bepalings van die een of ander wet maar behalwe vir sover in hierdie Wet uitdruklik anders bepaal word, mag die houer van 'n bierbrouerslisensie geen bier wat deur hom of deur 'n ander brouer gebrou is, hetsy regstreeks of onregstreeks, vir gebruik of verbruik in die Republiek, aan iemand anders verkoop nie as die houer van 'n lisensie of iemand wat kragtens hierdie Wet gemagtig is om drank sonder so 'n lisensie te verkoop.

(2) Die houer van 'n bierbrouerslisensie kan, kragtens magting deur die Minister of iemand wat op sy gesag handel, en op die voorwaardes of beperkings wat hy na goeddunke bepaal, aan ander persone as lisensiehouers of persone wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, bier verkoop van die soort en in die hoeveelheid wat kragtens daardie bierbrouerslisensie verkoop mag word.

119. Dit is 'n voorwaarde van 'n bierbrouerslisensie dat slegs bier wat in die Republiek gebrou of vervaardig is, daarkragtens verkoop mag word.

120. Die hoeveelheid drank wat kragtens 'n bierbrouerslisensie verkoop of verskaf kan word, mag nie minder wees nie as 4,5 liter wat by een geleentheid verskaf moet word in 'n dig verseêlede houer of houers.

Voorregte,
verpligtinge en
onbevoegdhede
ingevolge spesiale reg
om drank vir
buiteverbruik te
verkoop.

Plekke waar drank
verkoop kan word.

Voorwaarde
betreffende plek van
gebruik van drank.

Verkoop van drank
deur bierbrouers.

Voorwaarde
betreffende drank wat
verkoop kan word.

Hoeveelheid drank
wat kragtens
bierbrouerslisensies
verkoop kan word.

Act No. 87, 1977**LIQUOR ACT, 1977.**

Days and hours of sale, supply and delivery of liquor.

121. Subject to the provisions of this Act, the holder of a brewer's licence—

- (a) shall not sell, supply or deliver liquor earlier than 07h00 or later than 21h00; and
- (b) may, notwithstanding anything to the contrary in any law contained, on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant, convey liquor from the licensed premises or from a place of storage approved of in terms of section 123, for delivery—
 - (i) at any place of storage approved of in terms of section 123;
 - (ii) to any licensee or person authorized under this Act to sell liquor without a licence; or
 - (iii) at any place on the railway system controlled by the Railway Administration for transport by rail to any such licensee or person.

Supply of liquor free of charge on licensed premises.

122. Notwithstanding anything to the contrary in this Act contained, the holder of a brewer's licence may, upon written application, be authorized in writing by the Minister or a person acting under his directions to supply, on such conditions or restrictions as he may determine, any liquor free of charge to a *bona fide* visitor to the licensed premises, to a *bona fide* guest or to a person *bona fide* employed in connection with the carrying on of the business to which the licence relates, for consumption on the licensed premises or on any premises or place adjoining or near the licensed premises in a room or other place specially set apart for that purpose and approved by the Minister or a person acting under his directions.

Storing of liquor.

123. (1) Notwithstanding the provisions of section 64, the holder of a brewer's licence may store liquor received or manufactured by him and not immediately required for sale, also in a place in any district which a person acting under the directions of the Minister may, on application made in the prescribed manner by the licensee, approve on such conditions or restrictions as he may deem fit to determine.

(2) The holder of a licence referred to in subsection (1) shall not sell or supply any liquor at or from a place referred to in that subsection, unless he is satisfied that it is intended for export to another state, and shall not so sell or supply any liquor to any person other than—

- (a) the master of a ship or his agent;
- (b) the holder of a licence;
- (c) a person authorized under this Act to sell liquor without a licence;
- (d) a person referred to in the definition in section 1 of "deal directly with the public"; or
- (e) a person lawfully selling liquor in the territory of South West Africa or in the area of jurisdiction of any Legislative Assembly of any self-governing territory established under the provisions of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971).

(3) The said licensee shall keep at the place referred to in subsection (1) a daily record in one of the official languages of all liquor brought into that place and all liquor removed, sold or delivered therefrom, and showing the place to which or the name and address of the person to whom it was so removed, delivered or sold.

Forbidden conditions in bonds or contracts.

124. (1) No mortgage bond passed nor any contract entered into for a loan of money by a brewer to any licensee shall contain any condition preventing the repayment of the debt or any part thereof before any specified time.

(2) Any condition referred to in subsection (1) contained in any such mortgage bond or any such contract shall be null and void.

121. Behoudens die bepalings van hierdie Wet, mag die houer van 'n bierbrouerslisensie—

- (a) nie drank voor 07h00 of na 21h00 verkoop, verskaf of aflewer nie; en
- (b) ondanks andersluidende bepalings van die een of ander wet, op 'n geslote dag, behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag, drank vanaf die gelisensieerde perseel of vanaf 'n opbergplek wat ingevolge artikel 123 goedgekeur is, vervoer vir aflewing—
 - (i) by 'n opbergplek wat ingevolge artikel 123 goedgekeur is;
 - (ii) aan 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop; of
 - (iii) op 'n plek aan die spoorwegnetwerk beheer deur die Spoerwegadministrasie, vir vervoer per spoor na so 'n lisensiehouer of persoon.

Dae en ure van verkoop, verskaffing en aflewing van drank.

122. Ondanks andersluidende bepalings van hierdie Wet, kan die houer van 'n bierbrouerslisensie, op skriftelike aansoek, skriftelik deur die Minister of iemand wat op sy gesag handel, gemagtig word om, op die voorwaardes of beperkings wat hy bepaal, drank gratis te verskaf aan 'n bona fide-besoeker aan die gelisensieerde perseel, aan 'n bona fide-gas of aan 'n persoon wat te goeder trou in verband met die dryf van die saak waarop die lisensie betrekking het, in diens gestel is, vir gebruik op die gelisensieerde perseel of op 'n perseel of plek wat aan die gelisensieerde perseel grens of digby geleë is, in 'n vertrek of ander plek wat spesiaal vir daardie doel afgesonder is en wat deur die Minister of iemand wat op sy gesag handel, goedgekeur is.

Gratis verskaffing van drank op gelisensieerde persele.

123. (1) Ondanks die bepalings van artikel 64, kan die houer van 'n bierbrouerslisensie drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop nodig is nie, ook opberg in 'n plek in enige distrik wat iemand wat op gesag van die Minister handel, op aansoek op die voorgeskrewe wyse deur die lisensiehouer gedoen, goedkeur op die voorwaardes of beperkings wat hy na goeddunke bepaal.

Opberging van drank.

(2) Die houer van 'n lisensie bedoel in subartikel (1) mag nie drank by of vanuit 'n plek bedoel in daardie subartikel verkoop of verskaf nie tensy hy oortuig is dat dit vir uitvoer na 'n ander staat bedoel is, en mag nie drank aldus verkoop of verskaf nie behalwe aan iemand—

- (a) wat die gesagvoerder van 'n skip of sy verteenwoordiger is;
- (b) wat 'n lisensie hou;
- (c) wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop;
- (d) soos bedoel in die omskrywing in artikel 1 van „regstreeks met die publiek handel dryf”; of
- (e) wat drank wettiglik verkoop in die gebied Suidwes-Afrika of in die regssgebied van 'n Wetgewende Vergadering van 'n selfregerende gebied ingestel kragtens die bepalings van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971).

(3) Die bedoelde lisensiehouer moet daagliks aantekeninge in een van die amptelike tale in die plek bedoel in subartikel (1) hou van alle drank wat in daardie plek gebring word en alle drank wat daaruit verwijder, verkoop of afgelewer word en wat die plek aantoon waarheen of die naam en adres van die persoon na wie die drank aldus verwijder is of aan wie dit aldus afgelewer of verkoop is.

124. (1) 'n Verband gepasseer of ooreenkoms aangegaan vir 'n Verbode voorwaardes geldlening deur 'n bierbrouer aan 'n lisensiehouer mag nie 'n in verbande of voorwaarde bevat nie wat die terugbetaling van die skuld of van 'n deel daarvan voor 'n bepaalde tyd verbied.

in verbande of ooreenkoms.

(2) 'n Voorwaarde bedoel in subartikel (1) wat voorkom in so 'n verband of so 'n ooreenkoms is nietig.

Act No. 87, 1977

LIQUOR ACT, 1977.

(b) Foreign liquor licences

Restriction relating to kinds of liquor which may be sold.

Quantity of liquor which may be sold under foreign liquor licences.

Days and hours of sale, supply and delivery of liquor.

Forbidden conditions in bonds or contracts.

Presence of prohibited persons on premises in respect of which liquor store licences are held.

Employment of certain persons on licensed premises.

125. A foreign liquor licence shall not authorize the sale of liquor which was manufactured in the Republic.

126. The quantity of liquor which may be sold or supplied under a foreign liquor licence to any one customer at any one time shall not be less than—

- (a) 9 litres in a receptacle or receptacles properly and securely sealed; or
- (b) in the case of sweets containing more than two per cent of alcohol by mass, 4,5 kilograms in a receptacle or receptacles properly and securely sealed.

127. (1) Subject to express provisions to the contrary in this section contained, the holder of a foreign liquor licence shall not sell, supply or deliver liquor on a public holiday.

(2) Subject to the provisions of this Act, the holder of a foreign liquor licence shall not sell or supply liquor on the licensed premises earlier than 09h00 or later than 18h30 and shall not deliver liquor from such premises before 09h00 or after 19h00: Provided that—

- (a) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than 09h00 or later than 13h00 and no liquor shall be delivered on any Saturday from such premises before 09h00 or after 17h00; and
- (b) subject to the provisions of subsection (1) and of paragraph (a) of this proviso, liquor may be sold or supplied on the licensed premises up to 20h00 or delivered from the licensed premises up to 21h00 upon 21 and 31 December and on any day between the said days.

128. (1) No mortgage bond nor any contract entered into for a loan of money by the holder of a foreign liquor licence to any licensee shall contain any condition preventing the repayment of the debt or any part thereof before any specified time.

(2) Any condition referred to in subsection (1) contained in any such mortgage bond or any such contract, shall be null and void.

(c) Liquor store licences

129. (1) No holder of a liquor store licence shall permit any person to whom the sale or supply of liquor is prohibited under section 163 to be at any time in the restricted portion or any other portion of the licensed premises from which liquor is sold or supplied.

(2) Nothing in this section contained shall prohibit the access to any part of the licensed premises of any person to—

- (a) perform thereon any service for which he may be lawfully employed;
- (b) perform thereon, at any time during which the licensed premises are closed for the sale or supply of liquor, any bona fide domestic service.

130. (1) No holder of a liquor store licence shall employ—

- (a) in or in connection with the sale or supply of liquor; or
- (b) during the hours when liquor may be sold or supplied by him, in any restricted portion or other portion of the premises from which liquor is sold or supplied, any person—

- (i) who is under the age of eighteen years;
- (ii) to whom the sale or supply of liquor has been prohibited under section 163;

(b) *Buitelandse dranklisensies*

125. 'n Buitelandse dranklisensie magtig nie die verkoop van drank wat in die Republiek vervaardig is nie.

Beperking rakende soorte drank wat verkoop kan word.

126. Die hoeveelheid drank wat kragtens 'n buitelandse dranklisensie by een geleentheid aan een klant verkoop of verskaf kan word, mag nie minder wees nie as—

Hoeveelheid drank wat kragtens buitelandse dranklisensies verkoop kan word.

(a) 9 liter in 'n houer of houers wat behoorlik en dig verseel is; of

(b) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 4,5 kilogram in 'n houer of houers wat behoorlik en dig verseel is.

127. (1) Behoudens uitdruklike andersluidende bepalings van hierdie artikel, word drank nie deur die houer van 'n buitelandse dranklisensie op 'n openbare feesdag verkoop, verskaf of afgelewer nie.

Dae en ure van verkoop, verskaffing en aflewering van drank.

(2) Behoudens die bepalings van hierdie Wet, mag die houer van 'n buitelandse dranklisensie nie drank op die gelisensieerde perseel voor 09h00 of na 18h30 verkoop of verskaf nie, of vanaf die perseel voor 09h00 of na 19h00 aflewer nie: Met dien verstande dat—

(a) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor 09h00 of na 13h00 op 'n Saterdag verkoop of verskaf mag word nie en drank nie voor 09h00 of na 17h00 op 'n Saterdag vanaf die perseel afgelewer mag word nie; en

(b) behoudens die bepalings van subartikel (1) en van paragraaf (a) van hierdie voorbeholdsbeleid, drank op die gelisensieerde perseel tot 20h00 verkoop of verskaf mag word of vanaf die gelisensieerde perseel tot 21h00 afgelewer mag word op 21 en 31 Desember, en op enige dag tussen genoemde dae.

128. (1) 'n Verband gepasseer of ooreenkoms aangegaan vir 'n geldlening deur die houer van 'n buitelandse dranklisensie aan 'n lisensiehouer mag nie 'n voorwaarde bevat nie wat die terugbetaaling van die skuld of van 'n deel daarvan voor 'n bepaalde tyd verbied.

Verbode voorwaardes in verbande of ooreenkomste.

(2) 'n Voorwaarde bedoel in subartikel (1) wat voorkom in so 'n verband of so 'n ooreenkoms is nietig.

(c) *Drankwinkellisensies*

129. (1) 'n Houer van 'n drankwinkellisensie mag nie iemand aan wie die verkoop of verskaffing van drank kragtens artikel 163 verbied is, toelaat om te eniger tyd in die beperkte gedeelte of 'n ander gedeelte van die gelisensieerde perseel van waar drank verkoop of verskaf word, te wees nie.

Teenwoordigheid van verbode persone op persele ten opsigte waarvan drankwinkellisensies gehou word.

(2) Die bepalings van hierdie artikel belet nie die toegang tot 'n deel van die gelisensieerde perseel nie van iemand om daar—

(a) werk te verrig waarvoor hy wettig in diens geneem kan word;

(b) gedurende 'n tyd wanneer die gelisensieerde perseel vir die verkoop of verskaffing van drank gesluit is, 'n *bona fide*-huishoudelike taak te verrig.

130. (1) 'n Houer van 'n drankwinkellisensie mag nie—

Indiensstelling van sekere persone op gelisensieerde persele.

(a) by of in verband met die verkoop of verskaffing van drank; of

(b) gedurende die ure wanneer hy drank mag verkoop of verskaf, in 'n beperkte gedeelte of ander gedeelte van die perseel waaruit drank verkoop of verskaf word,

iemand in diens hê nie—

(i) wat onder die ouderdom van agtien jaar is; of
(ii) aan wie die verkoop of verskaffing van drank kragtens artikel 163 verbied is;

- (iii) who, to his knowledge, has within the preceding two years been convicted of any contravention of any law relating to the sale or supply of liquor, and has been sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding one hundred rand.

(2) The provisions of subsection (1) shall not apply to the wife or a member of the family of the licensee or of the proprietor or manager of the business to which the licence relates.

Provision for reasonable requirements of public by holders of liquor store licences.

131. (1) The holder of a liquor store licence shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor.

(2) The holder of a licence referred to in subsection (1) shall not be deemed to satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor unless he has, except in so far as he is prevented from doing so by circumstances beyond his control, at all times available and prominently displayed for sale on the licensed premises, in reasonable quantities and at reasonable prices—

- (a) if any wine is sold on the licensed premises, wine of at least eight different persons each of whom shall either be the holder of a wine farmer's licence or the holder of an authority under section 24 or a producer of wine, and, in the case of such a producer be an independent producer in relation to the holder of the licence referred to in subsection (1), and to every other such producer taken into account for the purpose of calculating that number of persons;
- (b) if any brandy is sold on the licensed premises, brandy, for which there is a reasonable demand by the public, of at least six different producers of brandy each one of whom shall in relation to every one of the others and to the licensee, be an independent producer; and
- (c) if any malt liquor is sold on the licensed premises, malt liquor, for which there is a reasonable demand by the public, of at least seven different brewers of malt liquor in the Republic and the territory of South West Africa, each one of whom shall in relation to every one of the others and to the licensee, be an independent brewer.

(3) For the purposes of this section a producer or brewer of malt liquor—

- (a) in whose business or undertaking another producer or brewer of malt liquor, or some person on behalf of another producer or brewer of malt liquor, has a financial interest, shall not, in relation to that other producer or brewer of malt liquor or any producer or brewer of malt liquor in whose business or undertaking that other producer or brewer of malt liquor or some person on behalf of that other producer or brewer of malt liquor, has a financial interest, be deemed to be an independent producer or brewer of malt liquor;
- (b) who is a company wherein any other person, or some person on behalf of any other person, holds a controlling interest, shall not in relation to any other producer or brewer of malt liquor who is a company wherein the said other person, or some person on behalf of the said other person, holds a controlling interest, be deemed to be an independent producer or brewer of malt liquor;
- (c) shall not be deemed to be an independent producer or brewer of malt liquor in relation to the holder of a licence referred to in subsection (1) if he, or some other person on his behalf, has a financial interest in the business or undertaking in respect of which the licence has been issued.

(4) The holder of a licence referred to in subsection (1) may in writing request any person to furnish him in writing within thirty days from the date of the request with such information, including

- (iii) wat volgens sy kennis binne die voorafgaande twee jaar weens 'n oortreding van 'n wet op die verkoop of verskaffing van drank skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as honderd rand.
- (2) Die bepalings van subartikel (1) is nie van toepassing nie op die eggenote of 'n lid van die gesin van die lizensiehouer of van die eienaar of bestuurder van die saak waarop die licensie betrekking het.

131. (1) Die houer van 'n drankwinkellicensie moet te alle tye voldoen aan die redelike vereistes van die publiek betreffende die verskaffing van wyn, brandewyn en bier.

(2) Die houer van 'n licensie bedoel in subartikel (1) word nie geag aan die redelike vereistes van die publiek betreffende die verskaffing van wyn, brandewyn en bier te voldoen nie tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder word om dit te doen—

- (a) indien wyn op die gelisensieerde perseel verkoop word, wyn van minstens agt verskillende persone van wie elkeen of die houer van 'n wynboerlisensie of die houer van 'n magtiging kragtens artikel 24 of 'n produsent van wyn moet wees, en, in die geval van so 'n produsent, 'n onafhanklike produsent moet wees met betrekking tot die houer van die licensie bedoel in subartikel (1), en elke ander sodanige produsent wat vir die doeleindes van die berekening van daardie getal persone in aanmerking geneem word;
 - (b) indien brandewyn op die gelisensieerde perseel verkoop word, brandewyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens ses verskillende produsente van brandewyn van wie elkeen met betrekking tot elkeen van die ander en tot die lizensiehouer, 'n onafhanklike produsent moet wees; en
 - (c) indien bier op die gelisensieerde perseel verkoop word, bier, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens sewe verskillende bierbrouers in die Republiek en die gebied Suidwes-Afrika, van wie elkeen met betrekking tot elkeen van die ander en tot die lizensiehouer, 'n onafhanklike brouer moet wees,
- in redelike hoeveelhede en teen redelike pryse te alle tye op die gelisensieerde perseel vir verkoop beskikbaar en opvallend uitgestal hou.

(3) By die toepassing van hierdie artikel word 'n produsent of bierbrouer—

- (a) in wie se saak of onderneming 'n ander produsent of bierbrouer, of iemand ten behoeve van 'n ander produsent of bierbrouer, 'n geldelike belang het, nie met betrekking tot daardie ander produsent of bierbrouer of 'n produsent of bierbrouer in wie se saak of onderneming daardie ander produsent of bierbrouer, of iemand ten behoeve van daardie ander produsent of bierbrouer, 'n geldelike belang het, geag 'n onafhanklike produsent of bierbrouer te wees nie;
- (b) wat 'n maatskappy is waarin 'n ander persoon, of iemand ten behoeve van 'n ander persoon, 'n beheersende belang besit, nie met betrekking tot enige ander produsent of bierbrouer wat 'n maatskappy is waarin bedoelde ander persoon, of iemand namens bedoelde ander persoon, 'n beheersende belang besit, geag 'n onafhanklike produsent of bierbrouer te wees nie;
- (c) nie geag 'n onafhanklike produsent of bierbrouer met betrekking tot die houer van 'n licensie bedoel in subartikel (1) te wees nie indien hy of iemand anders ten behoeve van hom 'n geldelike belang het in die saak of onderneming ten opsigte waarvan die licensie uitgereik is.

(4) Die houer van 'n licensie bedoel in subartikel (1) kan enigiemand skriftelik versoek om binne dertig dae vanaf die datum van die versoek, die inligting, met inbegrip van die naam

Voldoening aan
redelike vereistes van
publiek deur houers
van
drankwinkellicensies.

the name and address of any person, as he may reasonably require for the purpose of ascertaining whether a producer or brewer of malt liquor whose wine or brandy or malt liquor he wishes to acquire is an independent producer or brewer of malt liquor in relation to any other producer or brewer of malt liquor, including the name and address of any producer or brewer of malt liquor in relation to whom such first-mentioned producer or brewer of malt liquor is not an independent producer or brewer of malt liquor.

(5) Any person who refuses or fails to comply with any request referred to in subsection (4), or who on such a request furnishes any information which is false, knowing it to be false, shall be guilty of an offence.

Quantity of liquor
which may be sold
under liquor store
licences.

132. The quantity of liquor which may be sold or supplied under a liquor store licence to any one customer at any one time shall not be less than 200 millilitres in a receptacle properly and securely sealed or, in the case of the sale or supply of sweets containing more than two per cent of alcohol by mass, not be less than 250 grams in a receptacle or receptacles properly and securely sealed.

Days and hours of
sale, supply and
delivery of liquor.

133. (1) Subject to express provisions to the contrary in this section contained, the holder of a liquor store licence shall not sell, supply or deliver liquor on a public holiday.

(2) Subject to the provisions of this Act, the holder of a liquor store licence shall not sell or supply liquor on the licensed premises earlier than 09h00 or later than 18h30 and shall not deliver liquor from such premises before 09h00 or after 19h00: Provided that—

- (a) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than 09h00 or later than 13h00 and no liquor shall be delivered from such premises before 09h00 or after 17h00; and
- (b) subject to the provisions of subsection (1) and of paragraph (a) of this proviso, liquor may be sold or supplied on the licensed premises up to 20h00 or delivered from the licensed premises up to 21h00 upon 21 and 31 December and on any day between the said days.

Payment for liquor.

134. (1) No holder of a liquor store licence shall receive in payment or security for any liquor supplied in or from his licensed premises anything except current money or cheques on bankers.

(2) (a) No licensee referred to in subsection (1) shall prior to the conclusion of a sale of liquor receive payment for such liquor or receive from any person a deposit of money or goods in respect of the supply of liquor in future.

(b) Any payment, money or goods referred to in paragraph (a) may be recovered in spite thereof that any liquor may have been supplied subsequent to the receipt thereof or that other goods have been supplied with the liquor.

(3) (a) No licensee referred to in subsection (1) shall receive any pledge for or in respect of any liquor supplied in or from his licensed premises.

(b) The owner of anything pledged in contravention of this subsection shall have the same remedies 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 licensees.

135. From and after the first day of the fourth calendar month succeeding the month in which any liquor was sold or supplied by the holder of any liquor store licence to any person other than a licensee or a person authorized under this Act to sell liquor without a licence, 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 sale or supply, nor shall any such alleged debt be capable of being set off or of being

en adres van enigiemand, skriftelik aan hom te verstrek wat hy redelikerwys nodig het om vas te stel of 'n produsent of bierbrouer wie se wyn, brandewyn of bier hy wil aanskaf, met betrekking tot enige ander produsent of bierbrouer, 'n onafhanklike produsent of bierbrouer is, met inbegrip van die naam en adres van enige produsent of bierbrouer met betrekking tot wie eersbedoelde produsent of bierbrouer nie 'n onafhanklike produsent of bierbrouer is nie.

(5) Iemand wat weier of versuim om te voldoen aan 'n versoek bedoel in subartikel (4), of wat op die versoek inligting verstrek wat vals is wetende dat dit vals is, is aan 'n misdryf skuldig.

132. Die hoeveelheid drank wat kragtens 'n drankwinkellisensie by een geleentheid aan een klant verkoop of verskaf kan word, mag nie minder wees nie as 200 milliliter in 'n houer wat behoorlik en dig verseël is, of, in die geval van die verkoop of verskaffing van lekkers wat meer as twee persent alkohol volgens massa bevat, nie minder nie as 250 gram in 'n houer of houers wat behoorlik en dig verseël is.

Hoeveelheid drank wat kragtens drankwinkellisensies verkoop kan word.

133. (1) Behoudens uitdruklike andersluidende bepalings van hierdie artikel word drank nie deur die houer van 'n drankwinkellisensie op 'n openbare feesdag verkoop, verskaf of afgelewer nie.

Dae en ure van verkoop, verskaffing en aflewing van drank.

(2) Behoudens die bepalings van hierdie Wet mag die houer van 'n drankwinkellisensie nie drank op die gelisensieerde perseel voor 09h00 of na 18h30 verkoop of verskaf nie, of vanaf die perseel voor 09h00 of na 19h00 aflewer nie: Met dien verstande dat—

- (a) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor 09h00 of na 13h00 op 'n Saterdag verkoop of verskaf mag word nie en drank nie voor 09h00 of na 17h00 vanaf die perseel afgelewer mag word nie; en
- (b) behoudens die bepalings van subartikel (1) en van paragraaf (a) van hierdie voorbehoudsbepaling, drank op die gelisensieerde perseel tot 20h00 verkoop of verskaf mag word of vanaf die gelisensieerde perseel tot 21h00 afgelewer mag word op 21 en 31 Desember en op enige dag tussen genoemde dae.

134. (1) 'n Houer van 'n drankwinkellisensie mag nie as betaling vir drank.

betaling of sekuriteit vir enige drank wat op of uit sy gelisensieerde perseel verskaf is, iets anders as gangbare geld of banktjeks ontvang nie.

(2) (a) 'n Licensiehouer bedoel in subartikel (1) mag nie voor die sluiting van 'n verkoop van drank vir daardie drank betaling ontvang nie, of van iemand 'n gelddeposito of goedere ontvangoing vir die verskaffing van drank in die toekoms nie.

(b) 'n Betaling, geld of goedere bedoel in paragraaf (a) kan teruggevorder word ten spyte daarvan dat drank na die ontvangs daarvan, of ander goedere met die drank, verskaf is.

(3) (a) 'n Licensiehouer bedoel in subartikel (1) mag nie 'n pand ontvang vir of ten opsigte van enige drank wat op of uit die gelisensieerde perseel verskaf is nie.

(b) Die eienaar van 'n voorwerp wat in stryd met hierdie subartikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder asof dit nie verpand was nie.

135. Vanaf die eerste dag van die vierde kalendermaand wat volg op die maand waarin die houer van 'n drankwinkellisensie aan iemand anders as 'n licensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n licensie te verkoop, drank verkoop of verskaf het, kan 'n aksie of ander regsgeding nie deur iemand ingestel word nie tot invordering van geld wat na beweer word verskuldig is in verband met daardie verkoop of verskaffing, en kan so 'n beweerde skuld ook nie vir skuldverge-

Tydsbeperking vir invordering van geld verskuldig aan licensiehouers.

the subject of any claim in reconvention by any person: Provided that the foregoing provisions of this section shall not apply in the case where the person to whom liquor was so sold or supplied, dies before the first day of the said calendar month or where the estate of such person is sequestrated before the said day.

(d) Wholesale liquor licences

Condition relating to dealing directly with public.

136. (1) It shall be a condition of a wholesale liquor licence that the licensee shall not deal directly with the public unless the Minister has, upon application made in the prescribed manner and upon the recommendation of the Board, authorized the licensee to do so on such conditions or restrictions as the Minister may deem fit to determine.

(2) Any authority granted by the Minister under subsection (1) shall be issued in the prescribed form by a person acting under the directions of the Minister.

Presence of prohibited persons on premises in respect of which wholesale liquor licences are held.

137. (1) No holder of a wholesale liquor licence who is authorized to deal directly with the public, shall permit any person to whom the sale or supply of liquor is prohibited under section 163 to be at any time in the restricted portion or any other portion of the licensed premises from which liquor is sold or supplied.

(2) Nothing in this section contained shall prohibit the access to any part of the licensed premises of any person to—

- (a) perform thereon any service for which he may be lawfully employed;
- (b) perform thereon, at any time during which the licensed premises are closed for the sale or supply of liquor, any *bona fide* domestic service.

Employment of certain persons on licensed premises.

138. (1) No holder of a wholesale liquor licence who is authorized to deal directly with the public shall employ—

- (a) in or in connection with the sale or supply of liquor; or
- (b) during the hours when liquor may be sold or supplied by him, in any restricted portion or other portion of the premises from which liquor is sold or supplied,

any person—

- (i) who is under the age of eighteen years;
- (ii) to whom the sale or supply of liquor has been prohibited under section 163;
- (iii) who, to his knowledge, has within the preceding two years been convicted of any contravention of any law relating to the sale or supply of liquor, and has been sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding one hundred rand.

(2) The provisions of subsection (1) shall not apply to the wife or a member of the family of the licensee or of the proprietor or manager of the business to which the licence relates.

Quantity of liquor which may be sold under wholesale liquor licences.

139. (1) The quantity of liquor which may be sold or supplied at any one time under a wholesale liquor licence to—

- (a) any one customer other than a licensee or person authorized under this Act to sell liquor without a licence, shall not be less than—

(i) 9 litres (of which not less than 4,5 litres shall be of the same kind, description and brand of liquor other than malt liquor), in a receptacle or receptacles properly and securely sealed; or

(ii) in the case of sweets containing more than two per cent of alcohol by mass, 4,5 kilograms in a receptacle or receptacles properly and securely sealed; or

lyking in aanmerking geneem word of die grondslag van 'n eis in rekonvensie deur iemand vorm nie: Met dien verstande dat die voorafgaande bepalings van hierdie artikel nie van toepassing is nie in die geval waar die persoon aan wie drank aldus verkoop of verskaf is, voor die eerste dag van bedoelde kalendermaand sterf of waar die boedel van die persoon voor genoemde datum gesekwestreer word.

(d) *Groothandelaars-dranklisensies*

136. (1) Dit is 'n voorwaarde van 'n groothandelaars-drinklisensie dat die lisensiehouer nie regstreeks met die publiek handel mag dryf nie, tensy die Minister, op aansoek op die voorgeskrewe wyse gedoen en op aanbeveling van die Raad, die lisensiehouer gemagtig het om dit te doen op die voorwaardes of beperkings wat die Minister na goeddunke bepaal.

(2) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, word deur iemand wat op gesag van die Minister handel, in die voorgeskrewe vorm uitgereik.

Voorwaarde
betreffende
regstreekse
handeldryf met
publiek.

137. (1) 'n Houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, mag nie iemand aan wie die verkoop of verskaffing van drank kragtens artikel 163 verbied is, toelaat om te eniger tyd in die beperkte gedeelte of 'n ander gedeelte van die gelisensieerde perseel van waar drank verkoop of verskaf word, te wees nie.

Teenwoordigheid van
verbode persone op
persele ten opsigte
waarvan
groothandelaars-drink-
lisensies
gehou word.

(2) Die bepalings van hierdie artikel belet nie die toegang tot 'n deel van die gelisensieerde perseel nie van iemand om daar—

- (a) werk te verrig waarvoor hy wettig in diens geneem kan word;
- (b) gedurende 'n tyd wanneer die gelisensieerde perseel vir die verkoop of verskaffing van drank gesluit is, 'n bona fide-huishoudelike taak te verrig.

138. (1) 'n Houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, mag nie—

Indiensstelling van
sekere persone op
gelisensieerde
persele.

- (a) by of in verband met die verkoop of verskaffing van drank; of
- (b) gedurende die ure wanneer hy drank mag verkoop of verskaf, in 'n beperkte gedeelte of ander gedeelte van die perseel waaruit drank verkoop of verskaf word,
iemand in diens hê nie—
 - (i) wat onder die ouderdom van agtien jaar is;
 - (ii) aan wie die verkoop of verskaffing van drank kragtens artikel 163 verbied is;
 - (iii) wat volgens sy kennis binne die voorafgaande twee jaar weens 'n oortreding van 'n wet op die verkoop of verskaffing van drank skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as honderd rand.

(2) Die bepalings van subartikel (1) is nie van toepassing nie op die eggenote of 'n lid van die gesin van die lisensiehouer of van die eienaar of bestuurder van die saak waarop die lisensie betrekking het.

139. (1) Die hoeveelheid drank wat kragtens 'n groothandelaars-drinklisensie by een geleenthed aan—

Hoeveelheid drank
wat kragtens
groothandelaars-drink-
lisensies
verkoop kan word.

- (a) een klant, behalwe 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, verkoop of verskaf mag word, mag nie minder wees nie as—
 - (i) 9 liter (waarvan minstens 4,5 liter van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees) in 'n houer of houers wat behoorlik en dig verseël is; of
 - (ii) in die geval van lekkers wat meer as twee persent alkohol volgens massa bevat, 4,5 kilogram in 'n houer of houers wat behoorlik en dig verseël is; of

Act No. 87, 1977

LIQUOR ACT, 1977.

- (b) any one licensee or person authorized under this Act to sell liquor without a licence, shall not be less than—
 (i) 750 millilitres in a receptacle or receptacles properly and securely sealed; or
 (ii) in the case of such sweets, 500 grams in a receptacle properly and securely sealed:

Provided that if the quantity of liquor so sold or supplied to any one customer includes not less than 4,5 litres of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than fourteen per cent of alcohol by volume, such table wine need not be of the same description or brand.

- (2) No holder of a wholesale liquor licence shall keep or store on the licensed premises for any period exceeding forty-eight hours any liquor sold or supplied by him to a customer referred to in subsection (1).

Days and hours of sale, supply and delivery of liquor.

140. (1) Subject to any express provisions to the contrary in this section contained, the holder of a wholesale liquor licence who is authorized to deal directly with the public shall not sell, supply or deliver liquor on a public holiday.

- (2) Subject to the provisions of this Act—

- (a) the holder of a wholesale liquor licence who is not authorized to deal directly with the public—

- (i) shall not sell, supply or deliver liquor earlier than 07h00 or later than 21h00; and

- (ii) may, notwithstanding anything to the contrary in any law contained, on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Convenant, convey liquor from the licensed premises or place of storage approved of under section 142 for delivery—

- (aa) at any place of storage approved of under section 142;

- (bb) to any licensee or person authorized under this Act to sell liquor without a licence; or

- (cc) at any place on the railway system controlled by the Railway Administration for transport by rail to any such licensee or person;

- (b) the holder of a wholesale liquor licence who is authorized to deal directly with the public shall not sell or supply liquor earlier than 09h00 or later than 18h30 and shall not deliver liquor from such premises before 09h00 or after 19h00: Provided that—

- (i) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than 09h00 or later than 13h00 and no liquor shall be delivered on any Saturday from such premises before 09h00 or after 17h00; and

- (ii) subject to the provisions of subsection (1) and of subparagraph (i) of this proviso, liquor may be sold or supplied on the licensed premises up to 20h00 or delivered from the licensed premises up to 21h00 upon 21 and 31 December and on any day between the said days.

- (3) The provisions of subsections (1) and (2) (a) and (b) shall not apply to the sale, supply and delivery of liquor by the holder of a wholesale liquor licence to the master of a ship about to sail from any port.

DRANKWET, 1977.

Wet No. 87, 1977

(b) een lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, verkoop of verskaf mag word, mag nie minder wees nie as—

- (i) 750 milliliter in 'n houer of houers wat behoorlik en dig verseël is; of
- (ii) in die geval van bedoelde lekkers, 500 gram in 'n houer wat behoorlik en dig verseël is:

Met dien verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of verskaf word, nie minder nie as 4,5 liter tafelwyn insluit wat uitsluitlik die produk is van die alkoholiese gisting van die sap van vars druwe en wat nie meer alkohol bevat nie as veertien persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk hoef te wees nie.

(2) 'n Houer van 'n groothandelaars-dranklisensie mag nie op die gelisensieerde perseel vir 'n langer tydperk as agt-en-veertig uur enige drank wat deur hom aan 'n in subartikel (1) bedoelde klant verkoop of verskaf is, hou of berg nie.

140. (1) Behoudens uitdruklike andersluidende bepalings van hierdie artikel word drank nie deur die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, op 'n openbare feesdag verkoop, verskaf of afgelewer nie.

Dae en ure van verkoop, verskaffing en aflewering van drank.

(2) Behoudens die bepalings van hierdie Wet—

(a) kan die houer van 'n groothandelaars-dranklisensie wat nie gemagtig is om regstreeks met die publiek handel te dryf nie—

(i) nie drank voor 07h00 of na 21h00 verkoop, verskaf of aflewer nie; en

(ii) ondanks andersluidende bepalings van die een of ander wet, op 'n geslote dag, behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Geloftedag, drank vanaf die gelisensieerde perseel of opbergplek wat kragtens artikel 142 goedgekeur is, vervoer vir aflewering—

(aa) by 'n opbergplek wat kragtens artikel 142 goedgekeur is;

(bb) aan 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop; of

(cc) op 'n plek aan die spoorwegnetwerk beheer deur die Spoorwegadministrasie, vir vervoer per spoor na so 'n lisensiehouer of persoon;

(b) kan die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, nie drank op die gelisensieerde perseel voor 09h00 of na 18h30 verkoop of verskaf nie, of vanaf so 'n perseel voor 09h00 of na 19h00 aflewer nie: Met dien verstande dat—

(i) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor 09h00 of na 13h00 op 'n Saterdag verkoop of verskaf mag word nie en drank nie voor 09h00 of na 17h00 op 'n Saterdag vanaf so 'n perseel afgelewer mag word nie; en

(ii) behoudens die bepalings van subartikel (1) en van subparagraph (i) van hierdie voorbehoudsbepaling, drank op die gelisensieerde perseel tot 20h00 verkoop of verskaf mag word of vanaf die gelisensieerde perseel tot 21h00 afgelewer mag word op 21 en 31 Desember, en op enige dag tussen genoemde dae.

(3) Die bepalings van subartikels (1) en (2) (a) en (b) is nie van toepassing nie op die verkoop, verskaffing en aflewering van drank deur die houer van 'n groothandelaars-dranklisensie aan die gesagvoerder van 'n skip wat op die punt staan om uit 'n hawe te vertrek.

Act No. 87, 1977

LIQUOR ACT, 1977.

Supply of liquor free
of charge on licensed
premises.

141. Notwithstanding anything to the contrary in this Act contained, the holder of a wholesale liquor licence who is not authorized to deal directly with the public may, upon written application, be authorized in writing by the Minister or person acting under his directions to supply, on such conditions or restrictions as he may determine, any liquor free of charge to a *bona fide* visitor to the licensed premises, to a *bona fide* guest or to a person *bona fide* employed in connection with the carrying on of the business to which the licence relates, for consumption on the licensed premises or on any premises or place adjoining or near the licensed premises in a room or other place specially set apart for that purpose and approved by the Minister or any person acting under his directions.

Storing of liquor.

142. (1) Notwithstanding the provisions of section 64, the holder of a wholesale liquor licence may store liquor received or manufactured by him and not immediately required for sale, also in a place in any district which a person acting under the directions of the Minister may, on application made in the prescribed manner by the licensee, approve on such conditions or restrictions as he may deem fit to determine.

(2) The holder of a licence referred to in subsection (1) shall not sell or supply any liquor at or from a place referred to in that subsection, unless he is satisfied that it is intended for export to another state, and shall not so sell or supply any liquor to any person other than—

- (a) the master of a ship or his agent;
- (b) the holder of a licence;
- (c) a person authorized under this Act to sell liquor without a licence;
- (d) a person referred to in the definition of "deal directly with the public" in section 1; or
- (e) a person lawfully selling liquor in the territory of South West Africa or in the area of jurisdiction of any Legislative Assembly of any self-governing territory established under the provisions of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971).

(3) The said licensee shall keep at the place referred to in subsection (1) a daily record in one of the official languages of all liquor brought into that place and all liquor removed, sold or delivered therefrom, and showing the place to which or the name and address of the person to whom it was so removed, delivered or sold.

Payment for liquor.

143. (1) No holder of a wholesale liquor licence who is authorized to deal directly with the public shall receive in payment or security for any liquor supplied in or from the licensed premises anything except current money or cheques on bankers.

(2) (a) No licensee referred to in subsection (1) shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money or goods in respect of a supply of liquor in future.

(b) Any payment, money or goods referred to in paragraph (a) may be recovered in spite thereof that any liquor may have been supplied subsequent to the receipt thereof or that other goods have been supplied with the liquor.

(3) (a) No licensee referred to in subsection (1) shall receive any pledge for or in respect of any liquor supplied in or from his licensed premises.

(b) The owner of anything pledged in contravention of this subsection shall have the same remedies 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 licensees.

144. From and after the first day of the fourth calendar month succeeding the month in which any liquor was sold or supplied by the holder of a wholesale liquor licence who is authorized to deal

DRANKWET, 1977.

Wet No. 87, 1977

141. Ondanks andersluidende bepalings van hierdie Wet kan die houer van 'n groothandelaars-dranklisensie wat nie gemagtig is om regstreeks met die publiek handel te dryf nie, op skriftelike aansoek, skriftelik deur die Minister of iemand wat op sy gesag handel, gemagtig word om op die voorwaardes of beperkings wat hy bepaal, drank gratis te verskaf aan 'n *bona fide*-besoeker aan die gelisensieerde perseel, aan 'n *bona fide*-gas of aan iemand wat te goeder trou in verband met die dryf van die saak waarop die lisensie betrekking het, in diens gestel is, vir gebruik op die gelisensieerde perseel of op 'n perseel of plek wat aan die gelisensieerde perseel grens of digby geleë is, in 'n vertrek of ander plek wat spesiaal vir daardie doel afgesonder is en wat deur die Minister of iemand wat op sy gesag handel, goedgekeur is.

Gratis verskaffing van drank op gelisensieerde persele.

142. (1) Ondanks die bepalings van artikel 64 kan die houer van 'n groothandelaars-dranklisensie drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop nodig is nie, ook opberg in 'n plek in enige distrik wat iemand wat op gesag van die Minister handel, op aansoek op die voorgeskrewe wyse deur die lisensiehouer gedoen, goedkeur op die voorwaardes of beperkings wat hy na goeddunke bepaal.

Opberging van drank.

(2) Die houer van 'n lisensie bedoel in subartikel (1) mag nie drank by of vanuit 'n plek bedoel in daardie subartikel verkoop of verskaf nie tensy hy oortuig is dat dit vir uitvoer na 'n ander staat bedoel is, en mag nie drank aldus verkoop of verskaf nie behalwe aan iemand—

- (a) wat die gesagvoerder van 'n skip of sy verteenwoordiger is;
- (b) wat 'n lisensie hou;
- (c) wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop;
- (d) soos bedoel in die omskrywing in artikel 1 van „regstreeks met die publiek handel dryf“; of
- (e) wat drank wettiglik verkoop in die gebied Suidwes-Afrika of in die regsgebied van 'n Wetgewende Vergadering van 'n selfregerende gebied ingestel kragtens die bepalings van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971).

(3) Die bedoelde lisensiehouer moet daagliks aantekeninge in een van die amptelike tale in die plek bedoel in subartikel (1) hou van alle drank wat in daardie plek gebring word en alle drank wat daaruit verwyder, verkoop of afgelewer word en wat die plek aantoon waarheen of die naam en adres van die persoon na wie die drank aldus verwyder is of aan wie dit aldus afgelewer of verkoop is.

143. (1) 'n Houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek handel te dryf, mag nie as betaling of sekuriteit vir enige drank wat op of uit die gelisensieerde perseel verskaf is, iets anders as gangbare geld of banktjeks ontvang nie.

Betaling vir drank.

(2) (a) 'n Lisensiehouer bedoel in subartikel (1) mag nie voor die sluiting van 'n verkoop van drank vir daardie drank betaling ontvang nie, of van iemand 'n gelddeposito of goedere ontvang vir die verskaffing van drank in die toekoms nie.

- (b) 'n Betaling, geld of goedere bedoel in paragraaf (a) kan teruggeworde word ten spyte daarvan dat drank na die ontvangs daarvan, of ander goedere met die drank, verskaf is.

(3) (a) 'n Lisensiehouer bedoel in subartikel (1) mag nie 'n pand ontvang vir of ten opsigte van enige drank wat op of uit die gelisensieerde perseel verskaf is nie.

(b) Die eienaar van 'n voorwerp wat in stryd met hierdie subartikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder asof dit nie verpand was nie.

Tydsbeperking vir invordering van geld verskuldig aan lisensiehouers.

144. Vanaf die eerste dag van die vierde kalendermaand wat volg op die maand waarin die houer van 'n groothandelaars-dranklisensie wat gemagtig is om regstreeks met die publiek

Act No. 87, 1977

LIQUOR ACT, 1977.

directly with the public, to any person other than a licensee or a person authorized under this Act to sell liquor without a licence, no action or other judicial proceedings shall be capable of being brought by any person for the recovery of any money alleged to be owed in respect of such sale or supply, nor shall any such alleged debt be capable of being set off or of being the subject of any claim in reconviction by any person: Provided that the foregoing provisions of this section shall not apply in the case where the person to whom liquor was so sold or supplied, dies before the first day of the said calendar month or where the estate of such person is sequestrated before the said day.

Forbidden conditions
in bonds or contracts.

145. (1) No mortgage bond passed nor any contract entered into for a loan of money by the holder of a wholesale liquor licence to any licensee shall contain any condition preventing the repayment of the debt or any part thereof before any specified time.

(2) Any condition referred to in subsection (1) contained in any such mortgage bond or any such contract shall be null and void.

(e) Grocers' wine licences

Special condition of
grocer's wine licences.

146. It shall be a special condition of a grocer's wine licence that the licensee shall hold a general dealer's licence to deal in groceries and foodstuffs under the provisions of any law, in respect of his premises and that he shall at all times carry on a *bona fide* business of selling groceries and foodstuffs on such premises.

Condition relating to
kinds of liquor which
may be sold or
supplied.

147. It shall be a condition of a grocer's wine licence that no liquor other than table wine (except sparkling wine as defined in section 2 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957)), which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than fourteen per cent of alcohol by volume, shall be sold or supplied thereunder.

Provision for
reasonable
requirements of
public by holders of
grocers' wine
licences.

148. (1) The holder of a grocer's wine licence shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine.

(2) The holder of a licence referred to in subsection (1) shall not be deemed to satisfy the reasonable requirements of the public in regard to the supply of wine unless he has, except in so far as he is prevented from doing so by circumstances beyond his control, at all times available and prominently displayed, for sale on the licensed premises in reasonable quantities and at reasonable prices, wine of at least eight different persons each of whom shall either be the holder of a wine farmer's licence or the holder of an authority under section 24 or a producer of wine and, in the case of such a producer, be an independent producer in relation to the licensee referred to in subsection (1), and to every other such producer taken into account for the purpose of calculating that number of persons.

(3) For the purposes of this section a producer—

(a) in whose business or undertaking another producer, or some person on behalf of another producer has a financial interest, shall not, in relation to that other producer or any producer in whose business or undertaking that other producer or some person on behalf of that other producer has a financial interest, be deemed to be an independent producer;

(b) who is a company wherein any other person, or some person on behalf of any other person, holds a controlling interest, shall not in relation to any other producer who is a company wherein the said other person, or some person on behalf of the said other person, holds a controlling interest, be deemed to be an independent producer;

handel te dryf aan iemand anders as 'n licensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n licensie te verkoop, drank verkoop of verskaf het, kan 'n aksie of ander regsgeding nie deur iemand ingestel word nie tot invordering van geld wat na beweer word verskuldig is in verband met daardie verkoop of verskaffing, en kan so 'n beweerde skuld ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonsensie deur iemand vorm nie: Met dien verstande dat die voorafgaande bepalings van hierdie artikel nie van toepassing is nie in die geval waar die persoon aan wie drank aldus verkoop of verskaf is, voor die eerste dag van bedoelde kalendermaand sterf of waar die boedel van die persoon voor genoemde datum gesekwestreer word.

145. (1) 'n Verband gepasseer of ooreenkoms aangegaan vir 'n geldlening deur die houer van 'n groothandelaars-dranksensie aan 'n licensiehouer mag nie 'n voorwaarde bevat nie wat die terugbetaling van die skuld of van 'n deel daarvan voor 'n bepaalde tyd verbied.

(2) 'n Voorwaarde bedoel in subartikel (1) wat voorkom in so 'n verband of so 'n ooreenkoms is nietig.

(e) Kruideniers-wynlisensies

Verbode voorwaardes in verbande of ooreenkoms.

146. Dit is 'n besondere voorwaarde van 'n kruideniers-wynlisensie dat die licensiehouer 'n algemene handelaarslisensie ten opsigte van sy perseel moet hou om met kruideniers- en eetware handel te dryf kragtens die bepalings van die een of ander wet en dat hy te alle tye 'n bona fide-saak vir die verkoop van kruideniers- en eetware op bedoelde perseel moet voortsit.

Besondere voorwaarde van kruideniers-wynlisensies.

147. Dit is 'n voorwaarde van 'n kruideniers-wynlisensie dat geen ander drank as tafelwyn (behalwe vonkelwyn soos in artikel 2 van die Wet op Wyn, Ander Gegiste Drank en Spiritualiëë, 1957 (Wet No. 25 van 1957), omskryf) wat uitsluitlik die produk is van die alkoholiese gisting van die sap van vars druwe en wat nie meer alkohol bevat nie as veertien persent van sy volume, daarkragtens verkoop of verskaf mag word nie.

Voorwaarde betreffende drank wat verkoop of verskaf kan word.

148. (1) Die houer van 'n kruideniers-wynlisensie moet te alle tye voldoen aan die redelike vereistes van die publiek betreffende die verskaffing van wyn.

Voldoening aan redelike vereistes van publiek deur houers van kruideniers-wynlisensies.

(2) Die houer van 'n licensie bedoel in subartikel (1) word nie geag aan die redelike vereistes van die publiek wat betref die verskaffing van wyn te voldoen nie tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder word om dit te doen, wyn van minstens agt verskillende persone van wie elkeen of die houer van 'n wynboerlisensie of die houer van 'n magtiging kragtens artikel 24 of 'n produsent van wyn moet wees, en, in die geval van so 'n produsent, 'n onafhanklike produsent moet wees met betrekking tot die houer van die licensie bedoel in subartikel (1), en elke ander sodanige produsent wat vir die doeleindes van die berekening van daardie getal persone in aanmerking geneem word, in redelike hoeveelhede en teen redelike prys te alle tye op die gelisensieerde perseel vir verkoop beskikbaar en opvallend uitgestal hou.

(3) By die toepassing van hierdie artikel word 'n produsent—

(a) in wie se saak of onderneming 'n ander produsent of iemand ten behoeve van 'n ander produsent 'n geldelike belang het, nie met betrekking tot daardie ander produsent of 'n produsent in wie se saak of onderneming daardie ander produsent, of iemand ten behoeve van daardie ander produsent, 'n geldelike belang het, geag 'n onafhanklike produsent te wees nie;

(b) wat 'n maatskappy is waarin 'n ander persoon, of iemand ten behoeve van 'n ander persoon, 'n beheersende belang besit, nie met betrekking tot 'n ander produsent wat 'n maatskappy is waarin bedoelde ander persoon, of iemand namens bedoelde ander persoon, 'n beheersende belang besit, geag 'n onafhanklike produsent te wees nie;

Act No. 87, 1977

LIQUOR ACT, 1977.

(c) shall not be deemed to be an independent producer in relation to the holder of a licence referred to in subsection (1) if he, or some other person on his behalf, has a financial interest in the business or undertaking in respect of which the licence has been issued.

(4) The holder of a licence referred to in subsection (1) may in writing request any person to furnish him in writing within thirty days from the date of the request with such information, including the name and address of any person, as he may reasonably require for the purpose of ascertaining whether a producer whose wine he wishes to acquire is an independent producer in relation to any other producer, including the name and address of any producer in relation to whom such first-mentioned producer is not an independent producer.

(5) Any person who refuses or fails to comply with any request referred to in subsection (4), or who on such a request furnishes any information which is false, knowing it to be false, shall be guilty of an offence.

Quantity of liquor
which may be sold
under grocer's wine
licences.

149. The quantity of liquor which may be sold or supplied by the holder of a grocer's wine licence to any one customer at any one time shall not be less than 200 millilitres in a receptacle properly and securely sealed.

Days and hours of
sale, supply and
delivery of liquor.

150. (1) Subject to express provisions to the contrary in this section contained, the holder of a grocer's wine licence shall not sell, supply or deliver liquor on a public holiday.

(2) Subject to the provisions of this Act, the holder of a grocer's wine licence shall not sell or supply liquor on the licensed premises earlier than 09h00 or later than 18h30 and shall not deliver liquor from such premises before 09h00 or after 19h00: Provided that—

(a) notwithstanding anything to the contrary in any other law contained, no liquor shall be sold or supplied on any Saturday on the licensed premises earlier than 09h00 or later than 13h00 and no liquor shall be delivered on any Saturday from such premises before 09h00 or after 17h00; and

(b) subject to the provisions of subsection (1) and of paragraph (a) of this proviso, liquor may be sold or supplied on the licensed premises up to 20h00 or delivered from the licensed premises up to 21h00 upon 21 and 31 December and on any day between the said days.

Payment for liquor.

151. (1) No holder of a grocer's wine licence shall receive in payment or security for any liquor supplied in or from his licensed premises anything except current money or cheques on bankers.

(2) (a) No licensee referred to in subsection (1) shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money or goods in respect of the supply of liquor in future.

(b) Any payment, money or goods referred to in paragraph (a) may be recovered in spite thereof that any liquor may have been supplied subsequent to the receipt thereof or that other goods have been supplied with the liquor.

(3) (a) No licensee referred to in subsection (1) shall receive any pledge for or in respect of any liquor supplied in or from the licensed premises.

(b) The owner of anything pledged in contravention of this subsection shall have the same remedies 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 licensees.

152. From and after the first day of the fourth calendar month succeeding the month in which any liquor was sold or supplied by the holder of any grocer's wine licence to any person other than a licensee or a person authorized under this Act to sell liquor without a licence, no action or other judicial proceeding shall be

- (c) nie geag 'n onafhanklike produsent met betrekking tot die houer van 'n licensie bedoel in subartikel (1) te wees nie indien hy of iemand anders ten behoeve van hom 'n geldelike belang het in die saak of onderneming ten opsigte waarvan die licensie uitgereik is.
- (4) Die houer van 'n licensie bedoel in subartikel (1) kan enigiemand skriftelik versoek om binne dertig dae vanaf die datum van die versoek die inligting, met inbegrip van die naam en adres van enigiemand, skriftelik aan hom te verstrek wat hy redelikerwys nodig het om vas te stel of 'n produsent wie se wyn hy wil aanskaf, met betrekking tot enige ander produsent 'n onafhanklike produsent is, met inbegrip van die naam en adres van enige produsent met betrekking tot wie eersbedoelde produsent nie 'n onafhanklike produsent is nie.

(5) Iemand wat weier of versuum om te voldoen aan 'n versoek bedoel in subartikel (4) of wat op die versoek inligting verstrek wat vals is wetende dat dit vals is, is aan 'n misdryf skuldig.

149. Die hoeveelheid drank wat die houer van 'n kruidenierswynlisensie by een geleenthed aan een klant mag verkoop of verskaf, mag nie minder wees nie as 200 milliliter in 'n houer wat behoorlik en dig verseël is.

Hoeveelheid drank wat kragtens kruideniers-wynlisensies verkoop kan word.

150. (1) Behoudens uitdruklike andersluidende bepalings van hierdie artikel word drank nie deur die houer van 'n kruidenierswynlisensie op 'n openbare feesdag verkoop, verskaf of aangelewer nie.

Dae en ure van verkoop, verskaffing en aflewing van drank.

(2) Behoudens die bepalings van hierdie Wet, mag die houer van 'n kruideniers-wynlisensie nie drank op die gelisensieerde perseel voor 09h00 of na 18h30 verkoop of verskaf nie, of vanaf die perseel voor 09h00 of na 19h00 aflewer nie: Met dien verstande dat—

(a) ondanks andersluidende bepalings van die een of ander wet, drank nie op die gelisensieerde perseel voor 09h00 of na 13h00 op 'n Saterdag verkoop of verskaf mag word nie en drank nie voor 09h00 of na 17h00 op 'n Saterdag vanaf die perseel aangelewer mag word nie; en

(b) behoudens die bepalings van subartikel (1) en van paragraaf (a) van hierdie voorbehoudsbepaling, drank op die gelisensieerde perseel tot 20h00 verkoop of verskaf mag word of vanaf die gelisensieerde perseel tot 21h00 aangelewer mag word op 21 en 31 Desember, en op enige dag tussen genoemde dae.

151. (1) 'n Houer van 'n kruideniers-wynlisensie mag nie as betaling of sekuriteit vir enige drank wat op of uit sy gelisensieerde perseel verskaf is, iets anders as gangbare geld of banktjeks ontvang nie.

Betaling vir drank.

(2) (a) 'n Licensiehouer bedoel in subartikel (1) mag nie voor die sluiting van 'n verkoop van drank vir daardie drank betaling ontvang nie, of van iemand 'n gelddeposito of goedere ontvang vir die verskaffing van drank in die toekoms nie.

(b) 'n Betaling, geld of goedere bedoel in paragraaf (a) kan teruggevorder word ten spye daarvan dat drank na die ontvangs daarvan, of ander goedere met die drank, verskaf is.

(3) (a) 'n Licensiehouer bedoel in subartikel (1) mag nie 'n pand ontvang vir of ten opsigte van enige drank wat op of uit die gelisensieerde perseel verskaf is nie.

(b) Die eienaar van 'n voorwerp wat instryd met hierdie subartikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder asof dit nie verpand was nie.

152. Vanaf die eerste dag van die vierde kalendermaand wat volg op die maand waarin die houer van 'n kruidenierswynlisensie aan iemand anders as 'n licensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n licensie te verkoop, drank verkoop of verskaf het, kan 'n aksie of ander

Tydsbeperking vir invordering van geld verschuldig aan licensiehouers.

Act No. 87, 1977**LIQUOR ACT, 1977.**

capable of being brought by any person for the recovery of any money alleged to be owed in respect of such sale or 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: Provided that the foregoing provisions of this section shall not apply in the case where the person to whom liquor was so sold or supplied, dies before the first day of the said calendar month or where the estate of such person is sequestrated before the said day.

(f) Wine farmers' licences

Condition relating to liquor which may be sold or supplied under wine farmers' licences.

153. It shall be a condition of any wine farmer's licence that no other liquor shall be sold or supplied thereunder than wine which—

- (a) is the product of grapes grown on land owned or lawfully occupied by the licensee or, if the licensee is an association of persons, by such association or any member of such association; and
- (b) was manufactured upon such property or in a central cellar owned or lawfully occupied by the licensee or, if 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 3 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957).

Quantity of liquor which may be sold under wine farmers' licences.

154. The quantity of liquor which may be sold or supplied by the holder of a wine farmer's licence to any one customer at any one time shall not be less than 9 litres in a receptacle or receptacles properly and securely sealed: Provided that the provisions of this section shall not apply to a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), in respect of liquor sold by it to its members.

Days and hours of sale, supply and delivery of liquor.

155. Subject to the provisions of this Act, no liquor shall be sold, supplied, disposed of or delivered under a wine farmer's licence before 07h00 or after 18h00.

Payment for liquor.

156. (1) No holder of a wine farmer's licence shall receive in payment or security for any liquor supplied in or from his licensed premises anything except current money or cheques on bankers.

(2) (a) No licensee referred to in subsection (1) shall prior to the conclusion of a sale of liquor receive payment for such liquor, or receive from any person a deposit of money or goods in respect of the supply of liquor in future.

(b) Any payment, money or goods referred to in paragraph (a) may be recovered in spite thereof that any liquor may have been supplied subsequent to the receipt thereof or that other goods have been supplied with the liquor.

(3) (a) No licensee referred to in subsection (1) shall receive any pledge for or in respect of any liquor supplied in or from his licensed premises.

(b) The owner of anything pledged in contravention of this subsection shall have the same remedies 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 licensees.

157. From and after the first day of the fourth calendar month succeeding the month in which any liquor was sold or supplied by the holder of a wine farmer's licence to any person other than a licensee or a person authorized under this Act to sell liquor without a licence, no action or other judicial proceeding shall be capable of being brought by any person for the recovery of any

regsgeding nie deur iemand ingestel word nie tot invordering van geld wat na beweer word verskuldig is in verband met daardie verkoop of verskaffing, en kan so 'n beweerde skuld ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonsensie deur iemand vorm nie: Met dien verstande dat die voorafgaande bepalings van hierdie artikel nie van toepassing is nie in die geval waar die persoon aan wie drank aldus verkoop of verskaf is, voor die eerste dag van bedoelde kalendermaand sterf of waar die boedel van die persoon voor genoemde datum gesekwestreer word.

(f) Wynboerlisensies

153. Dit is 'n voorwaarde van 'n wynboerlisensie dat geen ander drank as wyn wat—

- (a) die produk is van druwe verbou op grond wat die eiendom of in die wettige besit is van die lisensiehouer of, indien die lisensiehouer 'n vereniging van persone is, van die vereniging of van 'n lid van die vereniging; en
- (b) vervaardig is op daardie grond of in 'n sentrale kelder wat die eiendom of in die wettige besit is van die lisensiehouer, of, indien die lisensiehouer 'n vereniging van persone is, van die vereniging of van 'n lid van die vereniging; en
- (c) uitsluitlik die produk is van die alkoholiese gisting van die sap van vars druwe, sonder bymenging, hetsy voor, gedurende of na die gisting, van 'n ander stof as wat artikel 3 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957) toelaat, daarkragtens verkoop of verskaf mag word nie.

Voorwaarde betreffende drank wat kragtens wynboerlisensies verkoop of verskaf kan word.

154. Die hoeveelheid drank wat die houer van 'n wynboerlisensie by een geleentheid aan een klant mag verkoop of verskaf, mag nie minder wees nie as 9 liter in 'n houer of houers wat behoorlik en dig verseël is: Met dien verstande dat hierdie artikel nie van toepassing is nie op 'n koöperatiewe vereniging soos omskryf in artikel 1 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), ten opsigte van drank deur hom aan sy lede verkoop.

Hoeveelheid drank wat kragtens wynboerlisensies verkoop kan word.

155. Behoudens die bepalings van hierdie Wet, word drank nie kragtens 'n wynboerlisensie voor 07h00 of na 18h00 verkoop, mag nie verskaf, van die hand gesit of afgeliever nie.

Dae en ure van verkoop, verskaffing en aflewing van drank.

- 156.** (1) 'n Houer van 'n wynboerlisensie mag nie as betaling of sekuriteit vir enige drank wat op of uit sy gelisensieerde perseel verskaf is, iets anders as gangbare geld of banktjeks ontvang nie.
- (2) (a) 'n Lisensiehouer bedoel in subartikel (1) mag nie, voor die sluiting van 'n verkoop van drank vir daardie drank betaling ontvang nie, of van iemand 'n gelddeposito of goedere ontvang vir die verskaffing van drank in die toekoms nie.
- (b) 'n Betaling, geld of goedere bedoel in paragraaf (a) kan teruggevorder word ten spyte daarvan dat drank na die ontvangs daarvan, of ander goedere met die drank, verskaf is.
- (3) (a) 'n Lisensiehouer bedoel in subartikel (1) mag nie 'n pand ontvang vir of ten opsigte van enige drank wat op of uit die gelisensieerde perseel verskaf is nie.
- (b) Die eienaar van 'n voorwerp wat instryd met hierdie subartikel verpand is, het dieselfde regsmiddels om die voorwerp of sy waarde terug te vorder, asof dit nie verpand was nie.

Betaling vir drank.

157. Vanaf die eerste dag van die vierde kalendermaand wat volg op die maand waarin die houer van 'n wynboerlisensie aan iemand anders as 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, drank verkoop of verskaf het, kan 'n aksie of ander regsgeding nie deur iemand ingestel word nie tot invordering van geld wat na beweer

Tydsbeperking vir invordering van geld verskuldig aan lisensiehouers.

Act No. 87, 1977

LIQUOR ACT, 1977.

money alleged to be owed in respect of such sale or 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: Provided that the foregoing provisions of this section shall not apply in the case where the person to whom liquor was so sold or supplied, dies before the first day of the said calendar month or where the estate of such person is sequestrated before the said day.

CHAPTER VIII

PROHIBITIONS AND RESTRICTIONS IN PARTICULAR CASES

Prohibition or restriction of sale or supply of liquor to certain persons in certain areas by certain licensees.

158. (1) The State President may by proclamation in the *Gazette* declare that within any area defined in such proclamation, no liquor or no liquor of a specified kind or no liquor other than liquor of a specified kind shall be sold or supplied to any member of any specified class of persons by the holder of an off-consumption licence or the holder of any on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises.

(2) (a) Notwithstanding the provisions of subsection (1), the Minister may, after having obtained a report and recommendation of the Board, made after an enquiry under section 18, by notice under his hand delivered or tendered to any holder of an off-consumption licence or the holder of an on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, prohibit such holder as from a date specified in the notice from selling any liquor, or any liquor of a specified kind, or any liquor other than liquor of a specified kind, or any liquor of any kind in excess of any specified quantity, to any member of any specified class of persons for consumption off the licensed premises.

(b) Any prohibition referred to in paragraph (a)—

- (i) may be imposed—
 - (aa) for an indefinite period;
 - (bb) in respect of such hours or such days or such period as the Minister may determine in the notice in question; or
 - (cc) until the conditions or requirements determined by the Minister in the notice in question, have been fulfilled or complied with to the satisfaction of the Minister;

(ii) may be withdrawn by the Minister in the circumstances contemplated in subparagraph (i) (cc) or in any other circumstances that he may deem fit.

(3) A decision of the Minister under subsection (2), shall not be subject to appeal or review.

(4) For the purposes of this section and notwithstanding the provisions of section 11 of the Bantu Beer Act, 1962 (Act No. 63 of 1962), "liquor" includes Bantu beer.

Restriction of sale of liquor in certain areas.

159. (1) The State President may, at the request of any magistrate or local authority made to the Minister, whenever he deems it desirable in the interests of the population or any section of the population of any area, that the sale or supply of liquor in that area should be placed under restrictions or be subjected to conditions imposed by himself, by proclamation in the *Gazette*, declare such area to be a restricted area.

(2) The State President may prohibit the issue in any restricted area of any licence granted by the competent authority under this Act, or impose such conditions or restrictions as he may deem fit, and no person shall issue any licence in respect of such area unless he has received from the Minister or a person acting under his directions a notification that the State President has decided

word verskuldig is in verband met daardie verkoop of verskaffing, en kan so 'n beweerde skuld ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonsensie deur iemand vorm nie: Met dien verstande dat die voorafgaande bepalings van hierdie artikel nie van toepassing is nie in die geval waar die persoon aan wie drank aldus verkoop of verskaf is, voor die eerste dag van bedoelde kalendermaand sterf of waar die boedel van die persoon voor genoemde datum gesekwestreer word.

HOOFSTUK VIII

VERBIEDINGE EN BEPERKINGS IN BEPAALDE GEVALLE

158. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar dat binne 'n gebied in daardie proklamasie omskryf, drank of drank van 'n bepaalde soort of drank behalwe drank van 'n bepaalde soort, nie verkoop of verskaf mag word nie aan 'n lid van 'n bepaalde klas persone deur die houer van 'n buiteverbruiklisensie of die houer van 'n binneverbruiklisensie wat kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop.

Verbod of beperking op verkoop of verskaffing van drank aan sekere persone in sekere gebiede deur sekere lisensiehouers.

(2) (a) Ondanks die bepalings van subartikel (1), kan die Minister, nadat hy 'n verslag en aanbeveling van die Raad, gedoen na ondersoek kragtens artikel 18, verky het, by wyse van 'n kennisgewing wat deur hom onderteken is en wat oorhandig of aangebied is aan 'n houer van 'n buiteverbruiklisensie of die houer van 'n binneverbruiklisensie wat kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop, daardie houer verbied om, vanaf 'n datum in die kennisgewing bepaal, drank, of drank van 'n bepaalde soort, of drank behalwe drank van 'n bepaalde soort, of 'n groter hoeveelheid van 'n soort drank as 'n bepaalde hoeveelheid, aan 'n lid van 'n bepaalde klas persone vir gebruik buite die gelisensieerde perseel te verkoop.

(b) 'n Verbod bedoel in paragraaf (a)—

(i) kan opgelê word—

(aa) vir 'n onbepaalde tydperk;

(bb) ten opsigte van die ure of die dae of die tydperk wat die Minister in die betrokke kennisgewing bepaal; of

(cc) totdat ten genoeë van die Minister aan die voorwaardes of vereistes wat hy in die betrokke kennisgewing bepaal, voldoen is of totdat hulle aldus nagekom is;

(ii) kan deur die Minister opgehef word onder die omstandighede beoog in subparagraph (i) (cc) of onder enige ander omstandighede wat hy goedvind.

(3) 'n Besluit van die Minister kragtens subartikel (2) is nie aan appèl of hersiening onderworpe nie.

(4) By die toepassing van hierdie artikel en ondanks die bepalings van artikel 11 van die Wet op Bantoebier, 1962 (Wet No. 63 van 1962), beteken „drank“ ook Bantoebier.

159. (1) Die Staatspresident kan, op die versoek van 'n landdros of plaaslike bestuur gerig aan die Minister, indien hy dit in belang van die bevolking of 'n deel van die bevolking van 'n gebied wenslik ag dat die verkoop of verskaffing van drank in daardie gebied onderworpe gestel word aan beperkings of voorwaardes, deur homself bepaal, by proklamasie in die *Staatskoerant* daardie gebied tot 'n beperkte gebied verklaar.

Beperking van verkoop van drank in bepaalde gebiede.

(2) Die Staatspresident kan die uitreiking in 'n beperkte gebied van 'n lisensie wat 'n bevoegde gesag verleen het, verbied of die voorwaardes of beperkings stel wat hy goedvind, en niemand reik 'n lisensie ten opsigte van so 'n gebied uit nie tensy hy van die Minister of iemand wat op sy gesag handel 'n kennisgewing ontvang het dat die Staatspresident besluit het om

Act No. 87, 1977

LIQUOR ACT, 1977.

not to prohibit the issue of such licence or to impose conditions or restrictions or that the State President has authorized the issue of the licence subject to such conditions or restrictions imposed by such competent authority or under other conditions or restrictions stated in such notification.

(3) The conditions or restrictions which may be imposed by the State President under subsection (2) may relate to—

- (a) the quantity and kind of liquor which may be sold;
- (b) the persons or classes of persons to whom liquor or any kind of liquor shall not be sold;
- (c) the place where liquor may be sold and consumed;
- (d) the receptacles in which liquor shall be sold;
- (e) the days, not being less than five, in any week (except 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 liquor may be sold.

Prohibition of sale or supply of liquor to certain persons by the holders of certain licences in respect of premises situated in certain areas.

160. (1) If after having obtained a report and recommendation of the Board made after an enquiry under section 18, the Minister is of the opinion—

- (a) that the sale or supply of liquor to Coloureds or Asians for consumption on any premises situate in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the white group, give rise to undesirable conditions in such area; or
- (b) that sufficient provision exists for the sale or supply of liquor to Coloureds or Asians in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the coloured group, the Malay group or the Indian group,

he may—

- (i) in a case referred to in paragraph (a), by notice under his hand delivered or tendered to the licensee concerned, prohibit such licensee, as from a date specified in the notice, from selling or supplying liquor to Coloureds or Asians for consumption on such premises; or
- (ii) in a case referred to in paragraph (b), by notice in the *Gazette*, prohibit, as from a date specified in the notice, all holders of on-consumption licences, in respect of premises situate in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the white group as well as within the district within which the area referred to in paragraph (b) is situate, from selling or supplying liquor to Coloureds or Asians for consumption on those premises.

(2) The decision of the Minister to prohibit the sale or supply of liquor under subsection (1) shall be final.

Labelling of receptacles.

161. (1) Notwithstanding anything to the contrary in this Act contained, the Minister may—

(a) by notice in the *Gazette* restrict the sale or supply of liquor under any class of off-consumption licence specified in the notice or under any off-consumption licence granted in respect of any premises situate in any area so specified, to the sale or supply of liquor contained in receptacles labelled in the manner specified in such notice;

(b) by notice under his hand addressed and delivered or tendered to the holder of any off-consumption licence restrict the sale or supply of liquor under such off-consumption licence to the sale or supply of liquor

nie die uitreiking van daardie licensie te verbied nie of om voorwaardes of beperkings te stel nie of dat die Staatspresident die uitreiking van die licensie toegelaat het onderworpe aan die voorwaardes of beperkings wat daardie bevoegde gesag bepaal het of aan die ander voorwaardes of beperkings in die kennisgewing vermeld.

(3) Die voorwaardes of beperkings wat die Staatspresident kragtens subartikel (2) kan stel, kan betrekking hê op—

- (a) die hoeveelheid en soort drank wat verkoop kan word;
- (b) die persone of klasse persone aan wie drank of enige soort drank nie verkoop mag word nie;
- (c) die plek waar drank verkoop en gebruik kan word;
- (d) die houers waarin drank verkoop moet word;
- (e) die dae per week, maar minstens vyf (behalwe in die geval van 'n week waarin 'n openbare feesdag val, wanneer dit vier mag wees), waarop drank verkoop kan word; en
- (f) die ure, maar minstens vyf, waartydens op daardie dae drank verkoop kan word.

160. (1) Indien die Minister nadat hy 'n verslag en aanbeveling van die Raad, gedoen na ondersoek kragtens artikel 18, verkry het, van oordeel is—

Verbod op die verkoop of verskaffing van drank aan sekere persone deur die houers van sekere licensies ten opsigte van persele in sekere gebiede.

- (a) dat die verkoop of verskaffing van drank aan Kleurlinge of Asiërs vir gebruik op 'n perseel wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, aanleiding tot ongewenste toestande in bedoelde gebied gee; of
- (b) dat voldoende voorsiening bestaan vir die verkoop of verskaffing van drank aan Kleurlinge of Asiërs in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, verklaar is as 'n gebied vir okkupasie deur lede van die gekleurde groep, die Maleiergroep of die Indiërgroep,

kan hy—

- (i) in 'n geval bedoel in paragraaf (a), by wyse van 'n kennisgewing wat deur hom onderteken is en wat oorhandig of aangebied is aan die betrokke licensiehouer, bedoelde houer verbied om, vanaf 'n datum in die kennisgewing bepaal, drank aan Kleurlinge of Asiërs vir gebruik op die betrokke perseel te verkoop of te verskaf; of
- (ii) in 'n geval bedoel in paragraaf (b), by kennisgewing in die *Staatskoerant* alle houers van binneverbruiklisensies ten opsigte van persele wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, sowel as in die distrik waarin die gebied bedoel in paragraaf (b) geleë is, verbied om, vanaf 'n datum in die kennisgewing bepaal, drank aan Kleurlinge of Asiërs vir gebruik op daardie persele te verkoop of te verskaf.

(2) Die beslissing van die Minister om die verkoop of verskaffing van drank kragtens subartikel (1) te verbied, is aendoende.

161. (1) Ondanks andersluidende bepalings van hierdie Wet kan die Minister—

Etikettering van houers.

- (a) by kennisgewing in die *Staatskoerant* die verkoop of verskaffing van drank, kragtens 'n klas buiteverbruiklisensie wat in die kennisgewing bepaal word of kragtens 'n buiteverbruiklisensie wat verleen is ten opsigte van 'n perseel wat in 'n gebied, aldus bepaal, geleë is, beperk tot die verkoop of verskaffing van drank in houers wat op 'n wyse in die kennisgewing bepaal, geëtiketteer is;
- (b) by wyse van 'n kennisgewing wat deur hom onderteken is, en wat gerig en oorhandig of aangebied is aan die houer van 'n buiteverbruiklisensie, die verkoop of verskaffing van drank kragtens bedoelde buiteverbruiklisensie beperk tot die verkoop of verskaffing van drank

Act No. 87, 1977

LIQUOR ACT, 1977.

Restriction of
conveyance of liquor.

contained in receptacles labelled in the manner specified in such notice.

(2) Different manners for the labelling of receptacles in which liquor may be sold or supplied may in terms of subsection (1) (a) be specified in respect of different classes of off-consumption licences or different areas.

(3) In this section "off-consumption licence" includes any authority under any provision of this Act to sell liquor for consumption off the licensed premises.

162. (1) The Minister may by notice under his hand delivered or tendered to any holder of an off-consumption licence or to any holder of an on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, prohibit such holder for any period specified in that notice, from conveying or causing to be conveyed at any one time any liquor in quantities exceeding 9 litres, unless he is in possession of a permit in the prescribed form issued by a police officer holding a rank designated by the Commissioner of Police and authorizing him to convey such liquor or to cause such liquor to be conveyed.

(2) Any police officer holding a rank designated under subsection (1) may, subject to an appeal to the Commissioner of Police, whose decision shall be final, in his discretion refuse to issue any such permit.

(3) A notice delivered or tendered to a licensee under subsection (1) shall not apply to the conveyance of any liquor from the licensed premises of such holder to—

- (a) the licensed premises of any other licensee;
- (b) the premises of any person authorized under this Act to sell liquor without a licence; or
- (c) to or from the authorized places of storage determined under section 64, 123 or 142.

Prohibition by
magistrate of sale or
supply of liquor to
particular persons.

163. (1) Whenever it is alleged under oath 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 convicted three times of any contravention of this Act or of drunkenness; or

(b) has within that period been convicted two times of a contravention of this Act or of drunkenness and convicted once of assault or an offence in which assault is necessarily comprised; or

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

he may cause a notice in writing under his hand to be delivered or tendered to such person by a police officer calling upon him to appear at the magistrate's office at a time and place to be specified in the notice (not being sooner than three days after the date of the notice) and show cause why an order should not be made against him under this section.

(2) If on the date and at the time and place specified in the said notice, the magistrate is satisfied that the notice was duly delivered or tendered to the person to whom it was addressed, he shall, whilst sitting *in camera*, and, if the said person appears, in his presence enquire whether he is such a person as is described in subsection (1).

(3) For the purposes of an inquiry under this section the magistrate—

(a) shall take on oath or after the making of an affirmation such evidence as he may deem necessary and afford the person concerned, if he is present, an opportunity of replying thereto, on oath or otherwise, as such person

in houers wat op 'n wyse in die kennisgewing bepaal, geëtiketteer is.

(2) Verskillende wyses vir die etikettering van houers waarin drank verkoop of verskaf kan word, kan ingevolge subartikel (1) (a) bepaal word ten opsigte van verskillende klasse buiteverbruiklisensies of verskillende gebiede.

(3) In hierdie artikel beteken „buiteverbruiklisensie” ook 'n magtiging kragtens enige bepaling van hierdie Wet om drank vir gebruik buite die gelisensieerde perseel te verkoop.

162. (1) Die Minister kan by wyse van 'n kennisgewing wat deur hom onderteken is, en wat oorhandig of aangebied is aan 'n houer van 'n buiteverbruiklisensie of aan 'n houer van 'n binneverbruiklisensie wat kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop, bedoelde houer verbied om vir die tydperk in die kennisgewing bepaal, drank in hoeveelhede van meer as 9 liter op 'n keer te vervoer of te laat vervoer, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat uitgereik is deur 'n polisiebeampte wat 'n rang wat deur die Kommissaris van Polisie aangewys is, beklee en wat hom magtig om bedoelde drank te vervoer of te laat vervoer.

Beperking van vervoer van drank.

(2) 'n Polisiebeampte wat 'n rang kragtens subartikel (1) aangewys, beklee, kan, onderworpe aan 'n appèl na die Kommissaris van Polisie, wie se beslissing afdoende is, na goedunke die uitreiking van so 'n permit weier.

(3) 'n Kennisgewing wat kragtens subartikel (1) aan 'n lisensiehouer oorhandig of aangebied is, is nie van toepassing nie op die vervoer van drank vanaf die gelisensieerde perseel van bedoelde lisensiehouer na—

- (a) die gelisensieerde perseel van 'n ander lisensiehouer;
- (b) die perseel van iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop; of
- (c) na of vanaf die gemagtigde opbergplekke bepaal kragtens artikel 64, 123 of 142.

163. (1) Wanneer aan 'n landdros onder eed beweer word of dit aan hom blyk dat iemand wat gewoonlik in sy distrik woonagtig is—

Verbod deur landdros op verkoop of verskaffing van drank aan bepaalde persone.

- (a) in die voorafgaande twaalf maande drie maal skuldig bevind is weens 'n oortreding van hierdie Wet of weens dronkenskap; of
- (b) binne daardie tydperk twee maal skuldig bevind is weens 'n oortreding van hierdie Wet of weens dronkenskap en een maal skuldig bevind is weens aanranding of weens 'n misdryf wat noodwendig 'n aanranding insluit; of
- (c) deur drankmisbruik sy vermoë verkwas of sy gesondheid benadeel of die vrede in gevaar stel of op 'n ander wyse sy eie welsyn of die welsyn van sy gesin benadeel, kan hy 'n skriftelike kennisgewing wat deur hom onderteken is, aan so iemand deur 'n polisiebeampte laat oorhandig of aanbied waarin hy hom oproep om op 'n tyd en plek, wat in die kennisgewing bepaal moet word (maar nie vroeër as drie dae na die datum van die kennisgewing nie) by die landdroskantoor te verskyn en redes aan te voer waarom 'n bevel kragtens hierdie artikel nie teen hom uitgereik moet word nie.

(2) Indien die landdros op die dag, tyd en plek in bedoelde kennisgewing bepaal, oortuig is dat die kennisgewing behoorlik oorhandig of aangebied is aan die persoon aan wie dit gerig is, moet hy op 'n sitting *in camera* en, indien bedoelde persoon verskyn, in sy teenwoordigheid, ondersoek instel of hy iemand is soos in subartikel (1) beskryf.

(3) Vir die doeleindes van 'n ondersoek kragtens hierdie artikel—

- (a) moet die landdros die getuienis wat hy nodig ag, onder eed of na die doen van 'n bevestiging afneem, en die betrokke persoon die geleenthed bied, indien hy teenwoordig is, om onder eed of andersins, soos daardie persoon verkieς, daarop te antwoord en om redes aan te

Act No. 87, 1977

LIQUOR ACT, 1977.

elects, and of showing cause why an order should not be made under subsection (8);

(b) may cause any person to be summoned to give evidence at the inquiry.

(4) The law relating to the obligation of witnesses to attend at criminal cases shall in all respects apply *mutatis mutandis* in connection with the summoning of persons to give evidence at the inquiry.

(5) If any person in respect of whom such inquiry is held, wilfully interrupts the proceedings or otherwise misbehaves himself in the place where the inquiry is held, the magistrate holding the inquiry may cause him to be removed and proceed with the inquiry as if the person concerned had not appeared.

(6) Any inquiry under this section may be adjourned at any time if it is necessary or expedient.

(7) A record of the proceedings at an inquiry under this section shall be kept and filed in the office of the magistrate concerned.

(8) If it appears to the magistrate holding such an inquiry that the person concerned is such a person as is described in subsection (1), and if he deems it proper that an order should be made under this section in respect of such person, he may in writing under his hand prohibit, for such period not exceeding twelve months as he may determine, the sale or supply of liquor to such person.

(9) Any magistrate making an order in terms of subsection (8) shall forthwith forward a copy thereof to the officer in charge of the police station in the area of which the person in respect of whom the order was made, is resident or employed, and such officer shall forthwith upon receipt thereof notify or cause to be notified the prohibition to such person: Provided that if such person is present when the magistrate makes an order in terms of subsection (8), the magistrate shall there and then notify such person of his decision and hand or tender to him a copy of his order, in which case a further notification to that person shall not be necessary.

(10) For the purposes of this section "magistrate" includes an additional magistrate and an assistant magistrate.

Supply of liquor to employees as wages or remuneration.

Consumption and possession of liquor by Bantu, Asians and Coloureds on private premises.

Prohibition of delivery and introduction of liquor in or into certain areas.

164. No person shall supply any liquor to any person in his employ as wages or remuneration or as supplement thereof.

165. Any Bantu, Asian or Coloured who—

(a) consumes any liquor on any private premises; or

(b) is in possession of any liquor on any private premises, without the consent of the owner or lawful occupier of such premises first having been obtained, shall be guilty of an offence: Provided that for the purposes of this section a Bantu, Asian or Coloured occupying any such premises as an employee of the owner or lawful occupier of the land upon which such premises are situated, shall not be deemed to be the lawful occupier of such premises.

166. (1) No holder of any off-consumption licence, no holder of any on-consumption licence who has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, and no holder of an authority under section 23 (1) (b) authorized to sell liquor for consumption off the premises described in the authority shall by himself, his employee or agent deliver or cause to be delivered any liquor to any person within—

(a) a Bantu residential area defined, set apart and laid out or deemed to have been defined, set apart and laid out under section 2 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or

(b) a township established by the Minister of Bantu Administration and Development under the provisions of any law relating to the settlement of Bantu, who is not the holder of an authority under section 23 (1) (a).

DRANKWET, 1977.

Wet No. 87, 1977

voer waarom 'n bevel kragtens subartikel (8) nie uitgereik moet word nie;

(b) kan die landdros enigiemand laat dagvaar om by die ondersoek getuenis af te lê.

(4) In verband met die dagvaarding van persone om getuenis by die ondersoek af te lê, is die reg met betrekking tot die verpligting van getuies om strafsaake by te woon, in alle opsigte *mutatis mutandis* van toepassing.

(5) Indien iemand ten opsigte van wie so 'n ondersoek gehou word, die verrigtinge opsetlik onderbreek of hom andersins wangedra in die plek waar die ondersoek gehou word, kan die landdros wat die ondersoek hou hom laat verwijder en die ondersoek voortsit asof die betrokke persoon nie verskyn het nie.

(6) 'n Ondersoek kragtens hierdie artikel kan, indien dit nodig of doenlik is, te eniger tyd verdaag word.

(7) Notule van die verrigtinge by 'n ondersoek kragtens hierdie artikel moet gehou en bewaar word in die kantoor van die betrokke landdros.

(8) Indien dit aan die landdros wat so 'n ondersoek instel, blyk dat die betrokke persoon iemand is soos in subartikel (1) beskryf, en as hy dit gepas ag om ten opsigte van so iemand 'n bevel kragtens hierdie artikel uit te reik, kan hy in 'n skriftelike stuk wat deur hom onderteken is, die verkoop of verskaffing van drank aan daardie persoon gedurende die tydperk van hoogstens twaalf maande wat hy bepaal, verbied.

(9) 'n Landdros wat ingevolge subartikel (8) 'n bevel uitreik, moet onverwyld 'n afskrif daarvan stuur aan die beampete in bevel van die polisiestasie in die gebied waarvan die persoon ten opsigte van wie die bevel uitgereik is, woonagtig of werksaam is, en daardie beampete moet onverwyld na ontvangs daarvan daardie persoon van die verbod in kennis stel of in kennis laat stel: Met dien verstande dat indien so 'n persoon teenwoordig is wanneer die landdros 'n bevel ingevolge subartikel (8) uitreik, die landdros onverwyld bedoelde persoon van sy besluit moet verwittig en 'n afskrif van sy bevel aan hom moet oorhandig of aanbied, in watter geval verdere bekendmaking aan daardie persoon nie nodig is nie.

(10) By die toepassing van hierdie artikel beteken „landdros“ ook 'n addisionele landdros en 'n assistent-landdros.

164. Niemand mag aan iemand in sy diens drank as loon of besoldiging of as 'n aanvulling daarvan verskaf nie.

Verskaffing van drank aan werkneemers as loon of besoldiging.

165. 'n Bantoe, Asiër of Kleurling wat—

(a) drank op 'n private perseel gebruik, of

(b) in besit is van drank op 'n private perseel, sonder dat die toestemming van die eienaar of wettige bewoner van daardie perseel vooraf verkry is, is aan 'n misdryf skuldig. Met dien verstande dat by die toepassing van hierdie artikel 'n Bantoe, Asiër of Kleurling wat so 'n perseel as 'n werknemer van die eienaar of wettige bewoner van die grond waarop daardie perseel geleë is, bewoon, nie geag word die wettige bewoner van daardie perseel te wees nie.

Gebruik en besit van drank deur Bantoes, Asiërs en Kleurlinge op private persele.

166. (1) 'n Houer van 'n buiteverbruiklisensie, 'n houer van 'n binneverbruiklisensie wat kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop en 'n houer van 'n magtiging kragtens artikel 23 (1) (b) wat gemagtig is om drank vir gebruik buite die perseel in die magtiging omskryf, te verkoop, mag nie self of deur sy werknemer of verteenwoordiger drank aflewer of laat aflewer nie aan iemand binne—

Verbod op aflewing en inbring van drank in sekere gebiede.

(a) 'n Bantoewoongebied bepaal, afgesonder en aangelê of geag bepaal, afgesonder en aangelê te wees ingevolge artikel 2 van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945); of

(b) 'n dorp gestig deur die Minister van Bantoe-administrasie en -ontwikkeling kragtens die bepalings van 'n wet met betrekking tot die vestiging van Bantoes, wat nie die houer van 'n magtiging kragtens artikel 23 (1) (a) is nie.

(2) Subject to the provisions of subsection (1), no person other than the holder of an authority under section 23 (1) (a), shall by himself, his employee or agent at any one time introduce liquor in quantities exceeding 9 litres into a Bantu residential area or township referred to in subsection (1), unless he is in possession of a permit in the prescribed form issued by a police officer holding a rank designated by the Commissioner of Police, and authorizing him to do so.

CHAPTER IX

LEASE OF LICENSED PREMISES

Period of tenancy of licensed premises.

167. (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 or in respect of which a special authority is held for the sale of liquor for consumption on the premises—

- (a) shall endure for at least twelve months;
- (b) shall not terminate except after six calendar months' notice thereof given in writing by the lessor to the lessee:

Provided that if the lessor for the purposes of a written application made by him in the prescribed manner proves to the satisfaction of the Board that the lessee—

- (i) has during the tenancy been convicted of any offence and sentenced to imprisonment without the option of a fine;
- (ii) has during the tenancy been convicted under this Act and sentenced to a fine of not less than two hundred rand;
- (iii) has during the tenancy not less than two times been convicted of an offence under this Act;
- (iv) has done or is doing material damage to the premises;
- (v) is carrying on his business in a manner which is calculated seriously to prejudice the lessor or endanger the continued existence of the licence;
- (vi) has failed to fulfil his obligation to pay the rent due in respect of the hired premises; or
- (vii) has failed to fulfil his obligation to maintain the hired premises in a fit state of order and repair,

the Board after giving to the lessee such notice in the prescribed manner as it may deem fit and after considering any representations by him showing cause to the contrary, may in writing authorize the termination of the lease on any date specified in such writing and on the conditions set forth therein.

(2) Nothing in subsection (1) contained shall affect the provisions of section 168 (3) or any right of a lessee under the common law or under his contract, to terminate his tenancy.

Liability of lessors in respect of alteration or repairs ordered by competent authority.

168. (1) Whenever in terms of section 55 the competent authority has, in respect of any premises on which is carried on a business under an on-consumption licence, determined a condition involving a structural alteration or repair of or addition to such premises, the licensee in respect of whom such condition has been determined may, if he is a lessee of the premises, require the lessor thereof to comply with the requirements of the competent authority within any period stated in the condition.

(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 rand, the licensee, if the lessor within the time stated in the condition or, if no time is stated, within three months as from the receipt by him of any requirement under subsection (1), has not effected the alteration or repair of or addition to the premises, may himself effect the same, and he may deduct from any rent due or to become due by him to the lessor the sum which he has expended in complying with the condition.

DRANKWET, 1977.

Wet No. 87, 1977

(2) Behoudens die bepalings van subartikel (1) mag niemand anders as die houer van 'n magtiging kragtens artikel 23 (1) (a), self of deur sy werkneemster of verteenwoordiger drank in groter hoeveelhede as 9 liter op 'n keer in 'n Bantoewoongebied of dorp bedoel in subartikel (1), inneem nie, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat deur 'n polisiebeampte, wat 'n rang beklee deur die Kommissaris van Polisie aangewys, uitgereik is en wat hom daartoe magtig.

HOOFSTUK IX

HUUR VAN GELISENSIEERDE PERSELE

167. (1) Die huur van 'n gehuurde perseel waarop die saak van 'n binneverbruiklisensie gedryf word of ten opsigte waarvan 'n spesiale magtiging gehou word vir die verkoop van drank vir gebruik op die perseel (ongeag die bedinge van die huurkontrak)—

- (a) moet minstens twaalf maande duur;
- (b) loop nie af nie behalwe na ses kalendermaande skrifteleke kennisgewing deur die verhuurder aan die huurder:

Met dien verstaan dat indien die verhuurder vir die doeleindeste van 'n skriftelike aansoek op die voorgeskrewe wyse deur hom gedoen, die Raad met bewyse oortuig dat die huurder—

- (i) tydens die huur weens 'n misdryf skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete;
- (ii) tydens die huur kragtens hierdie Wet skuldig bevind is en gevonnis is tot 'n boete van minstens tweehonderd rand;
- (iii) tydens die huur minstens twee keer weens 'n misdryf kragtens hierdie Wet skuldig bevind is;
- (iv) die perseel wesenlik beskadig het of beskadig;
- (v) sy sake doen op 'n wyse wat daarop bereken is om die verhuurder ernstig te benadeel of die voortbestaan van die lisensie ernstig te bedreig;
- (vi) versuum het om sy verpligting om die verskuldigde huur ten opsigte van die verhuurde perseel te betaal, na te kom; of
- (vii) versuum het om sy verpligting om die verhuurde perseel in 'n behoorlike toestand te hou, na te kom,

die Raad, na die kennisgewing wat hy dienstig ag op die voorgeskrewe wyse aan die huurder, en na oorweging van enige vertoë deur hom waarby redes tot die teendeel aangevoer word, skriftelike magtiging kan verleen tot beëindiging van die huurkontrak en wel op die dag en op die voorwaardes daarin uiteengesit.

(2) Die bepalings van subartikel (1) doen nie afbreuk aan die bepalings van artikel 168 (3) of aan 'n reg van 'n huurder kragtens die gemene reg of kragtens sy kontrak, om sy huur te beëindig nie.

168. (1) Wanneer die bevoegde gesag ingevolge artikel 55 ten opsigte van 'n perseel waarop kragtens 'n binneverbruiklisensie sake gedoen word, 'n voorwaarde bepaal het wat die verbouing van of herstelwerk of aanbou aan die perseel vereis, kan die lisensiehouer ten opsigte van wie die voorwaarde bepaal is, indien hy 'n huurder van die perseel is, van die verhuurder daarvan eis dat hy binne die tydperk in die voorwaarde gestel, aan die vereistes van die bevoegde gesag moet voldoen.

Aanspreklikheid van verhuurders vir verbouing of herstelwerk wat bevoegde gesag gelas.

(2) Indien die koste van die verbouing van of herstelwerk of aanbou aan die perseel volgens 'n redelike en *bona fide*-raming, nie meer as tweehonderd rand sal bedra nie en die verhuurder nie binne die tydperk in die voorwaarde gestel of, as 'n tydperk nie gestel is nie, binne drie maande vanaf die ontvangs deur hom van 'n eis bedoel in subartikel (1), die verbouing, herstelwerk of aanbouing uitgevoer het nie, kan die lisensiehouer dit self uitvoer en die bedrag wat hy bestee het om aan die voorwaarde te voldoen, afrek van die huurgeld wat hy aan die verhuurder verskuldig is of verskuldig word.

Act No. 87, 1977

LIQUOR ACT, 1977.

(3) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repair of or addition to the premises will exceed two hundred rand and the lessor does not within the time stated in the condition or, if no time is stated, within six months as from the receipt by him of any requirement under subsection (1), comply with the requirements of the condition, the licensee, notwithstanding any agreement to the contrary, may forthwith and without notice terminate the lease or may himself effect the alteration, repair or addition at his own expense.

Increase of rent where premises altered, repaired or added to by lessors.

169. Whenever in consequence of any condition determined by the competent authority in terms of section 55 a lessor has altered, repaired or added to premises upon which is carried on business under an on-consumption licence and the expenditure incurred has exceeded two hundred rand, such lessor, notwithstanding any term of the lease, may, as from the date of the completion of the alteration, repair or addition, increase the rent of such premises by a sum not exceeding fifteen per cent per annum of the expenditure incurred, and the rental so increased shall be deemed to be the rent due under the lease.

CHAPTER X

PROHIBITED LIQUORS AND SUBSTANCES

Prohibited concoctions or drinks.

170. No persons shall make, be in possession or custody of, use, drink, give or supply to any person—

- (a) any concoction made from the fermentation of treacle, sugar or other substances and known as isityimiyana, hopana, qediviki, skokiaan, uhali or barberton;
- (b) any concoction which, though called by another name, is similar or substantially similar to any of the concoctions named in paragraph (a);
- (c) any concoction (other than Bantu 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*; or
- (d) any drink produced by the distillation of any concoction referred to in paragraph (a), (b) or (c).

Restriction and regulation of importation, keeping and sale of methylated spirit.

171. (1) No person shall sell, or have in his possession for the purposes of sale, any methylated spirit unless he is the holder of a general dealer's or a pharmacist's licence issued under any law.

(2) The Minister may make regulations relating to—

- (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 who, notwithstanding the provisions of subsection (1), shall not sell methylated spirit;
- (c) the keeping of records in respect of all dealings in methylated spirit, the form and manner of keeping of such 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 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.

(3) Any prohibition or restriction contained in any regulation made under subsection (2), may be made applicable either

(3) Indien die koste van die verbouing van of herstelwerk of aanbou aan die perseel volgens 'n redelike en *bona fide*-raming meer as tweehonderd rand sal bedra en die verhuurder nie binne die tydperk in die voorwaarde gestel of, as 'n tydperk nie gestel is nie, binne ses maande vanaf die ontvangs deur hom van 'n eis bedoel in subartikel (1), aan die vereistes van die voorwaarde voldoen nie, kan die lisensiehouer, ondanks 'n andersluidende ooreenkoms, onmiddellik en sonder kennisgewing die huur beëindig of die verbouing, herstelwerk of aanbouing self op eie koste uitvoer.

169. Wanneer 'n verhuurder ten gevolge van 'n voorwaarde deur die bevoegde gesag ingevolge artikel 55 bepaal, 'n perseel waarop kragtens 'n binneverbruiklisensie sake gedoen word, verbou, herstel of vergroot het en die koste wat aangegaan is meer as tweehonderd rand bedra het, kan die verhuurder, ondanks enige beding in die huurkontrak, vanaf die voltooiing van die verbouing, herstelwerk of vergroting die huur van die perseel verhoog met 'n bedrag van hoogstens vyftien persent per jaar van die koste aangegaan, en die huur aldus verhoog, word beskou as die huur wat kragtens die huurkontrak verskuldig is.

Verhoging van huur waar persele deur verhuurders verbou, herstel of vergroot word.

HOOFSTUK X

VERBODE DRANKE EN STOWWE

170. Niemand mag—

Verbode brouses of dranke.

- (a) 'n brousel vervaardig deur die gisting van stroop, suiker of ander stowwe en wat bekend staan as isityimiyanu, hopana, qediviki, skokiaan, uhali of barberton;
- (b) 'n brousel wat, alhoewel anders genoem, soortgelyk is aan of wesenlik soortgelyk is aan 'n brousel in paragraaf (a) genoem;
- (c) 'n brousel (behalwe Bantobier) vervaardig deur die gisting van 'n stof waarvan die gebruik, na die ordeel van die Minister, tot nadeel van die gesondheid en welsyn van die volk strek en wat hy by kennisgewing in die *Staatskoerant* vermeld; of
- (d) 'n drank vervaardig deur die distillering van 'n brousel in paragraaf (a), (b) of (c) genoem, vervaardig, besit, bewaar, gebruik, drink of aan iemand gee of verskaf nie.

171. (1) Niemand mag brandspiritus verkoop of besit om te verkoop nie, tensy hy die houer is van 'n algemene handelaars- of aptekerslisensie wat kragtens die een of ander wet uitgereik is.

Beperking en reëeling van invoer, aanhou en verkoop van brandspiritus.

(2) Die Minister kan regulasies uitvaardig betreffende—

- (a) die reëeling en beperking van die invoer, uitvoer, oorlaai, vervoer, versending, aanhou, verkoop, verskaffing of gebruik van brandspiritus;
- (b) die klasse persone wat, ondanks die bepalings van subartikel (1), nie brandspiritus mag verkoop nie;
- (c) die hou van aantekeninge van alle handel in brandspiritus, die vorm waarin en wyse waarop die aantekeninge gehou moet word en die besonderhede wat daarin aangeteken moet word;
- (d) die denaturering, reukverlening aan, kleuring en die ondrinkbaarheid van brandspiritus wat verkoop of vir verkoop aangehou word en die wyse waarop dit gedoen moet word;
- (e) die beperking van die hoeveelhede brandspiritus wat verkoop kan word en die houers waarin dit verkoop moet word;
- (f) die verbod of beperking van die koop of besit van brandspiritus, met inbegrip van die verlening van permitte vir die koop of besit daarvan; en
- (g) die strawwe wat weens die oortreding van sodanige regulasies opgelê kan word.

(3) 'n Verbod of beperking vervat in 'n regulasie kragtens subartikel (2) uitgevaardig, kan in die algemeen of slegs op 'n

Act No. 87, 1977

LIQUOR ACT, 1977.

Restriction of keeping, selling or possession of dependence-producing substances.

generally or in respect of a particular class of persons or a particular area only.

172. (1) The Minister may from time to time, after consultation with the Minister of Health, by notice in the *Gazette* declare that any patent or Dutch medicine mentioned or described in such notice shall, as from a date specified in such notice, be deemed to be a dependence-producing substance.

(2) Any person selling a dependence-producing substance shall keep in one of the official languages a stock book clearly showing at all times the addition to, takings from and present condition of his stock of such substances, and a sales register showing in respect of every sale by him of such substances—

(a) the date of sale;

(b) the name and address of the purchaser; and

(c) the quantity, description and price of the substance sold, and entry shall be made in the sales register immediately upon the completion of the setting apart or appropriation of such substances in respect of any sale.

(3) The stock book and sales register referred to in subsection (2) shall at all reasonable times be open to the inspection of any police officer.

(4) The Minister may make regulations relating to—

(a) the prohibition or restriction of the keeping, sale, supply or use of any dependence-producing substances;

(b) the prohibition or restriction of the purchase or possession of any dependence-producing substance including the granting of permits for any such purchase or possession; and

(c) the penalties which may be imposed for any contravention of such regulations.

(5) Any prohibition or restriction contained in any regulation made under subsection (4) may be made applicable either generally or in respect of a particular class of persons or a particular area only.

CHAPTER XI

FUNCTIONS OF INSPECTORS AND POLICE

Designation and functions of inspectors.

173. (1) The Minister may designate any officer or employee in the public service as an inspector for the purposes of this Act, and such inspector shall perform—

(a) if there is no designated police officer, all the functions referred to in sections 174, 175 and 176 of the said police officer or, if there is a designated police officer, such functions of such police officer as the Minister may determine; and

(b) such other functions in connection with the application and administration of the provisions of this Act, as may be assigned to him by the Minister.

(2) (a) An inspector referred to in subsection (1) shall be furnished with a certificate signed by a person acting under the directions of the Minister and stating that he has been designated as an inspector under subsection (1).

(b) Such an inspector shall, on demand by any person affected by the performance by the inspector of any function under this Act, exhibit to such person the certificate referred to in paragraph (a).

(3) For the purposes of the performance of his functions under this Act, any inspector referred to in subsection (1) may—

(a) at all reasonable times enter upon any licensed premises or any premises in respect of which an application for a licence has been made, and, after having informed the person who is for the time being in charge or control of such premises of the purpose of his visit, make such examination and enquiry as he may deem necessary;

bepaalde klas persone of 'n bepaalde gebied van toepassing gemaak word.

172. (1) Die Minister kan van tyd tot tyd, na oorlegpleging met die Minister van Gesondheid, by kennisgewing in die *Staatskouerant* verklaar dat 'n patente of Hollandse medisyne in die kennisgewing genoem of omskryf, vanaf 'n dag in die kennisgewing bepaal, as 'n afhanklikheidsvormende stof beskou sal word.

Beperking van aanhou, verkoop of besit van afhanklikheidsvormende stowwe.

(2) Iemand wat 'n afhanklikheidsvormende stof verkoop, moet 'n voorraadboek in een van die amptelike tale hou wat te alle tye duidelik die huidige stand van sy voorraad van sodanige stof aantoon en wat daaraan toegevoeg of daaruit ontnem is, en 'n verkoopsregister hou wat met betrekking tot elke verkoop van sodanige stof 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 bedoelde stof wat verkoop is,

en waarin aantekening gehou word sodra so 'n stof in verband met 'n verkoop opsygesit of toegewys is.

(3) Die voorraadboek en verkoopsregister bedoel in subartikel (2) moet te alle redelike tye aan 'n polisiebeampte ter insae beskikbaar wees.

(4) Die Minister kan regulasies uitvaardig betreffende—

- (a) die verbied of beperking van die aanhou, verkoop, verskaffing of gebruik van afhanklikheidsvormende stowwe;
- (b) die verbied of beperking van die koop of besit van afhanklikheidsvormende stowwe en die verlening van permitte vir die koop of besit daarvan; en
- (c) die strawwe wat weens 'n oortreding van die regulasies opgelê kan word.

(5) 'n Verbod of beperking vervat in 'n regulasie kragtens subartikel (4) uitgevaardig, kan in die algemeen of slegs op 'n bepaalde klas persone of 'n bepaalde gebied van toepassing gemaak word.

HOOFSTUK XI WERKSAAMHEDE VAN INSPEKTEURS EN POLISIE

173. (1) Die Minister kan 'n beampte of werknemer in die Staatsdiens as 'n inspekteur vir die doeleindes van hierdie Wet aanwys, en so 'n inspekteur verrig—

Aanwysing en werksaamhede van inspekteurs.

- (a) indien daar nie 'n aangewese polisie-offisier is nie, al die werksaamhede bedoel in artikels 174, 175 en 176 van bedoelde polisie-offisier of, indien daar 'n aangewese polisie-offisier is, die werksaamhede van so 'n polisie-offisier wat die Minister bepaal; en
- (b) die ander werksaamhede in verband met die toepassing en uitvoering van die bepalings van hierdie Wet wat die Minister aan hom opdra.

(2) (a) 'n Inspekteur bedoel in subartikel (1) moet van 'n sertifikaat voorsien word wat onderteken is deur iemand wat op gesag van die Minister handel en waarin verklaar word dat hy kragtens subartikel (1) as 'n inspekteur aangewys is.

(b) So 'n inspekteur moet, op versoek van iemand wat geraak word deur die verrigting deur die inspekteur van enige werksaamheid kragtens hierdie Wet, die sertifikaat bedoel in paragraaf (a) aan so iemand toon.

(3) Vir die doeleindes van die verrigting van sy werksaamhede kragtens hierdie Wet, kan 'n inspekteur bedoel in subartikel (1)—

- (a) te alle redelike tye 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan 'n aansoek om 'n lisensie gedoen is, betree en, nadat hy die persoon wat op daardie tydstip toesig of beheer oor bedoelde perseel het, van die doel van sy besoek verwittig het, die ondersoek instel en die navraag doen wat hy nodig ag;

Act No. 87, 1977

LIQUOR ACT, 1977.

- (b) while he is upon the premises or at any other reasonable time, question the licensee or any person who manages or is responsible for the carrying on of the business to which the licence relates or who intends to conduct a business to which a licence relates on the premises, or any employee of such licensee or person, in the presence of or apart from others, and require from such licensee, person or employee the production to him there and then, or at a time and place fixed by the inspector, of any book, notice, record, list or other document which is or has been upon the premises or in the possession or custody or under the control of such licensee, person or employee, if in his opinion examination of that book, notice, record, list or document is necessary for the purpose of any investigation which he is carrying out;
- (c) at any reasonable time require of any person who has the possession, custody or control of any book, notice, record, list or other document relating to such premises or to the business carried on thereon, the production to him there and then, or at a time and place fixed by the inspector, of that book, notice, record, list or document, if in his opinion examination of that book, notice, record, list or document is necessary for the purpose of any investigation which he is carrying out;
- (d) examine and make extracts from and copies of any such book, notice, record, list or document, and require an explanation of any entries in any such book, notice, record, list or document, and seize any such book, notice, record, list or document which, in his opinion, may afford evidence of a contravention or evasion of any provision of this Act.

(4) Whenever any inspector enters upon any premises under subsection (3) the licensee of the premises and any person who manages or is responsible for the carrying on of the business to which the licence relates on the premises or who intends to carry on a business to which a licence relates on the premises, and any employee of such licensee or person, shall at all times provide such reasonable facilities as are required by the inspector for the purpose of performing his functions under the said subsection.

Police reports in regard to certain applications under this Act.

174. (1) Any police commissioned officer designated by the Minister of Police shall, in respect of every application made to the Minister for a licence or special authority, report, with due regard to the provisions of this Act, for the information of the Minister whether—

- (a) the premises in respect of which application is made, are in good repair, afford suitable and proper accommodation, are in all respects adequately equipped for the proper carrying on of the business proposed and, if the premises are situate in the vicinity of a place of worship or a school or a Bantu compound, whether the business proposed is likely to prejudice the conduct of proceedings at such place of worship or school or prejudice the occupants of or affect the control of such compound;
- (b) the premises, if not yet erected or completed, would upon completion thereof in accordance with the plans thereof, be suitable in all respects for the proper carrying on of the business proposed;
- (c) the applicant is of good character, is a fit and proper person to be granted such licence or special authority and is not disqualified under any provision of section 25; the licence or special authority for which application is made is, in the opinion of such police officer, reasonably required to meet the convenience of the public;

DRANKWET, 1977.

Wet No. 87, 1977

- (b) terwyl hy op die perseel is of op 'n ander redelike tyd, die lisensiehouer of iemand wat die saak waarop die lisensie betrekking het, bestuur of vir die dryf daarvan verantwoordelik is of wat voornemens is om 'n saak waarop 'n lisensie betrekking het op die perseel te dryf of 'n werknemer van bedoelde lisensiehouer of persoon, in die teenwoordigheid of afsonderlik van andere ondervra en eis dat bedoelde lisensiehouer, persoon of werknemer onverwyld of op 'n tyd en plek wat die inspekteur bepaal, 'n boek, kennisgewing, aantekening, lys of ander stuk aan hom oorlê wat op die perseel of in die besit of bewaring of onder die beheer van bedoelde lisensiehouer, persoon of werknemer is of was, indien die ondersoek van daardie boek, kennisgewing, aantekening, lys of stuk na sy oordeel nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;
- (c) te enige redelike tyd van iemand wat 'n boek, kennisgewing, aantekening, lys of ander stuk betreffende die perseel of die sake wat daarop gedoen word, in sy besit of bewaring of onder sy beheer het, die oorlegging aan hom van daardie boek, kennisgewing, aantekening, lys of stuk onverwyld of op 'n tyd en plek deur die inspekteur bepaal, vereis, indien die ondersoek van daardie boek, kennisgewing, aantekening, lys of stuk na sy oordeel nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;
- (d) so 'n boek, kennisgewing, aantekening, lys of stuk ondersoek en uittreksels daaruit en afskrifte daarvan maak, en 'n verduideliking eis van enige inskrywings in so 'n boek, kennisgewing, aantekening, lys of stuk en beslag lê op so 'n boek, kennisgewing, aantekening, lys of stuk wat na sy oordeel bewys kan lewer van 'n oortreding of ontduiking van 'n bepaling van hierdie Wet.

(4) Wanneer 'n inspekteur 'n perseel kragtens subartikel (3) betree, moet die lisensiehouer van die perseel en iemand wat die saak waarop die lisensie betrekking het, op die perseel bestuur of vir die dryf daarvan verantwoordelik is of wat voornemens is om 'n saak waarop 'n lisensie betrekking het op die perseel te dryf, en enige werknemer van bedoelde lisensiehouer of persoon, te alle tye die redelike fasiliteite verskaf wat deur die inspekteur vereis word om sy werkzaamhede kragtens bedoelde subartikel te verrig.

174. (1) 'n Polisie-offisier wat deur die Minister van Polisie aangewys is, moet, ten opsigte van elke aansoek om 'n lisensie of spesiale magtiging wat by die Minister gedoen is, met behoorlike inagneming van die bepaling van hierdie Wet, ter inligting van die Minister verslag doen of—

Polisieverslae
aangaande sekere
aansoeke kragtens
hierdie Wet.

- (a) die perseel ten opsigte waarvan aansoek gedoen word, goed onderhou is, geskikte en behoorlike akkommodasie bied, in alle opsigte voldoende ingerig is vir die behoorlike dryf van die voorgestelde saak en, indien die perseel in die nabijheid van 'n plek van openbare aanbidding, 'n skool of Bantoekwartiere geleë is, of die voorgestelde saak die verrigtinge op daardie plek van aanbidding of in daardie skool waarskynlik sal steur of die bewoners van daardie kwartiere waarskynlik sal benadeel of afbreuk sal doen aan die beheer daarvan;
- (b) die perseel, indien dit nog nie opgerig of voltooi is nie, na voltooiing daarvan ooreenkomsdig die planne daarvan, in alle opsigte geskik sal wees vir die behoorlike dryf van die voorgestelde saak;
- (c) die aansoeker van goeie gedrag en wandel is, 'n geskikte persoon is aan wie die lisensie of spesiale magtiging verleen kan word, en nie kragtens 'n bepaling van artikel 25 onbevoeg is nie;
- (d) die lisensie of spesiale magtiging waarom aansoek gedoen word na die oordeel van daardie polisie-offisier, redelikerwys nodig is vir die gerief van die publiek;

(e) in the case of an applicant referred to in section 56 or 76 the public will be unduly inconvenienced if business is not done during any particular period, and shall, generally, draw the attention of the Minister to any matter which, in the opinion of such police officer, is one proper to be taken into account in the consideration of the application.

(2) The designated police officer shall, in respect of every application under this Act for the transfer of a licence or special authority or authority under section 24, or to remove such licence or authority from the licensed premises to any other premises, report for the information of the competent authority—

(a) in the case of an application for such transfer, on the matter referred to in subsection (1) (c);

(b) in the case of an application for such a removal, on the matters referred to in subsection (1) (a) and (b), and shall, generally, draw the attention of the competent authority to any other matter which, in the opinion of such police officer, is one proper to be taken into account in the consideration of the application.

(3) The designated police officer shall, in respect of every application made under this Act for an occasional licence or a temporary liquor licence or an authority under section 24 or any other application in respect of which the competent authority is required in terms of any provision of this Act to consult with the designated police officer before the grant thereof, report for the information of the competent authority on all matters which, in his opinion, are proper to be taken into account in the consideration of the application.

Reports by designated police officer to chairman on licensees or holders of special authorities, and licensed premises.

175. (1) The designated police officer shall report to the chairman—

(a) on any failure by a licensee or the holder of a special authority to comply with any condition or restriction imposed by or under this Act upon him or determined in respect of any licence or special authority held by him or any class of licences or authorities to which such licence or authority belongs or in respect of any right or privilege pertaining to such licence or authority;

(b) on any contravention by a licensee or the holder of a special authority of the provisions of section 55 (2);

(c) whenever he is of the opinion that structural alterations or repairs ought to be effected to any licensed premises;

(d) if any licensee or the holder of a special authority becomes disqualified in terms of the provisions of section 25 to hold a licence or special authority;

(e) whenever any licence or special authority or any right or privilege pertaining thereto appears to have been abandoned;

(f) whenever business appears no longer to be carried on under any licence or special authority or whenever any right or privilege pertaining thereto appears no longer to be exercised; and

(g) on any other matter which, in the opinion of such police officer, is one proper to be brought to the notice of the Board.

(2) Upon receipt of a report referred to in subsection (1), the chairman may, if he thinks fit, convene an interim meeting in terms of section 11 for the consideration of the matter.

(3) For the purposes of subsection (1) "licensee" means the holder of any licence other than an occasional licence or a temporary liquor licence and the expressions "licence" and "licensed" shall have corresponding meanings.

DRANKWET, 1977.

Wet No. 87, 1977

(e) in die geval van 'n aansoeker bedoel in artikel 56 of 76 die publiek oormatig verontrief sal word indien sake nie gedurende 'n bepaalde tydperk gedoen word nie, en moet, oor die algemeen, die aandag van die Minister vestig op enige aangeleentheid wat, na die oordeel van daardie polisie-offisier, by die oorweging van die aansoek in aanmerking geneem behoort te word.

(2) Die aangewese polisie-offisier moet, ten opsigte van elke aansoek kragtens hierdie Wet om die oordrag van 'n lisensie of spesiale magtiging of magtiging kragtens artikel 24 of om so 'n lisensie of magtiging vanaf 'n gelisensieerde perseel na 'n ander perseel te verplaas, ter inligting van die bevoegde gesag verslag doen aangaande—

- (a) in die geval van 'n aansoek om so 'n oordrag, die aangeleentheid bedoel in subartikel (1) (c);
- (b) in die geval van 'n aansoek om so 'n verplasing, die aangeleenthede bedoel in subartikel (1) (a) en (b), en moet, oor die algemeen, die aandag van die bevoegde gesag vestig op enige ander aangeleentheid wat, na die oordeel van daardie polisie-offisier, by die oorweging van die aansoek in aanmerking geneem behoort te word.

(3) Die aangewese polisie-offisier moet, ten opsigte van elke aansoek kragtens hierdie Wet gedoen om 'n geleentheidslisensie of 'n tydelike dranklisensie of 'n magtiging kragtens artikel 24 of enige ander aansoek ten opsigte waarvan die bevoegde gesag ingevolge 'n bepaling van hierdie Wet verplig is om, voor die toestaan daarvan, met die aangewese polisie-offisier oorleg te pleeg, ter inligting van die bevoegde gesag verslag doen aangaande alle aangeleenthede wat, na sy oordeel, by die oorweging van die aansoek in aanmerking geneem behoort te word.

175. (1) Die aangewese polisie-offisier moet aan die voorsitter verslag doen—

- (a) aangaande 'n versuim deur 'n lisensiehouer of die houer van 'n spesiale magtiging om te voldoen aan 'n voorwaarde of beperking by of kragtens hierdie Wet hom opgelê of bepaal ten opsigte van 'n lisensie of spesiale magtiging deur hom gehou of 'n klas lisensies of magtigings waaronder bedoelde lisensie of magtiging val of ten opsigte van 'n reg of voorreg aan bedoelde lisensie of magtiging verbonde;
- (b) aangaande 'n oortreding deur 'n lisensiehouer of houer van 'n spesiale magtiging van die bepalings van artikel 55 (2);
- (c) wanneer hy van mening is dat boukundige veranderings of herstelwerk aan 'n gelisensieerde perseel aangebring behoort te word;
- (d) indien 'n lisensiehouer of die houer van 'n spesiale magtiging ingevolge die bepalings van artikel 25 onbevoeg raak om 'n lisensie of spesiale magtiging te hou;
- (e) wanneer dit blyk dat 'n lisensie of spesiale magtiging of 'n reg of voorreg daaraan verbonde, laat vaar is;
- (f) wanneer dit blyk dat sake nie langer kragtens 'n lisensie of spesiale magtiging gedoen word nie of dat 'n reg of voorreg daaraan verbonde nie langer uitgeoefen word nie; en
- (g) aangaande enige ander aangeleentheid wat na die oordeel van bedoelde polisie-offisier onder die aandag van die Raad gebring behoort te word.

Verslae deur
aangewese
polisie-offisier aan
voorsitter aangaande
lisensiehouers of houers
van spesiale
magtigings, en
gelisensieerde persele.

(2) By die ontvangs van 'n verslag bedoel in subartikel (1) kan die voorsitter, indien hy dit goedvind, 'n tussentydse vergadering ingevolge artikel 11 belê vir die oorweging van die aangeleentheid.

(3) By die toepassing van subartikel (1) beteken „lisensiehouer“ die houer van 'n ander lisensie as 'n geleentheidslisensie of 'n tydelike dranklisensie en het die uitdrukkings „lisensie“ en „gelisensieerde“ ooreenstemmende betekenis.

Act No. 87, 1977

LIQUOR ACT, 1977.

Reports by designated police officer to chairman on certain convictions of licensees or holders of special authorities.

176. (1) Whenever a licensee or holder of a special authority or any person referred to in section 44 (2) (a) has been convicted of any offence, whether under this Act or any other law or the common law, and has in respect thereof been sentenced to a fine of not less than two hundred and fifty rand or to imprisonment without the option of a fine, the designated police officer shall report on the conviction and the circumstances of the offence to the chairman.

(2) If upon receipt of a report referred to in subsection (1), the chairman, after consultation with the other members of the Board, is of the opinion that by reason of the commission of such offence, it may not be in the public interest that such licensee, holder of a special authority or person, as the case may be, should hold or continue to hold the licence or authority in question or carry on or continue to carry on the business to which the licence or authority relates, or exercise or continue to exercise any right or privilege pertaining to such licence or authority, he shall convene an interim meeting in terms of section 11 for the consideration of the matter.

Powers of police in regard to search and seizure.

177. (1) Any police officer holding a rank or post designated by the Minister from time to time by notice in the *Gazette* may, in any area so designated, without any warrant—

(a) during the hours when any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence are open for the sale of liquor, enter and inspect every room or any other part of such premises or any place referred to in section 64 (2), 123 or 142 where liquor is stored, and may take stock of all liquor found in or upon such premises or place;

(b) at any time enter and search any premises, room or place, whether licensed under this Act or not, or any vehicle, or search any person or anything of whatever nature, whether found in or upon such premises, room, place or vehicle or not, if—

(i) there are reasonable grounds to suspect that any contravention of a provision of this Act is taking place in or upon such premises, room, place or vehicle or is being committed by such person or by means of such vehicle or other thing or that it is being used in connection with the commission of any contravention of any such provision;

(ii) there are reasonable grounds to suspect that—

(aa) such person has in his possession any liquor, vehicle or other thing;

(bb) any liquor, vehicle or other thing is kept in or upon such premises, room or place;

(cc) liquor is kept in any such vehicle or other thing;

(dd) any other thing is kept in any such vehicle; or

(ee) any other thing is kept in any receptacle, in contravention, or in connection with a contravention, of any provision of this Act; or

(iii) there are reasonable grounds to suspect that—

(aa) such person has in his possession any liquor, vehicle or other thing;

(bb) there is in or upon such premises, room or place any liquor, vehicle or other thing;

(cc) there is in such vehicle any liquor or other thing;

(dd) there is in any receptacle any liquor or other thing; or

(ee) there is in any such other thing any liquor, intended to be used for the commission of, or in connection with the commission of, any offence under this Act;

(c) enter any premises upon which liquor is being sold or supplied and demand that the licence or authority authorizing such sale or supply be produced to him.

176. (1) Wanneer 'n lisensiehouer of houer van 'n spesiale magtiging of iemand bedoel in artikel 44 (2) (a), skuldig bevind is aan 'n misdryf, het sy ingevolge hierdie Wet of enige ander wet of die gemene reg, en ten opsigte daarvan gevonnis is tot 'n boete van minstens tweehonderd-en-vyftig rand of tot gevangenisstraf sonder die keuse van 'n boete, moet die aangewese polisie-offisier aangaande die skuldigbevinding en die omstandighede van die misdryf aan die voorsitter verslag doen.

Verslae deur
aangewese
polisie-offisier aan
voorsitter aangaande
sekere
skuldigbevindings
van lisensiehouers of
houers van spesiale
magtigings.

(2) Indien die voorsitter by ontvang van 'n verslag bedoel in subartikel (1), na oorleg met die ander lede van die Raad, van oordeel is dat as gevolg van die pleging van die misdryf dit nie in die openbare belang mag wees nie dat bedoelde lisensiehouer, houer van die spesiale magtiging of persoon, na gelang van die geval, die betrokke lisensie of magtiging hou of behou of die saak waarop die lisensie of magtiging betrekking het, dryf of aanhou dryf of 'n reg of voorreg verbonde aan bedoelde lisensie of magtiging uitoefen of aanhou uitoefen, moet hy 'n tussentydse vergadering ingevolge artikel 11 belê vir oorweging van die aangeleenthed.

zoekende te doen
naaslike te
verdere toeligging

177. (1) 'n Polisiebeampte wat 'n rang of pos beklee wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant aanwys, kan, in 'n aldus aangewese gebied, sonder 'n lasbrief—

Bevoegdheede van
polisie met betrekking
tot visentering en
beslaglegging.

(a) gedurende die ure wanneer 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, vir die verkoop van drank oop is, elke kamer of enige ander deel van daardie perseel of 'n plek bedoel in artikel 64 (2), 123 of 142 waar drank opgeberg word, binnegaan en ondersoek en kan voorraad neem van al die drank wat op of by daardie perseel of plek gevind word;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(b) te eniger tyd 'n perseel, kamer of plek, het sy kragtens hierdie Wet gelisensieer, al dan nie, of 'n voertuig binnegaan en visenter of enigiemand of enigiets van watter aard ook al, het sy dit in of by die perseel, kamer, plek of voertuig gevind is, al dan nie, visenter indien—

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(i) daar gegronde redes bestaan om te vermoed dat 'n oortreding van 'n bepaling van hierdie Wet in of by daardie perseel, kamer, plek of voertuig plaasvind of deur so iemand of deur middel van daardie voertuig of iets anders gepleeg word of dat dit in verband met die pleging van 'n oortreding van so 'n bepaling gebruik word;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(ii) daar gegronde redes bestaan om te vermoed dat—
(aa) so iemand drank, 'n voertuig of iets anders in sy besit het;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(bb) drank, 'n voertuig of iets anders in of by die perseel, kamer of plek gehou word;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(cc) drank in die voertuig of iets anders gehou word;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(dd) iets anders in die voertuig gehou word; of

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(ee) iets anders in 'n houer gehou word,
in stryd met, of in verband met 'n oortreding van 'n bepaling van, hierdie Wet; of

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(iii) daar redelike gronde bestaan om te vermoed dat—
(aa) so iemand drank, 'n voertuig of iets anders in sy besit het;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(bb) in of by die perseel, kamer of plek drank, 'n voertuig of iets anders is;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(cc) in die voertuig drank of iets anders is;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(dd) in 'n houer drank of iets anders is; of

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(ee) in so iets drank is,
wat bestem is om vir die pleging of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik te word;

toekomstige
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem
oordeel te neem

(c) 'n perseel waar drank verkoop of verskaf word, binnegaan en eis dat die lisensie of magtiging wat die verkoop of verskaffing magtig aan hom getoon word.

Act No. 87, 1977**LIQUOR ACT, 1977.**

**Search of premises
of dealers in
methylated spirits.**

(2) Any police officer holding a rank or post designated under subsection (1), shall seize and remove any liquor, vehicle or other thing in possession of the person so searched or in or upon the premises, room, place, vehicle or other thing so entered or searched if, in his opinion, the possession thereof by such person or the keeping, possession or use thereof in or upon such premises, room, place, vehicle or other thing is unlawful, or if he suspects that any offence under this Act has been committed in respect or by means thereof or, if he has reason to believe that such liquor, vehicle or other thing is intended to be used for the commission of, or in connection with the commission of, any offence under this Act.

**Power of police
officer to demand
names and addresses
of certain persons.**

178. Any customs or excise officer specially authorized by the Secretary of Customs and Excise or any police officer of or above the rank of sergeant may at any time enter and search the premises of any person who is the holder of a licence referred to in section 171 and inspect his stock of methylated spirit and his records kept under that section and may enter and search the premises of any person who is suspected of unlawfully dealing in methylated spirit or of unlawfully importing or keeping methylated spirit and such officer or police officer may upon premises so entered seize any methylated spirit kept in contravention of any provision of the said section or any regulation made thereunder.

**Powers of police
officer whenever
unlawful conveyance
of liquor or other
thing is suspected.**

179. Any police officer may demand the name and address of any person whom 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 177 or 178 and, if such person fails on such demand to furnish his full name and address, forthwith arrest him, and, if such person, when his name and address is so demanded, furnishes to such officer a name or address which such officer upon reasonable grounds suspects to be false, such police officer may arrest and detain him for a period not exceeding twelve hours until the name and address so furnished have been verified.

**Record of permits or
authorities issued or
granted under this
Act.**

180. Any police officer may at any time demand from any person who he has reason to believe is conveying liquor or any other thing for the removal of which a permit is required under this Act, the production of such permit, and may stop and inspect any vehicle which he suspects is being used for such conveyance of any liquor or other thing, or may stop and search any person whom he suspects to be conveying any liquor or other thing contrary to the provisions of this Act.

**Offences by licensees
in general.**

181. Any police officer authorized by any provision of this Act to issue or grant any permit or authority shall keep a record (which, if kept in book form, may consist of duplicates or copies of the permits or authorities issued) of particulars of all permits or authorities issued or granted, the name and residence of every holder of such a permit or authority, and of every cancellation thereof.

CHAPTER XII**OFFENCES AND PENALTIES, JURISDICTION OF MAGISTRATES'
COURTS AND FORFEITURE OF GOODS SEIZED**

182. Any licensee shall be guilty of an offence if he by himself, his employee or agent—

- (a) permits drunkenness or any riotous conduct to take place upon the licensed premises;
- (b) sells or supplies liquor to any person in a state of intoxication;

(2) 'n Polisiebeampte wat 'n rang of pos beklee wat kragtens subartikel (1) aangewys is, moet drank, 'n voertuig of iets anders wat in besit is van die persoon wat aldus geviseenteer word, of wat in of by die perseel, kamer, plek, voertuig of iets anders is wat aldus binnegegaan of geviseenteer word, in beslag neem en verwyder indien, na sy oordeel, die besit daarvan deur die persoon of die hou, besit of gebruik daarvan in of by die perseel, kamer, plek, voertuig of iets anders onwettig is, of indien hy vermoed dat 'n misdryf ingevolge hierdie Wet ten opsigte of deur middel daarvan gepleeg is, of indien hy rede het om te vermoed dat bedoelde drank, voertuig of iets anders bestem is om vir die pleging of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik te word.

178. 'n Doeane- of aksynsbeampte wat spesiaal deur die Sekretaris van Doeane en Aksyns gemagtig is of 'n polisiebeampte wat die rang van sersant of 'n hoër rang beklee, kan te eniger tyd die perseel van iemand wat die houer is van 'n lisensie bedoel in artikel 171, betree en deursoek en sy voorraad brandspiritus en sy aantekeninge, wat kragtens daardie artikel gehou word, ondersoek, en kan die perseel van iemand wat daarvan verdink word dat hy onwettig in brandspiritus handel dryf of onwettig brandspiritus invoer of aanhou, betree en deursoek, en die beampte of polisiebeampte kan in 'n perseel wat aldus betree is, enige brandspiritus in beslag neem wat in stryd met die bepalings van daardie artikel of 'n regulasie wat daarkragtens uitgevaardig is, aangehou word.

Deursoeking van persele van handelaars in brandspiritus.

179. 'n Polisiebeampte kan iemand wat hy vind op 'n perseel of voertuig waarop of waarvan hy kragtens die bepalings van artikel 177 of 178 drank, brandspiritus of iets anders in beslag neem of verwyder, versoek om sy naam en adres te verstrek, en, indien so iemand weier om sy volledige naam en adres te verstrek, hom onmiddellik in hechtenis neem, en, indien so iemand wanneer hy aldus versoek word om sy naam en adres te verstrek, aan so 'n beampte 'n naam of adres verstrek wat daardie beampte om gegronde redes vermoed vals is, kan die polisiebeampte hom in hechtenis neem en aanhou vir 'n tydperk van hoogstens twaalf uur, totdat bepaal is of die naam en adres wat aldus verstrek is, juis is.

Bevoegdheid van polisiebeampte om name en adres van sekere persone op te eis.

180. 'n Polisiebeampte kan te eniger tyd van iemand wat hy om gegronde redes daarvan verdink dat hy drank of iets anders vervoer, vir die vervoer waarvan 'n permit kragtens hierdie Wet nodig is, eis dat hy die permit aan hom toon en kan 'n voertuig wat, na hy vermoed, vir sodanige vervoer van drank of van iets anders gebruik word, aanhou en ondersoek, of kan iemand wat hy daarvan verdink dat hy drank of iets anders in stryd met die bepalings van hierdie Wet vervoer, aanhou en deursoek.

Bevoegdhede van polisiebeampte wanneer onwettige vervoer van drank of iets anders vermoed word.

181. 'n Polisiebeampte wat kragtens 'n bepaling van hierdie Wet bevoeg is om 'n permit of magtiging uit te reik of te verleen, moet aantekeninge hou (wat, indien gehou in die vorm van 'n boek, kan bestaan uit duplike of afskrifte van die permitte of magtigings wat uitgereik word) van besonderhede van alle permitte of magtigings wat uitgereik of verleent word, die naam en woonplek van elke houer van so 'n permit of magtiging, en van elke intrekking daarvan.

Aantekeninge van permitte of magtigings kragtens hierdie Wet uitgereik of verleent.

HOOFSTUK XII

MISDRYWE EN STRAWWE, REGSBEVOEGDHEID VAN LANDDROS-HOWE EN VERBEURING VAN GOED WAAROP BESLAG GELÊ IS

182. 'n Licensiehouer is skuldig aan 'n misdryf indien hy self of deur sy werkner of verteenwoordiger—

Misdrywe deur licensiehouers in die algemeen.

- (a) dronkenskap of losbandige gedrag op die gelisensieerde perseel toelaat;
- (b) drank verkoop of versaf aan iemand wat in 'n beskonke toestand is;

Act No. 87, 1977

LIQUOR ACT, 1977.

- (c) sells or supplies as a particular kind or brand or as the product of a particular person liquor which is not of that kind or brand or is not the product of such person, unless he satisfies the court that he was not a party to, and had no knowledge of, such fact and had no means of detecting or preventing it;
- (d) sells, supplies or delivers liquor to any person who, under any prohibition or restriction determined by or under this Act, is not permitted to obtain liquor;
- (e) permits to be in any restricted portion of the licensed premises any person under the age of eighteen years or any person who, by virtue of any provision of this Act or any condition determined thereunder, is not permitted to be in such restricted portion;
- (f) permits any unlawful game or gambling to be carried on on the licensed premises;
- (g) permits the licensed premises to be used as a brothel or to be frequented by women who are reputed to be prostitutes;
- (h) permits any person—
 - (i) to perform any offensive, indecent or obscene act; or
 - (ii) who is not clothed or not properly clothed, to perform or to appear, on any portion of the licensed premises where entertainment of any kind is held or to which the public has access;
- (i) keeps the licensed premises open for the sale or consumption of liquor or sells or delivers any liquor, during any time when the sale or delivery is not authorized by the licence;
- (j) if it is not an offence under any other provision of this section, sells, supplies or deals in liquor contrary to the conditions of the licence or in any manner not authorized by such licence;
- (k) if it is not an offence under any other provision of this Act, fails to comply with any condition or restriction which has, by or under this Act, been imposed upon him or determined in respect of the licence or any class of licence to which the licence belongs;
- (l) sells or offers to sell or exposes for sale any liquor at any place where the sale of liquor is not authorized by the licence;
- (m) fails to keep or keeps inadequately or improperly, any record, book or document which under this Act or any condition made thereunder he is required to keep, or refuses, or fails to allow any police inspection of any such record, book or document;
- (n) fails to render assistance to the best of his ability to any police officer performing his functions on or about the licensed premises, or in any manner obstructs or hinders any police officer in the performance of his functions under this Act;
- (o) contrary to the provisions of this Act, carries on business to which his licence relates on any premises on which any other trade, business or occupation is carried on, or carries on or permits to be carried on upon the licensed premises any other trade, business or occupation; or
- (p) contravenes section 44 (2), 55 (2), 59, 69, 73, 74, 80 (1), 80 (2), 80 (3), 107, 130, 131, 134 (1), 134 (2), 134 (3), 138, 143 (1), 143 (2), 143 (3), 148, 151 (1), 151 (2), 151 (3), 156 (1), 156 (2) or 156 (3).

Offences by holders of
on-consumption
licences.

183. Except in the case of the sale or supply of liquor for off-consumption by the holder of an on-consumption licence who, under any provision of this Act, has been or is deemed to have

- (c) drank verkoop of verskaf as 'n bepaalde soort of merk of as die produk van 'n bepaalde persoon, wat nie van daardie soort of merk is nie of nie die produk van daardie persoon is nie, tensy hy die hof oortuig dat hy nie medepligtig was aan, en nie bekend was met, bedoelde feit nie en dit op geen wyse kon vasstel of voorkom nie;
- (d) drank verkoop, verskaf of aflewer aan iemand wat, kragtens 'n verbod of beperking bepaal by of kragtens hierdie Wet, nie drank mag verkry nie;
- (e) op die beperkte gedeelte van die gelisensieerde perseel iemand toelaat wat onder die ouderdom van agtien jaar is of wat uit hoofde van 'n bepaling van hierdie Wet of van 'n voorwaarde daarkragtens bepaal, nie op daardie beperkte gedeelte mag wees nie;
- (f) 'n onwettige spel of dobbelary op die gelisensieerde perseel toelaat;
- (g) toelaat dat die gelisensieerde perseel as 'n bordeel gebruik word of gereeld besoek word deur vroue wat as prostitute beskou word;
- (h) iemand—
 - (i) toelaat om 'n aanstaotlike, onsedelike of onwelvoeglike handeling te verrig; of
 - (ii) wat nie gekleed of nie behoorlik gekleed is nie, toelaat om op te tree of te verskyn, op 'n gedeelte van die gelisensieerde perseel waar vermaaklikheid van die een of ander aard gehou word of waartoe die publiek toegang het;
- (i) die gelisensieerde perseel oop hou vir die verkoop of gebruik van drank, of drank verkoop of lewer op 'n tyd wanneer die verkoop of lewering nie deur die lisensie gemagtig word nie;
- (j) indien dit nie 'n misdryf kragtens 'n ander bepaling van hierdie artikel is nie, drank verkoop, verskaf of daarin handel strydig met die voorwaardes van die lisensie of op 'n wyse wat die lisensie nie magtig nie;
- (k) indien dit nie 'n misdryf kragtens 'n ander bepaling van hierdie Wet is nie, versuum om aan 'n voorwaarde of beperking te voldoen wat by of kragtens hierdie Wet aan hom opgelê is of ten opsigte van die lisensie of 'n klas lisensie waaronder die lisensie val, bepaal is;
- (l) drank verkoop of te koop aanbied of te koop uitstal op 'n plek waar die verkoop van drank nie deur die lisensie gemagtig word nie;
- (m) versuum om 'n aantekening, boek of stuk te hou wat hy kragtens hierdie Wet of 'n voorwaarde daarkragtens bepaal, moet hou, of so 'n aantekening, boek of stuk op 'n onvoldoende of onbehoorlike wyse hou, of weier of versuum om aan 'n polisiebeampte insae in so 'n aantekening, boek of stuk te verleen;
- (n) versuum om na sy beste vermoë hulp te verleen aan 'n polisiebeampte wat op of by die gelisensieerde perseel sy werkzaamhede verrig of op enige wyse 'n polisiebeampte dwarsboom of hinder in die verrigting van sy werkzaamhede kragtens hierdie Wet;
- (o) strydig met die bepaling van hierdie Wet, sake waarop sy lisensie betrekking het, doen op 'n perseel waarop handel, sake of beroepe van 'n ander aard gedryf, gedoen of uitgeoefen word, of op die gelisensieerde perseel handel, sake of beroepe van 'n ander aard dryf, doen of uitoefen, of die handeldryf, doen of uitoefening daarvan toelaat; of
- (p) artikel 44 (2), 55 (2), 59, 69, 73, 74, 80 (1), 80 (2), 80 (3), 107, 130, 131, 134 (1), 134 (2), 134 (3), 138, 143 (1), 143 (2), 143 (3), 148, 151 (1), 151 (2), 151 (3), 156 (1), 156 (2) of 156 (3) oortree.

183. Behalwe in die geval van die verkoop of verskaffing van drank vir buiteverbruik deur die houer van 'n binneverbruiklisensie wat kragtens 'n bepaling van hierdie Wet gemagtig is om

Misdrywe deur
houers van
binneverbruiklisensies.

Act No. 87, 1977

LIQUOR ACT, 1977.

been so authorized to sell or supply liquor under that licence for consumption off the licensed premises, the holder of any on-consumption licence shall be guilty of an offence if he—

- (a) permits any person who has purchased any liquor from him, to remove such liquor 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) except in circumstances permitted by section 67, permits the consumption, upon the licensed premises, of liquor which has not been paid for at the time of sale or supply thereof;
- (d) sells or supplies liquor in contravention of a notice issued under section 160.

Offences by holders of off-consumption licences.

184. The holder of any off-consumption licence shall be guilty of an offence if he—

- (a) permits any customer to consume liquor upon the licensed premises or on any premises or in any place adjoining or near the licensed premises which are in the occupation or under the control of such licensee;
- (b) sells, supplies or delivers to any person any liquor other than in a receptacle properly and securely sealed;
- (c) sells or supplies liquor in contravention of a proclamation issued under section 158;
- (d) conveys or causes to be conveyed any liquor in quantities exceeding 9 litres in contravention of a notice delivered or tendered to him under section 162 (1);
- (e) sells or supplies liquor in contravention of a notice issued under section 161;
- (f) sells or supplies a lesser quantity of liquor than he is authorized to sell or supply under the provisions of this Act or any authority issued thereunder; or
- (g) opens or permits to be opened, upon the licensed premises or on or in any adjoining or neighbouring premises or place contemplated in paragraph (a), any receptacle containing liquor sold by him.

Offences by licensees and other persons.

185. If such act or omission is not an offence under section 182, any person who, whether as principal, agent or employee—

- (a) sells, deals in or disposes of any liquor without a licence (unless this Act expressly otherwise provides);
- (b) sells, supplies or delivers liquor to any person contrary to the provisions of this Act or any prohibition, restriction or condition determined thereunder, or places liquor in the possession or under the control of any person contrary to such provisions, prohibition, restriction or condition;
- (c) refuses to comply with the demand of any police officer, made under this Act, to furnish his name or address;
- (d) in any manner falsely represents himself or any other person to belong to any particular class of persons or as being of the age of eighteen years or more in order to induce any licensee or any person authorized under this Act to sell liquor without a licence, or his agent or employee to supply him or such other person with liquor contrary to any prohibition, restriction or condition determined by or under this Act;
- (e) fails to keep or keeps inadequately or improperly, any record, book or document which, under any provision of this Act, he is required to keep or refuses or fails to allow any police officer or other person inspection of any such record, book or document as required by this Act;

drank kragtens daardie lisensie vir gebruik buite die gelisensieerde perseel te verkoop of te verskaf, of geag word aldus gemagtig te wees, is die houer van 'n binneverbruiklisensie aan 'n misdryf skuldig indien hy—

- (a) toelaat dat iemand wat van hom drank gekoop het, die drank van die gelisensieerde perseel wegneem;
- (b) 'n groter hoeveelheid drank aan of ten behoeve van iemand verkoop of verskaf as wat redelikerwys deur so iemand op die gelisensieerde perseel gebruik kan word; behalwe in die omstandighede deur artikel 67 gemagtig, toelaat dat drank, waarvoor nie tydens die verkoop of verskaffing daarvan betaal is nie, op die gelisensieerde perseel gebruik word;
- (c) in stryd met 'n kennisgewing kragtens artikel 160 uitgereik, drank verkoop of verskaf.

184. Die houer van 'n buiteverbruiklisensie is skuldig aan 'n misdryf indien hy—

- (a) toelaat dat 'n klant drank gebruik 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 besit of beheer;
- (b) drank wat nie in 'n houer is wat behoorlik en dig verseël is nie, aan iemand verkoop, verskaf of aflewer;
- (c) drank verkoop of verskaf strydig met 'n proklamasie kragtens artikel 158 uitgevaardig;
- (d) drank in hoeveelhede van meer as 9 liter vervoer of laat vervoer strydig met 'n kennisgewing wat kragtens artikel 162 (1) aan hom oorhandig of aangebied is;
- (e) drank verkoop of verskaf strydig met 'n kennisgewing uitgereik kragtens artikel 161;
- (f) 'n kleiner hoeveelheid drank verkoop of verskaf as wat hy kragtens die bepalings van hierdie Wet of 'n magtiging daarkragtens verleen, gemagtig is om te verkoop of te verskaf; of
- (g) 'n houer bevattende drank wat hy verkoop het op die gelisensieerde perseel of op 'n aangrensende of nabyleeë perseel of plek bedoel in paragraaf (a), oopmaak of toelaat dat dit oopgemaak word.

Misdrywe deur houers van buiteverbruiklisensies.

185. Indien die handeling of versuim nie 'n misdryf kragtens artikel 182 is nie, is iemand wat, hetsy as prinsipaal, verteenwoordiger of werknemer—

- (a) drank verkoop, daarin handel dryf of dit van die hand sit sonder 'n lisensie (tensy hierdie Wet uitdruklik anders bepaal);
- (b) drank aan iemand verkoop, verskaf of aflewer strydig met die bepalings van hierdie Wet of 'n verbod, beperking of voorwaarde daarkragtens bepaal, of drank in die besit of onder die beheer van iemand plaas strydig met daardie bepalings of so 'n verbod, beperking of voorwaarde;
- (c) weier om te voldoen aan 'n versoek van 'n polisiebeampete gerig kragtens hierdie Wet, om sy naam of adres te verstrek;
- (d) op enige wyse valslik voorgee dat hy of iemand anders tot 'n bepaalde klas persone behoort of agtien jaar oud of ouer is, om daardeur 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop of sy verteenwoordiger of werknemer te beweeg om aan hom of aan daardie ander persoon drank te verskaf strydig met 'n verbod, beperking of voorwaarde by of kragtens hierdie Wet bepaal;
- (e) versuim om aantekeninge of 'n boek of stuk te hou wat hy ingevolge hierdie Wet moet hou of sodanige aantekeninge, boek of stuk op 'n onvoldoende of onbehoorlike wyse hou of weier of versuim om aan 'n polisiebeampete of iemand anders insae in sodanige aantekeninge, boek of stuk te verleen soos deur hierdie Wet vereis;

Misdrywe deur lisensiehouers en ander persone.

Act No. 87, 1977

LIQUOR ACT, 1977.

- (f) obstructs or hinders any police officer or any other officer in the performance of his functions under this Act;
 - (g) except in circumstances permitted by section 67, on licensed premises consumes liquor which has not been paid for at the time of sale or supply thereof; or
 - (h) contravenes section 164 or 166,
- shall be guilty of an offence.

Offences generally.

186. Any person shall be guilty of an offence if he—

- (a) with intent to defraud makes use of any permit, certificate, licence or other document, issued under or for any purpose of this Act, which is not his own;
- (b) with intent to defraud alters, defaces, destroys or mutilates any permit, certificate, licence or other document, issued under or for any purpose of this Act, or unlawfully withholds such permit, certificate, licence or other document from any person entitled to the possession thereof;
- (c) counterfeits or forges any permit, certificate, licence or other document issued under this Act or utters such counterfeit or forged permit, certificate, licence or document knowing it to be counterfeit or forged;
- (d) in connection with any application under this Act, submits any written information 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 an original document or is in any way a party to such submission;
- (e) refuses or fails to leave any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence, when requested by the licensee or the person so authorized or his employee or agent or any police officer to do so, or is upon any restricted portion of such premises knowing that his presence there is unlawful;
- (f) introduces into, possesses or consumes any liquor in any portion of a sportsground to which members of the public have or are granted access on payment of an admission fee, except—
 - (i) such portion of licensed premises on such sportsground as may be indicated in the licence in question as a place where liquor may be delivered; or
 - (ii) any sportsground in respect of which the Minister or a person acting under his directions has upon application in writing granted exemption from the provisions of this paragraph for purposes of a specific occasion or a number of specific occasions;
- (g) is drunk, violent or disorderly upon any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence, or is drunk in or near—
 - (i) any road, street, lane, thoroughfare, square, park or market place; or
 - (ii) any shop, warehouse or public garage; or
 - (iii) any place of entertainment, café, eating house, race course or other premises or place 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;
- (h) consumes any liquor in any street, road, lane or other public thoroughfare, or on vacant land adjoining any street, road, lane or other public thoroughfare, in any urban area or other area subdivided into erven or plots and in streets bounded by such erven or plots: Provided that the provisions of this paragraph shall not apply in relation to—

- (f) 'n polisiebeampte of 'n ander beampete by die verrigting van sy werkzaamhede kragtens hierdie Wet, dwarsboom of hinder;
- (g) behalwe in die omstandighede deur artikel 67 gemagtig, op 'n gelisensieerde perseel drank gebruik waarvoor nie tydens die verkoop of verskaffing daarvan betaal is nie; of
- (h) artikel 164 of 166 oortree,
aan 'n misdryf skuldig.

186. Iemand is skuldig aan 'n misdryf indien hy—

Misdryf in die algemeen.

- (a) met die opset om te bedrieg, gebruik maak van 'n permit, sertifikaat, lisensie of ander stuk, uitgereik kragtens of vir enige doeleinde van hierdie Wet, wat nie sy eie is nie;
- (b) met die opset om te bedrieg 'n permit, sertifikaat, lisensie of ander stuk, uitgereik kragtens of vir enige doeleinde van hierdie Wet, verander, onleesbaar maak, vernietig of beskadig, of wederregtelik so 'n permit, sertifikaat, lisensie of ander stuk weerhou van iemand wat geregtig is om dit te besit;
- (c) 'n permit, sertifikaat, lisensie of ander stuk uitgereik kragtens hierdie Wet, namaak of vervals, of so 'n nagemaakte of vervalste permit, sertifikaat, lisensie of stuk uitgee terwyl hy weet dat dit nagemaak of vervals is;
- (d) in verband met 'n aansoek kragtens hierdie Wet, skriftelike inligting, wat hy weet vals is of wat hy nie weet dat dit waar is nie, of 'n valse stuk of 'n stuk wat heet 'n juiste afskrif van 'n oorspronklike stuk te wees maar dit nie is nie, voorlê, of op enige wyse by so 'n voorlegging betrokke is;
- (e) weier of versuim om 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, te verlaat wanneer hy daartoe versoek word deur die lisensiehouer of die aldus gemagtigde persoon of sy werkneemster of verteenwoordiger of 'n polisiebeampte, of in 'n beperkte gedeelte van so 'n perseel is, terwyl hy weet dat sy teenwoordigheid daar onwettig is;
- (f) drank inbring, besit of gebruik in 'n gedeelte van 'n sportterrein waartoe lede van die publiek by betaling van 'n toegangsgeld toegang het of verleen word, behalwe—
 - (i) die gedeelte van 'n gelisensieerde perseel op so 'n sportterrein wat in die betrokke lisensie aangewys word as 'n plek waar drank gelewer kan word; of
 - (ii) 'n sportterrein ten opsigte waarvan die Minister of iemand wat op sy gesag handel, op skriftelike aansoek vrystelling van die bepalings van hierdie paragraaf verleen het vir die doeleindes van 'n bepaalde geleentheid of 'n aantal bepaalde geleenthede;
- (g) dronk, gewelddadig of wanordelik is op 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, of dronk is op of in of naby—
 - (i) 'n pad, straat, steeg, deurgang, plein, park of mark; of
 - (ii) 'n winkel, pakhuis of motorhawie; of
 - (iii) 'n plek van vermaak, kafee, eethuis, renbaan of 'n ander perseel of plek waartoe aan die publiek toegang verleen word of waartoe die publiek toegang het, hetsy die reg op toegang, al dan nie, teen betaling verleen word of vir 'n klas voorbehou is;
- (h) drank gebruik in 'n straat, pad, steeg of ander publieke deurgang, of op oop grond wat grens aan 'n straat, pad, steeg of ander publieke deurgang, in 'n stadsgebied of ander gebied wat onderverdeel is in erwe of persele en in strate wat begrens word deur sodanige erwe of persele: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie met betrekking tot—

Act No. 87, 1977

LIQUOR ACT, 1977.

- (i) the consumption of liquor on such vacant land if such liquor has been sold and supplied on such land under an on-consumption licence; or
- (ii) any entertainment provided on such vacant land by any person who owns or otherwise lawfully occupies such land, or in relation to the use of such land by such person in the ordinary course of his occupation thereof;
- (i) enters into or is a party to any tie;
- (j) without a licence referred to in section 171 (2) sells methylated spirit, or contravenes any provision of a regulation made under that section;
- (k) sells, purchases, keeps, possesses or uses any dependence-producing substance in contravention of any provision of a regulation made under section 172 (4);
- (l) being a person to whom, under any provision of this Act or of any prohibition or restriction determined thereunder, liquor or liquor of any kind or in excess or any specified quantity may not lawfully be sold or supplied, purchases, procures or possesses liquor which may not be so sold or supplied to him;
- (m) purchases or obtains any liquor at a time when, or at a place at which or in circumstances in which it is unlawful for such liquor to be sold or supplied to him;
- (n) removes from the licensed premises of the holder of an on-consumption licence or from the premises upon which any person is authorized under this Act to sell liquor without a licence for consumption thereon, any liquor which has been sold or supplied for consumption on the premises;
- (o) plays any unlawful game or gambles on any licensed premises or any premises upon which any person is authorized under this Act to sell liquor without a licence;
- (p)
 - (i) hinders or obstructs an inspector designated under section 173 in the performance of his functions under this Act;
 - (ii) without valid excuse refuses or fails to answer to the best of his ability any question which such inspector has in the performance of his functions under this Act put to him;
 - (iii) refuses or fails to comply to the best of his ability with any requirement made by such inspector in the performance of his functions under this Act; or
 - (iv) wilfully furnishes to such inspector any information which is false or misleading;
- (q) contravenes any provision of section 65, or does not comply with any condition of any permit granted under this Act;
- (r) when purchasing any liquor the sale of which is required under this Act to be entered in a sales register, gives to the seller as his name or address a name or address which is not his correct name or address;
- (s) leaves licensed premises, excluding licensed premises registered as an hotel in terms of the Hotels Act, 1965 (Act No. 70 of 1965), without paying his account for board and lodging and meals supplied to himself or to any other person at his request, unless he has made arrangements with the licensee, his agent or employee that such account may be paid later;
- (t) being a producer as defined in section 1, or a brewer, or a person who has a controlling interest as defined in section 1, in a company which is such a producer or a brewer, without the consent of the Minister, granted on such conditions as the Minister may deem fit to determine, directly or indirectly acquires, except in accordance with section 32 (2), any financial interest in a business to which a licence relates, other than a business in respect

DRANKWET, 1977.

Wet No. 87, 1977

- (i) die gebruik van drank op sodanige oop grond indien die drank op bedoelde grond kragtens 'n binneverbruiklisensie verkoop en verskaf is; of
- (ii) 'n onthaal wat op sodanige oop grond verskaf word deur iemand aan wie daardie grond behoort of wat dit wettig okkuper, of met betrekking tot die gebruik van sodanige grond deur so iemand in die gewone loop van sy okkupasie daarvan;
- (i) 'n koopverpligting aangaan of daaraan deelneem;
- (j) brandspiritus verkoop sonder 'n lisensie vermeld in artikel 171 (2), of 'n bepaling van 'n regulasie kragtens daardie artikel uitgevaardig, oortree;
- (k) strydig met die bepальings van 'n regulasie uitgevaardig kragtens artikel 172 (4) 'n afhanklikheidsvormende stof verkoop, koop, aanhou, besit of gebruik;
- (l) terwyl hy iemand is aan wie, kragtens 'n bepaling van hierdie Wet of van 'n verbod of beperking daarkragtens bepaal, drank of 'n bepaalde soort of meer as 'n vasgestelde hoeveelheid drank nie wettig verkoop of verskaf mag word nie, drank koop, verkry of besit wat nie aldus aan hom verkoop of verskaf kan word nie;
- (m) drank koop of verkry op 'n tyd wanneer of op 'n plek waar of in omstandighede waaronder die verkoop of verskaffing daarvan aan hom onwettig is;
- (n) vanaf die gelisensieerde perseel van die houer van 'n binneverbruiklisensie of van die perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop vir gebruik daarop, drank wat vir gebruik op die perseel verkoop of verskaf is, verwyder;
- (o) op 'n gelisensieerde perseel of 'n perseel ten opsigte waarvan iemand kragtens hierdie Wet gemagtig is om drank daarop sonder 'n lisensie te verkoop, 'n onwettige spel speel of dobbel;
- (p)
 - (i) 'n inspekteur wat kragtens artikel 173 aangewys is, by die verrigting van sy werksaamhede kragtens hierdie Wet dwarsboom of hinder;
 - (ii) sonder geldige verskoning weier of versuim om 'n vraag wat so 'n inspekteur by die verrigting van sy werksaamhede kragtens hierdie Wet aan hom gestel het, na sy beste vermoë te beantwoord;
 - (iii) weier of versuim om na sy beste vermoë te voldoen aan 'n vereiste deur so 'n inspekteur by die verrigting van sy werksaamhede kragtens hierdie Wet gestel; of
 - (iv) opsetlik aan so 'n inspekteur inligting verstrek wat vals of misleidend is;
- (q) 'n bepaling van artikel 65 oortree of nie voldoen nie aan 'n voorwaarde van 'n permit wat kragtens hierdie Wet uitgereik is;
- (r) wanneer hy drank koop waarvan die verkoop kragtens hierdie Wet in 'n verkoopregister aangeteken moet word, aan die verkoper as sy naam of adres 'n naam of adres vertrek wat nie sy juiste naam of adres is nie;
- (s) 'n gelisensieerde perseel, uitgesonderd 'n gelisensieerde perseel wat ingevolge die Wet op Hotelle, 1965 (Wet No. 70 van 1965), as 'n hotel geregistreer is, verlaat sonder om sy rekening vir losies en inwoning en maaltye wat aan hom of iemand anders op sy versoek verskaf is, te betaal tensy hy 'n reëling met die lisensiehouer, sy verteenwoordiger of werkneemer getref het dat die rekening later betaal kan word;
- (t) in die geval van 'n produsent soos omskryf in artikel 1, of 'n bierbrouer of iemand wat 'n beheersende belang soos omskryf in artikel 1, besit in 'n maatskappy wat so 'n produsent of 'n bierbrouer is, regstreeks of onregstreeks, behalwe ooreenkomsdig artikel 32 (2), sonder die toestemming van die Minister, verleen op die voorwaardes wat die Minister na goeddunke bepaal, 'n geldelike belang verkry in 'n saak waarop 'n lisensie

Act No. 87, 1977

LIQUOR ACT, 1977.

business of which a brewer's licence or a wholesale liquor licence has been so issued to himself or an hotel liquor licence has been so issued to himself or to any other person: Provided that this paragraph shall not apply with reference to—

- (i) the acquisition of any such financial interest in a business carried on under a late hours occasional licence or a temporary liquor licence; or
- (ii) the acquisition or owning by a brewer who on 4 May 1956 was a member of the Brewers' Institute of South Africa, of a financial interest in the business or undertaking of any other brewer who on that day was a member of the said Institute, or the acquisition or owning by any person of a financial interest directly or indirectly arising out of a transaction whereby any such first-mentioned financial interest is acquired; or
- (iii) the acquisition or owning by a producer as defined in section 1, excluding a wholesale trader within the meaning of the said section, of any such financial interest in a business carried on under a wholesale liquor licence by a company, provided such financial interest comprises at least a controlling interest as so defined in such company;
- (u) being a person (other than a producer as defined in section 1 or a brewer or a person who has a controlling interest as defined in the said section, in a company which is a producer as so defined or a brewer) who directly or indirectly owns a financial interest in a business carried on under a liquor store licence or a grocer's wine licence or a wine and malt liquor licence or a bar licence, without the consent of the Minister, granted on such conditions as the Minister may deem fit to determine, directly or indirectly acquires any financial interest in the business or undertaking of a producer, as so defined or a brewer: Provided that this paragraph shall not apply with reference to the acquisition of a financial interest in pursuance of a transaction contemplated in proviso (ii) of paragraph (t) or the acquisition of any financial interest directly or indirectly arising out of such a transaction; or
- (v) contravenes section 68, 165, 166 or 170.

Penalties for certain offences.

187. (1) Any licensee or any other person shall be liable on conviction of—

- (a) any offence under section 23 (7), 182, 185 or 186, to a fine not exceeding five hundred rand or in default of payment to imprisonment for a period not exceeding six months;
- (b) any offence under section 183 or 184, to a fine not exceeding two hundred and fifty rand or in default of payment to imprisonment for a period not exceeding three months.

(2) If at any time during the five years immediately preceding any conviction referred to in subsection (1) the accused was convicted of any offence under this Act, the penalties prescribed in subsection (1) for the relevant offence may be doubled, or the court may sentence the accused to imprisonment, without the option of a fine, for a period not exceeding double the period so prescribed for the relevant offence.

Offences not expressly mentioned.

188. Any person who contravenes any provision of this Act or who fails to comply with any such provision with which it is his duty to comply, shall, if such contravention or failure is not an offence under any other provision of this Act, be guilty of an offence, and shall, if no penalty is expressly prescribed in this Act

DRANKWET, 1977.

Wet No. 87, 1977

betrekking het, behalwe 'n saak ten opsigte waarvan 'n bierbrouerslisensie of 'n groothandelaars-dranklisensie aan hom of 'n hoteldranklisensie aan hom of iemand anders uitgereik is: Met dien verstande dat hierdie paragraaf nie van toepassing is nie met betrekking tot—

- (i) die verkryging van so 'n geldelike belang in 'n saak wat kragtens 'n geleentheidslisensie of 'n tydelike dranklisensie gedryf word; of
- (ii) die verkryging of besit deur 'n bierbrouer wat op 4 Mei 1956 'n lid van die „Brewers' Institute of South Africa" was, van 'n geldelike belang in die saak of onderneming van 'n ander bierbrouer wat op daardie dag 'n lid van bedoelde „Institute" was, of die verkryging of besit deur enigiemand van 'n geldelike belang wat regstreeks of onregstreeks ontstaan uit 'n transaksie waarby so 'n eersbedoelde geldelike belang verkry word; of
- (iii) die verkryging of besit deur 'n produsent soos omskryf in artikel 1, uitgesonderd 'n groothandelaar binne die bedoeling van bedoelde artikel, van so 'n geldelike belang in 'n saak wat deur 'n maatskappy ingevolge 'n groothandelaars-dranklisensie gedryf word, mits so 'n geldelike belang minstens 'n aldus omskrewe beheersende belang in die maatskappy behels;
- (u) in die geval van iemand (uitgesonderd 'n produsent soos omskryf in artikel 1, of 'n bierbrouer, of iemand wat 'n beheersende belang, soos in daardie artikel omskryf, besit in 'n maatskappy wat 'n produsent, soos aldus omskryf, of 'n bierbrouer is) wat regstreeks of onregstreeks 'n geldelike belang besit in 'n saak wat kragtens 'n drankwinkellisensie, kruidenierswynlisensie, wyn-en-bierlisensie of kantienlisensie gedryf word, sonder die toestemming van die Minister, verleen op die voorwaardes wat die Minister na goeddunke bepaal, regstreeks of onregstreeks 'n geldelike belang verkry in die saak of onderneming van 'n produsent, soos aldus omskryf, of 'n bierbrouer: Met dien verstande dat hierdie paragraaf nie van toepassing is nie met betrekking tot die verkryging van 'n geldelike belang uit hoofde van 'n transaksie beoog in voorbehoudsbepaling (ii) by paragraaf (t) of die verkryging van 'n geldelike belang wat regstreeks of onregstreeks uit so 'n transaksie ontstaan; of
- (v) artikel 68, 165, 166 of 170 oortree.

187. (1) 'n Licensiehouer of ander persoon is by skuldigbevinding weens

Strawwe weens sekere misdrywe.

- (a) 'n misdryf kragtens artikel 23 (7), 182, 185 of 186 strafbaar met 'n boete van hoogstens vyfhonderd rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande; of
- (b) 'n misdryf kragtens artikel 183 of 184 strafbaar met 'n boete van hoogstens tweehonderd-en-vyftig rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Indien die beskuldigde te eniger tyd binne vyf jaar voor 'n skuldigbevinding bedoel in subartikel (1) skuldig bevind is weens 'n misdryf kragtens hierdie Wet, kan die strawwe voorgeskryf in subartikel (1) vir die betrokke misdryf, verdubbel word of kan die hof die beskuldigde vonnis tot gevangenisstraf sonder die keuse van 'n boete, vir 'n tydperk wat nie langer is nie as dubbel die tydperk aldus vir die betrokke misdryf voorgeskryf.

188. Iemand wat 'n bepaling van hierdie Wet oortree of wat versuim om aan so 'n bepaling te voldoen waaraan hy verplig is om te voldoen, is, indien daardie oortreding of versuim nie kragtens 'n ander bepaling van hierdie Wet 'n misdryf is nie, skuldig aan 'n misdryf en is, indien hierdie Wet nie uitdruklik 'n

Misdrywe nie uitdruklik vermeld nie.

Act No. 87, 1977**LIQUOR ACT, 1977.**

Jurisdiction of magistrates' courts.

Forfeiture of goods seized.

Nullity of certain provisions in contracts.

Liability of manager of business to which licence relates.

Vicarious liability of licensee.

for such contravention or failure, be liable on conviction to a fine not exceeding one hundred rand or, if at any time during the three years immediately preceding such conviction the accused was convicted of any offence under this Act, to a fine not exceeding two hundred rand.

189. Notwithstanding anything to the contrary contained in any law, any magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

190. (1) Any liquor, vehicle or any other thing seized under this Act or the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall, together with any receptacle thereof, be forfeited unless—

- (a) in the case where it forms the subject in the prosecution of the person in whose possession it was seized, the court finds that it was not possessed or used by him contrary to, or in connection with an offence under, any provision of this Act or any other law; or
- (b) in any other case, the person from whom it was taken submits, through the Secretary for Justice, within thirty days of the seizure, proof in writing, to the satisfaction of the Minister, that the possession or use thereof by himself or any other person was not for or in connection with any unlawful purpose.

(2) Anything so forfeited may be sold or destroyed, and shall be sold or destroyed or be dealt with in some other manner, if the Minister so directs.

(3) The provisions of subsections (1) and (2), in so far as they relate to a vehicle, shall not affect the rights which any person other than the person from whom it was taken may have to such vehicle, if he submits, through the Secretary for Justice, within thirty days of the seizure, proof in writing, to the satisfaction of the Minister, that he did not know that the vehicle was used or would be used for any unlawful purpose or in connection with such purpose or that he could not prevent such use.

CHAPTER XIII**EVIDENCE**

191. Subject to express provisions to the contrary in this Act contained—

- (a) any provision in any contract whereby any person purports to relinquish any right or forego any obligation under this Act shall be null and void; and
- (b) no provision of this Act which had also been a provision of the Liquor Act, 1928 (Act No. 30 of 1928), shall affect any provision in any contract which existed at the commencement of the said Liquor Act, 1928.

192. Any person who at any time is managing, carrying on or superintending the business of a licensee shall be subject and liable to the same duties, obligations and penalties as such licensee, but the licensee shall not thereby be exempted from any duty, obligation or penalty to which he may by law be subject or liable.

193. (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 of the business to which the licence relates, the agent of the licensee, any person employed in connection with the carrying on of such business or any member of the family of such licensee or manager, does or omits to do any act 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 act and be liable on conviction to the penalties which may be imposed in respect thereof unless he proves to the satisfaction of the court that—

straf vir so 'n oortreding of versuim bepaal nie, by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, indien die beskuldige te eniger tyd binne drie jaar voor daardie skuldigbevinding skuldig bevind is weens enige misdryf kragtens hierdie Wet, met 'n boete van hoogstens tweehonderd rand.

189. Ondanks andersluidende wetsbepalings het 'n landdroshof Regsbevoegdheid van die bevoegdheid om enige straf op te lê wat deur hierdie Wet voorgeskryf word.

190. (1) Enige drank, voertuig of iets anders wat kragtens Verbeuring van goed hierdie Wet of die Strafproseswet, 1977 (Wet No. 51 van 1977), wat in beslag geneem in beslag geneem is, word tesame met die houers daarvan verbeur, tensy—

- (a) in die geval waar dit die onderwerp is in die vervolging van die persoon wat in besit daarvan was toe dit in beslag geneem is, die hof vind dat hy dit nie strydig met, of in verband met 'n misdryf kragtens, 'n bepaling van hierdie Wet of 'n ander wet besit of gebruik het nie; of
- (b) in 'n ander geval, die persoon van wie dit weggenoem is, binne dertig dae na die inbeslagname daarvan die Minister by wyse van skriftelike bewys, voorgelê deur bemiddeling van die Sekretaris van Justisie, oortuig dat die besit of gebruik daarvan deur homself of iemand anders nie vir of in verband met 'n onwettige oogmerk was nie.

(2) Enigiets aldus verbeur kan verkoop of vernietig word, en moet verkoop of vernietig of op 'n ander wyse oor beskik word, indien die Minister aldus gelas.

(3) Vir sover die bepalings van subartikels (1) en (2) op 'n voertuig betrekking het, raak hulle geen regte wat iemand, uitgesonderd die persoon van wie dit weggenoem is, op so 'n voertuig het nie, indien hy binne dertig dae na die inbeslagname daarvan die Minister by wyse van skriftelike bewys, voorgelê deur bemiddeling van die Sekretaris van Justisie, oortuig dat hy nie geweet het dat die voertuig vir 'n onwettige oogmerk of in verband daarmee gebruik was of sou word nie of dat hy sodanige gebruik nie kon voorkom nie.

HOOFTUK XIII

BEWYSLEWERING

191. Behoudens uitdruklike andersluidende bepalings van Nietigheid van sekere bepalings in hierdie Wet—

- (a) is 'n bepaling in 'n kontrak waarvolgens iemand voorgee om 'n reg of verpligting kragtens hierdie Wet af te staan of prys te gee, nietig, en
- (b) maak 'n bepaling van hierdie Wet wat ook 'n bepaling van die Drankwet, 1928 (Wet No. 30 van 1928), was, nie inbreuk op 'n bepaling in 'n kontrak wat by die inwerkingtreding van genoemde Drankwet, 1928, bestaan het nie.

192. Iemand wat te eniger tyd die saak van 'n lisensiehouer bestuur, dryf of onder toesig hou, is onderworpe aan dieselfde pligte, verpligte en strawwe as die lisensiehouer, maar die lisensiehouer word nie daardeur van 'n plig, verpligting of straf waaraan hy regtens onderworpe mag wees, onthef nie.

193. (1) Wanneer die bestuurder van die saak waarop 'n lisensie betrekking het, die verteenwoordiger van die lisensiehouer, iemand wat in verband met die bestuur van so 'n saak in diens is of 'n lid van die gesin van bedoelde lisensiehouer of bestuurder, op 'n gelisensieerde perseel of in die uitvoering of loop van 'n handeling op 'n gelisensieerde perseel, of reëling wat op 'n gelisensieerde perseel aangegaan of begin is, 'n handeling verrig of versuim om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien die lisensiehouer dit verrig of versuim om dit te verrig, word die lisensiehouer geag self die handeling te verrig het of versuim het om dit te verrig, en is hy by skuldigbevinding strafbaar met die strawwe wat ten opsigte daarvan opgelê kan word, tensy hy die hof met bewyse oortuig dat—

Act No. 87, 1977

LIQUOR ACT, 1977.

- (a) in doing or omitting to do such thing, such manager, agent, employee or member of the family of such licensee or manager was acting without his connivance or permission; and
- (b) all reasonable steps were taken by him to prevent such act or omission; 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, employee or member of the family of such licensee or manager to do or omit to do acts whether lawful or unlawful of the character of that 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 under the provisions of subsection (1) liable for anything done or omitted by another person, the said other person 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.

Bona fide mistake of fact no defence.

194. It shall be no defence to any charge under this Act that the accused or his principal, agent or employee was *bona fide* under a belief in the existence of any fact which, had it in truth existed, would have been a valid defence to such charge.

Proof of sale of liquor by unlicensed person.

195. Evidence that any person who does not hold a licence—

- (a) had on or near his premises any signboard or notice purporting that he holds a licence; 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) had on his premises more liquor than was reasonably required for the persons residing thereon; or
 - (d) bought or acquired more liquor than was reasonably required for consumption by himself, his household and persons *bona fide* employed by him,
- shall be *prima facie* proof of the sale of liquor by such person.

Proof that person is under certain age or belongs to a particular class.

196. (1) If in any prosecution for an offence 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 that fact.

(2) If in addition the magistrate hearing the case is satisfied by personal observation that such person appears to be under that age or to belong to that class, he shall announce the fact and enter upon the record a note that he is so satisfied, but such announcement and entry shall not prevent the accused from proving that such person, although having the appearance of, is not in fact, a person under that age or of that class, as the case may be.

Presumption that prohibited person had been allowed on licensed premises.

197. 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 place where he is proved to have been unless the licensee proves to the satisfaction of the court that he as well as his agents and employees, exercised all due diligence to prevent the presence there of such person.

DRANKWET, 1977.

Wet No. 87, 1977

- (a) hy daardie handeling of versuim van die bestuurder, verteenwoordiger, werknemer of lid van bedoelde gesin nie veroorloof of oogluikend toegelaat het nie; en
- (b) hy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en
- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die soort wat hom ten laste gelê word, op geen voorwaardes of onder geen omstandighede in die bevoegdheid of in die loop van die diens van die betrokke bestuurder, verteenwoordiger, werknemer of lid van die gesin gevall het nie:

Met dien verstande dat die feit dat die licensiehouer opdragte uitgerek het waarvolgens 'n handeling of versuim van die betrokke soort verbied word, op sigself nie afdoende bewys is nie dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom.

(2) Wanneer 'n licensiehouer kragtens die bepalings van subartikel (1) aanspreeklik is vir 'n handeling of versuim van 'n ander, is bedoelde ander persoon ook daarvoor aanspreeklik asof hy die licensiehouer is: Met dien verstande dat die bepalings van hierdie artikel so iemand anders nie onthef nie van enige ander aanspreeklikheid wat hy opgeloop het afgesien van die aanspreeklikheid wat hy met die licensiehouer deel.

194. Op 'n aanklag ingevolge hierdie Wet is dit geen verweer nie dat die beskuldigte of sy prinsipaal, verteenwoordiger of werknemer te goeder trou geglo het dat 'n feit bestaan het wat, indien dit werklik bestaan het, 'n geldige verweer op die aanklag sou gewees het.

*Bona**fide-feitedwaling geen verweer.*

195. Getuenis dat iemand wat nie 'n licensie hou nie—

- (a) op of by sy perseel 'n uithangbord of kennisgewing gehad het waarvolgens voorgegee is dat hy 'n licensie het; of
- (b) in besit of skynbaar in besit was van 'n perseel met 'n kantien of soortgelyke plek waarin bottels, vate of vaatwerk so uitgestal is dat dit 'n redelike vermoede geskep het dat drank daar verkoop of verskaf is; of
- (c) op sy perseel meer drank gehad het as wat redelikerwys nodig was vir die persone wat daarop woon; of
- (d) meer drank gekoop of verkry het as wat redelickerwys vir gebruik deur homself, sy gesin en persone wat *bona fide* by hom in diens is, nodig is,

is *prima facie*-bewys dat daardie persoon drank verkoop het.

Bewys van verkoop van drank deur ongelisensieerde persoon.

196. (1) Indien daar by 'n vervolging weens 'n misdryf kragtens hierdie Wet beweer word dat iemand onder 'n sekere ouderdom is of tot 'n sekere klas behoort, is getuenis dat die betrokke persoon blykbaar onder daardie ouderdom is of, na gelang van die geval, dat hy tot daardie klas gereken word of volgens sy voorkoms daaraan behoort, *prima facie*-bewys van daardie feit.

Bewys dat iemand onder sekere ouderdom is of tot sekere klas behoort.

(2) Indien die landdros wat die saak verhoor, daarbenewens deur eie waarneming oortuig is dat daardie persoon blykbaar onder daardie ouderdom is of tot daardie klas behoort, moet hy dit bekend maak en op die notule aanteken dat hy aldus oortuig is, maar die bekendmaking en aantekening verhinder die beskuldigte nie om te bewys dat daardie persoon, alhoewel hy lyk soos iemand wat onder daardie ouderdom of van daardie klas is, na gelang van die geval, dit in werklikheid nie is nie.

197. Indien dit bewys word dat iemand wat kragtens 'n bepaling van hierdie Wet nie op 'n gelisensieerde perseel of 'n bepaalde gedeelte daarvan mag kom nie of nie op 'n bepaalde tyd daar mag wees nie, op daardie perseel of gedeelte daarvan was of dat hy op daardie tyd daar was, word daar vermoed dat die licensiehouer van die perseel daardie persoon toegelaat het om op die plek te wees waar hy, na bewys word, aangetref is, tensy die licensiehouer die hof oortuig dat hy en sy verteenwoordigers en werknemers met ywer stappe gedoen het om daardie persoon daar uit te hou.

Vermoede dat verboede persoon op gelisensieerde perseel toegelaat is.

Act No. 87, 1977

LIQUOR ACT, 1977.

Proof of sale of liquor by holder of licence under any other law.

198. Evidence that the holder of any licence issued under any other law, has by himself or his principal, employee or agent supplied any liquor, whether for consideration or not, in connection with any trade, business or occupation which he is authorized to carry on or to conduct on the premises in respect of which he holds such licence, shall be *prima facie* proof that he sold or dealt in liquor.

Presumption of sale arising from nature of transaction.

199. If at any prosecution of an offence under this Act it is alleged that an unlawful sale of liquor took place, a sale of liquor shall be presumed to have taken place if the court is satisfied, notwithstanding the absence of proof that money passed, that a transaction in the nature of a sale actually took place, or that consumption of liquor by any person was about to take place.

Proof of sale or supply of liquor on ground of the presence of any person at certain time on licensed premises.

200. Evidence that any person, other than the licensee, the proprietor or manager of the business to which the licence relates, a member of the family or agent of such licensee, proprietor or manager, any person employed in connection with the carrying on of such a business or the auditor or a member of the staff of such auditor, was in any restricted portion of the licensed premises at a time when the sale or supply of liquor to the public in such restricted portion was not authorized, shall be *prima facie* proof of a sale or supply of liquor to such person by or on behalf of the licensee at that time.

Proof of supply of liquor by or on behalf of licensee.

201. Evidence that any liquor was supplied to any person upon the licensed premises by any member of the family of the licensee, or by the proprietor or the manager of the business to which the licence relates or by any agent of the licensee or any person employed in connection with the carrying on of such business, shall be *prima facie* proof that such liquor was supplied by or on behalf of the licensee.

Proof of supply of liquor on ground of consumption of liquor on licensed premises.

202. Evidence of consumption or intended consumption of liquor on licensed premises by some person other than the licensee, the proprietor or the manager of the business to which the licence relates, a member of the family or the agent of such licensee, proprietor or manager, or any person employed in connection with the carrying on of such business, shall be *prima facie* proof that the liquor being consumed or about to be consumed was supplied by or on behalf of the licensee.

Presumption relating to prohibited concoctions or liquor.

203. If in any prosecution for an offence under section 186 (v), read with section 170, it is proved that the accused made, had in his custody or possession or used, drank or gave or supplied to any other person any liquid which had or has the appearance of a concoction or drink referred to in section 170 and mentioned in the charge, it shall be presumed that such liquid was or is such a concoction or drink unless the contrary is proved.

Proof of licence or authority and endorsements thereon.

204. (1) In any prosecution of any offence under this Act, a document produced to or handed into the court by any police officer which purports to be a copy of a licence or an authority issued under this Act, shall be *prima facie* proof of such licence or authority, and any condition or restriction endorsed thereon shall *prima facie* be deemed to be a condition or restriction determined under this Act in respect of such licence or authority.

(2) In any prosecution of any offence under this Act, a statement made in evidence on oath or after the making of an affirmation by any witness in which it is alleged that he is a licensee or a person who is authorized under this Act to sell liquor without a licence, or the employee or agent of a licensee or such other person, and that a licence or authority has been issued under this Act in respect of the business in question, shall be *prima facie* proof of the facts alleged in such statement.

DRANKWET, 1977.

Wet No. 87, 1977

198. Getuienis dat die houer van 'n lisensie wat kragtens 'n ander wet uitgereik is, self of deur sy prinsipaal, werknemer of verteenwoordiger drank, hetsy teen vergoeding, al dan nie, verskaf het in verband met die handel, sake of beroep wat hy gemagtig is om te dryf, te doen of uit te oefen op die perseel ten opsigte waarvan hy bedoelde lisensie hou, is *prima facie*-bewys dat hy drank verkoop of daarin handel gedryf het.

Bewys van verkoop van drank deur houer van lisensie kragtens ander wet.

199. Indien by 'n vervolging weens 'n misdryf kragtens hierdie Wet, daar beweer word dat drank onwettig verkoop is, word daar vermoed dat drank verkoop is, indien die hof, ondanks 'n gebrek aan getuienis dat geld oorbetaal is, oortuig is dat 'n transaksie wat met 'n verkoop ooreenkoms, werklik plaasgevind het of dat iemand op die punt was om drank te gebruik.

Vermoede van verkoop uit aard van handeling.

200. Getuienis dat iemand, uitgesonderd die lisensiehouer, die eienaar of die bestuurder van die saak waarop die lisensie betrekking het, 'n lid van die gesin of verteenwoordiger van so 'n lisensiehouer, eienaar of bestuurder, iemand wat in verband met die bestuur van so 'n saak in diens is of die ouditeur of 'n lid van die ouditeur se personeel, in 'n beperkte gedeelte van 'n gelisensieerde perseel was op 'n tyd wanneer die verkoop of verskaffing van drank in daardie beperkte gedeelte aan die publiek onwettig is, is *prima facie*-bewys van die verkoop of verskaffing van drank aan so iemand deur of namens die lisensiehouer op daardie tyd.

Bewys van verkoop of verskaffing van drank op grond van teenwoordigheid van iemand op sekere tyd op gelisensieerde perseel.

201. Getuienis dat drank aan iemand op 'n gelisensieerde perseel verskaf is deur 'n lid van die gesin van die lisensiehouer deur die eienaar of die bestuurder van die saak waarop die lisensie betrekking het, of deur 'n verteenwoordiger van die lisensiehouer of iemand wat in verband met die bestuur van bedoelde saak in diens is, is *prima facie*-bewys dat die drank deur of namens die lisensiehouer verskaf is.

Bewys van verskaffing van drank deur of namens lisensiehouer.

202. Getuienis van gebruik of voorgenome gebruik van drank op 'n gelisensieerde perseel deur iemand anders as die lisensiehouer, die eienaar of die bestuurder van die saak waarop die lisensie betrekking het, 'n lid van die gesin of die verteenwoordiger van bedoelde lisensiehouer, eienaar of bestuurder, of iemand wat in verband met die bestuur van bedoelde saak in diens is, is *prima facie*-bewys dat die drank wat gebruik word of gebruik gaan word, deur of namens die lisensiehouer verskaf is.

Bewys van verskaffing van drank op grond van gebruik van drank op gelisensieerde perseel.

203. Indien daar by 'n vervolging weens 'n misdryf kragtens artikel 186 (v), gelees met artikel 170, bewys word dat die beskuldigde 'n vloeistof, wat die voorkoms gehad het of het van 'n brousel of drank bedoel in artikel 170 en wat in die aanklag vermeld word, gemaak het, in sy bewaring of besit gehad het of gebruik het, gedrink of aan iemand anders gegee of verskaf het, word vermoed dat die vloeistof so 'n brousel of drank was of is, tensy die teendeel bewys word.

Vermoede betreffende verbode brousels of drank.

204. (1) In 'n vervolging weens 'n misdryf kragtens hierdie Wet is 'n stuk, wat voorgee 'n afskrif van 'n lisensie of magtiging uitgereik kragtens hierdie Wet te wees en wat aan die hof deur 'n polisiebeampte getoon of oorhandig word, *prima facie*-bewys van die lisensie of magtiging, en 'n voorwaarde of beperking wat daarop aangeteken is, word *prima facie* geag 'n voorwaarde of beperking te wees wat kragtens hierdie Wet in verband met die lisensie of magtiging bepaal is.

Bewys van lisensie of magtiging en aantekening daarop.

(2) In 'n vervolging weens 'n misdryf kragtens hierdie Wet is 'n verklaring, deur 'n getuije gedoen in getuienis onder eed of na die doen van 'n bevestiging, waarin beweer word dat hy 'n lisensiehouer is of iemand is wat ingevolge hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop, of die werknemer of verteenwoordiger van 'n lisensiehouer of so 'n ander persoon is, en dat 'n lisensie of magtiging kragtens hierdie Wet ten opsigte van die betrokke saak uitgereik is, *prima facie*-bewys van die feite wat in die verklaring beweer word.

Act No. 87, 1977**LIQUOR ACT, 1977.**

Proof in connection with the issue of certain permits and authorities by production of record referred to in section 181.

Proof of analysis of article or liquor by way of analysts' certificates.

205. The record kept under section 181 in connection with permits and authorities issued by the police officer referred to in that section shall, on production thereof by any public prosecutor or police officer, be *prima facie* evidence of the facts so recorded and the absence from such record of any entry that a permit or authority is or was at the time held by any particular person shall be *prima facie* evidence that such person is not or was not the holder of a permit or authority.

206. (1) In any prosecution of any offence under this Act, the mere production of any statement or certificate purporting to be signed by an analyst or chemist in the service of the State, including a provincial administration, or in the service of or attached to, the South African Institute for Medical Research or any University in the Republic, who made an analysis of the article or liquor or portion thereof which is the subject of the offence, shall be *prima facie* proof of the facts stated in the statement or certificate, unless 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, if the court so determines, deposits, or gives security to the satisfaction of the court for the payment of such amount as may be necessary, in the opinion of the court, to cover the costs and expenses of such analyst or chemist being summoned and appearing as a witness.

(2) The accused may, in lieu of requiring the attendance of such analyst or chemist, put to him interrogatories in writing approved by the court.

(3) The court shall cause the said interrogatories to be submitted to such analyst or chemist for reply, and such interrogatories and any reply thereto, purporting to be a reply from such analyst or chemist, shall likewise be admissible in evidence at such prosecution.

CHAPTER XIV**GENERAL PROVISIONS****Regulations.**

207. (1) The Minister may make regulations relating to—

- (a) applications for—
 - (i) licences under this Act, special authorities and authorities under section 24;
 - (ii) the transfer and removal of licences and authorities referred to in subparagraph (i);
 - (iii) authorities under section 54, 69, 70, 72, 73, 87, 89 (1) (a), 97, 107, 110 (1) (b), 111, 136 or 167;
 - (iv) the holding of special meetings in terms of section 10;
 - (v) approval of places of storage in terms of section 64, 123 or 142;
- (b) publication of notices of applications referred to in paragraph (a);
- (c) the submission of documents, information, objections and replies to objections, reports and representations in regard to applications referred to in paragraph (a);
- (d) the issue, transfer and removal of licences and authorities under this Act;
- (e) the forms of licences, authorities, certificates, notices, advices, permits and other documents to be issued under this Act;
- (f) meetings of the Board and the procedure at such meetings;
- (g) written requests referred to in section 48;
- (h) notifications referred to in section 44 (2) (b);
- (i) after consultation with the Minister of Finance, the fees payable in respect of any appeal under section 11 (4);

205. Die aantekeninge gehou kragtens artikel 181 in verband met permitte en magtigings uitgereik deur die polisiebeamppte bedoel in daardie artikel, is by voorlegging daarvan deur 'n staatsaanklaer of 'n polisiebeamppte *prima facie*-bewys van die feite aldus aangeteken, en indien daar in die aantekeninge nie 'n aantekening is dat 'n bepaalde persoon 'n permit of magtiging het of toe gehad het nie, is daardie feit *prima facie*-bewys dat daardie persoon nie in besit van 'n permit of magtiging is of was nie.

Bewys in verband met uitreiking van sekere permitte en magtigings deur voorlegging van aantekeninge bedoel in artikel 181.

206. (1) In 'n vervolging weens 'n misdryf kragtens hierdie Wet is die blote oorlegging van 'n verklaring of sertikaat wat heet onderteken te wees deur 'n ontleed- of skeikundige wat in diens is van die Staat, met inbegrip van 'n provinsiale administrasie, of in diens is van, of verbonde is aan, die Suid-Afrikaanse Instituut vir Mediese Navorsing of 'n Universiteit in die Republiek, wat die voorwerp of drank of 'n deel daarvan, wat die onderwerp van die misdryf is, ontleed het, *prima facie*-bewys van die feite vermeld in die verklaring of sertikaat, tensy die beskuldigde verlang dat daardie ontleed- of skeikundige, indien die staatsaanklaer in staat is om hom te verplig om as getuie te verskyn, as getuie opgeroep moet word, en tensy hy, indien die hof dit vereis, die bedrag inbetaal of sekuriteit stel wat die hof voldoende ag, vir die betaling van die bedrag wat na die oordeel van die hof nodig mag wees tot dekking van die koste en uitgawe veroorsaak deur die dagvaarding en verskyning van die ontleed- of skeikundige as 'n getuie.

Bewys van ontleeding van voorwerp of drank deur middel van skeikundige sertifikate.

(2) Die beskuldigde kan, in plaas daarvan om die verskyning van bedoelde ontleed- of skeikundige te verlang, skriftelike vraagpunte wat die hof goedgekeur het, aan die betrokke ontleed- of skeikundige stel.

(3) Die hof moet bedoelde vraagpunte aan daardie ontleed- of skeikundige vir beantwoording laat voorlê, en bedoelde vraagpunte en 'n antwoord daarop wat heet 'n antwoord van die bedoelde ontleed- of skeikundige te wees, is insgelyks as getuienis toelaatbaar by bedoelde vervolging.

HOOFSTUK XIV

ALGEMENE BEPALINGS

207. (1) Die Minister kan regulasies uitvaardig betreffende— Regulasies.

(a) aansoeke om—

- (i) lisensies kragtens hierdie Wet, spesiale magtigings en magtigings kragtens artikel 24;
- (ii) die oordrag en verplasing van lisensies en magtigings in subparagraph (i) bedoel;
- (iii) magtigings kragtens artikels 54, 69, 70, 72, 73, 87, 89 (1) (a), 97, 107, 110 (1) (b), 111, 136 of 167;
- (iv) die hou van spesiale vergaderings ingevolge artikel 10;
- (v) goedkeuring van opbergplekke ingevolge artikel 64, 123 of 142;

(b) publikasie van kennisgewings van aansoeke bedoel in paragraaf (a);

(c) die voorlegging van stukke, inligting, besware en antwoorde op besware, verslae en vertoe met betrekking tot aansoeke bedoel in paragraaf (a);

(d) die uitreiking, oordrag en verplasing van lisensies en magtigings kragtens hierdie Wet;

(e) die vorms van lisensies, magtigings, sertifikate, kennisgewings, adviese, permitte en ander stukke wat kragtens hierdie Wet uitgereik moet word;

(f) vergaderings van die Raad en die prosedure by sodanige vergaderings;

(g) skriftelike versoekde bedoel in artikel 48;

(h) kennisgewings bedoel in artikel 44 (2) (b);

(i) na oorlegpleging met die Minister van Finansies, die geldie wat ten opsigte van 'n appel kragtens artikel 11 (4) betaalbaar is;

Act No. 87, 1977

LIQUOR ACT, 1977.

- (j) the keeping of records by licensees or different classes of licensees, the particulars to be recorded, the inspection of such records, and any other matter connected therewith;
 - (k) the labelling of bottles or other receptacles for the purposes of section 161;
 - (l) the form of the invoices referred to in section 65 (1) and the preservation and destruction of the originals of such invoices;
 - (m) the performance of the duties of receivers of revenue and other officers under this Act; and prescribing, generally, all matters which he considers it necessary or expedient to prescribe for the more efficient administration and carrying into effect of the provisions of this Act, the generality of this provision not being limited by the provisions of the preceding paragraphs.
- (2) The Minister or the Board or the chairman, when hearing or considering any application under this Act and the competent authority, when considering any application for the transfer of a licence or of an authority for the sale of liquor under this Act, may condone any error or omission of a formal or technical nature in such application or in any document accompanying it, if it or he is of the opinion that there has been substantial compliance with the relevant provision of this Act and that such condonation is not likely to cause prejudice to any person.

Amendment and
repeal of
proclamations and
notices in the *Gazette*.

208. (1) The State President may from time to time amend or may at any time repeal any proclamation issued by him under this Act.

(2) The Minister may likewise amend or repeal any notice issued by him under this Act and published in the *Gazette*.

Application of Act.

209. (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 methylated spirit;
- (b)
 - (i) any medical practitioner or pharmacist, registered under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), and the Pharmacy Act, 1974 (Act No. 53 of 1974), respectively, *bona fide* administering or selling for purely medicinal purposes and under any law governing the administration and sale of medicine, any medicine containing liquor;
 - (ii) any pharmacist selling not more than 250 millilitres of rectified spirits or absolute alcohol for *bona fide* medicinal use; or
 - (iii) any pharmacist selling rectified spirits or absolute alcohol to any other pharmacist or to any veterinarian, dentist or medical practitioner registered under the Veterinary Act, 1933 (Act No. 16 of 1933), and the said Medical, Dental and Supplementary Health Service Professions Act, 1974, respectively, or any person in charge of any hospital or any home or other institution used solely for the admission and medical treatment of sick persons or to any educational institution for *bona fide* educational or scientific purposes;
- (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, dependence-producing substances which contain liquor: Provided that such dependence-producing substance shall be kept, sold or supplied only under the provisions of section 172 and the regulations made thereunder;

- (j) die hou van aantekeninge deur lisensiehouers of verskillende klasse lisensiehouers, die besonderhede wat aangeteken moet word, die ondersoek van daardie aantekeninge, en enige ander aangeleenthede wat daarvan in verband staan;
- (k) die etikettering van bottels of ander houers vir die doeleindes van artikel 161;
- (l) die vorm van die fakture bedoel in artikel 65 (1) en die bewaring en vernietiging van die oorspronklikes van die fakture;
- (m) die verrigting van die pligte van ontvangers van inkomste en ander beampies kragtens hierdie Wet, en wat, oor die algemeen, alle aangeleenthede voorskryf wat hy nodig of dienstig is om voor te skryf tot doelmatiger toepassing en uitvoering van die bepalings van hierdie Wet, sonder beperking van die algemeenheid van hierdie bepaling deur die bepalings van die voorgaande paragrawe.

(2) Wanneer die Minister of die Raad of die voorsitter 'n aansoek kragtens hierdie Wet behandel of oorweeg, en wanneer die bevoegde gesag 'n aansoek om die oordrag van 'n lisensie of van 'n magtiging vir die verkoop van drank kragtens hierdie Wet oorweeg, kan hy enige fout of weglatting van 'n formele of tegniese aard in bedoelde aansoek of in 'n stuk wat dit vergesel, kondoneer, indien hy van oordeel is dat aan die betrokke bepaling van hierdie Wet wesenlik voldoen is en dat bedoelde kondonasie waarskynlik niemand sal benadeel nie.

208. (1) Die Staatspresident kan 'n proklamasie wat hy kragtens hierdie Wet uitgevaardig het, van tyd tot tyd wysig of te eniger tyd herroep. Wysiging en herroeping van proklamasies en kennisgewings in die Staatskoerant.

(2) Die Minister kan insgelyks 'n kennisgewing wat hy kragtens hierdie Wet uitgevaardig het en wat in die *Staatskoerant* afgekondig is, wysig of herroep.

209. (1) Hierdie Wet is nie van toepassing nie op— Toepassing van Wet.

- (a) iemand wat alkoholiere of gedistilleerde laventel of reukwerk of spiritus wat met medisyne gemeng is, verkoop, indien die laventel, reukwerk of spiritus nie brandspiritus is nie;
- (b) (i) 'n geneesheer of apteker geregistreer kragtens onderskeidelik die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), en die Wet op Aptekers, 1974 (Wet No. 53 van 1974), wat te goeder trou drankhoudende medisyne uitsluitlik as geneesmiddel toedien of verkoop kragtens 'n wet op die toediening en verkoop van medisyne;
- (ii) 'n apteker wat hoogstens 250 milliliter gerektifiseerde spiritus of suwer alkohol vir *bona fide*-gebruik as geneesmiddel verkoop; of
- (iii) 'n apteker wat gerektifiseerde spiritus of suwer alkohol verkoop aan 'n ander apteker of aan 'n veearts, tandarts of geneesheer geregistreer kragtens onderskeidelik die Veeartswet, 1933 (Wet No. 16 van 1933), en bedoelde Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, of iemand in beheer van 'n hospitaal of 'n tehuis of ander inrigting wat uitsluitlik vir die opneming en mediese behandeling van siek persone gebruik word of aan 'n opvoedkundige inrigting vir *bona fide*-opvoedkundige of wetenskaplike doelendes;
- (c) iemand wat 'n afhanglikheidsvormende stof wat drank bevat, te goeder trou as geneesmiddel en in redelike hoeveelhede om as medisyne gebruik te word, verkoop kragtens 'n algemene handelaarslisensie of 'n ander lisensie wat die verkoop magtig: Met dien verstande dat die afhanglikheidsvormende stof slegs kragtens die bepalings van artikel 172 en die regulasies uitgevaardig daarkragtens, aangehou, verkoop of verskaf mag word;

Act No. 87, 1977

LIQUOR ACT, 1977.

- (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 upon premises in which the sittings of a Provincial Council are held if sold under the permission of that Council or of any committee thereof;
 - (f) the sale of liquor in any refreshment room in premises in which the sittings of the Coloured Persons Representative Council of the Republic of South Africa, established under the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), are held, if sold under the permission of that Council or of any committee thereof;
 - (g) the sale of liquor in any refreshment room in premises in which the sittings of the Indian Council are held, if sold under the permission of that Council or of any committee thereof;
 - (h) any *bona fide* manufacturer of sweets who sells any sweet containing more than two per cent of alcohol by mass which has been manufactured by him in the Republic, to any licensee or a person authorized under this Act to sell liquor without a licence.
- (2) (a) Nothing in this Act contained shall affect the operation of any provision of Chapter V of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).
- (b) Subject to the provisions of paragraph (a), any refreshment room or bar in which liquor is sold at any railway station or harbour under the control of the Railway Administration, whether by the said Administration itself or by any person to whom a concession has been granted in terms of section 58 (1) of the said Act shall, for the purposes of this Act, be deemed to be premises in respect of which a bar licence has been issued, and the person in charge of such room or bar shall be deemed to be the holder of such licence and to be the employer of all persons working in such room or bar.
- (3) (a) Subject to the provisions of paragraph (b), nothing in this Act contained shall affect the operation of the provisions of section 6bis of the Aviation Act, 1962 (Act No. 74 of 1962).
- (b) For the purposes of this Act any premises at an aerodrome, established in terms of section 6 of the Aviation Act, 1962, in or on which liquor is sold in terms of section 6bis of the said Act, whether through the Department of Transport or by any other person, shall, in so far as such liquor is so sold for consumption in or on the premises, be deemed to be premises in respect of which a bar licence has been issued under this Act, and the person in charge of such premises shall be deemed to be the holder of such licence and to be the employer of all persons working in or on such premises.

Exemption of certain persons from obligation to hold licences.

- 210.** (1) Nothing in this Act relating to the application for or the holding of a licence shall apply to—
- (a) any person selling liquor under the authority of the Minister of Defence in any certified institution referred to in section 149 of the Defence Act, 1957 (Act No. 44 of 1957);
 - (b) any person selling, under the authority of the responsible Minister concerned and on such conditions or restrictions as he may determine, liquor in a canteen or buffet where liquor is supplied only to, and for consumption on the premises by—
 - (i) members of the Police Force; or
 - (ii) members of the Department of Prisons; or

- (d) die verkoop van drank in 'n verversingslokaal in die Parlementsgebou, indien dit verkoop word met die toestemming van een van albei Huise van die Parlement of 'n komitee daarvan;
 - (e) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin 'n Provinciale Raad sitting hou, indien dit verkoop word met die toestemming van daardie Raad of 'n komitee daarvan;
 - (f) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika wat kragtens die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), ingestel is, sitting hou, indien dit verkoop word met die toestemming van daardie Raad of 'n komitee daarvan;
 - (g) die verkoop van drank in 'n verversingslokaal in 'n gebou waarin die Indiërraad sitting hou, indien dit verkoop word met die toestemming van daardie Raad of 'n komitee daarvan;
 - (h) 'n *bona fide*-vervaardiger van lekkers wat 'n lekker wat meer as twee persent alkohol volgens massa bevat en deur hom in die Republiek vervaardig is, verkoop aan 'n lisensiehouer of iemand wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop.
- (2) (a) Die bepalings van hierdie Wet maak nie inbreuk op die uitwerking van 'n bepaling van Hoofstuk V van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), nie.
- (b) Behoudens die bepalings van paragraaf (a), word 'n verversingskamer of kroeg op 'n spoorwegstasie of in 'n hawe onder die beheer van die Spoorwegadministrasie waarin drank verkoop word, hetsy deur bedoelde Administrasie self of deur iemand aan wie 'n konsessie toegestaan is ingevolge artikel 58 (1) van bedoelde Wet, by die toepassing van hierdie Wet geag 'n perseel te wees ten opsigte waarvan 'n kantienlisensie uitgereik is, en die persoon onder wie se beheer daardie kamer of kroeg staan, word geag die houer van daardie lisensie en die werkewer van alle persone wat in daardie kamer of kroeg werk, te wees.
- (3) (a) Behoudens die bepalings van paragraaf (b), maak die bepalings van hierdie Wet nie inbreuk op die uitwerking van die bepalings van artikel 6bis van die Lugvaartwet, 1962 (Wet No. 74 van 1962), nie.
- (b) By die toepassing van hierdie Wet word 'n gebou by 'n vliegveld, wat ingevolge artikel 6 van die Lugvaartwet, 1962, opgerig is, waarin of waarop drank ingevolge artikel 6bis van genoemde Wet verkoop word, hetsy deur die Departement van Vervoer of deur iemand anders, geag, vir sover die drank aldus vir gebruik in of op die gebou verkoop word, 'n perseel te wees ten opsigte waarvan 'n kantienlisensie kragtens hierdie Wet uitgereik is, en word die persoon onder wie se beheer daardie gebou staan, geag die houer van daardie lisensie en die werkewer van alle persone wat in of op daardie gebou werk, te wees.

210. (1) Die bepalings van hierdie Wet aangaande die aansoek vir of hou van 'n lisensie is nie van toepassing nie op—

Vrystelling van sekere persone van verpligting om lisensies te hou.

- (a) iemand wat op gesag van die Minister van Verdediging drank verkoop in 'n gesertifiseerde inrigting bedoel in artikel 149 van die Verdedigingswet, 1957 (Wet No. 44 van 1957);
- (b) iemand wat op gesag van die betrokke verantwoordelike Minister op die voorwaardes of beperkings wat hy bepaal, drank verkoop in 'n kantien of buffet waar drank verskaf word slegs aan en vir die gebruik op die perseel van—
 - (i) lede van die Polisiemag; of
 - (ii) lede van die Departement van Gevangenis; of

- (iii) officers of the Bureau for State Security, and their *bona fide* guests;
- (c) any person selling, under the authority of the Minister and subject to such conditions or restrictions as he may determine, liquor in any hotel established and maintained by any department of State, including the Railways Administration, any Provincial Administration and any body, established by or under the provisions of an ordinance passed by a provincial council for the control, management, development or maintenance of a public resort, national park, game reserve or nature reserve: Provided that—
- (i) nothing in this paragraph shall affect any provision of Chapter V of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957); and
 - (ii) for the purposes of this Act the manager or person in charge of such hotel, shall be deemed to be the 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;
- (d) any person who on behalf of a Provincial Administration or any body referred to in paragraph (c) sells any liquor in or at any public resort, national park, game reserve or nature reserve under authority granted by the Minister to such Administration or body and on such conditions or restrictions as the Minister may determine;
- (e) any person who, in any restaurant controlled, managed and maintained subject to the directions of the Administrator of any province, sells any liquor for consumption in such restaurant, under the authority of the Minister and on such conditions or restrictions as he may determine;
- (f) any person who on behalf of the National Parks Board of Trustees referred to in section 5 of the National Parks Act, 1976 (Act No. 57 of 1976), and in a park as defined in section 1 of the said Act, sells any liquor under authority granted by the Minister to the said Board, and on such conditions and restrictions as the Minister may determine;
- (g) any person who, under the authority of the Minister and on such conditions or restrictions as he may determine, sells liquor in a restaurant which is on premises controlled and maintained by the Postmaster-General, for consumption in such restaurant;
- (h) any person who, under the authority of the Minister and on such conditions or restrictions as he may determine, sells liquor in a restaurant which is on premises controlled and maintained by the Department of Public Works, for consumption in such restaurant;
- (i) any person who, under the authority of the Minister and on such conditions or restrictions as he may determine, sells liquor in a restaurant which is on premises controlled and maintained by the South African Broadcasting Corporation, mentioned in section 2 of the Broadcasting Act, 1976 (Act No. 73 of 1976), for consumption in such restaurant;
- (j) any person who on behalf of the principal of any college for advanced technical education, established or deemed to have been established under the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), and in a restaurant utilized for the training of hotel personnel in catering services and which is on premises controlled and maintained by such college, sells, for consumption in such restaurant, any liquor under the authority of the Minister and on such conditions or restrictions as he may determine;
- (k) 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;

DRANKWET, 1977.

Wet No. 87, 1977

- (iii) beampies van die Buro vir Staatsveiligheid, en hulle *bona fide*-gaste;
- (c) iemand wat op gesag van die Minister en op die voorwaardes of beperkings deur hom bepaal, drank verkoop in 'n hotel wat opgerig is en in stand gehou word deur 'n Staatsdepartement, met inbegrip van die Spoorwegadministrasie, 'n Provinciale Administrasie en 'n liggaam ingestel by of kragtens die bepalings van 'n ordonnansie aangeneem deur 'n provinsiale raad vir die beheer, bestuur, ontwikkeling of instandhouding van 'n openbare oord, nasionale park of 'n wild- of natuurtuin: Met dien verstande dat—
- (i) hierdie paragraaf nie inbreuk maak nie op 'n bepaling van Hoofstuk V van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957); en
 - (ii) by die toepassing van hierdie Wet die bestuurder van daardie hotel, of die persoon wat aan die hoof daarvan staan, geag word die lisensiehouer ten opsigte daarvan te wees en dat daardie hotel geag word 'n perseel te wees ten opsigte waarvan 'n hoteldranklisensie kragtens hierdie Wet verleen en uitgereik is;
- (d) iemand wat namens 'n Provinciale Administrasie of 'n liggaam bedoel in paragraaf (c) drank in of by 'n openbare oord, 'n nasionale park of 'n wild- of natuurtuin verkoop kragtens magtiging deur die Minister verleen aan genoemde Administrasie of liggaam en op die voorwaardes of beperkings wat die Minister bepaal;
- (e) iemand wat in 'n restaurant wat onderworpe aan die voorskrifte van die Administrateur van 'n provinsie beheer, bestuur en in stand gehou word, drank vir gebruik in so 'n restaurant verkoop op gesag van die Minister en op die voorwaardes of beperkings deur hom bepaal;
- (f) iemand wat namens die Raad van Kuratore vir Nasionale Parke bedoel in artikel 5 van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976), in 'n park soos in artikel 1 van genoemde Wet omskryf drank verkoop kragtens magtiging verleen deur die Minister aan genoemde Raad, en op die voorwaardes en beperkings wat die Minister bepaal;
- (g) iemand wat op gesag van die Minister, en op die voorwaardes of beperkings deur hom bepaal, drank in 'n restaurant wat in 'n gebou is wat deur die Posmeester-generaal beheer en in stand gehou word, verkoop vir gebruik in bedoelde restaurant;
- (h) iemand wat op gesag van die Minister en op die voorwaardes of beperkings deur hom bepaal, drank in 'n restaurant wat in 'n gebou is wat deur die Departement van Openbare Werke beheer en in stand gehou word, vir gebruik in bedoelde restaurant verkoop;
- (i) iemand wat op gesag van die Minister en op die voorwaardes of beperkings deur hom bepaal, drank in 'n restaurant wat in 'n gebou is wat deur die Suid-Afrikaanse Uitsaaikorporasie, vermeld in artikel 2 van die Uitsaaiwet, 1976 (Wet No. 73 van 1976), beheer en in stand gehou word, vir gebruik in bedoelde restaurant verkoop;
- (j) iemand wat namens die hoof van 'n kollege vir gevorderde tegniese onderwys wat kragtens die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967), ingestel is of wat geag word daarkragtens ingestel te gewees het en in 'n restaurant wat aangewend word vir die opleiding van hotelpersoneel in spyseniersdienste en wat in 'n gebou is wat deur bedoelde kollege beheer en in stand gehou word, drank op gesag van die Minister en op die voorwaardes of beperkings deur hom bepaal, vir gebruik in bedoelde restaurant verkoop;
- (k) 'n balju, adjunk-balju, geregsbode of ander beampie wat handel op gesag van 'n regter, landdros of hof of 'n doeanebeampte by die uitoefening van sy pligte;

Act No. 87, 1977

LIQUOR ACT, 1977.

(l) 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;

(m) 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 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 the estate of a deceased person or to an insolvent estate;

(n) the master of a vessel in any dock or harbour in the Republic or within the territorial waters of the Republic in respect of the sale on board such vessel to any passenger therein of liquor taken from duty paid stores released by the Department of Customs and Excise, provided that such vessel ordinarily plies between places situate not less than one hundred kilometres apart;

(o) the holder of any special authority or any authority under section 24 (4), acting under such authority; or

(p) any person selling or supplying under the written authority of the Minister or a person acting under his directions and on such conditions as he may deem fit to determine, wine at a wine tasting function for consumption on the premises specified in such authority, by persons *bona fide* attending such function.

(2) The Minister may, in addition to determining any condition or restriction under any other provision of this section, state in the authority in question or in a notice addressed to the holder of any such authority that such provisions of this Act as are set forth in such authority or notice, shall apply *mutatis mutandis* to the person selling or supplying liquor under such authority and to or in respect of the premises in question.

(3) Any condition or restriction determined by the Minister under this section may at any time be amended or withdrawn by him, and he may at any time in relation to any authority referred to in this section determine any condition or restriction or any further condition or restriction, as he may deem fit.

(4) Subject to the provisions of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act No. 25 of 1957), any person who is *bona fide* engaged in viticulture may, without obtaining a licence under this Act, sell or dispose of wine as defined in section 2, or brandy as defined in section 8, of the said Act which—

(a) is made from grapes produced on land owned or lawfully occupied by such person or from grapes purchased or otherwise procured by such person; and

(b) is made upon such land or in a central cellar owned or lawfully occupied by such person, provided—

(i) the sale, delivery or disposal of such wine or brandy is to a lawful manufacturer of vinegar or to a person who holds a licence or who is authorized under this Act to sell liquor without a licence;

(ii) the sale, delivery or disposal is in quantities of not less than 18 litres contained in one or more receptacles securely sealed;

(iii) except in the case of a sale to or order by the holder of a wholesale liquor licence, such wine or brandy is sold or ordered before being removed from the cellar of the owner or occupier;

(iv) such person keeps a record, which is at all reasonable times open to the inspection of any police officer,

DRANKWET, 1977.

Wet No. 87, 1977

- (l) die eksekuteur in die boedel van 'n oorlede persoon of die kurator van 'n insolvente boedel wat aan 'n lisensiehouer drank verkoop wat aan daardie boedel behoort;
- (m) 'n behoorlik gelisensieerde vendu-afslaer wat op die gelisensieerde perseel van die houer van 'n groothandelaars-dranklisensie of van 'n lisensiehouer wat kragtens 'n bepaling van hierdie Wet sy drankvoorraad van die hand mag sit deur dit op te veil, drank wat aan so 'n lisensiehouer behoort, verkoop deur dit op te veil of wat op 'n plek, goedgekeur deur die landdros van die distrik waarin die verkoop plaasvind, drank wat behoort aan die boedel van 'n oorlede persoon of aan 'n insolvente boedel verkoop deur dit op te veil;
- (n) die gesagvoerder van 'n vaartuig in 'n dok of hawe in die Republiek of in die territoriale waters van die Republiek 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 Departement van Doeane en Aksyns vrygestel is, mits daardie vaartuig gewoonlik heen en weer vaar tussen plekke wat nie minder as honderd kilometer van mekaar geleë is nie;
- (o) die houer van 'n spesiale magtiging of 'n magtiging kragtens artikel 24 (4), wat kragtens die magtiging handel; of
- (p) iemand wat kragtens die skriftelike magtiging van die Minister of iemand wat op sy gesag handel, en op die voorwaardes wat hy na goeddunke bepaal, wyn by 'nwynproebyeenkoms verkoop of verskaf vir gebruik op die perseel vermeld in die magtiging, deur persone wat daardie byeenkoms te goeder trou bywoon.

(2) Die Minister kan benewens 'n voorwaarde of beperking kragtens 'n ander bepaling van hierdie artikel te bepaal, in die betrokke magtiging of in 'n kennisgewing gerig aan die houer van so 'n magtiging, verklaar dat die bepalings van hierdie Wet wat in die magtiging of kennisgewing uiteengesit word, *mutatis mutandis* van toepassing is op die persoon wat drank kragtens die magtiging verkoop of verskaf en op of ten opsigte van die betrokke perseel.

(3) 'n Voorwaarde of beperking deur die Minister kragtens hierdie artikel bepaal, kan te eniger tyd deur hom gewysig of ingetrek word, en hy kan met betrekking tot 'n magtiging bedoel in hierdie artikel te eniger tyd na goeddunke enige voorwaarde of beperking of enige verdere voorwaarde of beperking bepaal.

(4) Met inagneming van die bepalings van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet No. 25 van 1957), kan iemand wat te goeder trou die wynbou beoefen, sonder om 'n lisensie ingevolge hierdie Wet te verkry wyn soos omskryf in artikel 2, of brandewyn soos omskryf in artikel 8, van bedoelde Wet verkoop of van die hand sit wat—

- (a) gemaak is van druwe geproduseer op grond wat behoort aan of in die wettige besit is van so iemand of van druwe wat deur so iemand gekoop of verkry is; en
- (b) gemaak is op daardie grond of in 'n sentrale kelder wat behoort aan of in die wettige besit is van so iemand, mits—
 - (i) daardie wyn of brandewyn verkoop, verskaf of van die hand gesit word aan 'n wettige fabrikant van asyn of aan iemand wat 'n lisensie hou of wat kragtens hierdie Wet gemagtig is om drank sonder 'n lisensie te verkoop;
 - (ii) hoeveelhede van nie minder as 18 liter in een of meer dig verseëlede houers aldus verkoop, verskaf of van die hand gesit word;
 - (iii) daardie wyn of brandewyn, behalwe in die geval van 'n verkoop aan of 'n bestelling deur die houer van 'n groothandelaars-dranklisensie, verkoop of bestel word voordat dit uit die eienaar of besitter se kelder verwyder word;
 - (iv) daardie persoon aantekeninge hou wat te alle redelike tye ter insae van 'n polisiebeampte beskikbaar is, en wat

Act No. 87, 1977

LIQUOR ACT, 1977.

Exemption of certain persons from certain differential provisions.

showing particulars in one of the official languages of the quantity and description of the wine or brandy manufactured and sold.

Repeal of laws and savings.

211. No provision of this Act or condition determined thereunder which differentially affects any Bantu, Asian or Coloured shall apply to—

- (a) any person who is duly accredited to the Republic by the government of any other state, or to any member of his family living with him, or to such members of his staff as are not domiciled within the Republic; or
- (b) any person—
 - (i) who holds a temporary permit issued to him in terms of section 5 of the Aliens Act, 1937 (Act No. 1 of 1937); or
 - (ii) who is permitted in terms of section 7 of the said Act to enter the Republic without holding any permit.

212. (1) Subject to the provisions of subsections (2), (3) and (4), the laws set out in Schedule 2 are hereby repealed to the extent set out in the third column thereof.

(2) Anything done or deemed to have been done under any provision of a law repealed by subsection (1), shall be deemed to have been done under the corresponding provision of this Act.

(3) Any proclamation issued under any provision repealed by section 2 (1) of the Liquor Amendment Act, 1969 (Act No. 23 of 1969), which was in force immediately before the commencement of that section shall, notwithstanding such repeal and the repeal of that Act by this Act, remain of full force and effect: Provided that the Minister may at any time by notice in the *Gazette* amend any such proclamation in any respect in which the State President could have amended it prior to such repeal or may so withdraw any such proclamation.

(4) (a) If no certificate of classification has in terms of section 71bis of the Liquor Act, 1928 (Act No. 30 of 1928), as it existed immediately prior to the substitution thereof by section 54 (1) of the Liquor Amendment Act, 1977 (Act No. 44 of 1977), been issued on or before 31 December 1978 in respect of an accommodation establishment situated in the area included in the district of Mount Currie in terms of Government Notice No. 1149 of 30 June 1972 and conducted under an hotel liquor licence granted before the commencement of section 4 of the General Law Amendment Act, 1973 (Act No. 62 of 1973), such licence shall as from 1 January 1979 be deemed to be a wine and malt liquor licence, and if a privilege to sell liquor for consumption off the licensed premises is in terms of section 54 (4) of the Liquor Amendment Act, 1977, deemed to have been authorized in respect of such hotel liquor licence such privilege shall as from 1 January 1979 be deemed to be confined to the sale of such liquor only as may, in terms of section 109 be sold by the holder of a wine and malt liquor licence: Provided that the Minister may in any particular case upon written application and upon good and sufficient reasons shown, direct that for such period and on such conditions as he may deem fit, the provisions of this subsection shall not apply in respect of such hotel liquor licence or such privilege.

(b) For the purposes of paragraph (a) section 71bis of the Liquor Act, 1928, shall be deemed not to have been replaced by the Liquor Amendment Act, 1977.

Short title and commencement.

213. This Act shall be called the Liquor Act, 1977, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

in een van die amptelike tale besonderhede aangee aangaande die hoeveelheid en soort wyn of brandewyn wat gemaak en verkoop word.

211. 'n Bepaling van hierdie Wet of 'n voorwaarde daarkragtens bepaal, wat 'n onderskeid maak ten opsigte van Bantoes, Asiërs of Kleurlinge is nie van toepassing nie op—

Vrystelling van sekere persone van sekere differensiële bepalings.

- (a) iemand wat by die Republiek 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 Republiek gedomisilieer is nie; of
- (b) iemand—
 - (i) wat in besit is van 'n tydelike permit wat kragtens artikel 5 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), aan hom uitgereik is; of
 - (ii) aan wie vergunning kragtens artikel 7 van genoemde Wet verleen is om die Republiek binne te kom sonder dat hy in besit van 'n permit is.

212. (1) Die wette vermeld in Bylae 2 word, behoudens die bepalings van subartikels (2), (3) en (4), hierby herroep in die mate aangedui in die derde kolom daarvan.

Herroeping van wette en voorbehoude.

(2) Enigets gedoen of geag gedoen te gewees het kragtens 'n bepaling van 'n wet by subartikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

(3) 'n Proklamasie uitgereik kragtens 'n bepaling deur artikel 2 (1) van die Drankwysigingswet, 1969 (Wet No. 23 van 1969), herroep wat onmiddellik voor die inwerkingtreding van daardie artikel van krag was, bly, ondanks sodanige herroeping en die herroeping van daardie Wet deur hierdie Wet, van krag: Met dien verstande dat die Minister te eniger tyd so 'n proklamasie by kennisgewing in die *Staatskoerant* kan wysig in 'n oopsig waarin die Staatspresident dit voor sodanige herroeping kon gewysig het, of aldus kan herroep.

- (4) (a) Indien geen klassifikasiesertifikaat op of voor 31 Desember 1978 ingevolge artikel 71bis van die Drankwet, 1928 (Wet No. 30 van 1928), soos dit bestaan het onmiddellik voor die vervanging daarvan deur artikel 54 (1) van die Drankwysigingswet, 1977 (Wet No. 44 van 1977), ten opsigte van 'n akkommodasie-inrigting wat in die gebied wat ingevolge Goewermentskennisgewing No. 1149 van 30 Junie 1972 by die distrik Mount Currie ingelyf is, geleë is, en wat bestuur word kragtens 'n hoteldranklisensie wat voor die inwerkingtreding van artikel 4 van die Algemene Regswysigingswet, 1973 (Wet No. 62 van 1973), verleen is, word daardie lisensie vanaf 1 Januarie 1979 geag 'n wyn-en-bierlisensie te wees, en indien 'n voorreg om drank vir gebruik buite die gelisensieerde perseel te verkoop kragtens artikel 54 (4) van die Drankwysigingswet, 1977, geag word ten opsigte van daardie hoteldranklisensie gemagtig te gewees het, word daardie voorreg vanaf 1 Januarie 1979 geag beperk te wees tot die verkoop van slegs die drank wat ingevolge artikel 109 deur die houer van 'n wyn-en-bierlisensie verkoop mag word: Met dien verstande dat die Minister in 'n bepaalde geval, op skriftelike aansoek en om gegronde en voldoende redes, kan gelas dat, vir die tydperk en op die voorwaardes wat hy goedvind, die bepalings van hierdie subartikel nie ten opsigte van bedoelde hoteldranklisensie of bedoelde voorreg van toepassing is nie.
- (b) By die toepassing van paragraaf (a) word artikel 71bis van die Drankwet, 1928, geag nie deur die Drankwysigingswet, 1977, vervang te gewees het nie.

213. Hierdie Wet heet die Drankwet, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

Act No. 87, 1977

LIQUOR ACT, 1977.

Schedule 1**FEES PAYABLE IN RESPECT OF LICENCES (SUBJECT TO REDUCTIONS IN TERMS OF SECTION 42 (3) OR (4))**

Licence	PART A		PART B
	Fees payable in respect of new licence	Fees payable in respect of transfer of licence to another person or in respect of removal of licence to other premises	
Brewer's licence	R 2 000	R 500	R 1 000
Foreign liquor licence	400	100	200
Grocer's wine licence	100	30	50
Liquor store licence	1 200	300	600
Wholesale liquor licence (under which the holder thereof deals directly with the public)	1 200	300	600
Wholesale liquor licence (under which the holder thereof does not deal directly with the public)	2 000 10 —	500 5 300	1 000 5 600
Wine farmer's licence	400	100	200
Bar licence	400	100	200
Club liquor licence	50	15	35
Meal time wine and malt licence	200	50	100
Restaurant liquor licence	400	100	200
Sportsground liquor licence	400	100	200
Theatre liquor licence	100	30	50
Wine and malt liquor licence	50	15	25
Wine house licence	10	in respect of each hour or portion of an hour for which the licence is granted.	
Occasional licence	20	per day in respect of each bar or other point of sale authorized under the licence.	
Temporary liquor licence			

Whenever the holder of an on-consumption licence has been authorized under any provision of this Act to sell liquor for consumption off the licensed premises, the annual fee shall be increased by one-half.

DRANKWET, 1977.

Wet No. 87, 1977

Bylae 1

GELDE BETAAALBAAR TEN OPSIGTE VAN LISSENSIES (ONDERWORPE AAN KORTING INGEVOLGE ARTIKEL 42 (3) OF (4))

Licensie	DEEL A		DEEL B
	Verskuldigde gelde ten opsigte van nuwe licensie	Verskuldigde gelde ten opsigte van oordrag van licensie aan iemand anders of ten opsigte van ver- plassing van licensie na ander perseel	
Drankwinkellisensie	R 1 200	R 300	R 600
Bierbrouerslisensie	2 000	500	1 000
Buitelandse dranklisensie	400	100	200
Kruideniers-wynlisensie	100	30	50
Groothandelaars-dranklisensie (waarfrag- tens die houer daarvan regstreeks met die publiek handel dryf)	1 200	300	600
Groothandelaars-dranklisensie (waarfrag- tens die houer daarvan nie regstreeks met die publiek handel dryf nie)	2 000	500	1 000
Wynboerlisensie	10	5	5
Kantienlisensie	—	300	600
Klubdranklisensie	400	100	200
Hoteldranklisensie	400	100	200
Maaltyd-wyn-en-bierlisensie	50	15	35
Restaurant-dranklisensie	200	50	100
Sportterrein-dranklisensie	400	100	200
Teaterdranklisensie	400	100	200
Wyn-en-bierlisensie	100	30	50
Wynhuislisensie	50	15	25
Geleenheidslisensie	10	vir elke uur of gedeelte van 'n uur waarvoor die licensie verleent word, per dag vir elke kroeg of ander ver- kooppunt kragtens die licensie gemagtig.	
Tydelike dranklisensie	20		

Wanneer die houer van 'n binneverbruiklisensie kragtens 'n bepaling van hierdie Wet gemagtig is om drank vir gebruik buite die gelisensieerde perseel te verkoop, word die jaarlikse licensiegeld met die helfte vermeerder.

Act No. 87, 1977

LIQUOR ACT, 1977.

Schedule 2

LAWS REPEALED

No. and year of Law	Title	Extent of Repeal
Act No. 30 of 1928	Liquor Act, 1928	The whole.
Act No. 41 of 1934	Liquor Amendment Act, 1934	The whole.
Act No. 46 of 1935	General Law Amendment Act, 1935	Section 111.
Act No. 39 of 1937	Liquor Amendment Act, 1937	The whole.
Act No. 40 of 1945	Electoral Laws Amendment Act, 1945	Section 71.
Act No. 14 of 1951	Liquor Law Amendment Act, 1951	The whole.
Act No. 5 of 1952	Public Holidays Act, 1952	Section 7.
Act No. 12 of 1954	Liquor Law Amendment Act, 1954	The whole.
Act No. 38 of 1954	Liquor Law Further Amendment Act, 1954	The whole.
Act No. 62 of 1955	General Law Amendment Act, 1955	Sections 16 and 17.
Act No. 35 of 1956	Liquor Amendment Act, 1956	The whole.
Act No. 61 of 1956	Liquor Further Amendment Act, 1956	The whole.
Act No. 58 of 1957	Liquor Amendment Act, 1957	The whole.
Act No. 72 of 1961	Liquor Amendment Act, 1961	The whole.
Act No. 63 of 1962	Bantu Beer Act, 1962	Section 20, in so far as the Liquor Act, 1928, is amended thereby.
Act No. 89 of 1962	Liquor Amendment Act, 1962	The whole.
Act No. 88 of 1963	Liquor Amendment Act, 1963	The whole.
Act No. 85 of 1964	Liquor Amendment Act, 1964	The whole.
Act No. 6 of 1965	Railways and Harbours Acts Amendment Act, 1965	Section 1.
Act No. 12 of 1965	Aviation Amendment Act, 1965	Sections 1 and 2.
Act No. 70 of 1965	Hotels Act, 1965	Sections 35 to 37, inclusive.
Act No. 98 of 1965	General Law Amendment Act, 1965	Sections 1 to 10, inclusive.
Act No. 62 of 1966	General Law Amendment Act, 1966	Sections 1 and 2.
Act No. 70 of 1968	General Law Amendment Act, 1968	Sections 3 to 13, inclusive.
Act No. 23 of 1969	Liquor Amendment Act, 1969	The whole.
Act No. 83 of 1969	Aviation Amendment Act, 1969	Section 5.
Act No. 17 of 1970	General Law Amendment Act, 1970	Sections 1 to 4, inclusive.
Act No. 92 of 1970	Further General Law Amendment Act, 1970	Section 1
Act No. 80 of 1971	General Law Amendment Act, 1971	Section 10.
Act No. 102 of 1972	General Law Amendment Act, 1972	Sections 1 to 5, inclusive.
Act No. 62 of 1973	General Law Amendment Act, 1973	Sections 1 to 4, inclusive.
Act No. 94 of 1974	Second General Law Amendment Act, 1974	Sections 7 to 20, inclusive.
Act No. 56 of 1975	Second Liquor Amendment Act, 1975	The whole.
Act No. 58 of 1975	Liquor Amendment Act, 1975	The whole.
Act No. 44 of 1977	Liquor Amendment Act, 1977	The whole.

DRANKWET, 1977.

Wet No. 87, 1977

Bylae 2

WETTE HERROEP

No. en jaar van wet	Titel	Omvang van herroeping
Wet No. 30 van 1928	Die Drankwet, 1928	Die geheel.
Wet No. 41 van 1934	Drank-Wysigingswet, 1934	Die geheel.
Wet No. 46 van 1935	Algemene Regswysigingswet, 1935	Artikel 111.
Wet No. 39 van 1937	Drank-Wysigingswet, 1937	Die geheel.
Wet No. 40 van 1945	Wysigingswet op die Kieswette, 1945	Artikel 71.
Wet No. 14 van 1951	Wysigingswet op die Drankwet, 1951	Die geheel.
Wet No. 5 van 1952	Wet op Openbare Feesdae, 1952	Artikel 7.
Wet No. 12 van 1954	Wysigingswet op die Drankwet, 1954	Die geheel.
Wet No. 38 van 1954	Verdere Wysigingswet op die Drankwet, 1954	Die geheel.
Wet No. 62 van 1955	Algemene Regswysigingswet, 1955	Artikels 16 en 17.
Wet No. 35 van 1956	Wysigingswet op Drank, 1956	Die geheel.
Wet No. 61 van 1956	Verdere Wysigingswet op Drank, 1956	Die geheel.
Wet No. 58 van 1957	Drankwysigingswet, 1957	Die geheel.
Wet No. 72 van 1961	Drankwysigingswet, 1961	Die geheel.
Wet No. 63 van 1962	Wet op Bantoebier, 1962	Artikel 20, vir sover die Drankwet, 1928, daardeur gewysig word.
Wet No. 89 van 1962	Drankwysigingswet, 1962	Die geheel.
Wet No. 88 van 1963	Drankwysigingswet, 1963	Die geheel.
Wet No. 85 van 1964	Drankwysigingswet, 1964	Die geheel.
Wet No. 6 van 1965	Wysigingswet op Spoorweg- en Hawewette, 1965	Artikel 1.
Wet No. 12 van 1965	Lugvaartwysigingswet, 1965	Artikels 1 en 2.
Wet No. 70 van 1965	Wet op Hotelle, 1965	Artikels 35 tot en met 37.
Wet No. 98 van 1965	Algemene Regswysigingswet, 1965	Artikels 1 tot en met 10.
Wet No. 62 van 1966	Algemene Regswysigingswet, 1966	Artikels 1 en 2.
Wet No. 70 van 1968	Algemene Regswysigingswet, 1968	Artikels 3 tot en met 13.
Wet No. 23 van 1969	Drankwysigingswet, 1969	Die geheel.
Wet No. 83 van 1969	Wysigingswet op Lugvaart, 1969	Artikel 5.
Wet No. 17 van 1970	Algemene Regswysigingswet, 1970	Artikels 1 tot en met 4.
Wet No. 92 van 1970	Verdere Algemene Regswysigingswet, 1970	Artikel 1.
Wet No. 80 van 1971	Algemene Regswysigingswet, 1971	Artikel 10.
Wet No. 102 van 1972	Algemene Regswysigingswet, 1972	Artikels 1 tot en met 5.
Wet No. 62 van 1973	Algemene Regswysigingswet, 1973	Artikels 1 tot en met 4.
Wet No. 94 van 1974	Tweede Algemene Regswysigingswet, 1974	Artikels 7 tot en met 20.
Wet No. 56 van 1975	Tweede Drankwysigingswet, 1975	Die geheel.
Wet No. 58 van 1975	Drankwysigingswet, 1975	Die geheel.
Wet No. 44 van 1977	Drankwysigingswet, 1977	Die geheel.

THE GOVERNMENT OF THE UNION OF SOUTH AFRICA
THE REPUBLIC OF SOUTH AFRICA
THE STATE OF SOUTH AFRICA

Quarantine Act, Government	Title	Date of issue by the
Die Gesell	Die Drukwerk 1920	Wet No. 10 van 1920
Die Gesell	Die W. Sigtunewel 1920	Wet No. 11 van 1920
Amendment	Verordening Reglementasie 1922	Wet No. 12 van 1922
Die Gesell	Janus W. Wartungsweel 1923	Wet No. 13 van 1923
Amendment	Hervorming tot die 4 Desember 1923	Wet No. 14 van 1923
Die Gesell	Wesbeperking van Desember 1923	Wet No. 15 van 1923
Amendment	Wet op Opperste Lekkers 1923	Wet No. 16 van 1923
Die Gesell	Wetgevingswet op die Drukwerk 1924	Wet No. 17 van 1924
Die Gesell	Janus W. Wartungsweel 1924	Wet No. 18 van 1924
Amendment	Amendement: Retourwet 1925	Wet No. 02 van 1925
Die Gesell	Hervorming 1926	Wet No. 25 van 1926
Die Gesell	Wetgevingswet op Transport 1926	Wet No. 01 van 1926
Die Gesell	Transportwet 1927	Wet No. 26 van 1927
Die Gesell	Gouwtaalwet 1927	Wet No. 27 van 1927
Amendment 30	Wet op Quarantine 1928	Wet No. 01 van 1928
Amendment 30, uit wat die Drukwerk 1928, dat geën- bewaard moet	Wet op Quarantine 1929	Wet No. 02 van 1929
Die Gesell	Druksalgwet 1929	Wet No. 03 van 1929
Die Gesell	Druksalgwet 1929	Wet No. 04 van 1929
Die Gesell	Druksalgwet 1929	Wet No. 05 van 1929
Amendment 1	Wetgevingswet op Prohibitie 1929	Wet No. 06 van 1929
Amendment 1 van 3	Wetgevingswet op Prohibitie 1929	Wet No. 07 van 1929
Amendment 1 tot en met 10	Wetgevingswet op Prohibitie 1929	Wet No. 08 van 1929
Amendment 1 tot en met 11	Wetgevingswet op Prohibitie 1929	Wet No. 09 van 1929
Die Gesell	Desemperwet 1929	Wet No. 10 van 1929
Amendment 2	Wetgevingswet op Prohibitie 1929	Wet No. 11 van 1929
Amendment 1 tot en met 1	Wetgevingswet op Prohibitie 1929	Wet No. 12 van 1929
Amendment 7	Wetgevingswet - Gedwarsitueering 1929	Wet No. 13 van 1929
Amendment 11	Wetgevingswet - Gedwarsitueering 1929	Wet No. 14 van 1929
Amendment 1 tot en met 7	Wetgevingswet - Gedwarsitueering 1929	Wet No. 15 van 1929
Amendment 1 tot en met 4	Wetgevingswet - Gedwarsitueering 1929	Wet No. 16 van 1929
Amendment 5 tot en met 10	Wetgevingswet - Gedwarsitueering 1929	Wet No. 17 van 1929
Die Gesell	Prosesse Drukwerkswet 1929	Wet No. 20 van 1929
Die Gesell	Desemperwet 1929	Wet No. 21 van 1929
Die Gesell	Druksalgwet 1929	Wet No. 22 van 1929