

Argief
EXTRAORDINARY
OFFICIAL GAZETTE
 OF SOUTH WEST AFRICA.
BUITENGEWONE
OFFISIËLE KOERANT
 VAN SUIDWES-AFRIKA.



JITGAWE OP GESAG.

PUBLISHED BY AUTHORITY.

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The following Draft Ordinance is published for general information.

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

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Secretary for South West Africa.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika.

Administrator's Office,
 Windhoek.

Kantoor van die Administrateur,
 Windhoek.

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ONTWERPORDONNANSIE

Ter samevatting en wysiging van die wette op die verskaffing van sterk drank.

INDELING VAN ORDONNANSIE.

INLEIDINGSBEPALINGS.

*Nommers
van
artikels.*

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DRAFT ORDINANCE

To consolidate and amend the laws relating to the supply of intoxicating liquor.

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130. Bewyslas dat beskuldigde gelisensieer was.
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BYLAES.

Eerste Bylae

Gelde betaalbaar by uitreiking van lisensies.

Tweede Bylae

Lisensies beskou as gehou kragtens hierdie ordonnansie deur persone wat by die inwerkingtreding daarvan lisensies kragtens 'n herroepe wet gehou het.

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Die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Staatspresident dermate sodanige toestemming nodig is vooraf verkreeë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel 22 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968) van die Republiek van Suid-Afrika, VERORDEN:—

INLEIDINGSBEPALINGS.

Woordbepaling.

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

„huisvestingsinrigting” enige perseel geregistreer as ’n huisvestingsinrigting kragtens die ordonnansie of die regulasies daarkragtens afgekondig;

„buiteverkooplisensie vir ’n huisvestingsinrigting” ’n lisensie verleen kragtens artikel 75 ten opsigte van ’n huisvestingsinrigting of die regulasies daarkragtens afgekondig wat die verkoop van drank buite die perseel van sodanige inrigting magtig;

„binneverbruikslisensie vir ’n huisvestingsinrigting” ’n lisensie uitgereik ingevolge ’n sertifikaat toegestaan kragtens artikel 76;

„goedgekeurde dorp” ’n goedgekeurde dorp soos bepaal in die Dorpe-Ordonnansie 1928 (Ordonnansie 11 van 1928);

„raad” die Dranklisensieraad ingestel by artikel 12;

„klas” waar dit in verband met persone gebruik word, ’n aantal persone met ’n gemeenskaplike kenmerk, hetsy van ras, geslag, maatskaplike onderskeiding of andersins, en omvat dit ’n aantal persone wat enige bevoegde gesag saam groepeer omdat hulle in ’n bepaalde streek of gebied woon;

„geslote dag” —

(a) ’n Sondag

(b) Kersdag,

(c) Goeie Vrydag,

(d) Hemelvaartsdag,

(e) Geloftedag,

(f) onderhewig aan die bepalings van artikel 181 van die Wet tot Konsolidasie van die Kieswette 1946 (Wet 46 van 1946) soos op die Gebied toegepas by artikel 34 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) en van artikel 78 (3), enige stembag bepaal kragtens die bepalings van die voormelde wet;

(g) ten opsigte van die gebied van ’n stedelike plaaslike bestuur, enige dag waarop ’n verkiesing (buiten ’n tussenverkiesing) van lede van die plaaslike bestuur plaasvind; en

(h) met betrekking tot ’n bepaalde perseel waarop drank verkoop word, enige ander dag waarop sodanige perseel gesluit moet word kragtens ’n bepaling van hierdie ordonnansie of enige ander wet;

„Kleurling” iemand wat nóg ’n blanke is nóg ’n inboorling en wat algemeen as ’n Kleurling aanvaar word en omvat dit ’n Burger van die Rehoboth-Gebiet maar sluit dit uit iemand wat, hoewel ’n Kleurling van afkoms, algemeen as ’n inboorling aanvaar word;

„bevoegde gesag” die raad of ’n landdros, na gelang, gemagtig by ’n bepaling van hierdie ordonnansie om met ’n aansoek te handel, en die Direkteur in die geval van ’n aansoek om ’n binneverbruikslisensie vir ’n huisvestingsinrigting;

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa with the consent of the State President, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section 22 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), of the Republic of South Africa, as follows:—

PRELIMINARY.

1. In this ordinance, unless the content otherwise indicates — Definitions.

“accommodation establishment” means any premises registered as an accommodation establishment in terms of the ordinance or the regulations made thereunder, authorising the sale of liquor for consumption off the premises of such establishment;

“accommodation establishment on-consumption licence” means a licence issued by virtue of a certificate granted in terms of section 76;

“board” means the Liquor Licensing Board established by section 12;

“class” when used in respect of persons, means any number of persons having any characteristic in common, whether of race, sex, social distinction or otherwise and includes any number of persons classified as a group by any competent authority by reason of their residence in any particular area;

“closed day” means —

- (a) a Sunday,
- (b) Christmas Day,
- (c) Good Friday,
- (d) Ascension Day,
- (e) the Day of the Covenant,
- (f) subject to the provisions of section 181 of the Electoral Consolidation Act, 1946 (Act 46 of 1946) as applied to the Territory by section 34 of the South West Africa Affairs Amendment Act, 1949 (Act 23 of 1949) and of section 78 (3), any polling day fixed under the provisions of the former Act;
- (g) in respect of the area of an urban local authority, any day on which an election not being a by-election for members of the local authority takes place; and
- (h) in respect of any particular premises where liquor is sold, any other day on which such premises must be closed in terms of any provision of this ordinance or of any other law;

“Coloured person” means a person who is not a European or a Native and who is generally accepted as a Coloured person and includes a Burgher of the Rehoboth *Gebiet* but not a person who, although a Coloured person by descent, is generally accepted as a Native;

“competent authority” means the board or a magistrate, as the case may be, empowered by any provision of this ordinance to deal with any application, and the Director in the case of an application for an accommodation establishment on-consumption licence;

“Director” means the Director of Nature Conservation and Tourism or such officer as he may authorise;

“Government” means any department of state of the Republic including the Railways and Harbours

- „Direkteur” die Direkteur van Natuurbewaring en Toerisme of sodanige beampte as wat hy magtig;
- „Regering” enige staatsdepartement van die Republiek insluitende die Spoorweë- en Hawensadministrasie en die Administrasie;
- „sterk drank” —
- (a) enige spiritualieë (buiten brandspiritus), wyn, aal, bier, porter, appelwyn, peerwyn, hobbier en weissbier;
 - (b) enige drank wat meer alkohol bevat as twee persent van sy volume;
 - (c) enige drank of brousel waarvan die Administrateur van tyd tot tyd by kennisgewing in die *Offisiële Koerant* verklaar dat dit onder hierdie bepaling val, en
 - (d) enige drank waarmee iets wat in paragraaf (a), (b) of (c) as sterk drank bepaal word, gemeng is, maar sluit dit uit enige sodanige drank wat hoogstens veertien persent alkohol van sy volume inhou, bevat in vervaardigde sjokolade;
- „bedwelvende medisyne” enige medisyne wat as sodanig verklaar is kragtens artikel 113;
- „uitreik” wanneer dit in verband met ’n lisensie gebruik word, die oorhandiging van die lisensie aan die lisensiehouer deur die beampte wat by hierdie ordonnansie daartoe gemagtig word;
- „lisensie” behalwe wanneer dit gebruik word in verband met die lisensiering van ’n handelaar in brandspiritus, ’n lisensie kragtens hierdie ordonnansie verleen vir die verkoop van drank;
- „lisensiehouer” die houer van enige lisensie vir die verkoop van drank verleen kragtens hierdie ordonnansie;
- „ligtedrank” enige wyn, aal bier, porter, appelwyn, peerwyn, hobbier of weissbier, en enige ander drank: Met dien verstande dat geen drank hoegenaamd waarvan die alkoholiese sterkte meer as veertien persent van sy volume is, beskou word as „ligtedrank” nie;
- „drank” sterk drank;
- „plaaslike bestuur” ’n stedelike plaaslike bestuur;
- „landdros” die landdros van die distrik of, in sy afwesigheid, enige addisionele of assistent-landdros van die distrik;
- „moutdrank” ook bier (dit wil sê, die alkoholiese drank verkry deur gisting van ’n moutpap, met of sonder graan waaraan deur hop smaak verleen word) en ook aal, stout en enige ander drank wat as of onder die naam van bier, aal of stout vervaardig of verkoop word, as dit meer alkohol bevat as twee persent van sy volume, maar sluit dit kafferbier uit;
- „brandspiritus” —
- (a) spiritus gedenatureer volgens ’n geldende regulasie op die denaturering of metilering van spiritus;
 - (b) enige ander gedenatureerde, gemedisineerde, geparfumeerde of andersins bewerkte spiritus wat die Administrateur kragtens subartikel (4) van artikel 112 by die toepassing van hierdie ordonnansie tot brandspiritus verklaar;
- „inboorling” iemand wat ’n lid is van ’n inboorlingstam of -ras van Afrika en omvat dit enigiemand wat wettig woon in ’n lokasie, inboorlingkoshuis of inboorlingdorp soos bepaal in artikel 1 van die Proklamasie op Inboorlinge in Stedelike Gebiede 1951 (Proklamasie 56 van 1951 van die Gebied), of op grond bedoel in artikel 4 van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika 1954 (Wet 56 van 1954) onder dieselfde toestande as ’n inboorling, en enigiemand, hoewel nie ’n inboorling van afkoms nie, wat algemeen as ’n inboorling aanvaar word;

Administration, and the Administration;

"intoxicating liquor" means —

- (a) any spirits (other than methylated spirit), wine, ale, beer, porter, cider, perry, hop beer and weiss-beer;
- (b) any drink containing more than two percent by volume of alcohol;
- (c) any drink or concoction which the Administrator may from time to time by notice in the *Official Gazette* declare to be included in this definition, and
- (d) any drink with which anything defined as intoxicating liquor in paragraph (a), (b) or (c) has been mixed,

but shall not include any such liquor not exceeding in content fourteen per cent by volume of alcohol contained in manufactured chocolates;

"intoxicating medicine" means any medicine declared to be such under section 113;

"issue" when used in relation to a licence, means the handing over of the licence to the licensee by the officer authorised under this ordinance to do so;

"licence" save when used in respect of the licensing of a dealer in methylated spirit means a licence granted under this ordinance for the sale of liquor;

"licensee" or "licence holder" means the holder of any licence for the sale of liquor granted under this ordinance;

"light liquor" means any wine, ale, beer, porter, cider, perry, hop beer or weissbeer, and any other liquor: Provided that no liquor whatsoever the alcoholic strength of which exceeds fourteen per cent by volume shall be deemed to be "light liquor";

"liquor" means intoxicating liquor;

"local authority" means an urban local authority;

"magistrate" means the magistrate of the district or, in his absence, any additional or assistant magistrate of the district;

"malt liquor" means and includes beer (that is to say the alcoholic liquor obtained by the fermentation of a mash of malt, with or without cereals, flavoured with hops), ale, stout, and any other liquor made or sold as or under the name of beer, ale or stout, if it contains more than two per cent by volume of alcohol, but does not include kaffir beer;

"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 Administrator may, in terms of subsection (4) of section 112, declare to be methylated spirit for the purpose of this ordinance.

"Native" means any person who is a member of an aboriginal tribe or race of Africa, and includes any person who lawfully resides in a location, Native hostel or Native village as defined in section 1 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation 56 of 1951 of the Territory), or on land referred to in section 4 of the South West Africa Native Affairs Administration Act, 1954 (Act 56 of 1954), under the same conditions as a Native, and any person who, although not a Native by descent, is generally accepted as a Native;

"off-consumption licence" or "licence for the consumption of liquor off the licensed premises" or any terms of the same import, means any of the following licences, namely —

- (a) a wholesale liquor licence,
- (b) a special brewers wholesale depot licence,
- (c) a bottle liquor licence, or

- „buiteverbruikslisensie” of „lisensie vir die verbruik van drank buite die gelisensieerde perseel” of ’n uitdrukking van dieselfde strekking, enige van die volgende lisensies, naamlik —
- (a) ’n groothandelranklisensie;
 - (b) ’n spesiale groothandeldepotlisensie vir brouers;
 - (c) ’n botteldranklisensie; of
 - (d) ’n buiteverkoopslisensie vir huisvestingsinrigtings;
- „binneverbruikslisensie” of „lisensie vir die verkoop van drank vir verbruik op die perseel” of ’n uitdrukking van dieselfde strekking, enige van die volgende lisensies, naamlik —
- (a) ’n restaurantranklisensie;
 - (b) ’n klubranklisensie;
 - (c) ’n tydelike dranklisensie;
 - (d) ’n spesiale dranklisensie; of
 - (e) ’n binneverbruikslisensie vir ’n huisvestingsinrigting;
- „ope dag” elke dag van die jaar buiten ’n geslote dag;
- „gewone maaltyd” ’n middag- of aandete werklik verskaf waarvan die prys van minstens dertig sent in enige gedeelte van ’n inrigting wat tot blanke klanter beperk is, en vyftien sent in enige gedeelte van ’n inrigting vir Kleurlinge werklik betaal is of te goeder trou betaal moet word;
- „gewone vergadering” enige vergadering van die raad bedoel in artikel 22;
- „pint” ook ’n beweerde pint;
- „voorgeskryf” voorgeskryf by hierdie ordonnansie of by regulasie afgekondig kragtens hierdie ordonnansie;
- „kwart” ook ’n beweerde kwart;
- „hernuwing” wanneer dit in verband met ’n lisensie gebruik word, die verlening van ’n sertifikaat wat die beampte belas met die uitdrukking van lisensies, magtig om ’n lisensie, buiten ’n nuwe lisensie, uit te reik;
- „Republiek” die Republiek van Suid-Afrika;
- „beperkte gedeelte” wanneer dit in verband met ’n gelisensieerde perseel gebruik word, die gedeelte wat gewoonlik die kroeg genoem word en sodanige ander kamers of gedeeltes van die perseel, behalwe die eetsaal, soos in ’n bepaalde geval deur die bevoegde gesag bepaal word;
- „plattelandse gebied” enige gebied buite die grense van ’n stedelike gebied;
- „spesiale dranklisensie” ’n lisensie bedoel in artikel 77;
- „verkoop” behalwe sy gewone betekenis ook hou, vertoon of aflewer om te verkoop of magtiging of opdrag tot of toelating van verkoop of ruil of besit vir die doel van verkoop;
- „verskaf” in verband met die verskaffing van enige drank of ding aan ’n persoon, daardie persoon in beheer van daardie drank of ding stel;
- „die Ordonnansie” die Ordonnansie op Huisvestingsinrigtings en Toerisme, 1967 (Ordonnansie 29 van 1967), en sluit in die regulasies daarkragtens afgekondig;
- „hierdie ordonnansie” ook enige regulasie daarkragtens afgekondig;
- „koopverpligting” enige ooreenkoms, verstandhouding of voorwaarde waarvolgens iemand regstreeks of onregstreeks verbind is om te enige tyd —
- (a) sterk drank van enige soort, hetsy al dan nie saam met enige ander artikel, van of deur bemiddeling van ’n persoon, hetsy met uitsluiting geheel of gedeeltelik van enige ander persoon al dan nie, te koop;
 - (b) sterk drank van enige soort wat deur ’n gespesifiseerde produsent, vervaardiger of brouer geproduseer, vervaardig of gebrou is, te koop of in voorraad te hou;

- (d) an accommodation establishment off-sales licence; "on-consumption licence" or "licence for the sale of liquor for consumption on the premises" or any term of the same import, means any of the following licences, namely —
- (a) a restaurant liquor licence;
 - (b) a club liquor licence;
 - (c) a temporary liquor licence;
 - (d) a special liquor licence; or
 - (e) an accommodation establishment on-consumption licence;
- "open day" means every day of the year except a closed day;
- "ordinary meal" means a lunch or dinner actually supplied for which the price of not less than thirty cents in any portion of an establishment restricted to white customers, and fifteen cents in any portion of an establishment for Coloured persons, is actually paid or *bona fide* to be paid;
- "ordinary meeting" means any meeting of the board referred to in section 22;
- "pint" includes a reputed pint;
- "prescribed" means prescribed by or by regulation made under this ordinance;
- "quart" includes a reputed quart;
- "renewal" when used in connection with a licence, means the grant of a certificate authorizing the issue of a licence other than a new licence by the officer charged with the duty of issuing licences;
- "Republic" means the Republic of South Africa;
- "restricted portion" when used in relation to licensed premises, means that part commonly known as the bar and such other rooms or portions of the premises other than the dining room as may in any particular case be determined by the competent authority;
- "rural area" means any area outside the limits of an urban area;
- "special liquor licence" means a licence referred to in section 77;
- "sell" in addition to its ordinary meaning, includes keeping, exposing or delivering for sale or authorizing, directing or allowing sale or bartering or exchanging or possessing for purpose of sale;
- "supply" in relation to the supply of any liquor or thing to any person, means the placing of that person in control of such liquor or thing;
- "the Ordinance" means the Accommodation Establishment and Tourism Ordinance, 1967 (Ordinance 29 of 1967) and includes the regulations made thereunder;
- "this Ordinance" includes any regulation made thereunder;
- "tie" means any agreement, understanding or condition whereby any person is directly or indirectly bound at any time —
- (a) to purchase intoxicating liquor of any kind, 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 intoxicating liquor of any kind produced, manufactured or brewed by any specified producer, manufacturer or brewer;
 - (c) not to purchase any intoxicating liquor of any kind from or through any specified person, or
 - (d) not to produce or keep in stock any liquor of any kind produced, manufactured or brewed by any specified producer, manufacturer or brewer;

- (c) geen sterk drank van enige soort van of deur bemiddeling van enige gespesifiseerde persoon te koop nie;
 - (d) geen drank van enige soort wat deur 'n gespesifiseerde produsent, vervaardiger of brouer geproduseer, vervaardig of gebrou is, te produseer of in voorraad te hou nie;
- „stedelike gebied” 'n gebied binne die jurisdiksie van 'n stedelike plaaslike bestuur; en „stedelike plaaslike bestuur” enige munisipale raad, stadsraad of dorpsbestuur.

HOOFSTUK I.

ALGEMENE VRYSTELLINGS.

Transaksies waarop ordonnansie nie van toepassing is nie.

2. Geen bepaling in hierdie ordonnansie is van toepassing nie op —

- (a) iemand wat alkoholhoudende of gedistilleerde reukwater of reukwerk of gemedisineerde spiritualieë verkoop as sodanige reukwater, reukwerk of spiritualieë nie kragtens subartikel (4) van artikel 112 brandspiritus is of tot brandspiritus verklaar is nie;
- (b) 'n geregistreerde geneesheer of apteker en drogis wat te goeder trou drankhoudende medisyne uitsluitend as geneesmiddel toedien of verkoop ooreenkomstig 'n wet op die toediening en verkoop van medisyne, of 'n apteker en drogis wat hoogstens agt vloeistofonse gerektifiseerde spiritus of suiwer alkohol vir *bona fide* gebruik as geneesmiddel verkoop;
- (c) iemand wat gepatenteerde, private of Hollandse medisyne wat drank bevat en wat kragtens artikel 113 tot bedwelmende medisyne verklaar is te goeder trou as geneesmiddel en in redelike hoeveelhede om as medisyne verbruik te word, verkoop kragtens 'n algemene handelaarslisensie of 'n ander lisensie wat die verkoop veroorloof: Met dien verstande dat sodanige bedwelmende medisyne net ooreenkomstig die bepalings van genoemde artikel en die regulasies daarkragtens uitgevaardig, gehou, verkoop of verskaf kan word;
- (d) die verkoop van drank in 'n verversingslokaal by die Wetgewende Vergadering of enige komitee daarvan.

Vrystelling van Spoorwegadministrasie.

3. (1) Geen bepaling van hierdie ordonnansie maak inbreuk op die uitwerking van die bepalings van Hoofstuk V van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens 1957 (Wet 70 van 1957) nie.

(2) By die toepassing van hierdie ordonnansie word elke verversingskamer op 'n spoorwegstasie waarin drank verkoop word, beskou as 'n perseel ten opsigte waarvan 'n binneverbruikslisensie uitgereik is, en die persoon onder wie se beheer daardie kamer staan, word beskou as die houer van daardie lisensie en as die werkgewer van alle persone wat in daardie kamer werk.

Vrystelling van verpligting om 'n lisensie te hou.

4. Geen bepaling in hierdie ordonnansie met betrekking tot die aansoek om of die hou van lisensies is van toepassing nie op —

- (a) iemand wat drank verkoop in 'n gesertifiseerde inrigting bedoel in artikel 149 van die Verdedigingswet 1957 (Wet 44 van 1957);
- (b) iemand wat drank verkoop aan lede van die Suid-Afrikaanse Polisie of ander voorgeskrewe persone of klasse persone in 'n gesertifiseerde winkel bedoel

“urban area” means an area under the jurisdiction of an urban local authority, and

“urban local authority” means any municipal council, town council or village management board.

CHAPTER I.

GENERAL EXEMPTIONS.

2. Nothing in this ordinance shall apply to —

Transactions exempted from operation of Ordinance.

- (a) any person selling any spirituous or distilled perfume or perfumery or medicated spirit, if such perfume, perfumery or spirit is not or has not been declared methylated spirit under subsection (4) of section 112;
- (b) any registered medical practitioner, or chemist and druggist *bona fide* administering or selling, for purely medicinal purposes and in accordance with any law governing the administration and sale of medicine, any medicine containing liquor or any chemist and druggist selling not more than eight fluid ounces of rectified spirits or absolute alcohol for *bona fide* medicinal use;
- (c) any person selling *bona fide* for medicinal purposes and in reasonable quantities for consumption as medicine, under any general dealer's licence or other licence permitting such sale, any patent, proprietary or Dutch medicine which contains liquor and which has been declared under section 113 to be an intoxicating medicine: Provided that any such intoxicating medicine shall be kept, sold or supplied only in accordance with the provisions of the said section and the regulations framed thereunder;
- (d) the sale of liquor in any refreshment room at the Legislative Assembly or any committee thereof.

3. (1) Nothing in this ordinance contained shall affect the operation of any provision of Chapter V of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act 70 of 1957).

Exemption of Railway Administration.

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

4. Nothing in this ordinance relating to the application for or the holding of licences shall apply to —

Exemption from obligation to hold licence.

- (a) any person selling liquor in any certified institution referred to in section 149 of the Defence Act, 1957 (Act 44 of 1957);
- (b) any person selling liquor to members of the South African Police or other prescribed persons or classes of persons, in a certified canteen referred

- in artikel 29 van die Polisiewet 1958 (Wet 7 van 1958);
- (c) iemand wat drank verkoop aan die lede van die Departement van Gevangenisse of ander voorgeskrewe persone of klasse van persone in 'n gesertifiseerde winkel bedoel in artikel 88 van die Wet op Gevangenisse 1959 (Wet 8 van 1959);
- (d) iemand wat drank verkoop op 'n perseel wat opgerig is en in stand gehou word deur die Administrasie of die Regering: Met dien verstande dat —
- (i) geen bepaling in hierdie paragraaf inbreuk maak op enige bepaling van Hoofstuk V van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens 1957 (Wet 70 van 1957) nie; en
- (ii) drank verkoop kan word net onder die skriftelike magtiging van die Administrateur en onderhewig aan sodanige voorwaardes of beperkings insluitende die ure waartussen drank verkoop kan word, soos hy goedvind;
- (e) 'n balju, 'n onderbalju, geregsbode of ander beampete wat handel op gesag van 'n regter, landdros of hof, of enige doeanebeampte by die uitoefening van sy pligte;
- (f) die eksekuteur in die boedel van 'n oorlede persoon of die trustee of kurator van 'n insolvente boedel wat aan 'n lisensiehouer drank verkoop wat aan daardie boedel behoort;
- (g) 'n behoorlik gelisensieerde afslaer wat by opveiling op die gelisensieerde perseel van die houer van 'n groothandeldranklisensie of van 'n lisensiehouer wat kragtens 'n bepaling van hierdie ordonnansie sy drankvoorraad by opveiling van die hand kan sit, drank wat aan so 'n lisensiehouer behoort of wat by opveiling op 'n plek, goedgekeur deur die landdros van die distrik waarin die verkoop plaasvind, drank verkoop wat behoort aan die bedoel van 'n oorlede persoon of aan 'n insolvente boedel, in die een sowel as in die ander geval in hoeveelhede wat nie minder is nie as dié wat kragtens 'n groothandeldranklisensie verkoop kan word;
- (h) enige eienaar of wettige okkupeerder van grond wat aan 'n lisensiehouer ooreenkomstig 'n permit verleen deur die landdros van die distrik drank uit vrugte of ander produkte op daardie grond verbou, verkoop maar onderhewig aan die bepalings van enige aksyns- of ander wet;
- (i) die skipper van 'n vaartuig in 'n dok of hawe in die Gebied of in die territoriale waters van die Gebied met betrekking tot die verkoop aan boord van daardie vaartuig, aan 'n passasier daarop, van drank geneem uit 'n voorraad waarop invoerregte betaal is en wat deur die Doeanedepartement van die Republiek vrygelaat is mits daardie vaartuig gewoonlik plekke aandoen wat nie minder as honderd myl van mekaar geleë is nie.

Sekere
geakkrediteerde
persone word
vrygestel van
sekere
onderskeidende
bepalings.

5. Geen bepaling van, of voorwaarde gestel kragtens hierdie ordonnansie, wat 'n onderskeid maak ten opsigte van inboorlinge, Asiëse of Kleurlinge, is van toepassing op iemand wat behoorlik aan die Republiek geakkrediteer is deur die regering van 'n ander staat of op 'n lid van sy gesin wat by hom inwoon, of op lede van sy personeel wat nie in die Republiek gedomiseer is nie.

- to in section 29 of the Police Act, 1958 (Act 7 of 1958);
- (c) any person selling liquor to members of the Prisons Department or other prescribed persons or classes of persons, in a certified canteen referred to in section 88 of the Prisons Act, 1959 (Act 8 of 1959);
 - (d) any person selling liquor on any premises established and maintained by the Administration or by the Government: Provided that —
 - (i) nothing in this paragraph shall be deemed to affect any provision of Chapter V of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act 70 of 1957); and
 - (ii) liquor may only be sold under the written authority of the Administrator and subject to such conditions or restrictions including the hours between which liquor may be sold, as he may deem fit;
 - (e) any sheriff, deputy sheriff, messenger or other officer acting under the authority of any judge, magistrate or court, or any officer of Customs in the exercise or discharge of his duties;
 - (f) the executor in the estate of a deceased person or the trustee of an insolvent estate who sells to a licence holder liquor belonging to that estate;
 - (g) any duly licensed auctioneer selling by auction, upon the licensed premises of the holder of any wholesale liquor licence or of any licensee authorized by any provision of this ordinance to dispose of his stock of liquor by auction, liquor belonging to such a licensee or selling by auction at a place approved of by the magistrate of the district in which the sale takes place, any liquor belonging to the estate of the deceased person or to an insolvent estate, in either case in quantities not less than such as are authorized to be sold under a wholesale liquor licence;
 - (h) any owner or lawful occupier of land selling to a licensee in terms of any permit granted by the magistrate of the district liquor produced from fruit or other produce grown on such land but subject to the provisions of any excise or other law;
 - (i) the master of a vessel in any dock or harbour of the Territory or within the territorial waters of the Territory in respect of the sale on board such vessel to any passenger therein of liquor taken from duty paid stores freed by the Department of Customs of the Republic if such vessel ordinarily plies between places situate not less than one hundred miles apart.

5. No provision of or condition imposed under the authority of this ordinance which differentially affects any Native, Asiatic or Coloured person shall apply to 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.

Exemption from certain differential provisions of certain accredited persons.

HOOFSTUK II.

LISENSIES.

Klassifikasie van
en soorte lisensies.

6. Die lisensies wat kragtens hierdie ordonnansie verleen of hernieu kan word, is van die volgende onderskeie soorte: —

- (a) buiteverbruikslisensies, dit wil sê, lisensies vir die verkoop van drank om verbruik te word buite die perseel waar dit verkoop word —
 - (i) groothandel dranklisensie;
 - (ii) spesiale groothandeldepotlisensies vir brouers;
 - (iii) bottel dranklisensies;
 - (iv) buiteverkoopslisensies vir huisvestingsinrigtings;
- (b) binneverbruikslisensies, dit wil sê, lisensies vir die verkoop van drank om verbruik te word op die perseel waar dit verkoop word —
 - (i) restaurant dranklisensies;
 - (ii) klub dranklisensies;
 - (iii) tydelike dranklisensies;
 - (iv) spesiale dranklisensies;
 - (v) binneverbruikslisensies vir huisvestingsinrigtings.

Duur van lisensie.

7. Behalwe waar hierdie ordonnansie uitdruklik anders bepaal is 'n lisensie verleen of hernieu kragtens hierdie ordonnansie van krag van en met die eerste dag van April of van en met die dag van verlening of hernuwing as daardie dag later is as die eerste dag van April in die jaar waarvoor die lisensie van krag moet wees, tot en met die een-en-dertigste dag van Maart daaropvolgend: Met dien verstande dat wanneer ook al 'n landdros wat 'n aansoek om hernuwing verhoor, verplig is om die verhoor te verdaag na 'n datum na die een-en-dertigste Maart in enige jaar sonder om tot 'n beslissing te kom oor die aansoek, die lisensie waarop die aansoek van toepassing is, van krag bly totdat die landdros oor die aansoek besluit het.

Vorm van lisensie.

8. Lisensies uitgereik kragtens hierdie ordonnansie moet in die voorgeskrewe vorm wees en moet die volgende bevat:—

- (a) 'n verklaring oor die ligging van die perseel ten opsigte waarvan dit verleen word;
- (b) enige besondere voorwaardes en enige voorregte wat aan die houer daarvan opgelê of verleen word; en
- (c) 'n beskrywing van die plek waarin die lisensiehouer sy drank moet opberg.

Vereistes vir die
uitreiking van
lisensies.

9. (1) Geen lisensie mag kragtens hierdie ordonnansie uitgereik word nie tensy die toepaslike gelde voorgeskryf by artikel 11 betaal word en tensy aan die uitreikende gesag 'n sertifikaat voorgelê word wat onderteken is deur —

- (a) die betrokke landdros in die geval van die hernuwing van 'n lisensie of in enige geval waar 'n voorwaardelike magtiging bedoel in artikel 32 uitgereik is;
- (b) die sekretaris van die raad in die geval van 'n nuwe lisensie deur die raad verleen, en waarin vermeld word dat die uitreiking van die lisensie gemagtig is en wat die besonderhede wat die lisensie kragtens artikel 8 moet bevat, uiteensit; en
- (c) die Direkteur in die geval van binneverbruikslisensies vir huisvestingsinrigtings.

CHAPTER II.

LICENCES.

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

Classification and description of licences.

- (a) off-consumption licences, that is to say, licences for the sale of liquor to be consumed off the premises where it is sold —
 - (i) wholesale liquor licences;
 - (ii) special brewers wholesale depot licences;
 - (iii) bottle liquor licences;
 - (iv) accommodation establishment off-sales licences;
- (b) on-consumption licences, that is to say, licences for the sale of liquor to be consumed on the premises where it is sold —
 - (i) restaurant liquor licences;
 - (ii) club liquor licences;
 - (iii) temporary liquor licences;
 - (iv) special liquor licences;
 - (v) accommodation establishment on-consumption licences.

7. Save as otherwise expressly provided in this ordinance, a licence granted or renewed under this ordinance shall be of force from the first day of April, or from the date of grant or renewal if such date be later than the first day of April, in the year for which the licence is to be available, until the thirty-first day of March following, both days inclusive: Provided that whenever a magistrate hearing any application for the renewal of a licence has been compelled to adjourn the hearing to a date later than the thirty-first day of March in any year without having come to a decision upon the application, the licence to which the application relates shall remain in force until the magistrate shall have decided upon the application.

Duration of licences.

8. Licences issued under this ordinance shall be in the prescribed form and shall contain —

Form of licences.

- (a) a statement as to the situation of the premises in respect of which it is granted;
- (b) any special conditions imposed upon and any privileges granted to the holder thereof; and
- (c) a description of the place in which the licensee is to store his liquor.

9. (1) No licence shall be issued under this ordinance except on payment of the appropriate fee prescribed by section 11 and upon production to the issuing authority of a certificate signed —

Requirements for issue of licences.

- (a) in the case of the renewal of a licence or in any case where a conditional authority referred to in section 32 has been issued, by the magistrate concerned;
- (b) in the case of a new licence granted by the board, by the secretary to the board, stating that the issue of the licence has been authorised and setting forth the particulars to be contained in the licence in terms of section 8; and
- (c) in the case of accommodation establishment on-consumption licences by the Director.

(2) 'n Sertifikaat uitgereik ooreenkomstig subartikel (1) verval as geen lisensie daarkragtens binne 'n tydperk van sestig dae na die datum van sy uitreiking uitgereik word nie.

Uitreiking van
lisensies.

10. (1) 'n Lisensie waarvan die verlening of hernuwing, na gelang, gemagtig word, word uitgereik deur die ontvanger van inkomste van die distrik waarin die perseel waarop die lisensie van toepassing is, geleë is.

(2) Elke lisensie aldus uitgereik word in vyfvoud opgestel en een afskrif daarvan word aan die lisensiehouer oorhandig; een word aan die landdros van die distrik waarin die gelisensieerde perseel geleë is, gestuur, een aan die polisieoffisier aangewys ooreenkomstig artikel 115, een aan die Direkteur van Sensus en Statistiek en een word deur die uitreikende gesag behou: Met dien verstande dat 'n binneverbruiklisensie vir 'n huisvestingsinrigting uitgereik word in sesvoud en 'n afskrif daarvan gestuur word aan die Direkteur.

(3) Die uitreiking van 'n lisensie moet wat betref die vorm daarvan en die aantekeninge daarop voldoen aan die toepaslike bepalings van hierdie ordonnansie.

Lisensiegelde.

11. (1) By die uitreiking kragtens hierdie ordonnansie van enige nuwe lisensie of van 'n lisensie ter hernuwing van 'n lisensie daarkragtens gehou of beskou as daarkragtens gehou of by die uitreiking van enige magtiging tot die oordrag of verplasing van 'n lisensie kragtens hierdie ordonnansie, moet die gelde uiteengesit in die Eerste Bylae van hierdie ordonnansie onderhewig aan die hieropvolgende bepalings van hierdie artikel ten opsigte van sodanige uitreiking, hernuwing, oordrag of verplasing betaal word.

(2) Die gelde betaalbaar ooreenkomstig die Eerste Bylae by die uitreiking van 'n tydelike dranklisensie is twee rand per dag ten opsigte van elke kroeg wat kragtens die lisensie gehou word, as dit uitgereik word aan die sekretaris van 'n tentoonstelling of landbouskou gehou deur 'n vereniging of inrigting waarvan die lede nie sal deel in enige wins wat sodanige tentoonstelling of skou moontlik oplewer nie.

(3) Wanneer ook al 'n lisensie na die een-en-dertigste dag van Maart van enige jaar verleen of hernieu word, word die bedrag betaalbaar ooreenkomstig die Eerste Bylae ten opsigte van sodanige verlening of hernuwing verminder met een-twaalfde vir elke voltooide kalendermaand wat verstryk het tussen die voorafgaande een-en-dertigste dag van Maart en die datum van die werklike uitreiking van die lisensie.

HOOFSTUK III.

DRANKLISENSIERAAD.

Instelling van
Dranklisensieraad.

12. Daar word hierby 'n raad ingestel wat heet die Dranklisensieraad wat die bevoegdhede kan uitoefen en die werksaamhede en pligte kan verrig wat by hierdie ordonnansie aan die raad opgedra of toegewys word.

Samestelling van
raad.

13. (1) Die raad bestaan uit —

- (a) 'n landdros met sy standplaas in die Gebied, wat deur die Administrateur aangestel word en wat voorsitter van die raad is;
- (b) die Sekretaris van Suidwes-Afrika of iemand in die diens van die Administrasie deur hom gemagtig om in sy plek op te tree as 'n lid van die raad gedurende enige tydperk of by enige vergadering van die raad deur hom gespesifiseer;

(2) Any certificate issued in terms of subsection (1) shall lapse if no licence is issued in pursuance thereof within a period of sixty days after the date of issue.

10. (1) Any licence authorised to be granted or renewed, as the case may be, shall be issued by the receiver of revenue of the district in which the premises to which the licence relates, are situated. Issue of licences.

(2) Every licence so issued shall be made out in quintuplicate of which one copy shall be handed to the licensee, one shall be transmitted to the magistrate of the district in which the licensed premises are situated, one to the commissioned officer of police designated in terms of section 115, one to the Director of Census and Statistics and one shall be retained by the issuing authority: Provided that an accommodation establishment on-consumption licence shall be made out in sextuple and a copy transmitted to the Director.

(3) The issue of any licence shall, as to the form thereof and as to the endorsements thereon, comply with the relative provisions of this ordinance.

11. (1) Upon the issue under this ordinance of any new licence or of a licence in renewal of a licence held or deemed to be held thereunder or upon the issue of any authority for the transfer or removal of a licence under this ordinance there shall subject to the succeeding provisions of this section in respect of such issue, renewal, transfer or removal be paid the fees set out in the First Schedule to this ordinance. Licence fees.

(2) The fee payable in terms of the First Schedule on the issue of a temporary liquor licence shall be two rand per diem in respect of each bar kept under the licence, if it is issued to the secretary of an exhibition or agricultural show conducted by an association or institution whose members will not share in any profit derived from such exhibition or show.

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

CHAPTER III.

LIQUOR LICENSING BOARD.

12. There is hereby established a board to be known as the Liquor Licensing Board which may exercise the powers and perform the functions and duties conferred upon or assigned to the board by this ordinance. Establishment of
Liquor Licensing
Board.

13. (1) The board shall consist of — Constitution of
board.

(a) a magistrate stationed in the Territory who shall be appointed by the Administrator and who shall be the chairman of the board;

(b) the Secretary for South West Africa or a person in the service of the Administration authorised by him to act in his stead as a member of the board during any period or at any meeting of the board specified by him;

- (c) die Afdelingskommissaris van Polisie van Suidwes-Afrika of 'n lid van die Suid-Afrikaanse Polisie gestasioneer in die Gebied, nie onder die rang van kaptein nie, gemagtig deur die bedoelde Afdelingskommissaris om gedurende enige tydperk of by enige vergadering van die raad deur hom gespesifiseer, as lid van die raad in sy plek op te tree;
 - (d) twee ander persone wat nie in die voltydse diens van die Staat is nie, aangestel deur die Administrateur.
- (2) Elkeen aangestel kragtens subartikel (1) (d) beklee die amp vir 'n tydperk van twee jaar tensy sy aanstelling ingevolge subartikel (3) eerder beëindig word.
- (3) Enige aanstelling gedoen kragtens subartikel (1) (d) kan te eniger tyd deur die Administrateur na sy behae beëindig word.

Persone onbevoeg om lede van die raad te wees en ontruiming van amp.

14. (1) Niemand mag as 'n lid van die raad aangestel word nie as hy —

- (a) die houër is van 'n lisensie vir die verkoop van drank, uitgereik kragtens hierdie ordonnansie of 'n geldelike belang het in enige besigheid wat kragtens so 'n lisensie gedryf word;
- (b) 'n brouer of distilleerder van drank is;
- (c) betrokke is by die vervaardiging van wyn of spiritualieë vir verkoop;
- (d) die gade, vennoot of agent is van iemand bedoel in paragraaf (a), (b) of (c);
- (e) 'n agent, werknemer of ampsdraer is van enige vennootskap, genootskap of vereniging van persone wat belang het by die verkoop of die voorkoming van die verkoop van drank;
- (f) 'n ampsdraer of lid van enige genootskap of vereniging van persone is of, binne die onmiddellike voorafgaande tydperk van drie jaar was, wat die onderdrukking van die drankhandel of die ontmoediging van die verbruik van drank deur of die verkoop van drank aan persone as sy hoofdoel het.
- (g) 'n direkteur, bestuurder, agent of werknemer is van, of 'n aandeelhouer of vennoot is in, enige handel of besigheid gedryf op enige gelisensieerde perseel, of die eienaar, verhuurder of huurder is van, of die houër is van 'n verband op sodanige perseel;
- (h) 'n ongerehabiliteerde insolvent is; of
- (i) te eniger tyd in die Gebied of elders gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete ten opsigte van 'n misdryf wat nie van politieke aard is nie, en nie begenadig is nie.

(2) Geen lid van die raad aangestel kragtens artikel 13 (1) (d) mag as sodanige lid enige bevoegdhede uitoefen of werksaamhede of pligte verrig nie tensy hy aan die voorsitter 'n sertifikaat in die voorgeskrewe vorm verstrek het, met die strekking dat na sy beste kennis en oortuiging hy nie ingevolge enige bepaling van subartikel (1) onbevoeg is om as so 'n lid te sit nie.

(3) As 'n lid van die raad aangestel kragtens artikel 13 (1) (d) sterf of bedank of om een of ander rede nie die werksaamhede van sy amp kan verrig nie of onbevoeg raak om as so 'n lid te dien weens enige bepaling van subartikel (1), of sy amp om enige rede ontruim, stel die Administrateur, behoudens die bepalings van subartikel (1) iemand anders aan om die amp te beklee vir die onverstreke deel van die tydperk waarvoor sy voorganger aangestel was.

Aanstelling van tydelike lede.

15. As 'n lid van die raad aangestel kragtens artikel 13 (1) (a) of (d) weens siekte of enige ander rede wat

- (c) the Divisional Commissioner of Police for South West Africa or a member of the South African Police stationed in the Territory not below the rank of captain authorised by the said Divisional Commissioner to act in his stead as a member of the Board during any period or at any meeting of the board specified by him;
- (d) two other persons not in the full-time employment of the State, appointed by the Administrator.

(2) Every person appointed under subsection (1) (d) shall hold office for a period of two years unless his appointment be sooner terminated under subsection (3).

(3) Any appointment made under subsection (1) (d) may at any time be terminated by the Administrator at his pleasure.

14. (1) No person shall be appointed as a member of the board if he —

- (a) is the holder of any licence for the sale of liquor issued under this ordinance or has any financial interest in any business carried on under such a licence;
- (b) is a brewer or distiller of liquor;
- (c) is engaged in the business of making wine or spirits for sale;
- (d) is the spouse, partner or agent of any person referred to in paragraph (a), (b) or (c);
- (e) is an agent, employee or office-bearer of any partnership, society or association of persons interested in the sale or the prevention of the sale of liquor;
- (f) is or, within the immediately preceding period of three years, was an office-bearer or member of any society or association of persons having as its main object the suppression of the liquor trade or the discouragement of the consumption of liquor by or the sale of liquor to persons;
- (g) is a director, manager, agent or employee of or a shareholder or partner in any trade or business carried on upon any licensed premises or is the owner, lessor or lessee of or the holder of a mortgage bond in respect of such premises;
- (h) is an unrehabilitated insolvent; or
- (i) has at any time been sentenced in the Territory or elsewhere to imprisonment without the option of a fine in respect of an offence which is not of a political character and has not received a free pardon.

Person disqualified from being member of the board and vacation of office.

(2) No member of the board appointed under section 13 (1) (d) shall exercise any powers or perform any functions or duties as such a member unless he has furnished the chairman with a certificate in the prescribed form, to the effect that to the best of his knowledge and belief he is not disqualified from sitting as such a member by any provision of subsection (1).

(3) If any member of the board appointed under section 13 (1) (d) dies or resigns or is unable for any reason to perform the functions of his office or becomes disqualified from serving as such a member by virtue of any provision of subsection (1) or vacates his office for any reason, the Administrator shall, subject to the provisions of subsection (1), appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.

15. If any member of the board appointed in terms of section 13 (1) (a) or (d) is unable to attend any meet-

Appointment of temporary members.

die Administrateur goed en voldoende beskou, nie 'n vergadering van die raad kan bywoon nie, kan die Administrateur, behoudens die toepaslike bepalinge van die genoemde artikel, iemand anders aanstel om as lid van die raad by sodanige vergadering of enige verdaging daarvan op te tree.

Besoldiging van lede.

16. Die lede van die raad aangestel kragtens artikel 13 (1) (d) ontvang sodanige besoldiging en sodanige reis- of verblyftoelaes ten opsigte van hul bywoning van vergadering van die raad, soos die Administrateur van tyd tot tyd bepaal.

Sekretaris van die raad.

17. Die Administrateur kan iemand in die diens van die Administrasie as sekretaris van die raad aanstel.

Kworum en meerderheidsbesluite.

18. Die kworum vir 'n vergadering van die raad is drie lede van die raad.

Sekere lede van die raad mag nie deelneem aan die verhoor van of besluite oor aansoeke nie.

19. (1) Geen lid van die raad mag deelneem aan die verhoor van of besluite oor enige aansoek aan die raad gerig nie as hy, sy gade of kind —

- (a) die eienaar, verhuurder, huurder of verbandhouer is van die perseel waarop die aansoek betrekking het;
- (b) die aansoeker is of die vennoot, werknemer of agent van die aansoeker of van enige persoon of liggaam van persone is wat teen die aansoek beswaar maak;
- (c) die direkteur, bestuurder of ander beampte of 'n werknemer of agent is van 'n maatskappy, vennootskap of vereniging van persone wat, as dit 'n individu was, 'n persoon sou wees bedoel in paragraaf (a) of (b);
- (d) enige geldelike belang het in enige besigheid wat op die perseel waarop die aansoek betrekking het, gedryf word of gaan word;
- (e) hetsy regstreeks of onregstreeks deur die aansoeker gebruik is ten einde die aansoek te doen;
- (f) die eienaar, verhuurder, huurder of verbandhouer is van enige grond waarop geboue opgerig gaan word vir die doel van die aansoek of waarop geboue wat opgerig is, vir daardie doel verander of daarby aangebou gaan word;
- (g) 'n ampsdraer is van 'n klub ten opsigte waarvan die aansoek gedoen is; of
- (h) in die geval van 'n aansoek om 'n klubdranklisensie ten opsigte van 'n klub geleë in enige distrik, 'n ampsdraer is van enige ander klub wat in dieselfde distrik geleë is, ten opsigte waarvan 'n klubdranklisensie verleen is.

(2) 'n Lid van die raad wat by enige bepaling van subartikel (1) onbevoeg is om deel te neem aan die verhoor van of besluit oor enige bepaalde aansoek, moet hom onttrek.

Prosedure by onttrekking van 'n lid van die raad.

20. Wanneer ook al 'n lid van die raad hom kragtens artikel 19 onttrek, kan die Administrateur, as die oorblywende lede 'n kworum is, en moet hy, as sodanige lede nie 'n kworum is nie, iemand anders behoudens die toepaslike bepalinge van artikel 13 aanstel om die bevoegdhede uit te oefen en die werksaamhede te verrig van 'n lid van die raad gedurende die verhoor van en beslissing oor die betrokke aansoek.

Bevoegdhede en pligte van die raad.

21. Dit is die plig van die raad om, behoudens die bepalinge van hierdie ordonnansie, alle aanoeke om —

- (a) nuwe dranklisensies;

ing of the board due to ill-health or some other reason which the Administrator considers good and sufficient, the Administrator may, subject to the applicable provisions of the said section appoint another person to act as a member of the board at such meeting or any adjournment thereof.

16. The members of the board appointed under section 13 (1) (d) shall receive such remuneration and such travelling or subsistence allowances in respect of their attendance at meetings of the board, as the Administrator may from time to time determine.

Remuneration of members.

17. The Administrator may appoint a person in the service of the Administration as secretary to the board.

Secretary to the board.

18. The quorum for a meeting of the board shall be three members thereof.

Quorum and majority decisions.

19. (1) No member of the board shall take any part in the hearing or decision of any application made to the board if he, his spouse or child —

Certain members of the board may not take part in the hearing or decision of applications.

- (a) is the owner, lessor, lessee or mortgagee of the premises to which the application relates;
- (b) is the applicant or is the partner, employee or agent of the applicant or of any person or body of persons objecting to the application;
- (c) is a director, manager or other officer or an employee or agent of a company, partnership or association of persons which, if it were an individual, would be a person referred to in paragraph (a) or (b);
- (d) has any financial interest in any business conducted or to be conducted on the premises to which the application relates;
- (e) has been employed whether directly or indirectly, by the applicant for the purpose of making the application;
- (f) is the owner, lessor, lessee or mortgagee of any land on which buildings are to be erected for the purpose of the application or on which buildings which have been erected are to be altered or added to for that purpose;
- (g) is an office-bearer of a club in respect of which the application is made; or
- (h) in the case of an application for a club liquor licence in respect of a club situated in any district, is an office-bearer of any other club situated in the same district in respect of which a club liquor licence has been granted.

(2) Any member of the board who is by any provision of subsection (1) disqualified from taking part in the hearing or decision of any particular application, shall recuse himself.

20. Whenever a member of the board recuses himself in terms of section 19, the Administrator may, if the remaining members form a quorum and shall if such members do not form a quorum, subject to the applicable provisions of section 13, appoint another person to exercise the powers and perform the functions of a member of the board during the hearing and determination of the application concerned.

Procedure upon recusal of a member of the board.

21. It shall be the duty of the board to hear and determine, subject to the provisions of this ordinance, all applications for —

Powers and duties of the board.

- (a) new liquor licences,

(b) 'n voorwaardelike magtiging ooreenkomstig artikel 32; of

(c) die permanente verplasing van 'n lisensie, te verhoor en te beslis, en hy kan by die oorweging van enige sodanige aansoek die polisieoffisier bedoel in artikel 115, enige plaaslike bestuur, enige departement, afdeling of seksie van die Administrasie of enige ander persoon of liggaam aansê om sodanige inligting aan hom te verstrek soos hy nodig vind om tot 'n besluit oor die aansoek te kan geraak.

Vergaderings
van die raad.

22. (1) Die raad hou vier vergaderings in elke jaar en sodanige vergaderings begin op die tweede Woensdag in die maande Februarie, Mei, Augustus en November onderskeidelik, van elke jaar: Met dien verstande dat vir die jaar 1969 hou die raad drie vergaderings en sodanige vergaderings begin op die tweede Woensdag in die maande Mei, Augustus en November onderskeidelik: Met dien verstande voorts dat as sodanige Woensdag 'n openbare vakansiedag is die betrokke vergadering op die eersvolgende werkdag moet begin: Met dien verstande laastens dat geen vergadering van die raad gehou mag word as daar geen sake is wat die aandag van die raad verg nie.

(2) Die rangorde van sake by enige vergadering van die raad word deur die voorsitter bepaal.

(3) Elke vergadering van die raad is oop vir die publiek: Met dien verstande dat as die voorsitter aldus besluit die beraadslagings en stemming oor enige saak privaat moet geskied.

(4) Die sekretaris van die raad moet juiste en behoorlike notule hou van die verrigtings by elke vergadering van die raad wat in die publiek gehou word, en sodanige notule moet geliasseer word in die kantoor van die Sekretaris van Suidwes-Afrika of op sodanige ander plek soos hy van tyd tot tyd aanwys.

(5) Sodanige notule is gedurende normale kantoorure ter insae en enigiemand kan afskrifte daarvan maak: Met dien verstande dat die sekretaris van die raad op versoek van enigiemand en by betaling van die voorgeskrewe gelde afskrifte van sodanige notule vir so iemand moet laat maak.

(6) Die sekretaris van die raad moet aparte notule hou van die verrigtings by enige vergadering van die raad wat privaat gehou is en sodanige notule moet geliasseer word soos bepaal in subartikel (4).

(7) Sodanige notule word nie bekend gemaak aan enigiemand behalwe die Administrateur nie buiten op bevel van die Hooggeregshof van Suid-Afrika.

(8) Elke vergadering van die raad word gehou in die kantoor van die landdros van die distrik Windhoek maar kan verdaag word na 'n ander plek bepaal deur die voorsitter.

Spesiale
vergaderings.

23. (1) Die voorsitter of die raad kan in buitengewone omstandighede 'n spesiale vergadering van die raad belê vir die oorweging van enige aansoek bedoel in artikel 21 en moet so 'n vergadering belê —

(a) op die versoek, gedoen ooreenkomstig artikel 117, van die polisieoffisier bedoel in artikel 115; of

(b) op bevel van die Hooggeregshof gedoen ooreenkomstig artikel 27.

(2) Die sekretaris van die raad moet op die voorgeskrewe wyse kennis gee van enige spesiale vergadering wat ooreenkomstig subartikel (1) gehou moet word en moet in sodanige kennisgewing die tyd wanneer sodanige vergadering gehou gaan word, spesifiseer.

(3) As die saak vir oorweging by enige sodanige vergadering die intrekking van 'n lisensie ooreenkomstig 'n versoek gedoen kragtens artikel 117 is, kan die persoon

- (b) a conditional authority in terms of section 32, or
(c) the permanent removal of a licence,
and may in the consideration of any such application require the commissioned officer of police referred to in section 115, any local authority, any department or section of the Administration or any other person or body to furnish it with such information as it may deem necessary to enable it to arrive at a decision on the application.

22. (1) The board shall hold four meetings in every year and such meetings shall commence on the second Wednesday in the months of February, May, August and November respectively, of each year: Provided that the board shall, for the year 1969, hold three meetings and such meetings shall commence on the second Wednesday in the months of May, August and November respectively: Provided further that if such Wednesday is a public holiday the meeting concerned shall commence on the first ensuing working day: Provided lastly that no meeting of the board shall be held if there is no business which requires to be attended to by the board.

Meetings of the board.

(2) The order of business at any meeting of the board shall be determined by the chairman.

(3) Every meeting of the board shall be open to the public: Provided that if the chairman so decides, the deliberation and voting upon any matter shall take place in private.

(4) The secretary to the board shall keep a true and proper record of the proceedings at every meeting of the board held in public and such record shall be filed in the office of the Secretary for South West Africa or such other place as he may from time to time direct.

(5) Such record may during normal office hours be inspected and copies thereof may be made by any person: Provided that the secretary to the board shall upon the request of any person and upon payment of the prescribed fee cause copies of such record to be made for such person.

(6) The secretary to the board shall keep a separate record of the proceedings at any meeting of the board held in private and such record shall be filed as provided in subsection (4).

(7) Such record shall not be disclosed to any person other than the Administrator, save upon the order of the Supreme Court of South Africa.

(8) Every meeting of the board shall be held in the office of the magistrate for the district of Windhoek but may be adjourned to any other place determined by the chairman.

23. (1) The chairman of the board may in exceptional circumstances convene a special meeting of the board for the purpose of considering any application referred to in section 21 and shall convene such a meeting —

Special meetings.

- (a) upon the request, made in terms of section 117, of the commissioned officer of police referred to in section 115, or
(b) on the order of the Supreme Court made in terms of section 27.

(2) The secretary to the board shall in the prescribed manner give notice of any special meeting to be held in terms of subsection (1) and shall in such notice specify the time when such meeting will be held.

(3) If the matter for consideration at any such meeting is the cancellation of a licence in terms of a request made under section 117, the person who signed the report

wat die betrokke verslag onderteken het deur die lisensiehouer as 'n getuie geroep word om kruisverhoor te word oor sy verslag en sodanige persoon, hetsy hy aldus geroep word of nie, of enige ander lid van die polisie kan getuie-nis aanvra en beredenering bied ter staving van daardie verslag.

(4) Die raad kan by enige spesiale vergadering al die bevoegdhede uitoefen en al die werksaamhede en pligte verrig wat hy by 'n gewone vergadering gemagtig is om uit te oefen of te verrig en kan daarbenewens by 'n spesiale vergadering gehou kragtens subartikel (1) (a) die intrekking van die betrokke lisensie gelas of, as hy nie die intrekking daarvan gelas nie, enige verdere voorwaarde, beperking of verbod oplê wat hy by 'n gewone vergadering van die raad kon opgelê het.

Beslissing oor feite.

24. (1) Oor alle feitesake is die beslissing van die meerderheid van die lede van die raad wat by enige vergadering daarvan teenwoordig is en bevoeg is om te stem, 'n beslissing van die raad en by staking van stemme het die voorsitter by sy beraadslagende stem ook 'n beslissende stem.

(2) Die raad is nie verplig om aan enige aansoeker of ander persoon enige redes te verstrek vir sy beslissing oor enige saak beslis ooreenkomstig subartikel (1) nie.

Beslissing oor regspunte.

25. (1) Enige regspunt wat by 'n vergadering van die raad ter beslissing voorkom en enige vraag wat by so 'n vergadering voorkom of 'n saak wat beslis moet word 'n feitesaak of 'n regspunt is, word deur die voorsitter beslis.

(2) Die voorsitter kan die beredenering oor enige saak wat vir beslissing ooreenkomstig subartikel (1) voorkom, verdaag en hy kan sonder die ander lede van die raad sit vir die verhoor van sodanige beredenering en die beslissing daarvan.

(3) Die voorsitter moet sy redes aangee vir enige beslissing ooreenkomstig subartikel (1).

Bestelling van prosesstukke.

26. (1) In enige geding teen die raad ingestel, word die bestelling van prosesstukke aan die voorsitter van die raad en aan die adjunk-staatsprokureur met sy standplaas in Windhoek, behoudens die bepalinge van subartikel (2) beskou as voldoende bestelling aan die raad.

(2) Buiten waar die hof waaruit die dagvaarding uitgereik is of waarvoor die aansoek verhoor moet word, uitdruklik die teendeel gemagtig het en nieteenstaande andersluidende bepalinge in enige ander wet, mag die tyd wat toegelaat moet word vir die aantekening van verskyning op 'n dagvaarding wat uitgereik is in enige geding bedoel in subartikel (1) nie minder wees nie as een maand na bestelling daarvan soos bepaal in daardie subartikel en in aansoeke by wyse van mosie of versoekskrif mag die tyd wat toegelaat moet word vir die verhoor van die aansoek of vir die keerdag van die bevel *nisi* nie minder wees nie as veertien dae na bestelling soos bepaal in daardie subartikel van die kennisgewing van mosie of van die bevel *nisi*, na gelang.

(3) Die koste aangegaan deur lede van die raad in verband met 'n geding ingestel deur of teen hulle in hul hoedanigheid as sodanige lede word, tensy die hof waarvoor die geding dien, beveel dat die koste deur die teenparty of deur die bedoelde lede *de bonis propriis* gedra moet word, deur die Administrasie betaal.

Herstelling van raad se verrigtings.

27. (1) Behoudens die bepalinge van artikel 154 en subartikel (5) van artikel 48 kan enige verrigtings van die raad hersien word deur die Suidwes-Afrika-afdeling van die Hooggeregshof op 'n versoekskrif van enige aansoeker of beswaarmaker as dit vir die hof blyk dat —

concerned may be called by the licensee as a witness for the purpose of being cross-examined as to his report and such persons, whether so called or not, or any other member of the police may call evidence and present argument in support of that report.

(4) The board may at any special meeting exercise all the powers and perform all the functions and duties which it is authorised to exercise or perform at an ordinary meeting and may, in addition, at a special meeting held in pursuance of subsection (1) (a), order the cancellation of the licence concerned or if it does not order the cancellation thereof, impose any further condition, restriction or prohibition which it could have imposed at any ordinary meeting of the board.

24. (1) Upon all matters of fact the decision of a majority of the members of the board present and qualified to vote at any meeting thereof shall constitute a decision of the board and in the event of an equality of votes the chairman shall in addition to his deliberative vote, have a casting vote.

Decision of
matters of fact.

(2) The board shall not be obliged to furnish to any applicant or other person any reasons for its decision upon any matter decided in terms of subsection (1).

25. (1) Any matter of law arising for decision at any meeting of the board and any question arising at any such meeting as to whether a matter for decision is a matter of fact or of law, shall be decided by the chairman.

Decision of
matters of law.

(2) The chairman may adjourn the argument upon any matter which may arise for decision in terms of subsection (1) and may sit without the other members of the board for the hearing of such argument and the decision thereof.

(3) The chairman shall state his reasons for any decision in terms of subsection (1).

26. (1) In any legal proceedings instituted against the board, service of any process on the chairman of the board and on the deputy state attorney stationed at Windhoek shall, subject to the provisions of subsection (2), be deemed to be sufficient service on the board.

Service of process.

(2) Save in any case where the court out of which the summons has been issued or before which the application is to be heard shall have specially authorised to the contrary and notwithstanding anything to the contrary contained in any other law, the time to be allowed for the entering of appearance to a summons issued in any legal proceedings referred to in subsection (1) shall be not less than one month after service thereof as provided in that subsection and in applications by way of motion or petition the time to be allowed for the hearing of the application or for the return of the rule *nisi* shall be not less than fourteen days after service as provided in that subsection of the notice of motion or of the rule *nisi* as the case may be.

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

27. (1) Save as provided by section 154 and subsection (5) of section 48, any proceedings of the board may be reviewed by the South West Africa Division of the Supreme Court on the petition of any applicant or objector if it appears to the court that —

Review of board's
proceedings.

- (a) die raad in die betrokke verrigtings sy bevoegdheids oorskry het of geweier het om bevoegdheids uit te oefen wat hy moes uitgeoefen het of sy bevoegdheids op 'n arbitrêre of *mala fide*- of grof onredelike wyse uitgeoefen het; of
- (b) 'n skuldigebevinding van 'n aansoeker wat ten tyde van die beslissing daarvan voor die raad was, sedertdien onvêrgewerp of ter syde gestel is by hersiening of appél of dat 'n begenadiging ten opsigte van sodanige skuldigebevinding verleen is; of
- (c) iemand wat onbevoeg was om lid te wees of, as hy 'n lid was, om aan die betrokke verrigtings deel te neem, wel aan sodanige verrigtings deelgeneem het.

(2) As die hof, by die hersiening van verrigting van die raad, bevind dat die bewerings van die aansoeker om hersiening bewys is, kan hy die betrokke verrigtings ter syde stel en sodanige bevel verstrek soos hy wenslik ag, met inbegrip van 'n bevel dat 'n spesiale vergadering van die raad belê word om die saak opnuut te verhoor of te oorweeg: Met dien verstande dat geen verrigtings ter syde gestel mag word nie —

- (a) bloot weens 'n formele of tegniese gebrek in enige van die verrigtings wat, volgens die oordeel van die hof, nie 'n wesenlike onreg ten gevolge gehad het nie; of
- (b) in enige ander geval, tensy die hersieningshof oortuig is dat die bewese feite die aansoeker of iemand anders wesenlik benadeel het of bereken is om hom wesenlik te benadeel.

Wanneer appél geoorloof is.

28. (1) Wanneer die voorsitter van die raad oor 'n regspunt beslis het, mits dit nie 'n beslissing is kragtens subartikel (4) van artikel 48 nie, kan 'n aansoeker ten opsigte van, of in verband met, wie se aansoek, of 'n beswaarmaker ten opsigte van, of in verband met, wie se beswaar daardie beslissing gegee is, daarteen appelleer.

(2) So 'n appél moet aangeteken en voortgesit word asof dit 'n appél was teen 'n vonnis van 'n landdroshof in 'n siviele saak en alle reëls op laasgenoemde appél van toepassing, of wat betref sy verhoor of wat betref die bekragtiging of tersydestelling waarteen geappelleer word of andersins is *mutatis mutandis* van toepassing op 'n appél kragtens hierdie artikel.

(3) Behoudens die bepalinge van hierdie artikel kan daar nie teen die beslissing van die raad geappelleer word nie.

HOOFSTUK IV.

AANSOEKE OM NUWE LISENSIES, BUITEN BINNE- VERBRUIKSLISENSIES VIR HUISVESTINGS- INRIGTINGS.

Procedure in verband met aansoeke.

29. (1) Iemand wat die verlening van 'n nuwe lisensie of 'n voorwaardelike magtiging vir 'n gespesifiseerde nuwe lisensie soos bepaal in artikel 32 verlang en enige houder van 'n lisensie wat die permanente verplasing van sodanige lisensie van die perseel waarop dit betrekking het na 'n ander perseel dieselfde distrik verlang, kan, behoudens die bepalinge van artikel 76, daarom by die raad aansoek doen.

(2) Elke sodanige aansoek moet in die voorgeskrewe vorm wees, moet vergesel wees van die voorgeskrewe dokumente en inligting en moet nie vroeër nie as sestig dae en nie later nie as dertig dae voor die datum van die aan-

- (a) in the proceedings in question the board exceeded its powers or refused to exercise powers which it was bound to exercise or exercised its powers in an arbitrary or *mala fide* or grossly unreasonable manner; or
- (b) a conviction of an applicant which was before the board at the time of its decision has since been reversed or set aside on review or appeal or that in respect of such conviction a free pardon has been granted; or
- (c) a person who was disqualified from being a member or, if a member, from taking any part in the proceedings in question, took part in such proceedings.

(2) If upon the consideration on review of any proceedings of the board the court finds that the allegations of the petitioner for the review have been proved, it may set aside the proceedings in question and make such order as it deems fit, including an order that a special meeting of the board be convened for the rehearing or reconsideration of the matter: Provided that no proceedings shall be set aside —

- (a) by reason merely of a formal or technical defect in any of the proceedings which has not in the opinion of the court resulted in substantial injustice; or
- (b) in any other case, unless the reviewing court is satisfied that the matter proved, caused or was calculated to cause substantial prejudice to the petitioner or any other persons.

28. (1) In respect of any question of law decided by the chairman of the board, not being a matter decided under subsection (4) of section 48, an appeal shall lie at the instance of any applicant in respect of or in connection with whose application or of any objector in respect of or in connection with whose objection such decision was given.

Cases in which appeal allowed.

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

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

CHAPTER IV.

APPLICATIONS FOR NEW LICENCES OTHER THAN ACCOMMODATION ESTABLISHMENT ON-CONSUMPTION LICENCES.

29. (1) Any person desiring the grant of a new licence or conditional authority for any specified new licence as provided in section 32 and any holder of a licence who desires the permanent removal of such licence from the premises to which it relates, to other premises in the same district may, subject to the provisions of section 76, apply therefor to the board.

Procedure in connection with applications.

(2) Every such application shall be in the prescribed form, shall be accompanied by the prescribed documents and information and shall be lodged with the magistrate of the district in which the premises to which the ap-

vang van die vergadering van die raad waarby die aansoeker sy aansoek wil laat oorweeg, by die landdros van die distrik waarin die perseel waaroor die aansoek gaan geleë is, ingedien word.

(3) Wanneer aansoek aldus gedoen word om 'n nuwe groothandeldranklisensie moet die aansoeker spesifiek verklaar of hy deur die lisensie waarom aansoek gedoen word, gemagtig wil wees om drank daarkragtens regstreeks aan die publiek te verkoop of nie.

(4) By ontvangs van 'n aansoek ooreenkomstig hierdie artikel moet die landdros dit saam met die dokumente en inligting voorgeskryf by subartikel (2) onmiddellik stuur aan die polisieoffisier bedoel in artikel 115 en sodanige offisier moet sodra moontlik na ontvangs daarvan en nadat hy sodanige navrae gedoen het soos hy nodig ag, die aansoek en sodanige dokumente en inligting aan die landdros terugstuur saam met sy verslag ooreenkomstig daardie artikel.

(5) Die landdros moet sodra moontlik na ontvangs van die dokumente en inligting bedoel in subartikel (4), maar in elk geval nie later nie as veertien dae voor die datum van aanvang van die vergadering van die raad, waarby die aansoek oorweeg moet word, sodanige dokumente per hand of met aangetekende pos aan die sekretaris van die raad stuur saam met sy verslag bedoel in subartikel (6).

(6) Die landdros moet alle sodanige sake met betrekking tot die aansoek soos hy goetvind insluitende die moontlikheid van 'n monopolistiese toestand skadelik vir die openbare belang wat in die drankhandel of 'n tak daarvan kan ontstaan of vererger kan word as die lisensie verleen word, onder die aandag van die raad bring, asook die totale getal dranklisensies reeds verleen ten opsigte van persele geleë in die distrik, die totale getal huisvestingsinrigtings geleë in die distrik wat gelisensieer is om drank te verkoop en die beraamde getal persone wat deur sodanige lisensies gedien word, en kan ter inligting van die raad sodanige ander kommentaar of aanbevelings doen met betrekking tot die aansoek soos hy goetvind.

Raad kan
aansoek toestaan
of weier.

30. Die raad kan, behoudens die bepalings van hierdie ordonnansie, na oorweging van al die dokumente en inligting wat ooreenkomstig artikel 29 aan hom voorgelê is en na voldoening aan die bepalings van Hoofstuk VIII enige aansoek toestaan of weier.

Raad kan
voorwaardes
oplê.

31. By die toestaan van 'n aansoek aan hom gedoen ooreenkomstig artikel 29 kan die raad sodanige voorwaardes soos hy goetvind oplê ten opsigte van —

- (a) enige strukturele verandering of rangskikking van of aanbousels of herstel aan die perseel ten opsigte waarvan die aansoek gedoen is;
- (b) akkommodasie wat op sodanige perseel aan die publiek verskaf moet word insluitende die verskaffing van sitplekke in die beperkte gedeelte;
- (c) uitgangswêë in die geval van brand, behoorlike dreinerings en sanitêre reëlins en geriewe op die perseel, of
- (d) enige ander saak wat die raad nodig ag ter voldoening aan die redelike behoeftes van die publiek of besoekers aan die perseel of ter vergemakking van toesig deur die polisie, of in enige ander opsig,

en kan hy die tydperk bepaal waarbinne so 'n voorwaarde nagekom moet word deur die lisensiehouer of kan hy bepaal dat 'n lisensie nie uitgereik mag word nie voordat die senior offisier van die polisie in bevel van die distrik

plication relates are situated not earlier than sixty and not later than thirty days before the date of commencement of the meeting of the board at which the applicant desires his application to be considered.

(3) Where any application is so made for a new wholesale liquor licence, the applicant shall state specifically whether or not he desires to be authorised by the licence applied for to sell liquor thereunder directly to the public.

(4) Upon receipt of any application in terms of this section, the magistrate shall forthwith forward the same together with the documents and information prescribed by subsection (2), to the commissioned officer of police referred to in section 115 and such officer shall as soon as possible after receipt thereof and after making such enquiries as he may consider necessary, return the application and those documents and information to the magistrate together with his report in terms of that section.

(5) The magistrate shall as soon as possible after receipt of the documents and information referred to in subsection (4) but in any case not later than fourteen days prior to the date of commencement of the meeting of the board where the application is to be considered, transmit such document by hand or by registered post to the secretary to the board together with his report referred to in subsection (6).

(6) The magistrate shall bring to the notice of the board all such matters relating to the application as he deems fit including any possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof in the event of the licence being granted, the total number of liquor licences already granted in respect of premises situated in the district, the total number of accommodation establishments situated in the district, which have been licensed to sell liquor, and the estimated number of persons served by such licences and may for the information of the board make such other comments or recommendations relating to the application as he deems fit.

30. The board may, subject to the provisions of this ordinance, after considering all documents and information submitted to it in terms of section 29 and after complying with the provisions of Chapter VIII, grant or refuse any application.

Board may grant or refuse application.

31. In granting any application made to it in terms of section 29, the board may impose such conditions as it may deem fit in respect of —

Board may impose conditions.

- (a) any structural alteration or arrangement of or addition or repairs to the premises in respect of which the application is made;
- (b) accommodation to be afforded on such premises to the public including the provision of seats in the restricted portion;
- (c) means of egress in the case of fire, proper drainage and sanitary arrangements and conveniences upon the premises, or
- (d) any other matter deemed by the board to be necessary in order to meet the reasonable requirements of the public or visitors upon the premises or to facilitate supervision by the police, or in any other respect,

and may stipulate the period of time within which any such condition shall be complied with by the licensee or may stipulate that a licence shall not be issued until the senior officer of police in charge of the district or the ma-

of die landdros in skrif gesertifiseer het dat die voorwaarde nagekom is.

Voorwaardelike magtiging.

32. (1) Wanneer ook al die raad 'n aansoek om 'n nuwe lisensie of om die permanente verplasing van 'n lisensie ten opsigte van of na 'n perseel wat nog nie opgerig is nie of wat, indien opgerig, aanbousels of veranderings vereis om dit geskik te maak vir die doel waarvoor dit gebruik moet word, toestaan, reik hy aan die aansoeker 'n voorwaardelike magtiging in die voorgeskrewe vorm vir die uitreiking van die lisensie uit, endosseer daarop sodanige voorwaardes soos hy goetvind, insluitende die tydperk waarbinne die betrokke perseel opgerig verander of herstel, moet word, na gelang, en stuur 'n afskrif daarvan aan die landdros van die distrik waarin die perseel geleë is: Met dien verstande dat die tydperk waarbinne die perseel opgerig, verander of herstel moet word nie langer mag wees nie as twaalf maande van die datum van uitreiking van sodanige magtiging of sodanige verlengde tydperk van hoogstens twaalf maande soos die raad op aansoek toelaat.

(2) As die landdros binne die tydperk gespesifiseer ooreenkomstig subartikel (1), indien enige, oortuig is dat die perseel ten opsigte waarvan die voorwaardelike magtiging uitgereik is, opgerig, verander of herstel is in ooreenstemming met die planne daarvan of ooreenkomstig enige voorwaarde deur die raad opgelê in verband daarmee, reik hy 'n sertifikaat bedoel in artikel 9 ten opsigte van die betrokke perseel uit.

(3) Wanneer ook al die landdros by verstreking van enige tydperk gespesifiseer ooreenkomstig subartikel (1) nie oortuig is soos bepaal in subartikel (2) nie, weier hy om sodanige sertifikaat uit te reik, gee hy kennis aan die raad van sodanige weiering en verstrekk hy terselfder tyd aan die raad volle besonderhede oor die redes vir sy weiering.

(4) Enige sodanige kennisgewing word deur die raad oorweeg by sy eerste vergadering na ontvangs daarvan, as die raad nie dan sit nie, en die raad kan daarop die betrokke voorwaardelike magtiging intrek of sodanige ander stappe in die saak doen soos hy goetvind: Met dien verstande dat as die raad oortuig is dat die betrokke perseel nie opgerig, verander of herstel is binne die tydperk deur hom bepaal of toegelaat nie, hy die voorwaardelike magtiging moet intrek en die aansoeker en die betrokke landdros daarvan in kennis moet stel.

Permanente verplasing van lisensie verleen deur voorsitter.

33. Wanneer ook al die raad 'n aansoek ontvang het om die permanente verplasing van 'n lisensie en die voorsitter in oorleg met die ander lede van die raad die mening toegedaan is dat die perseel waarheen die verplasing van die lisensie verlang word, nie verander of herstel of daaraan aangebou hoef te word nie, en dat geen nuwe voorwaardes opgelê hoef te word nie, kan hy die aansoek toestaan, hoewel die bepalings van Hoofstuk VIII nie nagekom is nie, en sodanige aansoek word daarop beskou as toegestaan deur die raad na behoorlik voldoening aan al die toepaslike bepalings van hierdie ordonnansie.

Aansoek om permanente verplasing van lisensie toegestaan na voorlegging van aansoek om hernuwing.

34. Wanneer ook al 'n aansoek om die permanente verplasing van 'n lisensie toegestaan word, hetsy kragtens artikel 30 of 33, nadat die aansoeker by die landdros aansoek gedoen het om die hernuwing van sy lisensie ooreenkomstig artikel 35, kan die aansoeker in sy aansoek om sodanige hernuwing die beskrywing van die perseel genoem in sy lisensie vervang deur die beskrywing van die nuwe perseel.

magistrate has certified in writing that the condition has been complied with.

32. (1) Whenever the board grants an application for a new licence or for the permanent removal of a licence in respect of or to premises which have not been erected or which, if erected, require additions or alterations to make them suitable for the purpose for which they are to be used, it shall issue to the applicant a conditional authority in the prescribed form for the issue of the licence, endorse thereon such conditions as it may deem fit to impose including the period within which the premises concerned shall be erected, altered or repaired, as the case may be, and forward a copy thereof to the magistrate of the district in which the premises are situated: Provided that the period within which the premises shall be erected, altered or repaired shall not be more than twelve months from the date of issue of such authority or such further period not exceeding twelve months, as the board may on application allow.

Conditional authority.

(2) If, within the period specified in terms of subsection (1), if any, the magistrate is satisfied that the premises in respect of which the conditional authority has been issued, have been erected, altered or repaired in conformity with the plans thereof or in accordance with any condition imposed by the board in connection therewith, he shall issue a certificate referred to in section 9 in respect of the premises concerned.

(3) Whenever at the expiration of any period specified in terms of subsection (1) the magistrate is not satisfied as provided in subsection (2), he shall refuse to issue such certificate, notify the board of such refusal and at the same time furnish the board with full particulars concerning the reasons for his refusal.

(4) Any such notification shall be considered by the board at its first meeting after receipt thereof, if it is not then in session, and the board may thereupon withdraw the conditional authority concerned or take such other action in the matter as it may deem fit: Provided that if the board is satisfied that the premises concerned have not been erected, altered or repaired within the period stipulated or allowed by it, it shall withdraw the conditional authority and inform the applicant and the magistrate concerned.

33. Whenever the board has received an application for the permanent removal of a licence and the chairman is in consultation with the other members of the board of opinion that the premises to which it is desired to remove the licence, do not require to be altered, added to or repaired and that no new conditions are required to be imposed, he may grant the application notwithstanding that the provisions of Chapter VIII have not been complied with and such application shall thereupon be deemed to have been granted by the board after due compliance with all the applicable provisions of this ordinance.

Permanent removal of licence granted by chairman.

34. Whenever an application for the permanent removal of a licence is granted, whether under section 30 or 33, after the applicant has made application to a magistrate for the renewal of his licence in terms of section 35, the applicant may in his application for such renewal substitute the description of the new premises for the premises mentioned in his licence.

Application for the removal of licence granted after submission of application for renewal.

HOOFSTUK V.

AANSOEKE OM DIE HERNUWING VAN LISENSIES,
BUITEN BINNEVERBRUIKSLIENSIES VIR HUIS-
VESTINGSINRIGTINGS.

Aansoek moet aan die landdros gerig word.

35. (1) Elke houër van 'n geldige lisensie uitgereik kragtens hierdie ordonnansie of kragtens 'n wet wat by artikel 160 herroep word, kan, behoudens die bepalings van artikel 76, nie eerder nie as die eerste dag van November en nie later nie as die een-en-dertigste dag van Desember in enige jaar, aansoek doen by die landdros van die distrik waarin die gelisensieerde perseel geleë is, om 'n hernuwing van sodanige lisensie.

(2) Elke sodanige aansoek moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe inligting, dokumente en verslae.

Kennisgewing van aansoek om hernuwing.

36. Elke aansoeker om die hernuwing van 'n lisensie moet op daardie tyd en op die voorgeskrewe wyse kennis gee van sy voorneme om aansoek te doen om sodanige hernuwing en moet in sodanige kennisgewing meld of die aansoek 'n aansoek is om hernuwing op dieselfde of op gewysigde voorwaardes wat in sodanige kennisgewing genoem moet word.

Nagekome aansoëke.

37. Wanneer ook al 'n aansoek om die hernuwing van 'n lisensie nie by die landdros ingedien word binne die tydperk voorgeskryf by artikel 35 nie, maar aldus ingedien word nie later nie as sewe dae na die verstryking van daardie tydperk, moet die landdros, by betaling deur die aansoeker van die som van twintig rand benewens die aansoekgeld voorgeskryf in artikel 47 en op sodanige voorwaardes oor die kennisgewing van die aansoek soos die landdros bepaal, die aansoek aanvaar vir oorweging by die jaarlikse verhoor van aansoëke om die hernuwing van lisensies bedoel in artikel 38.

Jaarlikse verhoor van aansoëke deur landdros.

38. (1) Die landdros van elke distrik moet op die derde Woensdag in Februarie van elke jaar of, as sodanige Woensdag 'n openbare vakansiedag is, op die eersvolgende werkdag, by die landdrossetel en in die publiek, aansoëke om die hernuwing van lisensies begin verhoor, en beslis.

(2) Die landdros kan as hy dit nodig ag die verhoor van enige aansoek na enige plek in die distrik verdaag.

Sekretaris van die landdros.

39. Die landdros kan 'n lid van sy personeel as sy sekretaris aanstel om die sekretariële pligte in verband met aansoëke gedoen kragtens hierdie ordonnansie uit te voer.

Notule van verrigtings.

40. (1) Die sekretaris van die landdros moet behoorlik notule hou van die verrigtings by die verhoor van elke aansoek ooreenkomstig artikel 38.

(2) Sodanige notule moet geliasseer word in die kantoor van die landdros en is gedurende normale kantoorure ter insae van enigiemand en afskrifte daarvan kan gemaak of verkry word op die voorwaardes wat toepaslik is en by betaling van die gelde wat betaalbaar is in die geval van notules van siviele sake in landdroshoue.

Spesiale verhoore.

41. (1) Die landdros kan te eniger tyd buiten dié voorgeskryf by artikel 38, op skriftelike aansoek deur iemand wat die houër is van 'n lisensie kragtens hierdie ordonnansie of 'n wet herroep by artikel 160, maar wie se lisensie verstryk het en as sodanige persoon goeie gronde aanvoer, 'n spesiale verhoor hou vir die oorweging en

CHAPTER V.

APPLICATIONS FOR THE RENEWAL OF LICENCES,
OTHER THAN ACCOMMODATION ESTABLISHMENT
ON-CONSUMPTION LICENCES.

35. (1) Every holder of a valid licence issued under this ordinance or under a law repealed by section 160 may, subject to the provisions of section 76, not earlier than the first day of November and not later than the thirty-first day of December in any year apply to the magistrate of the district in which the licensed premises are situated for the renewal of such licence.

Application to be made to the magistrate.

(2) Every such application shall be in the prescribed form and shall be accompanied by the prescribed information, documents and reports.

36. Every applicant for the renewal of a licence shall at the time and in the manner prescribed, give notice of his intention to apply for such renewal and shall in such notice state whether the application is for a renewal under the same or under amended conditions specified in such notice.

Notification of application for renewal.

37. Whenever any application for the renewal of a licence is not lodged with the magistrate within the period prescribed by section 35, but is so lodged not later than seven days after the expiration of that period, the magistrate shall upon payment by the applicant of the sum of twenty rand in addition to the application fee prescribed by section 47 and upon such terms as to the giving of notice of the application as the magistrate may determine, accept the application for consideration at the annual hearing of applications for the renewal of licences referred to in section 38.

Late applications.

38. (1) The magistrate of every district shall on the third Wednesday in February of every year, or, if such Wednesday is a public holiday, on the first ensuing working day, at the seat of the magistracy and in public, commence to hear and determine, subject to the provisions of this ordinance, applications for the renewal of licences.

Annual hearing of applications by magistrate.

(2) The magistrate may if he deems it necessary, adjourn the hearing of any application to any place in the district.

39. The magistrate may appoint a member of his staff as his secretary to perform the secretarial duties connected with applications made to him under this ordinance.

Secretary to the magistrate.

40. (1) The secretary to the magistrate shall keep a proper record of the proceedings at the hearing of every application in terms of section 38.

Record of proceedings.

(2) Such record shall be filed in the office of the magistrate and may during normal office hours be inspected by any person and copies thereof may be made or obtained on the conditions applicable and upon payment of the fees payable in the case of records of civil cases in magistrates' courts.

41. (1) The magistrate may at any time other than that prescribed by section 38, on the application in writing of any person who was the holder of a licence under this ordinance or under a law repealed by section 160 but whose licence has lapsed and on good cause shown by such person, hold a special hearing for the consideration

Special hearings.

beslissing van 'n aansoek deur sodanige persoon om die hernuwing van sy lisensie.

(2) Elke sodanige aansoeker moet op die voorgeskrewe wyse en op die voorgeskrewe tyd kennis gee van sodanige spesiale verhoor en moet in sodanige kennisgewing meld of hy voornemens is om aansoek te doen om hernuwing van sy lisensie op dieselfde of op gewysigde voorwaardes wat in die lisensie gespesifiseer moet word.

(3) By sodanige spesiale verhoor het die landdros die bevoegdheid om met die betrokke aansoek te handel asof dit 'n aansoek is waarmee gehandel word by 'n jaarlikse verhoor van aansoeke om die hernuwing van lisensies.

(4) Wanneer ook al die landdros 'n aansoek wat ooreenkomstig subartikel (1) by hom gedoen word, weier, kan die aansoeker skriftelik by die Administrateur aansoek doen om 'n bevel waarin die landdros aangesê word om die spesiale verhoor waarom aansoek gedoen is, te hou, en moet hy in sodanige aansoek die redes vir sy aansoek by die landdros asook sodanige ander inligting soos hy nodig ag, aan die Administrateur verstrek.

(5) By ontvangs van sodanige versoek, versoek die Administrateur die landdros om die redes vir sy weiering van die aansoek by hom gedoen aan hom te verstrek, en kan hy na ontvangs van sodanige redes, of die aansoek weier of as hy oortuig is dat daar goeie gronde bestaan vir die verlenging van die aansoek, 'n bevel uitreik onderhewig aan sodanige voorwaardes soos hy nodig vind, waarin hy die landdros aansê om 'n spesiale verhoor te hou vir die oorweging en beslissing van die betrokke aansoek.

(6) Enige beslissing deur die Administrateur kragtens subartikel (5) is afdoende.

(7) Die landdros moet te eniger tyd op die bevel van die Suidwes-Afrika-afdeling van die Hooggeregshof en ooreenkomstig die bepalinge van sodanige bevel, 'n spesiale verhoor hou vir die oorweging en beslissing van die saak in sodanige bevel gespesifiseer.

(8) Die bepalinge van subartikel (3) en, behoudens ander bepalinge in die bevel, die bepalinge van subartikel (2) is *mutatis mutandis* van toepassing ten opsigte van 'n spesiale verhoor gehou ingevolge sodanige bevel.

Bevoegdhede van landdros.

42. (1) Die landdros kan by enige verhoor ooreenkomstig artikel 38 of 41, na behoorlike oorweging van alle sodanige inligting, dokumente en verslae soos aan hom kragtens hierdie ordonnansie voorgelê word, sodanige vertoë of besware soos kragtens Hoofstuk VIII gerig word en alle sodanige getuienis soos verband hou met die aansoek, die aansoek of toestaan of weier.

(2) By die toestaan van so 'n aansoek kan die landdros, behoudens die hieropvolgende bepalinge van hierdie artikel, of uit eie beweging of op versoek van enige aansoeker of beswaarmaker —

- (a) sodanige voorwaardes of beperkings of sodanige verdere voorwaardes of beperkings, bestaanbaar met hierdie ordonnansie, na hy goedvind, oplê; of
- (b) enige voorwaarde of beperking voorheen opgelê ten opsigte van die lisensie wysig of skrap.

(3) Geen nuwe of verdere bepaling mag kragtens subartikel (2) opgelê word nie en geen bestaande voorwaarde of beperking mag gewysig of geskrap word nie tensy die landdros die aansoeker redelike geleentheid verleen het om sodanige vertoë, hetsy mondelings of op skrif, met betrekking daartoe, te rig.

(4) Geen voorwaarde of beperking opgelê deur die Administrateur of die raad, mag op versoek van die aansoeker gewysig of geskrap word nie, tensy die aansoeker

and determination of an application by such person for the renewal of his licence.

(2) Every such applicant shall in the prescribed manner and at the prescribed time give notice of such special hearing and shall in such notice state whether he intends to apply for the renewal of his licence under the same or under amended conditions specified in the notice.

(3) At such special hearing the magistrate shall have power to deal with the application concerned as if it were an application dealt with at an annual hearing of applications for the renewal of licences.

(4) Whenever a magistrate refuses an application made to him in terms of subsection (1) the applicant may apply in writing to the Administrator for an order directing the magistrate to hold the special hearing applied for and shall in such application furnish the Administrator with the reasons for his application to the magistrate and such other information as he may deem necessary.

(5) Upon receipt of such application the Administrator shall call upon the magistrate to furnish him with the reasons for his refusal of the application made to him and may after receipt of these reasons, either refuse the application or if he is satisfied that good grounds exist for the granting of the application, make an order subject to such conditions as he may deem necessary, directing the magistrate to hold a special hearing for the consideration and determination of the application in question.

(6) Any decision by the Administrator under subsection (5) shall be final.

(7) The magistrate shall at any time upon the order of the South West Africa Division of the Supreme Court and in accordance with the terms of such order, hold a special hearing for the consideration and determination of the matter specified in such order.

(8) The provisions of subsection (3) and, save where otherwise provided in the order, the provisions of subsection (2), shall *mutatis mutandis* apply in respect of a special hearing held in pursuance of such order.

42. (1) The magistrate may at any hearing in terms of section 38 or 41, after duly considering all such information, documents and reports as may be submitted to him under this ordinance, such representations or objections as may have been made under Chapter VIII and all such evidence as may be relevant to the application, either grant or refuse the application.

Powers of
Magistrate.

(2) In granting any such application the magistrate may, subject to the succeeding provisions of this section, either by himself or at the request of any applicant or objector —

- (a) impose such conditions or restrictions or such further conditions or restrictions not inconsistent with this ordinance, as he may deem fit; or
- (b) amend or delete any condition or restriction previously imposed in respect of the licence.

(3) No new or further condition shall be imposed under subsection (2) and no existing condition or restriction shall be amended or deleted unless the magistrate has afforded the applicant a reasonable opportunity of making such representations, whether verbal or in writing, in regard thereto.

(4) No condition or restriction imposed by the Administrator or the board shall be amended or deleted at the request of the applicant unless the applicant has pro-

aan die landdros die skriftelike goedkeuring van die Administrateur of die raad, na gelang, voorgelê het: Met dien verstande dat waar 'n voorwaarde of beperking deur die Administrateur opgelê is kragtens 'n wet wat by artikel 160 herroep word, die raad die bevoegdheid het om die beoogde wysiging of skrapping goed te keur of andersins.

(5) Die bepalings van subartikel (4) mag nie uitgelê word as sou dit 'n landdros verplig om 'n aansoek om die wysiging of skrapping van 'n voorwaarde of beperking in 'n lisensie, opgelê deur die Administrateur of die raad, toe te staan, as goedkeuring daarvan verkry is soos bepaal in subartikel (4) nie.

(6) Wanneer ook al 'n landdros uit eie beweging voornemens is om 'n voorwaarde of beperking bedoel in subartikel (4) te wysig of te skrap, moet hy die aansoeker in kennis stel van daardie voorneme en daarop by die Administrateur of die raad, na gelang, aansoek doen om goedkeuring ooreenkomstig daardie subartikel, en die aansoeker kan daarop ook sodanige verdoë soos hy nodig ag aan die Administrateur of die raad, na gelang, rig ten opsigte van die toestaan of andersins van sodanige goedkeuring.

Weiering van
aansoek.

43. (1) Wanneer ook al 'n landdros 'n aansoek om die hernuwing van 'n lisensie weier, kan hy op versoek van die aansoeker die voortsetting van die geldigheid van die lisensie vir sodanige tydperk, maar hoogstens ses maande, soos hy bepaal, magtig.

(2) Ten opsigte van elke tydperk van een maand of deel van 'n maand waarvoor die voortsetting van die geldigheid van 'n lisensie kragtens subartikel (1) gemagtig is, moet daar by wyse van lisensiegeld 'n bedrag gelyk aan een-twaalfde van die bedrag wat betaalbaar sou gewees het as die aansoek om hernuwing van die lisensie toegestaan was, betaal word.

(3) Die lisensiehouer kan gedurende die tydperk bepaal ooreenkomstig subartikel (1) en onderhewig aan die voorwaardes van die lisensie en sodanige ander voorwaardes soos die landdros oplê, die drank wat op die gelisensieerde perseel was op die datum waarop sy aansoek om hernuwing van sy lisensie geweier is, van die hand sit.

Weiering van
aansoek om rede
persoonlik aan
lisensiehouer.

44. (1) Wanneer ook al 'n landdros om die een of ander rede persoonlik aan die lisensiehouer, 'n aansoek om hernuwing van 'n lisensie weier kan enigiemand buiten die lisensiehouer by die raad aansoek doen om 'n nuwe lisensie van dieselfde klas as dié wat deur die vorige lisensiehouer ten opsigte van die perseel waarop die lisensie betrekking het, gehou is.

(2) As sodanige perseel geleë is in 'n plattelandse gebied of binne die gebied van 'n stedelike plaaslike bestuur, is die bepalings van artikels 61 en 62, onderskeidelik, nie van toepassing ten opsigte van enige aansoek om 'n nuwe botteldranklisensie gedoen ooreenkomstig subartikel (1) nie.

Bestelling van
prosesstukke.

45. Die bepalings van artikel 26 is *mutatis mutandis* van toepassing ten opsigte van enige geding ingestel teen 'n landdros ten opsigte van die uitoefening van sy bevoegdhede en die uitvoering van sy werksaamhede kragtens hierdie ordonnansie.

Herstelling en
appél.

46. Die bepalings van artikels 27 en 28 is *mutatis mutandis* van toepassing ten opsigte van die verrigtings voor 'n landdros en enige beslissing oor 'n regsput gegee deur die landdros in sodanige verrigtings kragtens hierdie ordonnansie.

duced to the magistrate the approval in writing of the Administrator or the board, as the case may be: Provided that where a condition or restriction has been imposed by the Administrator under a law repealed by section 160, the board shall have power to approve or otherwise of the proposed amendment or deletion.

(5) The provisions of subsection (4) shall not be construed so as to compel a magistrate to grant an application for the amendment or deletion of a condition or restriction in a licence imposed by the Administrator or the board if approval thereof has been obtained as provided in subsection (4).

(6) Whenever a magistrate by himself intends to amend or delete a condition or restriction referred to in subsection (4), he shall advise the applicant of that intention and thereupon apply to the Administrator or the board, as the case may be, for approval in terms of that subsection and the applicant may thereupon also make such representations as he may deem necessary to the Administrator or the board, as the case may be, in regard to the granting or otherwise of such approval.

43. (1) Whenever a magistrate refuses an application for the renewal of a licence, he may at the request of the applicant authorise the continuation of the validity of the licence for such period not exceeding six months as may be determined by him.

Refusal of applications.

(2) In respect of every period of one month or part of a month for which the continuation of the validity of a licence has been authorised under subsection (1), there shall be paid by way of licence fee an amount equal to one-twelfth of the amount which would have been payable if the application for the renewal of the licence had been granted.

(3) The licensee may during the period determined in terms of subsection (1) and subject to the conditions of the licence and such other conditions as the magistrate may impose, dispose of the liquor which was on the licensed premises at the date on which his application for the renewal of his licence was refused.

44. (1) Whenever a magistrate refuses, for some reason personal to the licensee, an application for the renewal of a licence, any person other than the licensee may apply to the board for a new licence of the same class as that which was held by the previous licensee in respect of the premises to which such licence relates.

Refusal of application for a reason personal to licensee.

(2) If such premises are situated in a rural area or within the area of an urban local authority, the provisions of sections 61 and 62 respectively shall not apply in respect of any application for a new bottle liquor licence made in terms of subsection (1).

45. The provisions of section 26 shall *mutatis mutandis* apply in respect of any legal proceedings instituted against a magistrate in respect of the exercise of his powers and the performance of his functions under this ordinance.

Service of process.

46. The provisions of sections 27 and 28 shall *mutatis mutandis* apply in respect of the proceedings before a magistrate and any decision on a question of law given by a magistrate in such proceedings under this ordinance.

Review and Appeal.

HOOFSTUK VI.

AANSOEKGELDE.

Aansoekgelde.

47. (1) Ten opsigte van elke aansoek kragtens hierdie ordonnansie gedoen, moet daar aan die landdros van die distrik waarin die perseel waarop die aansoek betrekking het, geleë is, die volgende bedrae betaal word:—

- (a) vyftig rand as dit gedoen word om 'n spesiale verhoor deur 'n landdros ooreenkomstig artikel 41 vir die oorweging van 'n aansoek om hernuwing van 'n lisensie;
- (b) vyftig rand, as dit gedoen word by die raad om die verlening van 'n nuwe lisensie;
- (c) twee rand, as dit gedoen word by 'n landdros by 'n jaarlikse verhoor van aansoeke ooreenkomstig artikel 38 om die hernuwing van 'n lisensie;
- (d) twintig rand, as dit by 'n landdros gedoen word om die oordrag van 'n lisensie ooreenkomstig artikel 57, om die tydelike verplasing van 'n lisensie ooreenkomstig artikel 59 of om 'n tydelike lisensie ooreenkomstig artikel 56, of as dit by die raad gedoen word om die permanente verplasing van 'n lisensie ooreenkomstig artikel 21; of
- (e) twintig rand, as dit oorweeg moet word by 'n spesiale vergadering van die raad of 'n spesiale verhoor van aansoeke deur 'n landdros op die bevel, buiten 'n bevel kragtens artikel 27 (2), uitgereik deur die Hooggeregshof vir die oorweging van enige saak in sodanige bevel gespesifiseer.

(2) Geen gelde is betaalbaar kragtens hierdie artikel ten opsigte van enige aansoek kragtens artikel 76 of wat deur die raad behandel word by 'n spesiale vergadering belê ooreenkomstig 'n bevel uitgereik kragtens artikel 27 (2) nie.

(3) Niemand wat enige bedrag ooreenkomstig subartikel (1) betaal het, is te eniger tyd of in enige omstandighede geregtig om 'n terugbetaling van sodanige bedrag of enige deel daarvan te eis nie.

HOOFSTUK VII.

VERHOOR VAN BESWAARMAKERS EN
AANSOEKERS.

Algemene vertoë tot bevoegde gesag.

48. (1) By die verhoor van aansoeke deur die bevoegde gesag soos bepaal, in die geval van die raad, by artikel 22 en, in die geval van 'n landdros, by artikel 38, kan enige persoon of enige enkele persoon wat 'n vereniging of ander liggaam van persone verteenwoordig, voordat die bevoegde gesag begin om met afsonderlike aansoeke aan hom gerig, te handel, tot sodanige gesag algemene vertoë rig oor die vraag of dit wenslik is of nie —

- (a) dat die getal lisensies wat deur sodanige gesag verleen kan word, verminder of vermeerder moet word;
- (b) dat die getal ure verminder of vermeerder moet word of die tye ingekort of verleng moet word waarin drank kragtens lisensies aldus verleen of hernieu, verkoop of verskaf kan word;
- (c) dat enige ander voorreg ingetrek, geweier, verleen of uitgebrei moet word of dat enige voorwaarde of beperking opgelê moet word wat binne die bevoegdheid van so 'n gesag is om te verleen of op te lê; of

CHAPTER VI.

APPLICATION FEES.

47. (1) In respect of every application made under this ordinance there shall be paid to the magistrate of the district in which the premises to which the application relates, are situated an amount of — Application fees.

- (a) fifty rand, if it is for a special hearing by a magistrate in terms of section 41 to consider an application for the renewal of a licence;
- (b) fifty rand, if it is made to the board for the grant of a new licence;
- (c) two rand if it is made to a magistrate at an annual hearing of applications in terms of section 38 for the renewal of a licence;
- (d) twenty rand, if it is made to a magistrate for the transfer of a licence in terms of section 57, for the temporary removal of a licence in terms of section 59 or for a temporary licence in terms of section 56 or if it is made to the board for the permanent removal of a licence in terms of section 21; or
- (e) twenty rand, if it is to be considered at a special meeting of the board or a special hearing of applications by a magistrate upon the order, other than an order under section 27 (2), made by the Supreme Court for the consideration of any matter specified in such order.

(2) No fee shall be payable under this section in respect of any application in terms of section 76 or dealt with by the board at a special meeting convened in terms of an order made under section 27 (2).

(3) No person who has paid any amount in terms of subsection (1) shall at any time or in any circumstances be entitled to claim a refund of such amount or of any part thereof.

CHAPTER VII.

HEARING OF OBJECTORS AND APPLICANTS.

48. (1) At the hearing of applications by the competent authority as provided in the case of the board by section 22 and, in the case of a magistrate, by section 38, any person or any one person representing any association or other body of persons may, before the competent authority commences to deal with the individual applications made to it, address such authority generally on the question of the desirability or otherwise of — General addresses
to competent
authority.

- (a) reducing or increasing the number of licences which may be granted by such authority;
- (b) reducing or increasing the number of hours or curtailing or extending the times during which liquor may be sold or supplied under licences so granted or renewed;
- (c) withdrawing, withholding, granting or enlarging any other privileges or imposing any condition or restriction which it is within the power of such authority to grant or impose; or

(d) dat sodanige gesag enige ander bevoegdheid of ampsplig wat hierdie ordonnansie aan hom verleen of opdra, moet uitvoer of verrig.

(2) Geen sodanige vertoë mag deur die bevoegde gesag toegelaat word nie tensy daar minstens sewe dae voor die datum van die verhoor op die voorgeskrewe wyse by die bevoegde gesag 'n skriftelike kennisgewing ingedien is waarin die naam van die persoon deur wie, of die vereniging of ander liggaam van persone namens wie, die vertoë gerig gaan word tesame met die algemene aard van die punte van sodanige vertoë aangegee word.

(3) 'n Afskrif van sodanige kennisgewing moet gedurende 'n tydperk van minstens sewe dae voor die datum van die verhoor deur die sekretaris van die bevoegde gesag op 'n opvallende plek by of in die kantoor waar die verhoor gaan plaasvind, opgeplak word: Met dien verstande dat versuim om so 'n kennisgewing aldus op te plak of opgeplak te hou nie die bevoegde gesag verhinder om die betrokke vertoë aan te hoor nie.

(4) Die bevoegde gesag aan wie enige sodanige vertoë aangebied word of na voorneme aangebied gaan word, kan weier om sodanige vertoë of die voortsetting daarvan aan te hoor op grond dat —

(a) daar aan enige beperking by subartikel (1) opgelê, nie voldoen is nie; of

(b) enige punt nie ter sake is nie of 'n herhaling is van punte reeds geopper by sodanige vergadering of verhoor.

(5) Die beslissing van die bevoegde gesag om die verhoor of die voortsetting van enige sodanige vertoë toe te laat of te weier, is afdoende.

(6) Die bevoegde gesag kan, as hy dit goedvind, enige aansoeker of sy verteenwoordiger of enigiemand anders toelaat om te antwoord op enige vertoë aan hom gerig ooreenkomstig subartikel (1).

HOOFTUK VIII.

VERHOOR VAN AANSOEKE.

Aansoekers
geregtig om
teenwoordig
te wees.

49. By die verhoor deur die bevoegde gesag van 'n aansoek het die aansoeker die reg om voor sodanige gesag te verskyn, òf persoonlik òf deur 'n advokaat of prokureur, en persoonlik of, waar aldus verteenwoordig, deur 'n advokaat of prokureur, om enigiemand wat voor sodanige gesag getuienis lewer onder kruisverhoor te neem, om getuienis te lei en om sodanige mondelingse vertoë met betrekking tot sy aansoek soos hy nodig ag, te rig of te doen.

Beswaarmakers
moet kennis gee
van voorneme om
beswaar
te maak.

50. Enige persoon of liggaam van persone wat beswaar wil maak teen die verlening van enige bepaalde aansoek, moet op die voorgeskrewe wyse die bevoegde gesag en die aansoeker in kennis stel van sy voorneme om aldus beswaar te maak en die gronde van die beswaar uiteensit.

Beswaarmakers
geregtig om
teenwoordig
te wees.

51. (1) Enige persoon of liggaam van persone wat kragtens artikel 50 'n beswaar ingedien het, is geregtig om by die verhoor van die aansoek voor die bevoegde gesag te verskyn, òf persoonlik òf deur 'n advokaat of prokureur of deur iemand anders deur hom gemagtig, en om persoonlik of deur sodanige verteenwoordiger iemand wat getuienis lewer voor sodanige gesag onder kruisverhoor te neem, om getuienis te lei of sodanige vertoë met betrek-

(d) the exercising by such authority of any other power or the performance of any other function conferred upon or assigned to it by this ordinance.

(2) No such address shall be received by the competent authority unless at least seven days prior to the date of the hearing, there has in the prescribed manner, been lodged with the competent authority a notice in writing setting forth the name of the person by whom or the association or other body of persons on behalf of which the address will be made together with the nature of the general representations which will be submitted in such address.

(3) A copy of such notice shall for a period of at least seven days prior to the date of the hearing be posted by the secretary to the competent authority in a conspicuous place at or in the office where the hearing will take place: Provided that a failure so to post or to keep posted any such notice, shall not preclude the competent authority from hearing the address concerned.

(4) The competent authority to whom any such address is presented or proposed to be presented, may refuse to hear such address or the continuance of such address on the ground that —

- (a) any limitation imposed by subsection (1) has not been complied with, or
- (b) any representation is irrelevant or a repetition of representations already submitted at such meeting or hearing.

(5) The decision of the competent authority as to the allowing or the refusing to allow the hearing or the continuance of any such address shall be final.

(6) The competent authority may, if it thinks fit, permit any applicant or his representative or any other person to reply to any address made to it in terms of subsection (1).

CHAPTER VIII.

HEARING OF APPLICATIONS.

49. At the hearing of any application by the competent authority the applicant shall be entitled to appear before such authority either personally or by counsel or attorney and personally or where so represented, by such counsel or attorney, to cross-examine any person giving evidence before such authority, to lead evidence and to address or make such oral representations relating to his application as he may deem necessary.

Applicants
entitled to be
present.

50. Any person or body of persons who or which desires to object to the granting of any particular application shall in the prescribed manner notify the competent authority and the applicant of his or its intention so to object and stating the grounds of objection.

Objectors to give
notice of intention
to object.

51. (1) Any person or body of persons who or which has lodged an objection in terms of section 50, shall at the hearing of the application be entitled to appear before the competent authority either personally or by counsel or attorney or by some other person authorised by him or it and personally or by such representative to cross-examine any person giving evidence before such authority to lead evidence or make such representations relating

Objectors entitled
to be present.

king tot die aansoek aan sodanige gesag te rig soos hy nodig ag: Met dien verstande dat waar 'n plaaslike bestuur 'n beswaar aldus ingedien het die burgemeester of voorsitter van die plaaslike bestuur of iemand anders skriftelik deur die burgemeester of sodanige voorsitter gemagtig, aldus namens sodanige plaaslike bestuur kan verskyn.

(2) Waar enige sodanige persoon of liggaam versuim het om te voldoen aan die bepalings van artikel 50 kan die bevoegde gesag na algehele eie goeddunke hom toelaat om voor hom te verskyn soos bepaal by artikel 51 en moet hy, as hy sodanige persoon of liggaam toelaat om te verskyn, die aansoeker 'n redelike geleentheid bied om op die beswaar te antwoord en kan hy vir daardie doel die verhoor of verdere verhoor van die aansoek uitstel of verdaag.

Getuienis moet onder eed geneem word.

52. (1) Wanneer ook al by die verhoor van enige aansoek die bevoegde gesag dit nodig ag om getuienis aan te hoor oor enige vraag waarvoor hy moet beslis, moet sodanige getuienis onder eed of bevestiging afgeneem word, in die geval van die raad, opgelê deur die voorsitter daarvan, en in die geval van 'n landdros, deur die landdros.

(2) Die bevoegde gesag kan by skriftelike kennisgewing onderteken deur sy sekretaris vereis dat die aansoeker voor hom verskyn, of in die geval van 'n hernuwing van 'n lisensie, enige persoon wat toesig of beheer het oor die besigheid waarvoor die aansoek gaan of enige ander persoon wat, na sodanige gesag meen, in staat is om enige toepaslike inligting te verskaf ten opsigte van enige saak wat die gesag moet oorweeg of beslis, en kan by 'n soortgelyke kennisgewing so 'n aansoeker of persoon aansê om enige boek of dokument wat betrekking het op die saak voor die gesag, en wat in sy bewaring of onder sy beheer is, voor te lê.

(3) Elke sodanige persoon is, as hy deur die bevoegde gesag aangesê word om aldus te doen, verplig om getuienis onder eed soos bepaal in subartikel (1) te gee en om alle vrae wettig aan hom gestel, te beantwoord en om alle boeke en dokumente bedoel in subartikel (2) voor te lê.

Polisie-offisier kan geroep word vir kruisverhoor.

53. Einge polisie-offisier wat kragtens artikel 115 'n verslag oor enige aansoek wat deur die bevoegde gesag behandel moet word, aan sodanige gesag gelewer het, kan by die verhoor van die aansoek deur die aansoeker of deur enige persoon of liggaam bedoel in artikel 51 (1) geroep word vir kruisverhoor oor die inhoud van die verslag en sodanige offisier, of hy geroep word al dan nie, of enige ander lid van die polisie kan getuienis aanvra of beredenering bied ter staving van die verslag.

Bevoegde gesag kan kennis neem van gronde van beswaar.

54. Die bevoegde gesag kan uit eie beweging kennis neem van enige feit, saak of ding hoegenaamd wat na sy mening 'n grond van beswaar teen die bestaan van enige aansoek uitmaak, nieteenstaande dat geen beswaar deur enigiemand op sodanige grond gemaak is nie.

Uitstel of verdagting van verhoor.

55. (1) Die bevoegde gesag kan om enige rede wat hy goedvind of op versoek van 'n aansoeker die verhoor uitstel of die verdere verhoor van enige aansoek na 'n ander datum verdaag.

(2) Geen versoek om sodanige uitstel of verdagting deur 'n aansoeker, om hom in staat te stel om te voldoen aan enige bepaling van hierdie ordonnansie, en tot op 'n datum later as een dag na die datum waarop die verrigtings in die openbaar met betrekking tot alle aansoeke wat dan deur die bevoegde gesag behandel moet word, na die mening van sodanige gesag, gefinaliseer sal word, word toegestaan nie, tensy die aansoeker eers by die land-

to the application to such authority as he or it may deem necessary: Provided that where a local authority has so lodged an objection the mayor or chairman of the local authority or any other person authorised by the mayor or such chairman in writing, may so appear on behalf of such local authority.

(2) Where any such person or body has failed to comply with the provisions of section 50, the competent authority may in its absolute discretion allow him or it to appear before it as provided by section 51 and shall, if it allows such person or body to appear, afford the applicant a reasonable opportunity of answering the objection and may for that purpose postpone or adjourn the hearing or further hearing of the application.

52. (1) Whenever at the hearing of any application the competent authority considers it necessary to hear evidence concerning any question to be determined by it, such evidence shall be given on oath or affirmation administered in the case of the board, by the chairman thereof and in the case of a magistrate, by the magistrate.

Evidence to be taken on oath.

(2) The competent authority may by written notice signed by its secretary, require the attendance before it of the applicant or in the case of the renewal of a licence, any person in charge or control of the business to which the application relates or of any other person who in the opinion of such authority is able to supply any relevant information as to any matter which it has to consider or determine and may by like notice require any such applicant or person to produce to it any book or document relevant to the matter before it which is in his custody or under his control.

(3) Any such person shall, if required by the competent authority to do so, be compelled to give evidence on oath as provided by subsection (1) and to answer all such questions as may be lawfully put to him and to produce all such books and documents as are referred to in subsection (2).

53. Any commissioned officer of police who has in terms of section 115, furnished the competent authority with a report on any application to be dealt with by it, may at the hearing of the application be called by the applicant or by any person or body referred to in section 51 (1) for the purpose of being cross-examined as to the contents of such report and such officer, whether so called or not, or any other member of the police may call evidence or present argument in support of the report.

Commissioned officer of police may be called for purpose of cross-examination.

54. The competent authority may of its own motion take cognizance of any fact, matter or thing whatsoever which, in its opinion, would be a ground of objection to the granting of any application notwithstanding that no objection has been made by any person on such ground.

Competent authority may take cognizance of grounds of objection.

55. (1) The competent authority may for any reason it deems fit or at the request of an applicant postpone the hearing or adjourn the further hearing of any application to any other date.

Postponement or adjournment of hearing.

(2) No request for such postponement or adjournment by an applicant for the purpose of enabling him to comply with any provision of this ordinance and to a date later than one day after the date on which the proceedings in public in relation to all applications then to be dealt with by the competent authority will, in the opinion of such authority, have been finalised, shall be granted unless the applicant first deposits with the ma-

dros van die distrik waarop die betrokke perseel geleë is, die som van vyftig rand en 'n verdere som van vyftig rand ten opsigte van elke dag of deel van 'n dag wat na die mening van sodanige gesag, nodig sal wees om sodanige verhoor of verdere verhoor te finaliseer, gedeponeer het.

(3) As dit na die afsluiting van sodanige verhoor of verdere verhoor blyk dat die som gedeponeer ooreenkomstig subartikel (2) meer is as die som wat aldus gedeponeer sou gewees het as die getal dae wat werklik vir sodanige verhoor of verdere verhoor vereis was, bekend was toe die aansoek om die uitstel of verdaging gedoen is, word sodanige te veel betaalde bedrag aan die aansoeker terugbetaal.

HOOFSTUK IX.

AANSOEKE OM TYDELIKE LISENSIES EN OM DIE OORDRAG OF TYDELIKE VERPLASING VAN LISENSIES.

Aansoeke om tydelike lisensies.

56. Iemand wat die verlening van 'n tydelike dranklisensie verlang, kan op die voorgeskrewe wyse aansoek daarom doen by die landdros van die distrik waarin die perseel geleë is waarop na voorneme drank kragtens sodanige lisensie verkoop gaan word, en sodanige landdros kan, behoudens die bepalings van hierdie ordonnansie, na sy goeddunke, sodanige aansoek toestaan of weier.

Aansoeke om die oordrag van lisensies.

57. (1) Enige houër van 'n lisensie, buiten 'n binneverbruikslisensie vir 'n huisvestingsinrigting, kan op die voorgeskrewe wyse en na die voorgeskrewe kennisgewing, aansoek doen by die landdros van die distrik waarin die gelisensieerde perseel geleë is, om die oordrag van sy lisensie aan 'n ander persoon en sodanige landdros kan, behoudens die bepalings van artikel 58 en alle ander toepaslike bepalings van hierdie ordonnansie, en na oorweging van sodanige inligting, dokumente, verslae en vertoë by hom ingedien, soos voorgeskryf word, die aansoek toestaan of weier: Met dien verstande dat sodanige aansoek nie toegestaan word nie as die landdros meen dat as die lisensie oorgedra word aan die persoon in die aansoek genoem, daar 'n moontlikheid is dat 'n monopolistiese toestand skadelik vir die openbare belang kan ontstaan of vererger word in die drankhandel of enige tak daarvan.

(2) Geen aansoek kragtens subartikel (1) word toegestaan nie tensy die aansoeker die landdros oortuig het dat hy die voorgeskrewe kennisgewing bedoel in subartikel (1) verstrekket het en dat hy skriftelike kennisgewing van sy aansoek verstrekket het aan elke persoon of liggaam van persone wat enige geldelike belang het in die lisensie of in die besigheid wat kragtens die lisensie gedryf word.

(3) As die aansoek toegestaan word, moet die landdros by lewering van bewys tot sy oortuiging dat die gelde voorgeskryf by artikel 11 ten opsigte van sodanige oordrag betaal is, die lisensie endosseer ten effekte dat dit oorgedra is aan die persoon genoem in die aansoek.

(4) Elkeen aan wie 'n lisensie kragtens hierdie artikel oorgedra is, het al die regte en voorregte en is onderhewig aan al die pligte, verpligtings en strawwe van die oorspronklike houër van die lisensie.

Sekere lisensies word nie sonder die Administrateur se magtiging oorgedra nie.

58. (1) Geen lisensie ten opsigte van 'n perseel geleë in 'n verbode gebied soos omskryf in artikel 60 (4) mag aan iemand anders oorgedra word nie tensy die Administrateur sodanige oordrag skriftelik gemagtig het: Met

gistrate of the district in which the premises concerned are situated, the sum of fifty rand and a further sum of fifty rand in respect of every day or portion of a day which will, in the opinion of such authority, be required to finalise such hearing or further hearing.

(3) If, after the conclusion of such hearing or further hearing it appears that the sum deposited in terms of subsection (2) exceeds the sum which would have been so deposited if the number of days actually required for such hearing or further hearing had been known when the application for the postponement or adjournment was made, such excess shall be refunded to the applicant.

CHAPTER IX.

APPLICATIONS FOR TEMPORARY LICENCES AND FOR THE TRANSFER OR TEMPORARY REMOVAL OF LICENCES.

56. Any person desiring the grant of a temporary liquor licence may in the prescribed manner apply therefor to the magistrate of the district in which the premises on which it is desired to sell liquor under such licence, are situated and such magistrate may, subject to the provisions of this ordinance, in his discretion grant or refuse such application.

Applications for temporary licences.

57. (1) Any holder of a licence, other than an accommodation establishment on-consumption licence, may in the prescribed manner and after giving the prescribed notice, apply to the magistrate of the district in which the licensed premises are situated for the transfer of his licence to any other person and such magistrate may, subject to the provisions of section 58 and all other relevant provisions of this ordinance and after considering such information, documents, reports and representations submitted to him as may be prescribed, grant or refuse the application: Provided that such application shall not be granted if the magistrate is of the opinion that if the licence were transferred to the person mentioned in the application there is a possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof.

Application for the transfer of licences.

(2) No application under subsection (1) shall be granted unless the magistrate has been satisfied by the applicant that he has given the prescribed notice referred to in subsection (1) and that he has given written notice of his application to every person or body of persons who or which has any financial interest in the licence or in the business conducted under the licence.

(3) If the application is granted the magistrate shall, upon proof to his satisfaction that the fees prescribed by section 11 in respect of such transfer have been paid, endorse the licence to the effect that it has been transferred to the person mentioned in the application.

(4) Any person to whom a licence has been transferred under this section shall possess all the rights and privileges and be subject to all the duties, obligations and penalties of the original holder of the licence.

58. (1) No licence in respect of premises situated in a prohibited area as defined in section 60 (4) shall be transferred to any other person unless the Administrator has authorised such transfer in writing: Provided that no

Certain licences may not be transferred without the Administrator's authority.

dien verstande dat geen sodanige magtiging vereis word in die geval van die oordrag van 'n lisensie van 'n werknemer van 'n maatskappy, genootskap, vennootskap of ander liggaam van persone na 'n ander werknemer van dieselfde maatskappy, genootskap of liggaam van persone nie.

(2) Die Administrateur weerhou nie magtiging vir die verlenging van enige sodanige oordrag nie, tensy hy, nadat hy die aansoeker die geleentheid gebied het om skriftelike vertoë aan hom te rig binne 'n tydperk deur hom genoem, meen dat as die lisensie oorgedra word aan die persoon in die aansoek genoem, daar 'n moontlikheid is dat 'n monopolistiese toestand skadelik vir die openbare belang kan ontstaan of vererger word in die drankhandel of enige tak daarvan.

(3) Die beslissing van die Administrateur oor enige aansoek kragtens subartikel (1) is afdoende.

(4) Die bepalings van hierdie artikel geld nie ten opsigte van binneverbruikslisensies vir huisvestingsinrigtings nie.

Tydlike
verplasing van
lisensies.

59. (1) Die houer van 'n lisensie, buiten die houer van 'n binneverbruikslisensie vir huisvestingsinrigtings, wat sy lisensie tydelik van die gelisensieerde perseel na 'n ander perseel in dieselfde distrik wil verplaas, kan op die voorgeskrewe wyse en nadat hy die voorgeskrewe kennis gegee het, aansoek doen by die landdros van die distrik om sodanige verplasing en die landdros kan behoudens die bepalings van hierdie ordonnansie en na oorweging van sodanige inligting, dokumente, verslae en vertoë by hom ingedien, soos voorgeskryf word, die aansoek toestaan of weier.

(2) By die toestaan van enige aansoek kan die landdros sodanige voorwaardes of beperkings soos hy goedvind, oplê.

(3) Geen lisensie mag uit hoofde van enige magtiging verleen kragtens subartikel (1) verplaas word na 'n ander perseel vir enige tydperk van langer as twaalf maande nie tensy die landdros, nadat die houer van die lisensie goeie redes aangevoer het, spesiale magtiging verleen het vir die verplasing van die lisensie vir 'n tydperk langer as twaalf maande maar nie langer nie as agtien maande, soos deur hom bepaal.

(4) Wanneer ook al enige aansoek kragtens subartikel (1) toegestaan word, moet die landdros die lisensie endosseer ten effekte dat dit tydelik verplaas is na die betrokke perseel vir die tydperk deur hom bepaal onderhewig aan sodanige voorwaardes of beperking soos kragtens subartikel (2) opgelê.

(5) Die bepalings van artikel 34 is *mutatis mutandis* van toepassing ten opsigte van die tydelike verplasing van 'n lisensie waar die aansoek kragtens hierdie artikel toegestaan is na aansoek gedoen is om die hernuwing van die lisensie.

HOOFSTUK X.

VERBOD EN BEPERKING VAN LISENSIES.

Verbode gebiede.

60. (1) Geen aansoek —

- (a) om die verplasing, hetsy permanent of tydelik, van 'n lisensie van 'n perseel geleë buite na 'n perseel geleë in 'n verbode gebied, of

such authority shall be required in the case of the transfer of a licence from an employee of a company, society, partnership or other body of persons to another employee of the same company, society, partnership or body of persons.

(2) The Administrator shall not withhold authority for the granting of any such transfer unless, having afforded the applicant an opportunity of making representations to him in writing within a period stipulated by him, he is of the opinion that if the licence were transferred to the person mentioned in the application there is a possibility of a monopolistic condition detrimental to the public interest arising or being aggravated in the liquor trade or any branch thereof.

(3) The decision of the Administrator or any application under subsection (1) shall be final.

(4) The provisions of this section shall not apply to accommodation establishment on-consumption licences.

59. (1) The holder of a licence other than the holder of an accommodation establishment on-consumption licence who desires to remove his licence temporarily from the licensed premises to other premises in the same district may in the prescribed manner and after giving the prescribed notice apply to the magistrate of the district for such removal and the magistrate may subject to the provisions of this ordinance and after considering such information, documents, reports and representations submitted to him as may be prescribed grant or refuse the application.

Temporary removal of licences.

(2) In granting any such application the magistrate may impose such conditions or restrictions as he may deem fit.

(3) No licence shall by virtue of any authority granted under subsection (1) be removed to other premises for any period exceeding twelve months unless the magistrate has on good cause shown by the holder of the licence, granted special authority for the removal of the licence for a period exceeding twelve but not exceeding eighteen months determined by him.

(4) Whenever any application under subsection (1) is granted the magistrate shall endorse the licence to the effect that it has been temporarily removed to the premises concerned for the period determined by him subject to such conditions or restrictions as may have been imposed under subsection (2).

(5) The provisions of section 34 shall *mutatis mutandis* apply in respect of the temporary removal of a licence where the application under this section is granted after application has been made for the renewal of the licence.

CHAPTER X.

PROHIBITION, LIMITATION AND RESTRICTION OF LICENCES.

60. (1) No application —

Prohibited areas.

- (a) for the removal, whether permanent or temporarily, of a licence from premises situated outside to premises situated in a prohibited area, or

(b) om die oordrag aan enigiemand van 'n lisensie ten opsigte van 'n perseel geleë in 'n verbode gebied, word toegestaan sonder die skriftelike goedkeuring van die Administrateur nie.

(2) Geen sodanige goedkeuring word vereis in die geval van die oordrag van 'n lisensie van 'n werknemer van 'n maatskappy, genootskap, vennootskap, vereniging of ander liggaam van persone aan 'n ander werknemer van dieselfde maatskappy, genootskap, vennootskap, vereniging of liggaam van persone nie.

(3) Enige goedkeuring kragtens subartikel (1) kan verleen word onderhewig aan sodanige voorwaardes of beperkings soos die Administrateur goedvind en elke sodanige voorwaarde of beperking moet geendosseer word op, of aangeheg word aan, enige lisensie wat met sodanige goedkeuring verplaas of oorgedra word.

(4) By die toepassing van hierdie artikel beteken „verbode gebied” enige plek —

(a) in of binne 'n halfmyl van die grens van enige inboorlinglokasie of inboorlingdorp gestig kragtens die bepalings van enige wet;

(b) in of binne drie myl van die grens van enige gebied afgesonder kragtens die bepalings van enige wet vir bewoning deur inboorlinge; of

(c) in of binne 'n halfmyl van die grens van enige gebied afgesonder kragtens die bepalings van enige wet vir bewoning deur Kleurlinge.

(5) Die bepalings van hierdie artikel geld nie ten opsigte van binneverbruikslisensies vir huisvestingsinrigtings nie.

Beperking van
botteldranklisensie
in plattelandse
gebiede.

61. (1) Geen aansoek om 'n nuwe botteldranklisensie ten opsigte van 'n perseel geleë in 'n plattelandse gebied word deur die raad oorweeg sonder die skriftelike goedkeuring van die Administrateur nie.

(2) Geen sodanige goedkeuring word deur die Administrateur verleen nie tensy die aansoeker hom oortuig het dat daar buitengewone omstandighede bestaan wat die oorweging van die aansoek deur die raad regverdig.

(3) Enige goedkeuring kragtens subartikel (1) kan verleen word onderhewig aan sodanige voorwaardes of beperkings soos die Administrateur goedvind.

Beperking van
botteldranklisensie
in stedelike
gebiede.

62. Geen aansoek om 'n nuwe botteldranklisensie ten opsigte van 'n perseel geleë binne die gebied van 'n stedelike plaaslike bestuur word toegestaan nie tensy die aansoeker die raad oortuig het dat die getal gelisensieerde persele, insluitende huisvestingsinrigtings wat kragtens die bepalings van die Ordonnansie op Huisvestingsinrigtings en Toerisme 1967 (Ordonnansie 29 van 1967) gemagtig is om drank te verkoop, binne die gebied van sodanige plaaslike bestuur nie genoeg is om te voldoen aan die redelike behoeftes van die omgewing nie.

Beperking van
restaurant-
dranklisensies.

63. Geen aansoek om 'n nuwe restaurantdranklisensie word toegestaan nie tensy die raad oortuig is —

(a) dat daar buitengewone omstandighede in verband met die geval bestaan wat goedgunstige oorweging deur die raad vereis;

(b) dat die lisensie noodsaaklik is om te voldoen aan die redelike behoeftes van die publiek;

(c) dat die aansoeker op die perseel ten opsigte waarvan die aansoek gedoen word 'n *bona fide*-restaurant waarin maaltye gereeld vir die publiek verskaf word of sal word, hou of sal hou, en

(d) dat die perseel genoegsame akkommodasie vir persone wat daarin maaltye nuttig, bied of sal bied.

(b) for the transfer to any person of a licence in respect of premises situated in a prohibited area, shall be granted without the written approval of the Administrator.

(2) No such approval shall be required in the case of the transfer of a licence from an employee of a company, society, partnership, association or other body of persons to another employee of the same company, society, partnership, association or body of persons.

(3) Any approval under subsection (1) may be granted subject to such conditions or restrictions as the Administrator may deem fit and every such condition or restriction shall be endorsed on or attached to any licence removed or transferred with such approval.

(4) For the purposes of this section "prohibited area" means any place —

- (a) in or within half a mile of the boundary of any Native location or Native village established under the provisions of any law;
- (b) in or within three miles of the boundary of any area set apart under the provisions of any law for the occupation of Natives; or
- (c) in or within half a mile of the boundary of any area set apart under the provisions of any law for the occupation of Coloured persons.

(5) The provisions of this section shall not apply in respect of accommodation establishment on-consumption licences.

61. (1) No application for a new bottle liquor licence in respect of premises situated in a rural area shall be considered by the board without the written approval of the Administrator.

Limitation of
bottle liquor
licences in rural
areas.

(2) No such approval shall be granted by the Administrator unless he has been convinced by the applicant that exceptional circumstances exist which justify the consideration of the application by the board.

(3) Any approval under subsection (1) may be granted to such conditions or restrictions as the Administrator may deem fit.

62. No application for a new bottle liquor licence in respect of premises situated within the area of an urban local authority shall be granted unless the applicant has satisfied the board that the number of licensed premises including accommodation establishments which have been authorised to sell liquor under the provisions of the Accommodation Establishments and Tourism Ordinance, 1967 (Ordinance 29 of 1967), within the area of such local authority is not sufficient to meet the reasonable requirements of the neighbourhood.

Limitation of
bottle liquor
licences in urban
areas.

63. No application for a new restaurant liquor licence shall be granted unless the board is satisfied —

Restriction of
restaurant liquor
licences.

- (a) that there are exceptional circumstances connected with the case which require sympathetic consideration by the board;
- (b) that the licence is essential in order to meet the reasonable requirements of the public;
- (c) that the applicant keeps or will keep on the premises in respect of which the application is made, a *bona fide* restaurant in which meals are or will be regularly provided for the public, and
- (d) that the premises afford or will afford sufficient accommodation for persons taking meals therein.

HOOFSTUK XI.

KWALIFIKASIES VIR LISENSIES EN BEPERKINGS
IN VERBAND MET PERSELE.

A. KWALIFIKASIES VAN LISENSIEHOUERS.

Aan wie geen
lisensie verleen
mag word nie.

64. (1) Geen nuwe lisensie of enige sertifikaat of magtiging daarvoor of vir enige hernuwing of oordrag van 'n lisensie word verleen aan of ten gunste van enige persoon nie wat —

- (a) binne die Republiek of die Gebied of elders in die voorafgaande tien jaar gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete weens 'n misdryf buiten 'n misdryf van 'n politieke aard of 'n misdryf wat uit 'n nywerheidsgeskil ontstaan het;
- (b) hetsy voor of na die inwerkingtreding van hierdie ordonnansie skuldig bevind is weens 'n misdryf van drankverkoop of drankverskaffing aan iemand wat nie geregtig was om dit te koop of te ontvang nie en daarna, maar na die inwerkingtreding van hierdie ordonnansie en binne vyf jaar na sodanige vorige skuldigbevinding, kragtens enige wet weens 'n soortgelyke misdryf skuldig bevind is;
- (c) nie in die Republiek of die Gebied woon nie;
- (d) 'n ongerehabiliteerde insolvent is;
- (e) onder een-en-twintig jaar oud is;
- (f) 'n winsbetrekking onder die Staat of die Administrasie beklee;
- (g) 'n perseel okkupeer waarop 'n besigheid gelisensieer kragtens hierdie ordonnansie gedryf word waarvan enige lid van die polisie die eienaar of huurder is of waarby so 'n lid enige belang het; of
- (h) die vrou is van iemand wat kragtens paragraaf (a), (b), (d) of (f) onbevoeg is, tensy die partye te goeder trou van mekaar geskei leef kragtens 'n notariële akte of geregtelike skeiding;

nog mag, buiten in die geval van 'n restaurantdranklisensie, 'n nuwe lisensie verleen word of 'n lisensie oorgedra word of enige sertifikaat of magtiging daarvoor verleen word aan iemand wat nie vir 'n tydperk van minstens twee uit die vyf jaar wat sy aansoek voorafgaan in die Republiek of die Gebied gewoon het nie.

(2) By die toepassing van hierdie artikel sluit die uitdrukkings „vonnissen” en „skuldigbevinding” nie 'n vonnis of 'n skuldigbevinding in wat ter syde gestel is op appél of hersiening of ten opsigte waarvan begenadiging verleen is nie.

(3) Die uitreiking of oordrag van 'n lisensie aan iemand wat kragtens hierdie ordonnansie onbevoeg is om dit te hou, is nietig en so iemand word beskou as nie gelisensieer nie.

(4) Die perseel ten opsigte waarvan so 'n lisensie uitgereik of oorgedra is, kan vir die verkoop van drank gesluit word op bevel van die landdros van die distrik waarin dit geleë is na sodanige ondersoek soos die landdros nodig ag.

Persone aan wie
'n klubdrank-
lisensie verleen
kan word.

65. 'n Klubdranklisensie word verleen net aan die sekretaris, bestuurder of hoofkelner van 'n klub.

CHAPTER XI.

QUALIFICATIONS FOR LICENCES AND RESTRICTIONS AS TO PREMISES.

A. QUALIFICATION OF LICENSEES.

64. (1) No new licence or any certificate or authority therefor or for any renewal or transfer of a licence shall be granted to or in favour of any person who —

Persons to whom licences may not be granted.

- (a) within the Republic or the Territory or elsewhere has within the preceding ten years been sentenced to imprisonment without the option of a fine for an offence other than an offence of a political character or an offence which arose out of an industrial dispute;
- (b) has, either before or after the commencement of this ordinance, been convicted of an offence of selling or supplying liquor to any person not entitled to purchase or receive it, and has subsequently but after the commencement of this ordinance and within five years of such previous conviction been convicted under any law of a similar offence;
- (c) does not reside within the Republic or the Territory;
- (d) is an unrehabilitated insolvent;
- (e) is under the age of twenty-one years;
- (f) holds an office of profit under the State or the Administration;
- (g) occupies premises whereon a business licensed under this ordinance is conducted of which any member of the police is the owner or lessee or in which such member has any interest; or
- (h) is the wife of any person disqualified under paragraph (a), (b), (d) or (f), unless the parties are *bona fide* living apart under notarial deed or judicial order of separation;

nor may, save in the case of a restaurant liquor licence, a new licence be granted or a licence be transferred or any certificate or authority therefor be granted to any person who has not, for a period of at least two of the five years preceding the date of his application, resided in the Republic or the Territory.

(2) For the purpose of this section the expressions "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.

(3) The issue or transfer of a licence to any person disqualified under this ordinance from holding it shall be null and void and any such person shall be deemed not to be licensed.

(4) The premises in respect of which any such licence was issued or transferred may be closed for the sale of liquor by order of the magistrate of the district in which they are situated after such enquiry as such magistrate may deem necessary.

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

Persons to whom a club liquor licence may be granted.

Persone aan wie 'n tydelike drank-lisensie verleen kan word.

66. 'n Tydelike dranklisensie word verleen net aan —
- (a) die houer van 'n restaurantdranklisensie;
 - (b) die houer van 'n binneverbruikslisensie vir 'n huisvestingsinrigting;
 - (c) die sekretaris van 'n *bona fide*-tentoonstelling of landboukou;
 - (d) die sekretaris of bestuurder van 'n *bona fide*-renbyeenkoms, sportbyeenkoms of soortgelyke geleentheid;
 - (e) die sekretaris van 'n *bona fide*-organisasie wat geld bymekaar maak vir wettige doeleindes by 'n openbare funksie gehou deur sodanige organisasie;
 - (f) die houer van 'n klubdranklisensie wat die landdros by wie die aansoek om die lisensie gedoen is, oortuig het dat die tydelike dranklisensie verlang word vir 'n *bona-fide*-openbare funksie, sportgeleentheid, sportbedrywighede of sosiale geleentheid wat deel uitmaak van die normale en gewone bedrywighede van so 'n klub.

Persone aan wie 'n spesiale groot-handeldepotlisensie vir brouers verleen kan word.

67. (1) 'n Spesiale groothandeldepotlisensie vir brouers word verleen net aan die houer van 'n spesiale groothandellisensie vir brouers uitgereik ooreenkomstig die Brouwers en Distilleerders Licentie Belasting Proklamasie 1924 (Proklamasie 3 van 1924 van die Gebied) vir die verkoop of verskaffing van die produk van sy vervaardiging aan lisensiehouers kragtens hierdie ordonnansie of aan die publiek.

(2) Geen sodanige lisensie word verleen aan die houer van 'n lisensie bedoel in subartikel (1) as hy ook enige ander lisensie kragtens hierdie ordonnansie hou nie.

B. BEPERKINGS IN VERBAND MET PERSELE.

Algemene geskiktheid van persele.

68. Voordat hy 'n aansoek om die hernuwing van 'n lisensie of om die tydelike of permanente verplasing van 'n lisensie na 'n ander perseel toestaan, moet die bevoegde gesag hom oortuig dat die perseel in verband waarmee die aansoek gedoen word, of waarheen die lisensie verplaas gaan word, geskikte en bevredigende akkommodasie vir alle doeleindes waarvoor dit, kragtens die lisensie, wettig gebruik kan word, bevat of sal bevat wanneer dit voltooi is en, as die perseel in die nabyheid van 'n plek van erediens of 'n skool of 'n inboorlingkampong of inboorlingdorp staan, dat die besigheid sodanig gedryf sal word dat die verrigtings op daardie plek van erediens of in daardie skool nie gesteur sal word of die bewoners van daardie inboorlingkampong of inboorlingdorp nie benadeel, of aan die beheer daarvan geen afbreuk gedoen sal word nie.

Watter ander besigheid op gellisenseerde perseel gedryf kan word.

69. (1) Behoudens enige voorwaarde wat die bevoegde gesag kragtens hierdie ordonnansie oplê —

- (a) kan enige binneverbruikslisensie verleen of hernieu word in verband met 'n perseel waarop enige persoon wettig as 'n besigheid, koerante, tee, koffie, maaltye, kakao, koek, suikergoed en ander ligte verversings (insluitende drank wat nie sterk drank is nie), tabak, sigare, sigarette en vuurhoutjies verkoop of enige ander wettige besigheid dryf wat deur sodanige bevoegde gesag spesiaal gemagtig is;
- (b) kan 'n botteldranklisensie verleen of hernieu word in verband met 'n perseel waarop die lisensiehouer wettig handel dryf as 'n groothandelranklisensiehouer of as handelaar in brandspiritus, mineraalwaters en ander drank (buiten sterk drank) in geslote bottels, tabak, sigare, sigarette, vuurhoutjies en druiweasyn in geslote houers;

66. A temporary liquor licence shall be granted only to —
- Persons to whom a temporary liquor licence may be granted.
- (a) the holder of a restaurant liquor licence;
 - (b) the holder of an accommodation establishment on-consumption licence;
 - (c) the secretary of a *bona fide* exhibition or agricultural show;
 - (d) the secretary or manager of a *bona fide* race meeting, sports meeting or like event;
 - (e) the secretary of a *bona fide* organisation collecting funds for lawful purposes at a public function held by such organisation;
 - (f) the holder of a club liquor licence who has satisfied the magistrate to whom application for the licence is made, that the temporary liquor licence is required for a *bona fide* public function, sports event, sports activities or social event forming part of the activities normally and habitually pursued by such a club.

67. (1) A special brewers' wholesale depot licence shall be granted only to the holder of a special brewer's wholesale licence issued in terms of the Brewers and Distillers Licenses Duty Proclamation, 1924 (Proclamation 3 of 1924 of the Territory) for the sale or supply of the product of his manufacture to licence holders under this ordinance or to the public.

Persons to whom a special brewers' wholesale depot licence may be granted.

(2) No such licence shall be granted to the holder of a licence referred to in subsection (1) if he also holds any other licence under this ordinance.

B. RESTRICTIONS AS TO PREMISES.

68. Before granting any application for the renewal of a licence or the temporary or permanent removal of a licence to other premises, the competent authority shall satisfy itself that the premises in respect of which the application is made or to which the licence is to be removed, afford or when completed will afford suitable and satisfactory accommodation for all purposes to which they may lawfully, in terms of the licence, be put and if the premises are situated in the vicinity of a place of worship or a school or a native compound, or native village, that the business will be conducted in such a manner as not to prejudice the conduct of such place of worship or school, or prejudice the occupants, or affect the control of such native compound or native village.

General suitability of premises.

69. (1) Subject to any condition imposed by the competent authority in terms of this ordinance —
- What other business may be carried on on licenced premises.
- (a) any on-consumption licence may be granted or renewed in respect of premises upon which any person lawfully carries on the business of selling newspapers, tea, coffee, meals, cocoa, cakes, confectionery and other light refreshments (including drinks other than liquor), tobacco, cigars, cigarettes and matches, or any other lawful business specially authorized by such competent authority;
 - (b) a bottle liquor licence may be granted or renewed in respect of premises in which the licensee lawfully carries on the business of a wholesale liquor licensee or of selling methylated spirit, mineral waters and other drinks (not being liquor) in closed bottles, tobacco, cigars, cigarettes, matches and grape vinegar in closed receptacles;

- (c) kan 'n spesiale groothandeldepotlisensie vir brouers verleen of hernieu word in verband met 'n perseel waarop die lisensiehouer wettig as 'n besigheid enige soort moutdrank brou.

(2) By die toepassing van hierdie artikel word 'n perseel nie as afsonderlik beskou nie —

- (a) as dit met 'n ander perseel onder dieselfde dak is en nie heeltemal van hom geskei is nie deur 'n muur of mure waarin geen deur, venster, opening of ander verkeersweg met daardie perseel is nie, of
- (b) as dit 'n werf of agterplaas het wat nie heeltemal afgeskei is van die werf of agterplaas van 'n ander perseel deur 'n heining of muur waarin geen deur, hek, opening of ander verkeersweg met daardie ander werf of agterplaas is nie.

Vir watter perseel 'n restaurant-dranklisensie hernieu kan word.

70. Geen restaurantlisensie mag hernieu word nie tensy die landdros oortuig is dat die aansoeker op die perseel 'n *bona fide*-restaurant hou waar gewone maaltye gereeld aan gaste verskaf word en dat die perseel redelike akkommodasie bied vir mense wat hul maaltye in daardie restaurant neem.

Vir watter perseel 'n tydelike dranklisensie verleen kan word.

71. 'n Tydelike dranklisensie kan verleen word net vir die doel van een of meer kroeë soos in die lisensie vermeld, om gedryf te word binne, of binne die terrein van, enige tentoonstelling, skou, renbyeenkoms, sportgeleentheid, plek van openbare funksie, ontspanning of vermaaklikheid: Met dien verstande dat in die geval van 'n sportbyeenkoms gehou terselfdertyd binne of binne die terrein van, meer as een plek van openbare ontspanning binne dieselfde distrik, een so 'n lisensie uitgereik kan word ten opsigte van een of meer kroeë soos in die lisensie vermeld, wat gedryf gaan word binne, of binne die terrein van, enigeen of meer van of alle sodanige plekke van ontspanning.

C. KLUBS.

Klubdrank-lisensies.

72. (1) Geen magtiging tot uitreiking of hernuwing van 'n klubdranklisensie mag verleen word nie tensy die bevoegde gesag oortuig is dat die klub 'n *bona fide*-klub is en 'n klub is ten opsigte waarvan 'n lisensie gevolglik verleen kan word.

(2) Behoudens die bepalings van subartikel (3) moet 'n eksemplaar van die reglement van die klub, gesertifiseer deur sy voorsitter, saam met die aansoek om die verlening of hernuwing van 'n klubdranklisensie ingedien word en geen sodanige lisensie word verleen of hernieu nie tensy die bevoegde gesag oortuig is na insae in die reglement of deur die polisieverslag of andersins —

- (a) dat die klub bestuur word deur 'n komitee van sy lede;
- (b) dat sodanige komitee gereelde vergaderings hou waarvan behoorlik notule gehou word;
- (c) dat net lede van die klub (insluitende *bona fide*-wederkerigheidslede) vir die akkommodasie of verserings daarin verskaf mag betaal;
- (d) dat niemand tot lidmaatskap van die klub toegelaat word minder as veertien dae na nominasie of sonder dat sy naam minstens sewe dae lank op die klub se perseel opgeplak is nie;
- (e) dat persone tot lidmaatskap toegelaat word òf deur die komitee òf deur al die lede van die klub: Met dien verstande dat die reglement van die klub enige lid wat agterstallig is met enige betaling aan die klub verskuldig van stemming kan uitsluit;

- (c) a special brewers wholesale depot licence may be granted or renewed in respect of premises in which the licensee lawfully carries on the business of brewing any malt liquor.

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

- (a) being under the same roof as other premises, they are not completely separated therefrom by a wall or walls having no door, window, aperture or other means of communication with such premises, or
- (b) having a yard, that yard is not completely separated from the yard of any other premises by a fence or wall having no door, gate, aperture or other means of communication with such other yard.

70. No restaurant liquor licence shall be renewed unless the magistrate is satisfied that the applicant keeps upon the premises a *bona fide* restaurant from which ordinary meals are regularly provided for guests and that the premises afford reasonable accommodation for persons taking meals in such restaurant.

Premises in respect of which a restaurant liquor licence may be renewed.

71. A temporary liquor licence may be granted only for the purpose of one or more bars as specified in the licence to be conducted within, or within the grounds of, any exhibition, show, race meeting, sports event, place of public function, recreation or amusement: Provided that 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 bars, as specified in the licence, to be conducted within, or within the grounds of, any one or more or all of such places of public recreation.

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

(C) CLUBS.

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

Club liquor licences.

(2) Subject to the provisions of subsection (3), a copy of the rules of the club certified by the chairman thereof shall be lodged with the application for the grant or renewal of a club liquor licence and no such licence shall be granted or renewed unless the competent authority is satisfied after reference to the rules or by the police report or otherwise —

- (a) that the club is managed by a committee of its members;
- (b) that such committee holds regular meetings of which proper minutes are kept;
- (c) that only members of the club (including *bona fide* reciprocity members) are permitted to pay for accommodation or refreshment supplied therein;
- (d) that no person is admitted to membership of the club less than fourteen days after nomination or without his name having been screened on the club premises for at least seven days;
- (e) that persons are admitted to membership either by the committee or by all members of the club: Provided that the rules of the club may disqualify from voting any member in arrear with any payment due to the club;

- (f) dat niemand wat binne tien myl van die klubgebou woon as erelid of tydelike lid of wederkerigheds-lid van die klub verkiesbaar is nie, behalwe wanneer —
- (i) sodanige verkiesbaarheid volgens die reglement van die klub verleen is omdat bedoelde persoon een of ander openbare amp beklee of 'n *bona fide*-kandidaat vir lidmaatskap is of 'n besondere voordeel aan die klub verleen het; of
- (ii) aan sodanige persoon by besluit van die klub se komitee die voorregte van lidmaatskap toegestaan word solank hy aan 'n wedstryd deelneem;
- (g) dat 'n lederegister en behoorlike boeke gehou word;
- (h) dat die jaarlikse ledegeld vir gewone lede minstens ses rand bedra;
- (i) dat die klub uit minstens vyf-en-dertig lede bestaan;
- (j) dat buiten kragtens 'n skriftelike ooreenkoms deur die bevoegde gesag goedgekeur geen wins uit die verkoop van drank deur die klub aan 'n individu toekom nie; en
- (k) dat geen lid wat sy ledegeld nie binne drie maande na die vervaltyd betaal het nie, toegelaat word om lid te bly terwyl sy ledegeld onbetaal bly nie.

(3) In die geval van 'n aansoek om die hernuwing van 'n klubdranklisensie is dit nie nodig om 'n eksemplaar van die reglement van die klub soos vereis by subartikel (2) in te dien nie as die aansoeker met sy aansoek 'n beëdigde verklaring indien dat sedert die vorige aansoek om 'n lisensie die reglement nie verander is nie, of slegs geringe veranderings ondergaan het waarvan volle besonderhede in die beëdigde verklaring verstrekkend moet word.

Oordrag van klubdranklisensies by verandering van hoofkelner, bestuurder of sekretaris.

73. (1) Wanneer ook al die hoofkelner of bestuurder of sekretaris van enige klub op wie se naam 'n klubdranklisensie uitgereik is om die een of ander rede sy amp as sodanig ontruim, moet die voorsitter of hoofbeampte van die klub onverwyld die landdros van die distrik skriftelik in kennis stel van die naam van die persoon wat, hetsy tydelik of permanent, in die vakature aangestel is en sodanige kennisgewing deur sodanige persoon laat mede-onderteken.

(2) Die landdros moet, as die persoon aldus aangestel nie kragtens hierdie ordonnansie onbevoeg is om die houër van die lisensie te wees nie, sonder betaling van enige oordraggelde die naam van sodanige persoon as die houër van die lisensie op die lisensie endosseer, en sodanige persoon besit daarop al die regte en voorregte en is hy onderhewig aan al die pligte, verpligtings en strawwe van die lisensiehouer.

Klubdranklisensies in inboorling-reservate.

74. (1) Nieteenstaande enige bepaling in hierdie enige ander wet kan die Administrateur na oorleg met die Minister van Bantoe-administrasie en -ontwikkeling van die Republiek en onderhewig aan sodanige voorwaardes en beperkings soos die Administrateur opla, die raad magtig om 'n aansoek om 'n klubdranklisensie ten opsigte van 'n perseel in 'n afgebakende gebied wat uitsluitend deur nie-inboorlinge geokkupeer is en in 'n inboorlingreservaat geleë is, te oorweeg en toe te staan.

(2) Waar vyftig persent of meer van die volwasse nie-inboorlingbevolking van so 'n afgebakende gebied werknemers is van die Regering of die Republiek en/of die Administrasie of lede is van huishoudings van sodanige werknemers kan die Administrateur die raad aansê om 'n klubdranklisensie te verleen aan enige aansoeker om so 'n lisensie ten opsigte van 'n perseel in so 'n afgebakende gebied.

- (f) that no person residing within ten miles of the club house is eligible for membership as an honorary or temporary or reciprocity member of the club save where —
- (i) such eligibility is, in terms of the rules of the club, granted by reason of such person holding some public office or being a *bona fide* candidate for membership or having conferred some special benefit upon the club; or
 - (ii) by resolution of the club committee such person is allowed the privileges of membership while engaged in any match or competition;
- (g) that a register of members and proper accounts are kept;
- (h) that the annual subscription for ordinary members is at least six rand;
- (i) that the club consists of at least thirty-five members;
- (j) that save under any written agreement approved of by the competent authority no profit from the sale of liquor by the club accrues to any individual, and
- (k) that no member who has not paid his subscription within three months after it became due is allowed to continue as a member while his subscription is unpaid.

(3) In the case of an application for the renewal of a club liquor licence a copy of the rules of the club need not be lodged as required by subsection (2) if the applicant with his application lodges an affidavit that since the last application for a licence the rules have not been altered or have only been altered in minor respects of which full particulars shall be given in such affidavit.

73. (1) Whenever the chief steward or manager or secretary of any club in whose name a club liquor licence has been issued ceases for any reason to hold office as such, the chairman or chief officer of the club shall forthwith notify the magistrate of the district in writing of the name of the person appointed, whether temporarily or permanently, to the vacancy, and to cause such notification to be countersigned by such person.

Transfer of club liquor licence upon change of chief steward, manager or secretary.

(2) The magistrate shall, if the person so appointed is not disqualified under this ordinance from being the holder of the licence and without payment of any transfer fee endorse upon the licence the name of such person as the holder of the licence and such person shall thereupon possess all the rights and privileges and be subject to all the duties, obligations and penalties of the licensee.

74. (1) Notwithstanding anything contained in this or any other law, the Administrator may, after consultation with the Minister of Bantu Administration and Development of the Republic and subject to such conditions and restrictions as the Administrator may impose, authorise the board to consider and grant an application for a club liquor licence in respect of premises in a demarcated area occupied exclusively by non-Natives and situated in a Native reserve.

Club liquor licences in Native reserves.

(2) Where fifty percent or more of the adult non-Native population of such a demarcated area are employees of the Government of the Republic and/or of the Administration or are members of the households of such employees, the Administrator may direct the board to grant a club liquor licence to any applicant for such a licence in respect of premises in such a demarcated area.

(3) By die toepassing van hierdie artikel beteken die uitdrukking „afgebakende gebied” ’n gebied afgesonder of gereserveer deur die Sekretaris van Bantoe-administrasie en -ontwikkeling van die Republiek vir okkupasie deur nie-inboorlinge.

(4) Die bepalings van artikel 11 is nie van toepassing op die verlening, hernuwing, oordrag of verplasing van ’n lisensie verleen kragtens subartikel (2) nie.

D. HUISVESTINGSINRIGTINGS.

Buiteverkoops-
lisensies vir
huisvestings-
inrigtings.

75. (1) Die eienaar of, met die eienaar se toestemming, die bestuurder of iemand wat toesig of beheer het oor ’n huisvestingsinrigting (buiten ’n ruskamp, gasteplaas, karavaanpark of ’n safari-onderneming) geregistreer kragtens die ordonnansie kan ooreenkomstig die bepalings van hierdie ordonnansie by die raad aansoek doen om verlening aan hom van ’n buiteverkoopslisensie vir huisvestingsinrigtings ten opsigte van daardie inrigting.

(2) ’n Aansoek kragtens subartikel (1) moet in alle opsigte behandel word asof dit ’n aansoek was om, en enige lisensie verleen ingevolge sodanige aansoek moet by die toepassing van hierdie ordonnansie, beskou word as, ’n botteldranklisensie.

(3) Wanneer ook al die raad by enige vergadering ’n aansoek kragtens subartikel (1) moet oorweeg asook een of meer aansoek of aansoeke om enige ander lisensie of lisensies kragtens hierdie ordonnansie, moet die raad, wat die toestaan van enige van daardie aansoeke betref, so ver moontlik maar behoudens die bepalings van artikels 61 en 62 voorkeur verleen aan die aansoek kragtens subartikel (1).

(4) Wanneer die raad so ’n aansoek toestaan, kan hy die aansoeker magtig om drank te verkoop ooreenkomstig die lisensie, van ’n ander perseel as die perseel van die betrokke huisvestingsinrigting.

(5) Enige lisensie verleen kragtens ’n wet herroep by artikel 159 ten opsigte van ’n hotel binne die betekenis van daardie term in sodanige wet, wat die verkoop van drank magtig vir verbruik buite die perseel van sodanige hotel, kan ooreenkomstig die bepalings van hierdie ordonnansie hernieu word asof dit ’n buiteverkoopslisensie vir huisvestingsinrigtings was.

Binneverbruiks-
lisensies vir
huisvestings-
inrigtings.

76. (1) Die eienaar of, met die eienaar se toestemming, die bestuurder of iemand wat toesig of beheer het oor ’n huisvestingsinrigting, (buiten ’n ruskamp, karavaanpark of ’n safari-onderneming) wat die uitreiking aan hom van ’n binneverbruikslisensie vir ’n huisvestingsinrigting verlang, of die hernuwing, verplasing of oordrag van sodanige lisensie kan in die voorgeskrewe vorm aansoek doen by die Direkteur vir die verlening aan hom van ’n sertifikaat wat die uitreiking van ’n nuwe lisensie of die hernuwing, verplasing of oordrag van ’n geldende lisensie magtig.

(2) By ontvangs van ’n aansoek waarna in subartikel (1) verwys word, moet die Direkteur in die voorgeskrewe vorm sodanige sertifikaat aan die aansoeker verleen onderhewig aan sodanige voorwaardes en voorregte as wat hy na goeddunke mag opleë.

(3) Behoudens die bepalings van artikel 10 word die lisensie waarna in subartikel (1) verwys word, uitgereik deur die ontvanger van inkomste van die distrik waarin sodanige inrigting geleë is by voorlegging van sodanige sertifikaat.

(4) Die houer van ’n geldige binneverbruikslisensie vir ’n huisvestingsinrigting kan, nie eerder nie as die tweede dag en nie later nie as die een-en-dertigste dag van Januarie in enige jaar in die voorgeskrewe vorm aansoek doen by die Direkteur vir die verlening aan hom van ’n sertifikaat wat die hernuwing van sodanige lisensie magtig.

(3) For the purpose of this section the expression "demarcated area" means an area set apart or reserved by the Secretary for Bantu Administration and Development of the Republic for occupation by non-Natives.

(4) The provisions of section 11 shall not apply in respect of the grant, renewal, transfer or removal of a licence granted under subsection (2).

D. ACCOMMODATION ESTABLISHMENTS.

75. (1) The owner or, with the owner's consent, the manager or any person in charge or control of an accommodation establishment, (other than a rest camp, guest farm, caravan park or a safari undertaking) registered under the ordinance, may in accordance with the provisions of this ordinance apply to the board for the grant to him of an accommodation establishment off-sales licence in respect of such establishment.

Accommodation
establishment
off-sales licences.

(2) Any application under subsection (1) shall in all respects be dealt with as if it were an application for and any licence granted in pursuance of such application shall for the purpose of this ordinance be deemed to be a bottle liquor licence.

(3) Whenever the board is required at any meeting to consider an application under subsection (1) and also one or more application or applications for any other licence or licences under this ordinance, the board shall in so far as the granting of any of those applications is concerned, as far as possible but subject to the provisions of sections 61 and 62 give preference to the application under subsection (1).

(4) When granting any such application, the board may authorise the applicant to sell liquor in terms of the licence from premises other than the premises of the accommodation establishment concerned.

(5) Any licence granted under a law repealed by section 159 in respect of an hotel within the meaning of that term in such law, authorising the sale of liquor for consumption off the premises of such hotel, may in accordance with the provisions of this ordinance, be renewed as if it were an accommodation establishment off-sales licence.

76. (1) The owner, or with the owner's consent, the manager or person in charge or control of an accommodation establishment (other than a rest camp, caravan park or safari undertaking) who desires the issue of an accommodation establishment on-consumption licence, or the renewal, removal or transfer of such licence may apply in the prescribed form to the Director for the grant to him of a certificate authorising the issue of a new licence or the renewal, removal or transfer of an existing licence.

Accommodation
establishment
on-consumption
licences.

(2) Upon receipt of an application referred to in subsection (1) the Director shall in the prescribed form grant to the applicant such certificate subject to such conditions and privileges as he may deem fit to impose.

(3) Subject to the provisions of section 10 the licence referred to in subsection (1) shall be issued by the receiver of revenue of the district in which such establishment is situated on the production of such certificate.

(4) The holder of a valid accommodation establishment on-consumption licence may, not earlier than the second and not later than the thirty-first day of January in any year, apply in the prescribed form to the Director for the grant of a certificate authorising the renewal of such licence.

(5) Wanneer ook al 'n aansoek om 'n sertifikaat wat die hernuwing van sodanige lisensie magtig nie by die Direkteur ingedien word nie binne die tydperk voorgeskryf by subartikel (4) maar aldus ingedien word nie later nie as die vyftiende dag van Maart in daardie jaar, moet die Direkteur, by betaling deur die aansoeker van die som van twintig rand, die sertifikaat verleen.

(6) Enige aansoek om sodanige sertifikaat wat ingedien word na die vyftiende dag van Maart in enige jaar word geag 'n aansoek te wees om 'n sertifikaat wat die uitreiking van 'n nuwe lisensie magtig en word deur die Direkteur verleen by betaling deur die aansoeker van die som van twintig rand.

(7) Enige aansoeker aan wie 'n sertifikaat uitgereik is vir die hernuwing van sodanige lisensie kragtens subartikels (4) of (5) moet sodanige sertifikaat nie later nie as die een-en-dertigste dag van Maart in daardie jaar by die betrokke ontvanger van inkomste indien vir die uitreiking van sodanige lisensie.

E. SPESIALE DRANKLISENSIES.

Vereistes vir die verlening van 'n spesiale dranklisensie.

77. (1) Elkeen wat drank wil verkoop in omstandighede wat wesenlik verskil van die omstandighede waarin drank ooreenkomstig hierdie ordonnansie verkoop kan word kragtens enige ander lisensie waarvoor in hierdie ordonnansie voorsiening gemaak word, kan op die voorgeskrewe wyse by die raad aansoek doen om 'n spesiale dranklisensie.

(2) Geen aansoek om 'n spesiale dranklisensie word toegestaan as die doel waarvoor sodanige lisensie verlang word ewe goed gedien kan word deur enige ander lisensie waarvoor hierdie ordonnansie voorsiening maak nie en tensy die raad deur die aansoeker oortuig word —

- (a) dat sodanige lisensie aan die behoeftes van die publiek sal voldoen op 'n wyse waarop daar nie deur enige ander lisensie waarvoor hierdie ordonnansie voorsiening maak aan die behoeftes van die publiek voldoen kan word nie;
- (b) dat die lisensie waarom aansoek gedoen word by die publiek in aanvraag is; en
- (c) dat daar geen gelisensieerde perseel is in die omgewing van die perseel ten opsigte waarvan die aansoek gedoen word, wat aan sodanige aanvraag kan voldoen nie.

(3) Na oorweging van die aansoek en sodanige dokumente, verslae en inligting soos voorgeskryf word, kan die raad òf die aansoek weier òf besluit dat dit toegestaan kan word onderhewig aan sodanige voorwaardes of beperkings, as daar is, soos hy goedvind.

(4) Enige weiering van 'n aansoek deur die raad kragtens subartikel (3) is afdoende.

(5) As die raad besluit dat die aansoek toegestaan kan word, moet hy onverwyld die Administrateur van sy beslissing in kennis stel en terselfdertyd aan hom 'n afskrif van die notule van die verrigtings by die verhoor van die aansoek stuur tesame met 'n verslag oor die saak wat die raad se redes vir sy beslissing en die voorwaardes of beperkings wat hy meen opgelê moet word, moet insluit.

(6) Die Administrateur kan, na oorweging van die dokumente en inligting bedoel in subartikel (5), na algehele eie goeddunke, die raad se beslissing òf verwerp of goedkeur, en as hy dit goedkeur kan hy enige voorwaarde of beperking deur die raad voorgestel, skrap of sodanige verder voorwaardes, beperkings of bepalings by sodanige voorwaardes of beperkings voeg soos hy goedvind.

(5) Whenever any application for a certificate authorising the renewal of such licence is not lodged with the Director within the period prescribed by subsection (4) but is so lodged not later than the fifteenth day of March in that year, the Director shall upon payment by the applicant of the sum of twenty Rand grant such certificate.

(6) Any application for such certificate lodged after the fifteenth day of March in any year shall be deemed to be an application for a certificate authorising the issue of a new licence and shall be issued by the Director upon payment by the applicant of the sum of twenty rand.

(7) Any applicant who has been granted a certificate for the renewal of such licence in terms of subsection (4) or (5) shall lodge such certificate not later than the thirty-first day of March in that year with the receiver of revenue concerned for the issue of such licence.

E. SPECIAL LIQUOR LICENCES.

77. (1) Any person who desires to sell liquor in circumstances which differ materially from the circumstances in which liquor may in terms of this ordinance be sold under any other licence provided for in this ordinance, may in the prescribed manner apply to the board for a special liquor licence.

Requirements for the grant of a special liquor licence.

(2) No application for a special liquor licence shall be granted if the purpose for which such licence is required could equally be served by any other licence provided for in this ordinance and unless the board is convinced by the applicant —

- (a) that such licence will serve the needs of the public in a manner in which such needs cannot be served by any other licence provided for in this ordinance;
- (b) that the licence applied for is in public demand; and
- (c) that there are no licensed premises in the vicinity of the premises in respect of which the application is made which could provide in such demand.

(3) After considering the application and such documents, reports and information as may be prescribed, the board may either refuse the application or decide that it may be granted subject to such conditions or restrictions, if any, as it may deem fit.

(4) Any refusal of an application by the board under subsection (3) shall be final.

(5) If the board decides that the application may be granted it shall forthwith notify the Administrator of its decision and at the same time furnish him with a copy of the record of the proceedings at the hearing of the application together with a report on the matter which shall include the board's reasons for its decision and the conditions or restrictions which it considers should be imposed.

(6) The Administrator may, after considering the documents and information referred to in subsection (5), in his absolute discretion, either reject or approve the board's decision and if he approves it may delete any condition or restriction suggested by the board or add to such conditions or restrictions such further conditions, restrictions or terms as he deems fit.

(7) Die Administrateur se beslissing kragtens sub-artikel (6) moet aan die raad deurgestuurd word en by ontvangs daarvan moet die sekretaris van die raad ten opsigte van die aansoek 'n sertifikaat bedoel in artikel 9 uitreik.

(8) Die bepalings van hierdie ordonnansie op die uitreiking en hernuwing van lisensies is van toepassing op enige spesiale dranklisensie verleen kragtens hierdie artikel.

HOOFSTUK XII.

VOORWAARDES VAN LISENSIES.

A. DAE EN URE VAN VERKOOP EN AFLEWERING.

Dae en ure van
verkoop en
aflewering.

78. (1) Tensy hierdie artikel uitdruklik anders bepaal —

- (a) mag geen drank deur iemand wat 'n houër is van 'n lisensie kragtens hierdie ordonnansie op 'n geslote dag verkoop of afgelewer word nie; en
- (b) mag die houër van 'n groothandelranklisensie wat regstreeks met die publiek handel dryf en die houër van 'n botteldranklisensie nie drank verkoop of aflewer op enige dag wat op 'n gegewe tydstop by of kragtens 'n wet wat van krag is in die distrik of gebied waarin die betrokke gelisensieerde perseel geleë is, bepaal is vir die sluiting van winkels, of van daardie gedeeltes van winkels waarin die besigheid van algemene handelaar gedryf word kragtens 'n lisensie uitgereik ooreenkomstig die Konsolidasie-Ordonnansie betreffende Lisensies 1935 (Ordonnansie 13 van 1935) nie.

(2) Behoudens die bepalings van hierdie ordonnansie —

- (a) mag die houër van 'n groothandelranklisensie wat nie regstreeks met die publiek handel dryf nie en die houër van 'n spesiale groothandeldepotlisensie vir brouers nie drank voor sewenuur in die oggend of na sesuur in die aand verkoop of aflewer nie en kan hy op enige geslote dag behalwe Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag en Gelofte-dag drank binne daardie ure vervoer vir aflewering aan 'n lisensiehouër in enige plattelandse gebied of vir aflewering op enige plek aan die spoorweg-netwerk beheer deur die Spoorwegadministrasie vir vervoer per spoor aan 'n lisensiehouër;
- (b) mag die houër van 'n groothandelranklisensie wat regstreeks met die publiek handel dryf en die houër van 'n botteldranklisensie nie drank vanuit sy gelisensieerde perseel voor agtuur in die oggend of na halfsewe in die aand verkoop, en voor negenuur in die oggend of na sewenuur in die aand aflewer nie: Met dien verstande dat —
 - (i) op die dag wat op 'n gegewe tydstop by of kragtens 'n wet wat van krag is in die distrik of gebied waarin die betrokke gelisensieerde perseel geleë is, bepaal is as 'n halwe vakansiedag vir die sluiting van winkels of van daardie gedeeltes van winkels waarin die besigheid van 'n algemene handelaar gedryf word kragtens 'n lisensie uitgereik ooreenkomstig die Konsolidasie-Ordonnansie betreffende Lisensies 1935 (Ordonnansie 13 van 1935) geen drank vanuit die gelisensieerde perseel voor negenuur in die oggend of na eenuur in die namiddag verkoop mag word nie en geen drank voor negenuur in die oggend of na vyfuur in die namiddag afgelewer mag word nie; en

(7) The Administrator's decision under subsection (6) shall be conveyed to the board and upon receipt thereof the secretary to the board shall in respect of the application issue a certificate referred to in section 9.

(8) The provisions of this ordinance relating to the issue and renewal of licences shall apply in respect of any special liquor licence granted under this section.

CHAPTER XII.

CONDITIONS ATTACHING TO LICENCES.

(A) DAYS AND HOURS OF SALE AND DELIVERY.

78. (1) Unless specially otherwise provided in this section — Days and hours of sale and delivery.

- (a) no liquor shall be sold or delivered on any closed day by any person holding a licence under this ordinance; and
 - (b) the holder of a wholesale liquor licence who deals directly with the public and the holder of a bottle liquor licence shall not sell or deliver liquor on any day fixed for the time being by or under any law in force in the district or area in which the licensed premises concerned are situated, for the closing of shops, or of those parts of shops in which is carried on the business of a general dealer under a licence issued in terms of the Licences Consolidation Ordinance, 1935 (Ordinance 13 of 1935).
- (2) Subject to the provisions of this ordinance —
- (a) the holder of a wholesale liquor licence who does not deal directly with the public and the holder of a special brewer's wholesale depot licence shall not sell or deliver liquor earlier than seven o'clock in the morning or later than six o'clock in the evening and may, on any closed day other than Sunday, Christmas Day, Good Friday, Ascension Day and the Day of the Covenant, convey within those hours liquor for delivery to any licensee in any rural area, or for delivery at any place on the railway system controlled by the Railway Administration for transport by rail to any licensee;
 - (b) the holder of a wholesale liquor licence who deals directly with the public and the holder of a bottle liquor licence shall not sell liquor from his licensed premises earlier than eight o'clock in the morning or later than half-past six o'clock in the evening and shall not deliver liquor before nine o'clock in the morning or after seven o'clock at night: Provided that —
 - (i) on the day fixed for the time being by or under any law in force in the district or area in which the licensed premises concerned are situated, as a half-holiday for the closing of shops, or of those parts of shops, in which is carried on the business of a general dealer under a licence issued in terms of the Licences Consolidation Ordinance, 1935, no liquor shall be sold from the licensed premises earlier than nine o'clock in the morning or later than one o'clock in the afternoon and no liquor shall be delivered before nine o'clock in the morning or after five o'clock in the afternoon; and

- (ii) behoudens die bepalings van subartikel (1) van hierdie artikel en van subparagraaf (i) van hierdie voorbehoud drank op die gelisensieerde perseel tot agtuur in die aand verkoop of afgelewer kan word of vanuit die gelisensieerde perseel tot negenuur in die aand afgelewer kan word op die drie-en-twintigste, vier-en-twintigste, dertigste en een-en-dertigste dag van Desember;
- (c) kan die houer van 'n restaurantdranklisensie, nie-teenstaande andersluidende bepalings in enige ander wet of die bepalings van artikel 42 (2), ligte-drink op alle dae, ook geslote dae, verkoop aan iemand wat te goeder trou in die restaurant 'n gewone waarin gekoopte maaltyd neem of op die punt staan om dit te neem, en wel om by of onmiddellik voor die maaltyd verbruik te word, maar op geen ander tyd nie as tussen twaalfuur middag en halfdrie in die namiddag en tussen sesuur in die aand en halftwaalf in die nag: Met dien verstande dat geen drank na negenuur in die aand op 'n Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie;
- (d) mag die houer van 'n klubdranklisensie nie drank vroeër as tienuur in die oggend en na twaalfuur in die nag verskaf nie;
- (e) mag 'n tydelike dranklisensie nie die verkoop of verskaffing van drank veroorloof vir 'n langer tydperk as ses dae of op 'n ander dag as 'n dag waarop die plek van die openbare funksie, ontspanning of openbare vermaaklikheid in verband waarmee dit verleen is, aan die publiek toeganklik is nie en dan slegs gedurende die ure wat die gesag wat die lisensie verleen, bepaal. Sodanige lisensie kan die verlenging van die sluitingsuur van die gelisensieerde perseel ten opsigte waarvan die tydelike dranklisensie verleen word, magtig;
- (f) die houer van 'n binneverbruikslisensie vir 'n huisvestingsinrigting kan drank verkoop van negenuur in die voormiddag tot twaalfuur middernag op alle dae, buiten geslote dae, en van twaalfuur in die middag tot tweeuur in die namiddag en van sesuur in die aand tot tienuur in die aand op geslote dae: Met dien verstande dat bo en behalwe hierdie ure drank verkoop kan word op alle dae, insluitende geslote dae, vir verbruik deur gaste en hulle *bona fide* besoekers in kamers of suites alleenlik —
 - (i) te enigertyd ten opsigte van 'n huisvestingsinrigting gegradeer kragtens die ordonnansie as 'n vier-ster of as 'n vyf-ster hotel;
 - (ii) van negenuur in die voormiddag tot tweeuur in die voormiddag ten opsigte van 'n huisvestingsinrigting buiten 'n gasteplaas, wat nie gegradeer is nie kragtens die ordonnansie as 'n vier-ster of vyf-ster hotel;
- (g) vir die doeleindes van paragraaf (f) het die uitdrukkings „gas”, „hotelier” en „suite” die betekenis wat onderskeidelik daaraan geheg word deur die regulasies uitgevaardig kragtens die ordonnansie.

(3) Nieteenstaande andersluidende bepalings in enige ander wet, insluitende artikel 181 van die Wet tot Konsolidasie van die Kieswette 1946 (Wet 46 van 1946) soos op die Gebied toegepas by artikel 34 van die Wysigingswet op die Aangeleenthede van Suidwes-Afrika 1949 (Wet 23 van 1949) kan die bevoegde gesag dat 'n lisensie verleen of hernieu op aansoek deur die houer van 'n klubdranklisensie en onderhewig aan die voorwaardes, of beperkings wat hy na goedvinde oplê, bedoelde lisensiehouer magtig om op enige dag, insluitende 'n geslote dag, en te eniger tyd op die betrokke gelisensieerde perseel drank

- (ii) subject to the provisions of subsection (1) of this section and of subparagraph (i) of this proviso, liquor may be sold or delivered on the licensed premises up to eight o'clock in the evening or delivered from the licensed premises up to nine o'clock in the evening upon the twenty-third, twenty-fourth, thirtieth and thirty-first days of December;
- (c) the holder of a restaurant liquor licence may, notwithstanding anything in any other law contained or the provisions of section 42 (2), sell light liquor on all days, including closed days, to any person *bona fide* taking or about to take an ordinary meal in the restaurant, which has been purchased thereat and for consumption with or immediately before such meal, but not at any other time than between twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock in the evening and half-past eleven o'clock at night: Provided that no liquor shall be sold after nine o'clock in the evening on any Sunday, Christmas day, Good Friday, Ascension Day or the Day of the Covenant;
- (d) the holder of a club liquor licence shall not supply liquor earlier than ten o'clock in the morning or later than twelve o'clock at night;
- (e) a temporary liquor licence shall not authorize the sale or supply of liquor for any longer period than six days or upon any day other than one on which the place of the public function, recreation or public 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 authority granting the licence. Such licence may authorize the extension of the hour of closing of the licensed premises in respect of which the temporary liquor licence is granted;
- (f) the holder of an accommodation establishment on-consumption licence may sell liquor from nine o'clock in the morning to twelve o'clock midnight on all days excluding closed days, and from twelve o'clock midday to two o'clock in the afternoon and from six o'clock in the afternoon and from six o'clock in the evening to ten o'clock at night on closed days: Provided that in addition to these hours liquor may be sold on all days, including closed days for consumption by guests or their *bona fide* visitors in their rooms or suites only —
 - (i) at any time in respect of an accommodation establishment graded in terms of the ordinance as a four star or as a five star hotel;
 - (ii) from nine o'clock in the morning to two o'clock in the morning in respect of an accommodation establishment other than a guest farm, not graded in terms of the ordinance as a four-star or as a five-star hotel;
- (g) for the purposes of paragraph (f) the expressions "guest", "hotelier" and "suite" shall have the meanings respectively assigned thereto by the regulations made under the ordinance.

(3) Notwithstanding anything to the contrary in any other law contained, including section 181 of the Electoral Consolidation Act, 1946 (Act 46 of 1946), as applied to the Territory by section 34 of the South West Africa Affairs Amendment Act, 1949 (Act 23 of 1949) the competent authority granting or renewing a licence may, on application by the holder of a club liquor licence, and subject to such conditions or restrictions as he or it may deem fit to impose, authorize such licence holder on any day, including a closed day, and at any time, to sell and deliver liquor in the licensed premises in question to any

te verkoop en af te lewer aan enige lid van die klub vir verbruik deur sodanige lid of sy gas: Met dien verstande dat geen drank kragtens die bepalings van hierdie subartikel aan 'n lid vir verbruik deur sy gas verskaf mag word nie tensy die naam en adres van die gas en die naam van die lid duidelik en onuitwisbaar aangeteken is deur die lid in 'n spesiale register wat die lisensiehouer soos voorgeskryf moet hou.

B. GROOTSTE EN KLEINSTE HOEVEELHEDE WAT VERKOOP KAN WORD.

Hoeveelhede wat kragtens verskillende lisensies verkoop kan word.

79. (1) Die hoeveelheid drank wat verkoop of verskaf kan word deur iemand wat kragtens hierdie ordonnansie 'n lisensie hou, mag nie groter of kleiner wees as die hoeveelheid wat hierdie artikel ten opsigte van die bepaalde soort lisensie bepaal nie.

(2) (a) Die hoeveelheid drank wat die houer van 'n groothandelranklisensie meteen aan een klant kan verkoop of aflewer, mag nie minder wees as twee gelling (waarvan minstens een gelling van dieselfde soort, beskrywing en merk drank behalwe moutdrank moet wees) of meteen aan een lisensiehouer kan verkoop of aflewer mag nie minder wees nie as een kwart in 'n houer of houters wat behoorlik en dig gekurk of geprop moet wees: Met dien verstande dat as die hoeveelheid drank wat aldus aan een klant verkoop of afgelewer word nie minder nie as een gelling tafelwyn insluit, wat uitsluitend die produk is van die alkoholiese gisting van vars druiwe en wat nie meer alkohol bevat nie as 14 persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk hoeft te wees nie.

(b) Geen houer van 'n groothandelranklisensie mag drank wat hy aan 'n klant bedoel in paragraaf (a) verkoop of afgelewer het op die gelisensieerde perseel vir 'n langer tydperk as agt-en-veertig uur hou of berg nie.

(3) Die hoeveelheid drank wat die houer van 'n botteldranklisensie meteen aan een klant kan verkoop of aflewer mag nie minder wees nie as een halfpint in 'n bottel of houer wat behoorlik en dig gekurk of geprop moet wees.

(4) Die hoeveelheid drank wat kragtens 'n binneverbruikslisensie verkoop kan word, mag nie meer wees nie as wat redelikerwys op die gelisensieerde perseel verbruik kan word deur die persoon aan wie of vir wie dit verskaf word.

(5) Die hoeveelheid drank wat die houer van 'n spesiale groothandeldepotlisensie vir brouers meteen kan verkoop of aflewer aan een klant buiten 'n lisensiehouer mag nie minder wees nie as twee gelling, of meteen aan een lisensiehouer mag nie minder wees nie as een kwart in 'n houer of houters wat behoorlik en dig gekurk of geprop moet wees.

C. PLEK VAN VERKOOP EN PERSELE.

Plek waar drank verkoop en afgelewer kan word.

80. (1) Behalwe in die geval van 'n groothandelranklisensie mag geen lisensiehouer drank verkoop op enige ander plek as op die gelisensieerde perseel of in enige ander gedeelte van daardie perseel as dié wat sy lisensie aanwys nie

(2) Behalwe in die geval van 'n buiteverbruikslisensie of 'n botteldranklisensie mag geen drank êrens anders afgelewer word as op die gelisensieerde perseel, en mag geen drank afgelewer word in 'n ander gedeelte van daardie perseel as dié wat die lisensie aanwys nie.

Beperkte gebruik van gelisensieerde perseel.

81. By die magtiging tot verlening of hernuwing van 'n lisensie vir die verkoop van drank kragtens hierdie ordonnansie kan die bevoegde gesag —

member of the club for consumption by such member or his guest: Provided that no liquor shall be supplied under the provisions of this subsection to a member for consumption by his guest unless the name and address of such guest and the name of the member have been clearly and indelibly recorded by the member in a special register to be kept by the licensee as prescribed.

(B) MAXIMUM AND MINIMUM QUANTITIES
TO BE SOLD.

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

Quantities of liquor to be sold under various licences.

(2) (a) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to any one customer at any one time, shall not be less than two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), or to any one licensee at any one time, shall not be less than one quart, in a receptacle or receptacles properly and securely corked or stoppered: Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing not more than 14 per cent of alcohol by volume, such table wine need not be of the same description or brand.

(b) 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 delivered by him to a customer referred to in paragraph (a).

(3) The quantity of liquor to be sold or delivered by the holder of a bottle liquor licence to any one customer at any one time shall be not less than one half pint in a bottle or receptacle properly and securely corked or stoppered.

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

(5) The quantity of liquor to be sold or delivered by the holder of a special brewer's wholesale depot licence to any one customer other than a licensee, at any one time shall not be less than two gallons or to any one licensee at any one time shall not be less than one quart, in a receptacle or receptacles properly and securely corked or stoppered.

(C) PLACE OF SALE AND PREMISES.

80. (1) Save in the case of a wholesale liquor licence, no licensee shall sell liquor at any other place than upon the licensed premises or in any other portion of such premises than such as may be indicated in his licence.

Place at which liquor may be sold and delivered.

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

81. In authorizing the grant or renewal of a licence for the sale of liquor under this ordinance, the competent authority may —

Restricted use of licensed premises.

- (a) bepaal dat 'n bepaalde gedeelte van die perseel, buiten die eetsaal, waarop die besigheid gedryf gaan word, by die beperkte gedeelte gereken moet word; en
- (b) 'n voorwaarde oplê dat —
 - (i) drank aan 'n bepaalde klas van persone alleen verstrekkend kan word in 'n plek op die gelisensieerde perseel wat spesiaal vir daardie bepaalde klas van persone afgesonder is;
 - (ii) in die geval van 'n binneverbruikslisensie geen drank aan 'n bepaalde klas van persone verskaf mag word nie.

Voorwaardes van verandering, ens., van perseel of akkommodasie vir publiek.

82. (1) By die magtiging tot hernuwing of tydelike verplasing van 'n lisensie, buiten 'n binneverbruikslisensie vir 'n huisvestingsinrigting, kan die landdros sodanige voorwaardes soos hy goedvind, oplê ten opsigte van —

- (a) enige strukturele verandering of rangskikking van, of aanbousel of herstel aan, die perseel ten opsigte waarvan die aansoek gedoen is;
- (b) die akkommodasie wat daarop aan die publiek gebied moet word, insluitende die verskaffing van sitplekke in die beperkte gedeelte; of
- (c) enige ander saak wat hy nodig ag om 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 opsig,

en kan hy 'n termyn stel waarbinne enige sodanige voorwaarde nagekom moet word of kan hy bepaal dat 'n lisensie nie hernieu mag word voordat die naaste polisiesoffisier op skrif gesertifiseer het dat daar aan die voorwaarde voldoen is nie.

(2) Behoudens die bepalings van subartikel (1) mag geen grootskaalse strukturele verandering of aanbousel aan enige gelisensieerde perseel uitgevoer word sonder die skriftelike magtiging van die landdros van die distrik nie.

Opberging van drank.

83. (1) By die toestaan van 'n aansoek om die verlening, hernuwing of verplasing van 'n lisensie of wanneer 'n voorwaardelike magtiging tot 'n lisensie verleen word of wanneer magtiging kragtens artikel 82 (2) verleen word, moet die bevoegde gesag 'n plek bepaal waarin die lisensiehouer sy drank moet opberg.

(2) 'n Lisensiehouer moet alle drank wat deur hom ontvang of vervaardig word en nie onmiddellik vir verkoop nodig is nie, in die aldus bepaalde plek opberg: Met dien verstande dat die houer van 'n groothandelranklisensie of 'n spesiale groothandeldepotlisensie vir brouers sodanige drank ook kan opberg in 'n plek wat die landdros van die distrik waarin die plek geleë is, op aansoek van die lisensiehouer kan goedkeur: Met dien verstande voorts dat die houer van 'n groothandelranklisensie geen drank by of vanuit daardie plek mag verkoop of aflewer aan iemand wat nie die gesagvoerder van 'n skip of sy agent is nie of wat nie 'n lisensie vir die verkoop van drank kragtens hierdie ordonnansie hou nie: Met dien verstande voorts dat die houer van sodanige lisensie 'n daaglikse aantekening in een van die amptelike tale in daardie plek moet hou van alle drank wat in daardie plek gebring word en alle drank wat daaruit verwyder, verkoop of afgelewer word, wat die plek aantoon waarheen of die naam en adres van die persoon na wie dit aldus verwyder is of aan wie dit aldus afgelewer of verkoop is.

D. VERBRUIK OP OF BUIITE 'N PERSEEL.

Voorwaardes oor plek van verbruik.

84. (1) Elke buiteverbruikslisensie is onderhewig aan die voorwaarde dat geen drank deur 'n klant op die gelisensieerde perseel of op enige perseel of plek wat aan die

- (a) determine that any particular portion of the premises, other than the dining room, on which the business is to be conducted, shall be included in the restricted portion; and
- (b) impose a condition that —
 - (i) liquor shall be 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.

82. (1) A magistrate may when authorizing the renewal or temporary removal of any licence other than an accommodation establishment on-consumption licence, impose such conditions as he may deem fit in respect of —

Conditions as to alteration, etc., of premises, or accommodation of public.

- (a) any structural alteration or arrangement of, or addition or repairs to, the premises in respect of which the application is made;
- (b) accommodation to be afforded thereon to the public, including the provision of seats in the restricted portion; or
- (c) any other matter deemed by him to be 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 stipulate the time within which any such condition shall be complied with or may stipulate that a licence shall not be renewed until the nearest commissioned officer of police has certified in writing that the condition has been complied with.

(2) Subject to the provisions of subsection (1), no major structural alteration or addition to any licensed premises shall be carried out without the written authority of the magistrate of the district.

83. (1) In granting any application for the grant, renewal or removal of any licence or when issuing a conditional authority for a licence, or when granting authority under section 82 (2) the competent authority shall determine a place in which the licensee shall store his liquor.

Storing of liquor.

(2) A licensee shall store all liquor received or manufactured by him and not immediately required for sale in the place so determined: Provided that the holder of a wholesale liquor licence or a special brewer's wholesale depot licence may store such liquor also in a place which the magistrate of the district in which such place is situate, may approve on the application of such licensee: Provided further that the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who is not the master of a ship or his agent, or who does not hold a licence for the sale of liquor under this ordinance: Provided further that the holder of such licence shall keep at such place a daily record in one of the official languages of all liquor brought into that place and all liquor removed, sold or delivered therefrom, showing the place to which or the name and address of the person to whom it was so removed, delivered or sold.

(D) CONSUMPTION ON OR OFF PREMISES.

84. (1) It shall be a condition of every off-consumption licence, that no liquor shall be consumed by any customer upon the licensed premises or in any premises or

Conditions as to place of consumption.

gelisensieerde perseel grens of digby geleë is en wat die lisensiehouer okkupeer of beheer, verbruik mag word nie.

(2) Elke binneverbruikslisensie is onderhewig aan die voorwaarde dat geen deel van die drank wat verkoop word êrens anders verbruik mag word as op die gelisensieerde perseel nie.

E. GEHALTE EN SOORTE DRANK WAT VERKOOP KAN WORD.

Gehalte van drank wat verkoop word.

85. (1) Geen lisensiehouer mag as 'n besondere soort of merk of as die fabrikaat van 'n besonder persoon drank verkoop wat nie van daardie soort of merk is nie of wat nie die fabrikaat van daardie persoon is nie.

(2) Geen bepaling van hierdie ordonnansie word beskou as sou dit inbreuk op die toepassing, ten opsigte van enige drank wat 'n lisensiehouer verkoop of hou om te verkoop, van enige wet op die vervalsing van eetware, medisyne en drank nie, en enige soortgelyke bepaling in hierdie ordonnansie word beskou as sou dit newens 'n bepaling van so 'n wet staan en nie as vervanging daarvan nie.

(3) Elke botteldranklisensie is onderhewig aan die voorwaarde dat die lisensiehouer geen drank daarkragtens mag bottel nie en dat alle voorrade drank wat die lisensiehouer vir verkoop aanskaf in verseëelde houers moet wees wat behoorlik en dig gekurk of geprop is: Met dien verstande dat die Administrateur op aansoek van iemand wat geregtig is om drank vir verkoop te bottel, die houer van 'n botteldranklisensie, onderhewig aan sodanige voorwaardes soos die Administrateur na goeddunke ople, kan magtig om enige drank wat hy van sodanige persoon verkry namens sodanige persoon te bottel en sodanige drank daarna kragtens sy botteldranklisensie te verkoop.

Net ligte drank mag kragtens 'n restaurant-drinklisensie verkoop word.

86. Elke restaurantdranklisensie is onderhewig aan die voorwaarde dat net litedrank daarkragtens verkoop mag word.

HOOFSTUK XIII.

VERBOD OF BEPERKING OP VERKOOP, VERSKAF- FING OF VERKRYGING VAN DRANK.

Verskaffing aan kinders.

87. Buiten wanneer 'n lisensiehouer of die eggenote van 'n lisensiehouer vir onmiddellike verbruik drank gee aan 'n lid van die lisensiehouer se gesin wat gewoonlik by daardie lisensiehouer op 'n gelisensieerde perseel in- woon, mag niemand op 'n gelisensieerde perseel sterk drank aan iemand onder die leeftyd van agtien jaar ver- skaf of oorhandig nie.

Landdros kan verskaffing aan sekere persone belet.

88. (1) Wanneer aan 'n landdros beweer word of dit an hom blyk dat iemand gewoonlik woonagtig in sy dis- trik —

- (a) in die voorafgaande twaalf maande drie maal skul- dig bevind is weens 'n oortreding van hierdie or- donnansie of 'n wet herroep by artikel 160 of weens dronkenskap; of
- (b) binne daardie tydperk twee maal skuldig bevind is weens 'n oortreding van hierdie ordonnansie of 'n wet herroep by artikel 160 of weens dronken- skap en een maal skuldig bevind is weens aan- randing of weens 'n misdryf wat noodsaaklik aan- randing insluit; of

place adjoining or near the licensed premises which are in the occupation or under the control of the licensee.

(2) It shall be a condition of every on-consumption licence that no part of the liquor sold shall be consumed elsewhere than upon the licensed premises.

(E) QUALITY AND KINDS OF LIQUOR TO BE SOLD.

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

Quality of liquor to be sold.

(2) Nothing in this ordinance contained shall be deemed to affect the operation, in respect of any liquor sold or kept for sale by any licensee, of any law relating to the adulteration of foods, drugs and liquor and any relative provision of this ordinance shall be deemed to be in addition to and not in substitution of any provision of any such law.

(3) It shall be a condition of every bottle liquor licence that no bottling of liquor thereunder shall be undertaken by the licensee and that all stocks of liquor acquired by the licensee for purposes of sale, shall be in sealed containers properly and securely corked or stoppered: Provided that the Administrator may, upon the application of any person who is entitled to bottle liquor for purposes of sale, authorize the holder of a bottle liquor licence, subject to such conditions as the Administrator may deem fit to impose, to bottle on behalf of such person any liquor acquired by him from such person and thereafter to sell such liquor under his bottle liquor licence.

86. It shall be a condition of every restaurant liquor licence that only light liquor may be sold thereunder.

Only light liquor to be sold under a restaurant liquor licence.

CHAPTER XIII.

PROHIBITIONS OR RESTRICTIONS AS TO SALE,
SUPPLY OR ACQUISITION OF LIQUOR.

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

Supply to children.

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

Magistrate may prohibit supply to individual.

- (a) has within the preceding twelve months been thrice convicted of any contravention of this ordinance or of a law repealed by section 160 or of drunkenness; or
- (b) has within that period been twice convicted of a contravention of this ordinance or of a law repealed by section 160 or of drunkenness and once convicted of assault or an offence of which assault is an element; or

- (c) deur drankmisbruik sy vermoë verkwis of verspil of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander wyse die welsyn van sy gesin benadeel,

kan hy 'n skriftelike kennisgewing aan die betrokke persoon laat bestel waarin hy hom versoek om op 'n tyd en plek wat die kennisgewing moet vermeld, maar nie eerder nie as drie dae na die datum daarvan, by die landdroskantoor te verskyn en redes aan te voer waarom daar ten opsigte van hom geen bevel kragtens hierdie artikel uitgereik behoort te word nie.

(2) Op die dag en tyd in die kennisgewing vir die verskyning bepaal moet die landdros, op 'n sitting *in camera* en in die teenwoordigheid van die persoon aan wie die kennisgewing bestel is, as hy verskyn, 'n ondersoek instel of die daarin genoemde persoon iemand is soos beskryf in subartikel (1), en moet hy met daardie doel enige getuieis wat hy nodig ag onder eed afneem en aan die persoon aan wie die kennisgewing bestel is, geleentheid bied, as hy teenwoordig is, om onder eed al dan nie, soos daardie persoon verkies, daarop te antwoord en om redes aan te voer waarom geen bevel kragtens subartikel (3) behoort uitgereik te word nie. Van die verrigtings moet notule gehou en bewaar word.

(3) As dit aan die landdros wat die ondersoek instel, blyk dat die persoon aan wie die kennisgewing bestel is, iemand is soos beskryf in subartikel (1), en as hy dit voegsaam ag om ten opsigte van daardie persoon 'n bevel kragtens hierdie artikel uit te reik, kan hy by geskrif onder sy handtekening die verskaffing van drank aan daardie persoon gedurende sodanige tydperk van hoogstens twaalf maande soos hy daarop bepaal, verbied.

(4) 'n Landdros wat kragtens subartikel (3) 'n bevel uitreik, moet onverwyld 'n afskrif daarvan stuur aan die offisier in bevel van die polisiestatie in wie se gebied die persoon ten opsigte van wie die bevel verleen is, woonagtig of werksaam is, en daardie offisier moet onverwyld na ontvangs daarvan die verbod aan daardie persoon mededeel of laat mededeel: Met dien verstande dat as so 'n persoon teenwoordig is wanneer 'n landdros 'n bevel kragtens subartikel (3) uitreik, die landdros bedoelde persoon daar en dan van sy besluit moet verwittig en 'n afskrif van sy bevel aan hom moet oorhandig of aanbied, in welke geval verdere bekendmaking aan daardie persoon nie nodig is nie.

Verskaffing van drank aan werknemer deur werkgever.

89. Niemand mag aan iemand in sy diens drank as die werknemer se loon of besoldiging, of as aanvulling daarvan verskaf nie.

Verskaffing aan inboorlinge.

90. Geen inboorling mag drank koop, verkry, besit of daarin handel dryf nie en geen drank mag aan 'n inboorling verkoop, afgelewer, gegee of verskaf word op enige wyse buiten ooreenkomstig die bepalinge van artikel 22 van die Algemene Regswysigingswet 1967 (Wet 102 van 1967) en die regulasies daarkragtens afgekondig nie.

HOOFSTUK XIV.

BESTUUR VAN GELISENSIEERDE BESIGHEDE.

A. VERBODE INDIENSSTELLING.

Indiensstelling van sekere persone in beperkte gedeelte van gelisenseerde perseel.

91. (1) Geen houer van 'n binneverbruikslisensie mag in verband met die verkoop van drank of gedurende die ure wanneer hy drank kan verkoop of verskaf in 'n kroeg op sy perseel enigiemand onder die leeftyd van agtien jaar in diens stel nie.

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

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

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

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

(4) A magistrate making an order in terms of subsection (3) shall forthwith forward a copy thereof to the officer in charge of the police station in whose area 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 (3), 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 event a further notification to that person shall not be necessary.

89. No person shall supply any liquor to any person in his employ as or as supplementing the employee's wages or remuneration.

Supply of liquor to employee by employer.

90. No Native shall purchase, obtain, possess or deal in liquor and no liquor may be sold, delivered, given or supplied in any manner to a Native otherwise than in accordance with the provisions of section 22 of the General Law Amendment Act, 1967 (Act 102 of 1967) and the regulations made thereunder.

Supply to Natives.

CHAPTER XIV.

CONDUCT OF LICENSED BUSINESS.

A. PROHIBITED EMPLOYMENT.

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

Employment of certain persons in restricted portion of licensed premises.

(2) Geen houer van 'n botteldranklisensie of van 'n binneverbruiklisensie mag in verband met die verkoop van drank, of gedurende die ure wanneer hy drank kan verkoop of verskaf, in 'n kroeg of ander gedeelte van sy perseel waaruit drank verskaf word die volgende persone in diens stel nie:—

- (a) iemand aan wie persoonlik hoegenaamd geen drank verkoop of verskaf mag word nie;
- (b) iemand van wie hy weet dat hy binne die voorafgaande twee jaar weens 'n oortreding van enige wet op drankverskaffing skuldig bevind is en daarvoor gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as een honderd rand.

(3) Geen bepaling in subartikel (1) of subartikel (2) word beskou as van toepassing nie —

- (a) op iemand wat sestien jaar of bo sestien jaar oud is wat 'n opleidingskursus in proviandering ondergaan of ondergaan het en wat in diens is op 'n perseel van 'n lisensiehouer by wie hy behoorlik in die leer is in enige hoedanigheid in verband met die bestuur van die besigheid onder sodanige lisensie; of
- (b) op die eggenote of 'n lid van die gesin van die lisensiehouer of van die eenaar of bestuurder van die gelisensieerde besigheid of op 'n huishoudster.

B. VERBODE TOEGANG TOT GELISENSIEERDE PERSEEL.

Teenwoordigheid van verbode persone op gelisensieerde perseel.

92. (1) Wanneer ook al kragtens 'n bepaling van hierdie ordonnansie die verskaffing van drank aan iemand geheel en al verbied is, mag geen houer van 'n botteldranklisensie of van 'n binneverbruiklisensie, behoudens die bepalings van artikel 93, so iemand te eniger tyd toelaat in die beperkte gedeelte van sy gelisensieerde perseel nie.

(2) Wanneer ook al dit, kragtens 'n bepaling van hierdie ordonnansie of enige voorwaarde of beperking daarkragtens opgelê, 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.

(3) Geen bepaling van hierdie artikel belet die toegang tot enige deel van die gelisensieerde perseel van —

- (a) enige inboorling of Kleurling vir die doel om daar enige werk te doen waarvoor hy wettig in diens geneem is nie; of
- (b) enigiemand vir die doel om daar gedurende enige tyd wanneer die gelisensieerde perseel vir die verkoop van drank gesluit is *bona fide*-huishoudelike werk te doen nie.

Teenwoordigheid van kinders op gelisensieerde perseel

93. (1) 'n Lisensiehouer mag niemand onder die leeftyd van agtien jaar te eniger tyd in 'n beperkte gedeelte van sy gelisensieerde perseel toelaat nie.

(2) Geen bepaling in subartikel (1) is van toepassing nie op iemand wat sestien jaar of bo sestien jaar oud is wat 'n opleidingskursus in proviandering ondergaan het of ondergaan en wat op die perseel is van 'n lisensiehouer by wie hy behoorlik in die leer is in enige hoedanigheid in verband met die bestuur van die besigheid onder sodanige lisensie.

C. AANTEKENINGS.

Aantekeninge wat lisensiehouers moet hou.

94. (1) Elke houer van 'n lisensie uitgereik kragtens hierdie ordonnansie moet in een van die amptelike tale sodanige aantekeninge hou soos voorgeskryf van alle drank deur hom verkry en van die hand gesit.

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

- (a) any person to whom individually the sale or supply of liquor is totally prohibited, or
- (b) any person who, to his knowledge, has within the preceding two years been convicted of any contravention of any law relating to the supply of liquor and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding one hundred hand.

(3) Nothing in subsection (1) or subsection (2) contained shall be deemed to 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 licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the business under such licence, or
- (b) the wife or a member of the family of the licence holder or of the proprietor or manager of the licensed business or a housekeeper.

(B) PROHIBITED ACCESS TO LICENSED PREMISES.

92. (1) Whenever by virtue of any provision of this ordinance the supply of liquor to any person is totally prohibited, no holder of a bottle liquor licence or of an on-consumption licence, shall subject to the provisions of section 93 allow such person to be at any time in the restricted portion of his licensed premises.

Presence of prohibited persons on licensed premises.

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

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

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

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

Presence of children on licensed premises.

(2) Nothing in subsection (1) contained shall apply in respect of 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 licence holder to whom he is duly apprenticed in any capacity connected with the conduct of the business under such licence.

(C) RECORDS.

94. (1) Every holder of a licence issued under this ordinance shall keep in one of the official languages such records of all liquor acquired and disposed of by him, as may be prescribed.

Records to be kept by licensees.

(2) Enige regulasie wat sodanige aantekeninge voorskryf, kan verskil ten opsigte van verskillende klasse van lisensiehouers en ten opsigte van verskillende gebiede.

Koopverpligtings.

95. (1) Met ingang van die inwerkingtreding van hierdie ordonnansie is —

- (a) elke koopverpligting wat op of na die eerste dag van April 1969 aangegaan of hernieu is of word; en
- (b) enige verlenging, op of na die genoemde datum, op enige wyse hoegenaamd, van die termyn van 'n koopverpligting wat op genoemde datum van krag is,

nietig.

(2) 'n Koopverpligting wat voor die dag genoem in subartikel (1) aangegaan is en op daardie dag van krag is, verval, tensy dit eerder deur verloop van tyd beëindig word, op die datum waarop 'n tydperk van ses jaar vanaf genoemde datum verstryk, of op die datum waarop enige verpligting wat die vergoeding van daardie koopverpligting uitgemaak het, onthef word, na gelang van watter datum die vroegste is.

(3) 'n Koopverpligting wat voor die dag genoem in subartikel (1) aangegaan is as vergoeding vir die reg om 'n perseel te okkupeer en op die genoemde dag van krag is, verval by verstryking van 'n tydperk van ses jaar vanaf genoemde datum of by ontruiming van die perseel deur die betrokke huurder na gelang van watter datum die vroegste is.

(4) By die toepassing van hierdie artikel word 'n koopverpligting oor die bepalings waarvan die partye voor die eerste dag van April 1969 ooreengekom het, geag voor die genoemde dag aangegaan te gewees het, nieestaanste die feit dat die skriftelike ooreenkoms waarin die koopverpligting beliggaam word eers na genoemde datum deur die partye onderteken is.

(5) Wanneer ook al een van die partye by 'n koopverpligting wat voor die datum in subartikel (1) genoem, aangegaan is en op daardie dag van krag is, die houër is van 'n lisensie wat aan hom uitgereik is in sy hoedanigheid as 'n werknemer of genomineerde van 'n maatskappy, genootskap, vennootskap of ander vereniging van persone en bedoelde lisensie na genoemde dag na 'n ander werknemer of genomineerde van bedoelde maatskappy, genootskap, vennootskap of ander vereniging van persone oorgedra word, kan sodanige ander werknemer of genomineerde, nieestaanste die bepalings van hierdie artikel, al die verpligtinge ingevolge bedoelde koopverpligting aanvaar, en daarop word bedoelde koopverpligting geag deur bedoelde ander werknemer of genomineerde aangegaan te gewees het op die datum waarop die koopverpligting oorspronklik aangegaan is met die vorige werknemer of genomineerde.

Verbode
voorwaardes in
verband of ooreen-
koms.

96. Geen verband of ooreenkoms vir 'n geldlening aangegaan tussen 'n brouer of die houër van 'n groot-handeldranklisensie as uitlener en enige lisensiehouer as lener of enige agent van sodanige partye mag 'n voorwaarde bevat wat die terugbetaling van die skuld of enige deel daarvan voor 'n bepaalde tyd verbied nie en elke sodanige voorwaarde wat voorkom in 'n verband of so 'n ooreenkoms, aangegaan na die inwerkingtreding van hierdie ordonnansie, is nietig.

D. LISENSIEHOUER EN KLANT.

Beperking van
drankverkoop op
krediet.

97. (1) Niemand mag behalwe op 'n perseel ten opsigte waarvan 'n klubdranklisensie gehou word —

- (a) op enige gelisensieerde perseel drank verskaf vir verbruik op die perseel, of

(2) Any regulation prescribing such records may differ in respect of different classes of holders of licences and in respect of different areas.

95. (1) As from the commencement of this ordinance — Ties.

- (a) every tie which has been or is entered into or renewed on or after the first day of April, 1969, and
 - (b) every extension on or after the said date, in any manner whatsoever, of the period of a tie which was binding on the said date,
- shall be void.

(2) A tie entered into prior to the date referred to in subsection (1) and which is binding on that date, shall unless it expires earlier by effluxion of time, lapse on the date of expiry of a period of six years from the said date or on the date upon which any obligation which formed the consideration for that tie, is discharged, whichever date be the earlier.

(3) A tie entered into prior to the date referred to in subsection (1) as consideration for the right to occupy any premises and which is binding on the said date, shall lapse on the expiry of a period of six years from the said date, or upon vacation of the premises by the lessee concerned, whichever be the earlier date.

(4) A tie the terms of which have been agreed upon by the parties thereto prior to the first day of April, 1969, shall for the purposes of this section, be deemed to have been entered into prior to the said date, notwithstanding the fact that the written agreement embodying the tie was only signed by the parties after the said date.

(5) Where one of the parties to a tie which has been entered into prior to the date referred to in subsection (1) and which is binding on the said date, is the holder of a licence which has been issued to him in his capacity as an employee or nominee of any company, society, partnership or other association of persons and the said licence is after the said date transferred to another employee or nominee of such company, society, partnership or other association of persons, such other employee or nominee may, notwithstanding anything contained in this section, assume all the obligations under the said tie, and thereupon the said tie shall be deemed to have been entered into by the said other employee or nominee on the date on which the tie was originally entered into with the previous employee or nominee.

96. No mortgage bond nor any contract for the loan of money entered into between a brewer or the holder of a wholesale liquor licence as lender and any licensee as borrower or any agent of such parties shall contain any condition preventing the repayment of the debt or any part thereof before any specified time and any such condition contained in any mortgage bond or any such contract, if entered into after the commencement of this ordinance, shall be null and void. Forbidden conditions in bond or contract.

(D) LICENSEE AND CUSTOMER.

97. (1) No person shall, save in any premises in respect of which a club liquor licence is held — Restriction on credit sale of liquor.

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

(b) op so 'n perseel drank verbruik nie, tensy by die verskaffing daarvan daarvoor betaal word: Met dien verstande dat dit nie as 'n oortreding van hierdie subartikel beskou word nie —

- (i) as die drank verskaf word vir verbruik met 'n gewone maaltyd wat gelyktydig verskaf word en met die maaltyd verbruik word en die prys van die drank tegelyk met die prys van daardie maaltyd betaal word;
- (ii) as die drank verskaf word vir verbruik tydens 'n funksie wat te goeder trou op die perseel gehou word aan persone wat daarby teenwoordig is; of
- (iii) as die drank in matige hoeveelhede verskaf word op bestelling van 'n werklike loseerder of inwoner daarvan.

(2) Buiten in die gevalle vermeld in die voorbehoudsbepaling by subartikel (1) mag geen sodanige lisensiesom of enigiets anders invorder weens enige drank wat hy aan iemand op krediet verkoop het vir verbruik op die gelisensieerde perseel nie.

Hoe vir drank of onthaal betaal moet word.

98. (1) Geen houer van 'n botteldranklisensie of van 'n binneverbruiklisensie mag as betaling of sekuriteit vir enige drank of onthaal wat op of uit sy gelisensieerde perseel verskaf word, iets anders ontvang as gangbare geld of banktjeks nie: Met dien verstande dat die houer van 'n klubdranklisensie vir aldus verskafte drank betaling kan ontvang deur middel van koepons waarvoor met gangbare geld of banktjeks betaal is of ten opsigte waarvan sodanige houer 'n onderneming verkry het dat aldus daarvoor betaal sal word.

(2) Behoudens die bepalings van die voorbehoudsbepalings by subartikel (1) mag geen sodanige lisensiehouer voordat 'n verkoop van drank afgesluit is vir daardie drank betaling ontvang nie, of van iemand 'n gelddeposito ontvang vir 'n toekomstige drankverskaffing nie en enige sodanige vooruitbetaling kan verhaal word hoewel na sodanige betaling drank verskaf kon gewees het of ander goedere met die drank verskaf is.

(3) Geen sodanige lisensiehouer mag 'n pand ontvang vir of in verband met enige drank of onthaal wat op of uit sy gelisensieerde perseel verskaf is nie en die eienaar van 'n voorwerp wat in stryd met hierdie subartikel verpand is het dieselfde regs middels om die voorwerp of sy waarde te verhaal asof dit nie verpand was nie.

Tydsbeperking vir verhaal van geld aan botteldranklisensiehouer verskuldig vir drank verkoop.

99. Van en na die eerste dag van die derde kalendermaand wat volg op die en waarin die houer van 'n botteldranklisensie aan iemand drank verskaf het, kan geen aksie of ander regsgeeding deur iemand ingestel word tot verhaal van geld wat na beweer word verskuldig is in verband met daardie verskaffing nie en kan so 'n beweerde skuld ook nie vir skuldvergelyking in aanmerking geneem word of die grondslag van 'n eis in rekonvensie deur iemand uitmaak nie.

Restaurantdranklisensiehouer moet maaltye verskaf.

100. Behalwe om die een of ander rede wat die landdros voor wie die klagte dien, bevredigend ag, mag geen houer van 'n restaurantdranklisensie weier om maaltye te verskaf aan iemand wat dit eis nie.

Lisensiehouer kan aan sekere persone toegang weier of hulle uitsit.

101. (1) 'n Lisensiehouer of sy bediende of agent kan enigeen toegang weier tot die beperkte gedeelte van die gelisensieerde perseel van sodanige lisensiehouer, kan weier om aan iemand drank te verskaf en kan enigiemand wat in enige gedeelte van bedoelde perseel waarin drank bedien word of in enige daaraan verbonde kleedkamers is, versoek om dit te verlaat en 'n nie-inwonende wat in 'n gedeelte van die perseel is wat vir inwoners gereserveer is, versoek om dit te verlaat.

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

- (i) if the liquor is supplied for consumption with an ordinary meal supplied at the same time and is consumed with such meal, and the price of the liquor is paid together with the price of such meal;
- (ii) if the liquor is supplied for consumption during the course of a *bona fide* function held on the premises, to persons present thereat, or
- (iii) if the liquor is supplied in moderate quantity to the order of any person actually boarding or lodging therein.

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

98. (1) No holder of a bottle liquor licence or of an on-consumption licence shall receive in payment or as security for any liquor or entertainment supplied in or from his licensed premises any thing except current money or cheques drawn on bankers: Provided that the holder of a club liquor licence may receive payment for liquor so supplied by means of coupons which have been paid for by current money or cheques drawn on bankers or in respect of which such holder has obtained an undertaking that they will be so paid for.

How payments for liquor or entertainment to be made.

(2) Subject to the provisions of the proviso to subsection (1), no such licensee shall prior to the conclusion of a sale of liquor receive payment for such liquor or receive from any person a deposit of money in respect of a future supply of liquor and any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment or that other goods have been supplied with the liquor.

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

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

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

100. Save for some reason deemed to be satisfactory by the magistrate trying the charge, no holder of a restaurant liquor licence shall refuse to supply meals to any person demanding the same.

Duty of restaurant liquor licensees to provide meals.

101. (1) Any licensee or his servant or agent may refuse to admit any person to the restricted portion of the licensed premises of such licensee, may refuse to supply liquor to any person and may request any person who is in any portion of the said premises in which liquor is served or any cloakrooms attached thereto, to depart therefrom and any non-resident who is in any portion of the premises reserved for residents to depart therefrom.

Licensee may refuse admission to or eject certain persons.

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

(3) Enige lid van die polisie moet op verlange van sodanige lisensiehouer, sy bediende of agent, iemand bedoel in subartikel (2) uit sodanige perseel sit of met sy uitsetting help en moet iemand wat geweier of versuim het om te voldoen aan 'n versoek kragtens subartikel (1) daarvan uitsit en kan sodanige geweld gebruik soos vir daardie doeleindes nodig is.

E. ALGEMEEN.

Sekere lisensiehouers moet aan redelike vereistes van publiek voldoen.

102. (1) Die houër van 'n botteldranklisensie, of 'n binne- of buiteverbruiklisensie vir 'n huisvestingsinrigting, 'n restaurantdranklisensie of 'n spesiale dranklisensie moet te alle tye voldoen aan die redelike vereistes van die publiek wat betref die verskaffing van wyn, brandewyn en moutdrank.

(2) Die houër van 'n lisensie bedoel in subartikel (1) word nie geag aan die redelike vereistes van die publiek wat betref die verskaffing van wyn, brandewyn en moutdrank te voldoen nie, tensy hy, behalwe vir sover hy deur omstandighede buite sy beheer verhinder word om dit te doen —

- (a) as wyn op die gelisensieerde perseel verkoop of vir verkoop aangehou word, wyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens agt verskillende produsente of vervaardigers van wyn van wie elkeen met betrekking tot elkeen van die ander en tot die houër van die lisensie, 'n onafhanklike produsent of vervaardiger moet wees;
- (b) as brandewyn op die gelisensieerde perseel verkoop of vir verkoop aangehou word, brandewyn, waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens ses verskillende produsente of vervaardigers van brandewyn van wie elkeen met betrekking tot elkeen van die ander en tot die houër van die lisensie 'n onafhanklike produsent of vervaardiger moet wees; en
- (c) as moutdrank op die gelisensieerde perseel verkoop of vir verkoop gehou word, moutdrank waarvoor daar 'n redelike aanvraag deur die publiek is, van minstens twee verskillende brouers van moutdrank in die Republiek of die Gebied van wie elkeen met betrekking tot elkeen van die ander en tot die houër 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 vertoon 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 vervaardiger of brouer van moutdrank —

- (a) in wie se besigheid of onderneming 'n ander produsent of vervaardiger of brouer van moutdrank; of iemand ten behoeve van 'n ander produsent of vervaardiger of brouer van moutdrank 'n geldelike belang het, nie met betrekking tot daardie ander produsent of vervaardiger of brouer van moutdrank of enige produsent of vervaardiger of brouer van moutdrank in wie se besigheid of onderneming daardie ander produsent of vervaardiger of brouer van moutdrank of iemand ten behoeve van daardie ander produsent of vervaardiger of brouer van moutdrank, 'n geldelike belang het, geag 'n onafhanklike produsent of vervaardiger of brouer van moutdrank te wees nie;

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

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

(E) GENERAL.

102. (1) The holder of a bottle liquor licence, or an accommodation establishment on-consumption or off-sales licence, a restaurant liquor licence or a special liquor licence shall at all times satisfy the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor.

Certain licence holders to provide for the reasonable requirements of the public.

(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 exposed or, in the case of table wine, advertised by means of a wine list or otherwise, for sale in the licensed premises, in reasonable quantities and at reasonable prices —

- (a) if any wine is sold or kept for sale on the licensed premises, wine, for which there is a reasonable demand by the public, of at least eight different producers or manufacturers of wine each one of whom shall in relation to every one of the others and to the holder of the licence, be an independent producer or manufacturer;
- (b) if any brandy is sold or kept for sale on the licensed premises, brandy, for which there is a reasonable demand by the public, of at least six different producers or manufacturers 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 or manufacturer; and
- (c) if any malt liquor is sold or kept for sale on the licensed premises, malt liquor, for which there is a reasonable demand by the public, of at least two different brewers of malt liquor in the Republic or the Territory 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 purpose of this section a producer or manufacturer or brewer of malt liquor —

- (a) in whose business or undertaking another producer or manufacturer or brewer of malt liquor, or some person on behalf of another producer or manufacturer or brewer of malt liquor, has a financial interest, shall not, in relation to that other producer or manufacturer or brewer of malt liquor, or any producer or manufacturer or brewer of malt liquor in whose business or undertaking that other producer or manufacturer or brewer of malt liquor, or some person on behalf of that other producer or manufacturer or brewer of malt liquor, has a financial interest, be deemed to be an independent producer or manufacturer or brewer of malt liquor;

- (b) wat 'n maatskappy is waarin 'n ander persoon, of iemand ten behoeve van 'n ander persoon, 'n beherende belang het, nie met betrekking tot enige ander produsent of vervaardiger of brouer van moutdrank wat 'n maatskappy is waarin bedoelde ander persoon, of iemand namens bedoelde ander persoon, 'n beherende belang het, geag 'n onafhanklike produsent of vervaardiger of brouer van moutdrank te wees nie;
- (c) nie geag 'n onafhanklike produsent of vervaardiger of brouer van moutdrank met betrekking tot die houer van 'n lisensie bedoel in subartikel (1) te wees nie as hy of iemand anders ten behoeve van hom 'n geldelike belang het in die besigheid of onderneming ten opsigte waarvan die lisensie uitgereik is.

(4) Die houer van 'n lisensie bedoel in subartikel (1) kan enige persoon skriftelik versoek om binne dertig dae van die datum van die versoek, sodanige inligting, met inbegrip van die naam en adres van enige persoon, skriftelik aan hom te verstrek soos hy redelik nodig ag om vas te stel of 'n produsent of vervaardiger of brouer van moutdrank wie se wyn of brandewyn of moutdrank hy wil aanskaf, met betrekking tot enige ander produsent of vervaardiger of brouer van moutdrank, 'n onafhanklike produsent of vervaardiger of brouer van moutdrank is, met inbegrip van die naam en adres van enige produsent of vervaardiger of brouer van moutdrank met betrekking tot wie sodanige eersbedoelde produsent of vervaardiger of brouer van moutdrank nie 'n onafhanklike produsent of vervaardiger of brouer van moutdrank is nie.

(5) In hierdie artikel beteken die uitdrukking „beherende belang” met betrekking tot 'n maatskappy —

- (i) die meerderheid van sy aandele;
- (ii) aandele wat meer as die helfte van sy aandeelkapitaal verteenwoordig;
- (iii) aandele ter waarde van meer as die helfte van die gesamentlike waarde van al sy aandele;
- (iv) aandele wat aan die houers daarvan die reg op meer as die helfte van sy winste of bates verleen;
- (v) aandele wat aan die houers daarvan reg op 'n meerderheid of oorwig van stemme verleen;
- (vi) die mag om, regstreeks of onregstreeks, deur die besit van een of ander belang, onverskillig of dit al dan nie van die in subparagrafe (i) tot (v) bedoelde aard is, in 'n ander maatskappy, of op 'n ander wyse, enige beheer van welke aard ook al oor die werksaamhede of bates van die maatskappy uit te oefen.

(6) Iemand wat weier of in gebreke bly om aan 'n versoek bedoel in subartikel (4) te voldoen of wat ingevolge so 'n versoek inligting verstrek wat vals is, wetende dat dit vals is, is aan 'n misdryf skuldig.

Verbod op
verkryging van
lisensies deur
produsente of
vervaardigers.

103. (1) Die raad of die betrokke landdros na gelang mag geen nuwe lisensie of die oordrag van enige lisensie, behalwe 'n groothandel- of 'n spesiale groothandeldepotlisensie vir brouers aan 'n produsent of vervaardiger soos in artikel 102 omskryf, of aan enige brouer of aan die agent of genomineerde van so 'n produsent of vervaardiger of 'n brouer of aan iemand wat 'n geldelike belang het in die besigheid of onderneming van so 'n produsent of vervaardiger of 'n brouer, of aan die agent of genomineerde van so iemand, of aan 'n maatskappy waarin aandeelhouders wat 'n geldelike belang in die besigheid van so 'n produsent of vervaardiger of 'n brouer het tesame 'n beherende belang (soos in artikel 102 bepaal) besit, of aan die genomineerde of agent van so 'n maatskappy of aan 'n maatskappy waarin sodanige eersbedoelde maatskappy so

(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 manufacturer 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 manufacturer or brewer of malt liquor;

(c) shall not be deemed to be an independent producer or manufacturer 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 manufacturer or brewer of malt liquor whose wine or brandy or malt liquor he wishes to acquire is an independent producer or manufacturer or a brewer of malt liquor in relation to any other producer or manufacturer or a brewer of malt liquor, including the name and address of any producer or manufacturer or a brewer of malt liquor in relation to whom such firstmentioned producer or manufacturer or a brewer of malt liquor is not an independent producer or manufacturer or a brewer of malt liquor.

(5) In this section the expression "controlling interest" in relation to a company, means —

- (i) a majority of its shares;
- (ii) shares representing more than half its share capital;
- (iii) shares of a value in excess of half the aggregate value of all its shares;
- (iv) shares entitling the holders thereof to more than half of its profits or assets;
- (v) shares entitling the holders thereof to a majority or preponderance of votes;
- (iv) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in subparagraphs (i) to (v), in any other company, or otherwise, any control whatsoever over the activities or assets of the company.

(6) Any person who refuses or fails to comply with any request referred to in subsection (4), or who in pursuance of such a request furnishes any information which is false knowing it to be false, shall be guilty of an offence.

103. (1) The board or the magistrate concerned as the case may be, shall not grant any new licence or authorize the transfer of any licence, other than a wholesale or a special brewer's wholesale depot licence to any producer or manufacturer as defined in section 102 or to any brewer or to the agent or nominee of such a producer or manufacturer or any brewer or to any person who has a financial interest in the business or undertaking of such a producer or manufacturer or a brewer or to the agent or nominee of such a person or to any company in which shareholders having a financial interest in the business of such a producer or manufacturer or a brewer together hold a controlling interest (as defined in section 102) or to the nominee or agent of such a company or to any company in which such firstmentioned company holds

Prohibition against acquisition of licences by producers or manufacturers.

'n beherende belang het, of aan die genomineerde of agent van so 'n maatskappy verleen of magtig nie: Met dien verstande dat geen bepaling in hierdie subartikel so uitgelê word nie dat dit die oordrag van 'n lisensie aan iemand wat op die eerste dag van April 1969 die verhuurder was van die perseel ten opsigte waarvan die lisensie destyds gehou was en op die datum van die oordrag die verhuurder is van die perseel ten opsigte waarvan die lisensie dan gehou word, of aan die agent of genomineerde van so 'n persoon, of die oordrag van 'n lisensie van een agent of genomineerde van iemand aan 'n ander agent of genomineerde van dieselfde persoon belet nie.

(2) Elke lisensie verleen en elke oordrag van 'n lisensie gemagtig strydig met die bepalinge van hierdie artikel is nietig.

Geliseniseerde besigheid mag nie op die perseel van 'n ander besigheid gedryf word nie.

104. (1) Behoudens die bepalinge van artikel 69 mag geen lisensiehouer sy besigheid dryf op 'n perseel waarop enige ander besigheid van watter aard ook al gedryf of uitgeoefen word nie.

(2) By die vasstelling of persele afsonderlik is vir die doeleindes van subartikel (1) is die bepalinge van artikel 69 (2) van toepassing.

Oordrag van bestuur of beheer of deelname in wins van besigheid.

105. Geen lisensiehouer wat nie 'n maatskappy is nie, mag sonder die skriftelike magtiging van die voorsitter van die lisensieraad, wat slegs in oorleg met die ander lede daarvan mag handel —

- (a) toelaat dat iemand anders langer as 'n maand die geliseniseerde besigheid bestuur, onder toesig hou of dryf nie; of
- (b) toelaat dat iemand anders in werklikheid die geliseniseerde besigheid beheer, of 'n vennoot daarin word of in die winste daarvan deel nie: Met dien verstande dat die voorsitter 'n aansoek om sy skriftelike magtiging na 'n spesiale vergadering gehou ingevolge artikel 24 kan verwys.

Werwing van verkopings en aanname van aanbiedings buite geliseniseerde perseel.

106. (1) Niemand behalwe die houer van 'n spesiale groothandeldepotlisensie vir brouers mag, hetsy self of deur 'n reisiger, agent, bediende of ander persoon —

- (a) koopbestellings vir drank werf of aanneem nie;
- (b) aanbiedings om drank te koop aanneem nie; of
- (c) aanbiedings om drank te koop, ontvang sodat hy hulle kan oorbring aan die persoon aan wie die aanbod gemaak word of aan sy agent of bediende nie;

op 'n ander plek as die perseel of gedeelte van die perseel waarop die persoon deur of namens wie die beoogde verkoop gesluit moet word, kragtens hierdie ordonnansie geliseniseer is om daardie verkoop te sluit.

(2) Geen bepaling in hierdie artikel belet dat drank vir verkoop op 'n geliseniseerde perseel geadverteer word, of dat bestellings of aanbiedings van verkoop of koop van drank gewerf, geneem, aangeneem of ontvang word nie as dit 'n transaksie is tussen lisensiehouers, distilleerders, brouers of persone wat kragtens hierdie ordonnansie sonder 'n lisensie drank kan verkoop.

such a controlling interest or the nominee or agent of such a company: Provided that nothing contained in this subsection shall be construed as prohibiting the transfer of any licence to a person who was on the first day of April 1969, the lessor of the premises in respect of which the licence was then held and is on the date of transfer the lessor of the premises in respect of which the licence is then held, or to the agent or nominee of such a person, or the transfer of any licence from one agent or nominee of any person to another agent or nominee of the same person.

(2) Every licence granted and every transfer of a licence authorized contrary to the provisions of this section shall be void.

104. (1) Save as provided in section 69 no holder of a licence shall carry on his business in any premises in which any other business whatsoever is conducted or carried on.

Licensed business not to be carried on in premises of another business.

(2) In determining whether premises are separate for the purpose of subsection (1) the provisions of section 69 (2) shall apply.

105. No licensee, not being a company, shall without the written authority of the chairman of the licensing board who shall only act in consultation with the other members thereof —

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

- (a) permit any other person to manage, superintend or conduct the licensed business for a longer period than one month; or
- (b) allow any other person in effect to control, or become a partner or a sharer in the profits of the licensed business: Provided that the chairman may refer any application for his written authority to a special meeting held in pursuance of section 24.

106. (1) No person other than the holder of a special brewer's wholesale depot licence shall, whether by himself or through any traveller, agent, servant or other person —

Soliciting of sales and acceptance of offers off licensed premises.

- (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 servant,

at any other place than the premises or portion of premises within which the person by or on whose behalf the proposed sale is to be made is licensed by this ordinance to make such sale.

(2) Nothing in this section contained shall be deemed to prohibit the advertising of liquor for sale at any licensed premises, or the soliciting, taking, accepting or receiving of orders or offers for the sale or purchase of liquor where the transaction is between licensees, distillers, brewers or persons authorized under this ordinance to sell liquor without a licence.

HOOFSTUK XV.

HUURBESIT VAN GELISENSIEERDE PERSELE.

A. AANSPREEKLIKHEID VIR VERANDERING, AANBOUSELS OF HERSTELWERK.

Verhuurder is aanspreeklik vir veranderings of herstelwerk gelas deur bevoegde gesag.

107. (1) Wanneer ook al die bevoegde gesag ten opsigte van 'n perseel waarop daar kragtens 'n binneverbruikslisensie besigheid gedryf word, 'n voorwaarde opgelê het wat 'n strukturele verandering of herstelwerk of aanbousels aan sodanige perseel inhou, kan die lisensiehouer aan wie die voorwaarde opgelê word, as hy die huurder van die perseel is, van die verhuurder verlang dat hy binne die termyn in die voorwaarde gestel, aan die vereistes van die bevoegde gesag moet voldoen.

(2) As die koste van die veranderings, herstelwerk of aanbousels aan die perseel volgens 'n redelike skatting te goeder trou nie meer as tweehonderd rand sal bedra nie, en die verhuurder nie binne die termyn in die voorwaarde gestel of, as geen termyn gestel is nie, binne drie maande nadat hy kragtens subartikel (1) kennis ontvang het, die veranderings, herstelwerk of aanbousels uitgevoer het nie, kan die lisensiehouer dit self uitvoer en die bedrag wat hy uitgegee het om aan die voorwaarde te voldoen, aftrek van die huurgeld wat hy aan die verhuurder skuld of skuldig word.

(3) As die koste van die veranderings, herstelwerk of aanbousels aan die perseel volgens 'n redelike skatting te goeder trou meer sal bedra as twee honderd rand en die verhuurder nie binne die termyn gestel in die voorwaarde, of as geen termyn gestel is nie, binne ses maande nadat hy 'n kennisgewing kragtens subartikel (1) ontvang het, aan die vereistes van die voorwaarde voldoen nie, kan die lisensiehouer, nieteenstaande 'n strydige ooreenkoms, onmiddellik en sonder opsegging die huur beëindig.

Verhoging van huur waar verhuurder perseel verander of vergroot.

108. Wanneer 'n verhuurder ten gevolge van 'n voorwaarde deur die bevoegde gesag opgelê kragtens artikel 82 'n perseel waarop kragtens 'n binneverbruikslisensie besigheid gedryf word, verander of daarby aangebou het en die aangeane koste meer as twee honderd rand bedra, kan die verhuurder, nieteenstaande enige huurvoorwaarde, vanaf die datum van voltooiing van die verandering of aanbousel, die huurgeld van die perseel verhoog met 'n bedrag van hoogstens tien persent per jaar van die aangeane onkoste, en die aldus verhoogde huurgeld word beskou as die huurgeld wat kragtens die huur verskuldig is.

Huurtermyn van gelsensieerde perseel.

109. (1) Nieteenstaande enige bepaling in enige huurkontrak —

(a) moet die huurbesit van 'n gehuurde perseel waarop die besigheid van 'n binneverbruikslisensie gedryf word, as die huurbesit voor die inwerking-treding van hierdie ordonnansie begin het, minstens twaalf maande na sodanige inwerking-treding begin, minstens twaalf maande na sodanige begin van die huurbesit, voortduur, of

(b) mag die huurbesit van 'n gehuurde perseel waarop die besigheid van 'n binneverbruikslisensie gedryf word, tensy die verhuurder ses kalendermaande vantevore aan die huurder skriftelik die huur opgesê het, nie beëindig word nie:

Met dien verstande dat as die verhuurder ten genoë van die landdros bewys dat die huurder —

CHAPTER XV.

TENANCY OF LICENSED PREMISES.

(A) LIABILITY IN RESPECT OF ALTERATIONS,
ADDITIONS OR REPAIRS.

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

Liability of lessor in respect of alterations or repairs ordered by competent authority.

(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 of the receipt by him of any notice under subsection (1) has not effected the alteration or repairs of or addition to the premises, may himself effect the same, and he may set off against any rent due or to become due by him to the lessor the sum which he has expended in complying with the condition.

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

108. Whenever in consequence of any condition imposed by the competent authority in terms of section 82 a lessor has altered or added to premises upon which is carried on a business under an on-consumption licence and the expenditure incurred has exceeded two hundred rand, such lessor, notwithstanding any term of the lease, may, as from the date of the completion of the alteration or addition, increase the rent of such premises by a sum not exceeding ten per cent per annum of the amount of the expenditure incurred, and the rental so increased shall be deemed to be the rent due under the lease.

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

109. (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 —

Period of tenancy of licensed premises.

- (a) shall, if the tenancy began before the commencement of this ordinance, endure for at least twelve months after such commencement, and if the tenancy begins after such commencement, endure for at least twelve months after such beginning of tenancy, or
- (b) shall not terminate save after six calendar months' notice of such termination given in writing by the lessor to the lessee:

Provided that if the lessor proves to the satisfaction of the magistrate that the lessee —

- (i) tydens die huurbesit weens 'n misdryf skuldig bevind is en gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete; of
- (ii) tydens die huurbesit kragtens hierdie ordonnansie of kragtens 'n wet herroep by artikel 160 skuldig bevind is en gevonnissen is tot 'n boete van een honderd rand of meer; of
- (iii) tydens die huurbesit twee of meer keer skuldig bevind is weens 'n misdryf kragtens hierdie ordonnansie of 'n wet herroep by artikel 160; of
- (iv) die perseel wesenlik beskadig het of beskadig; of
- (v) sy besigheid so dryf dat die verhuurder ernstig benadeel of die voortbestaan van die lisensie ernstig bedreig sou kan word,

die landdros, na sodanige kennisgewing aan die huurder soos hy goedvind, en na oorweging van enige redes wat die huurder daarteen kan aanvoer op skrif magtiging kan verleen tot die beëindiging van die huur en wel op 'n dag en op die voorwaardes wat die geskrif uiteensit.

(2) Geen bepaling in subartikel (1) word geag inbreuk te maak op die bepalings van artikel 107 (3) of op enige reg van 'n huurder kragtens die gemene reg of kragtens sy kontrak om sy huurbesit te beëindig nie.

HOOFTUK XVI.

VERBODE DRANKE EN STOWWE.

Heeltemal verbode
brousele of
dranke.

110. (1) Niemand mag die volgende vervaardig, besit, bewaar, gebruik, drink of aan iemand gee of verskaf nie —

- (a) enige drank of brousel vervaardig deur die gisting of distillering van stroop, suiker of ander stowwe en bekend as skokiaan of, hoewel bekend onder 'n ander naam, wat soortgelyk is aan die drank of brousel bekend as skokiaan; en
- (b) enige ander drank of brousel wat die Administrateur van tyd tot tyd by kennisgewing in die *Offisiële Koerant* verklaar tot verbode brousel of drank.

(2) Wanneer ook al by enige aanklag kragtens hierdie ordonnansie daar beweer word dat die drank of brousel een van dié is wat in subartikel (a) of (b) genoem word, word die betrokke drank of brousel beskou as so 'n drank of brousel totdat die teendeel bewys word.

Regulasies op gis.

111. (1) Die Administrateur kan ten opsigte van gis regulasies maak vir of ten opsigte van enige of al die volgende sake:—

- (a) die reëling en beperking van die vervaardiging, invoer, uitvoer, oorlaaiing, vervoer, versending, hou, verkoop, verskaffing of gebruik daarvan;
- (b) die lisensieëring van fabriek en van verkope en die klasse persone aan wie sodanige lisensies uitgereik kan word;
- (c) die hou van registers en ander aantekeninge van verkope, die vorm waarin en wyse waarop sodanige registers of aantekeninge gehou moet word, en die besonderhede wat daarin geskryf moet word;
- (d) die beperking van die hoeveelhede wat verkoop kan word;

- (i) has during the tenancy been convicted of any offence and sentenced to imprisonment without the option of a fine; or
- (ii) has during the tenancy been convicted under this ordinance or under a law repealed by section 160 and sentenced to pay a fine of one hundred rand or more; or
- (iii) has during the tenancy been convicted two or more times of an offence under this ordinance or under a law repealed by section 160; or
- (iv) has done or is doing material damage to the premises; or
- (v) is conducting his business in a manner which is calculated seriously to prejudice the lessor or endanger the continued existence of the licence,

the magistrate may, after giving to the lessee such notice as he may deem fit and after considering any representations by such lessee showing cause to the contrary, by writing authorize the termination of the lease on any date specified in such writing and under such conditions as may be set forth therein.

(2) Nothing in subsection (1) contained shall be deemed to affect the provisions of section 107 (3) or any right of a lessee under the common law or under his contract to determine his tenancy.

CHAPTER XVI.

PROHIBITED LIQUORS AND SUBSTANCES.

110. (1) No person shall make or be in possession or custody of or use, drink, give or supply to any person — Totally prohibited concoctions or drinks.

- (a) any drink or concoction made by the fermentation or distillation of treacle, sugar or other substances and known as skokiaan or although known by another name is similar to the drink or concoction called skokiaan; and
- (b) any other drink or concoction which the Administrator may from time to time by notice in the *Official Gazette* declare to be a prohibited concoction or drink.

(2) Whenever in any charge under this ordinance it is alleged that the drink or concoction is one of those mentioned in subsection (1) (a) or (b) the drink or concoction concerned shall be presumed to be such a drink or concoction until the contrary is proved.

111. (1) The Administrator may in respect of yeast make regulations for or in respect of all or any of the following matters — Regulations relating to yeast.

- (a) the regulation and restriction of the manufacture, importation, exportation, transshipment, conveyance, transmission, keeping, sale, supply or use;
- (b) the licensing of factories and of sales and the classes of persons to whom such licences may be issued;
- (c) the keeping of registers and other records of sales, the form and manner of keeping such registers or records, and the particulars to be entered therein;
- (d) the restriction of the quantities which may be sold;

- (e) die verbod of beperking op koop of besit insluitende die verlening van permitte vir koop of besit, en
- (f) die strawwe wat opgelê kan word vir oortredings van sodanige regulasies.

(2) 'n Verbod of beperking in 'n regulasie gemaak kragtens subartikel (1) kan òf algemeen òf met betrekking tot 'n bepaalde klas persone toepaslik gemaak word.

HOOFSTUK XVII.

BRANDSPIRITUS.

Beperking en reëling van invoer, hou en verkoop van brandspiritus.

112. (1) Niemand mag enige brandspiritus verkoop of besit om te verkoop nie, tensy hy die houër is van 'n algemene handelaars- of aptekerslisensie.

(2) Die Administrateur kan regulasies maak, wat nie strydig met die bepalings van subartikel (1) mag wees nie, vir of in verband met enige van die volgende sake:

- (a) die reëling en beperking van die invoer, uitvoer, oorlaaiing, vervoer, versending, hou, verkoop, verskaffing of gebruik van brandspiritus;
- (b) die klasse persone wat, niestandaard die bepalings van subartikel (1), brandspiritus nie mag verkoop nie;
- (c) die hou van register en ander aantekeninge ten opsigte van alle handel in brandspiritus, die vorm waarin en wyse waarop sodanige registers en aantekeninge gehou moet word en die besonderhede wat daarin geskryf moet word;
- (d) die denaturering, kleuring, reukverlening en ondrinkbaarmaking 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 die verkoop moet word;
- (f) die verbod op of beperking van die koop of besit van brandspiritus, insluitende die verlening van permitte vir so 'n koop of besit; en
- (g) die strawwe wat weens oortreding van sodanige regulasies opgelê kan word.

(3) Enige verbod of beperking wat in so 'n regulasie opgelê word, kan algemeen of net op 'n bepaalde klas persone of op 'n bepaalde gebied toepaslik gemaak word.

(4) Die Administrateur kan by proklamasie in die *Offisiële Koerant* enige gedenatureerde, gemedisineerde, geparfumeerde of andersins bewerkte spiritus wat nie in paragraaf (a) van die woordbepaling van brandspiritus in artikel 1 omskryf word nie, tot brandspiritus verklaar.

HOOFSTUK XVIII.

BEDWELMENDE MEDISYNE.

Beperking van hou, verkoop of besit van bedwelmente medisyne.

113. (1) Die Administrateur kan van tyd tot tyd na oorleg met die Minister van Gesondheid van die Republiek by kennisgewing in die *Offisiële Koerant* verklaar dat enige patente, private of Hollandse medisyne in die kennisgewing genoem of beskryf, vanaf 'n datum in die kennisgewing bepaal, beskou moet word as 'n bedwelmente medisyne.

- (e) the prohibition or restriction of purchase or possession including the granting of permits for purchase or possession; and
- (f) the penalties which may be imposed for contraventions of such regulations.

(2) Any prohibition or restriction imposed in any regulation made under subsection (1) may be made applicable either generally or in respect of a particular class of persons.

CHAPTER XVII.

METHYLATED SPIRIT.

112. (1) No person shall sell, or have in his possession for the purpose of sale, any methylated spirit unless he is the holder of a general dealer's or a chemist's and druggist's licence.

Restriction and regulation of importation, keeping and sale of methylated spirit.

(2) The Administrator may make regulations not inconsistent with any provision of subsection (1) for or in respect of any of the following matters:

- (a) the regulation and restriction of the importation, exportation, transshipment, 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 registers and other records in respect of all dealings in methylated spirit, the form and manner of keeping of such registers or records and the particulars to be entered therein;
- (d) the denaturation, colouring, odorization and rendering impotable of methylated spirit sold or kept for sale, and the manner and method in which this shall be done;
- (e) the restriction of the quantities of methylated spirit which may be sold;
- (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 imposed in any such regulation may be made applicable either generally or in respect only of a particular class of persons or a particular area.

(4) The Administrator may, by proclamation in the *Official Gazette*, declare to be methylated spirit for the purpose of this ordinance any denatures, medicated, perfumed or otherwise treated spirit not described in paragraph (a) of the definition of methylated spirit contained in section 1.

CHAPTER XVIII.

INTOXICATING MEDICINES.

113. (1) The Administrator may from time to time, after consultation with the Minister of Health of the Republic by notice in the *Official Gazette* declare that any patent, proprietary or Dutch medicine named or described in such notice shall, from and after a date to be specified therein be deemed to be an intoxicating medicine.

Restriction of keeping, selling or possession of intoxicating medicines.

(2) Elkeen wat bedwelmende medisyne verkoop, moet in die Engelse of Afrikaanse taal 'n voorraadboek hou wat te alle tye duidelik die huidige stand van sy voorraad van sodanige medisyne aantoon en wat daaraan toegevoeg of daaruit geneem word asook 'n verkoopsregister wat met betrekking tot elke verkoop van sodanige medisyne deur hom aantoon —

- (a) die datum van die verkoop;
- (b) die naam en adres van die koper; en
- (c) die hoeveelheid, soort en prys van die bedwelmende drank wat verkoop is.

(3) Die inskrywings bedoel in subartikel (2) moet in die verkoopsregister gedoen word sodra bedwelmende medisyne in verband met 'n verkoop opsy gesit of toegeëien is en bedoelde voorraadboek en verkoopsregister moet te alle redelike tye aan enige lid van die polisie ter insae beskikbaar wees.

(4) Die Administrateur kan regulasies maak vir of in verband met enige of al die volgende sake —

- (a) die verbod op of beperking van die hou, verkoop, verskaffing of gebruik van bedwelmende medisyne;
- (b) die verbod op of beperking van die koop of besit van bedwelmende medisyne insluitende die verlening van permitte vir so 'n koop of besit; en
- (c) die strawwe wat opgelê kan word weens die oortreding van sodanige regulasies.

(5) Enige verbod of beperking opgelê in so 'n regulasie kan algemeen of net op 'n bepaalde klas persoon of 'n bepaalde gebied toepaslik gemaak word.

HOOFSTUK XIX.

VERVOER EN AFLEWERING VAN DRANK.

Voorwaardes van drankaflewering.

114. (1) Niemand mag, hetsy self of deur 'n bediende of agent —

- (a) enige sterk drank uit 'n voertuig of houer verskaf, uitgee of aflewer, of iemand anders beweeg om dit te doen nie, tensy, voor die versending van die drank, dit bestel is en die hoeveelheid, soort en prys daarvan met die naam en adres van die persoon aan wie dit gelewer moet word, ingeskryf is in 'n afleveringsboek of faktuur wat die persoon wat die drank aflewer, moet saamdra, en in 'n dagboek wat gehou moet word op die perseel vanwaar die drank gestuur word; of
- (b) terwyl 'n voertuig of houer gebruik word om sterk drank uit te gee of af te lewer, enige sodanige drank daarin vervoer wat nie ingeskryf is in sodanige afleveringsboek of faktuur en dagboek nie; of
- (c) enige sterk drank uitgee of aflewer aan 'n adres wat nie vermeld staan in sodanige afleveringsboek of faktuur en dagboek nie; of
- (d) weier om enige lid van die polisie toe te laat om so 'n voertuig of houer of so 'n afleveringsboek of faktuur te ondersoek nie.

(2) Geen bepaling in subartikel (1) is van toepassing op die verskaffing, uitgifte of aflewering van sterk drank aan 'n lisensiehouer as 'n gewone besigheidstransaksie nie.

(2) Every person selling intoxicating medicine shall keep in the English or Afrikaans language a stock book clearly showing at all times the addition to, takings from, and present condition of his stock of such medicines, and a sales register showing in respect of every sale by him of such medicine —

- (a) the date of sale;
- (b) the name and address of the purchaser; and
- (c) the quantity, description and price of the intoxicating medicine sold.

(3) The entries referred in subsection (2) shall be made in the sales register immediately upon the completion of the setting apart or appropriation of intoxicating medicine in respect of any sale and such stock books and sales register shall at all reasonable times be open to the inspection of any member of the police.

(4) The Administrator may make regulations for or in respect of all or any of the following matters —

- (a) the prohibition or restriction of the keeping, sale, supply or use of any intoxicating medicine;
- (b) the prohibition or restriction of the purchase or possession of any intoxicating medicine including the granting of permits for any such purchase or possession; and
- (c) the penalties which may be imposed for contravention of such regulations.

(5) Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect only of a particular class of persons or a particular area.

CHAPTER XIX.

REMOVAL AND DELIVERY OF LIQUOR.

114. (1) No person shall, either by himself or by any servant or agent —

Conditions as to
distribution of
liquor.

- (a) supply, distribute or deliver, or induce any person to supply, distribute or deliver any intoxicating liquor from any vehicle or receptacle, unless before the liquor has been despatched it has been ordered and the quantity, description and price thereof, together with the name and address of the person to whom it is to be supplied, has been entered in a delivery book or invoice which shall be carried by the person delivering the liquor, and in a day book which shall be kept on the premises from which the liquor is despatched; or
- (b) carry or convey in any vehicle or receptacle, while in use for the distribution or delivery of intoxicating liquor, any such liquor not entered in such delivery book or invoice and day book; or
- (c) distribute or deliver any intoxicating liquor at any address not specified in such delivery book or invoice and day book; or
- (d) refuse to allow any member of the police to examine such vehicle or receptacle, or such delivery book or invoice.

(2) Nothing in subsection (1) shall apply to the supply, distribution, or delivery of intoxicating liquor to a licensee in the ordinary course of business.

HOOFSTUK XX.

BEVOEGDHEDE EN PLIGTE VAN POLISIE.

Polisie moet verslag doen oor aanseke.

115. (1) Met betrekking tot elke aansoek aan die Administrateur, die raad of 'n landdros om die verlening of hernuwing van enige lisensie, buiten 'n tydelike drank-lisensie, moet 'n polisieoffisier wat deur die Assistent-Kommissaris van die Suid-Afrikaanse Polisiemag in die Gebied daarvoor aangewys word, minstens veertien dae voor die dag waarop die aansoek oorweeg moet word, ter inligting van die Administrateur, die raad of die betrokke landdros, na gelang, skriftelik verslag doen of —

- (a) die perseel ten opsigte waarvan 'n aansoek om die verlening of hernuwing van 'n lisensie gedoen is, goed in stand gehou word en redelike en geskikte akkommodasie bevat en in elke opsig voldoende ingerig is vir die behoorlike dryf van die voorgestelde besigheid;
- (b) die perseel, as dit nog nie opgerig of voltooi is nie, na voltooiing volgens die planne, in elke opsig geskik sal wees vir die behoorlike dryf van die voorgestelde besigheid;
- (c) in die geval van 'n besigheid voorheen gelisensieer, dit op 'n behoorlike en ordelike wyse gedryf is en aantekeninge wat gehou moet word, behoorlik gehou is en aan elke voorwaarde of beperking wat opgelê is, voldoen is;
- (d) die aansoeker van goeie karakter is en nie kragtens 'n bepaling van artikel 64 onbevoeg is nie;
- (e) die lisensie waarom aansoek gedoen is, volgens die oordeel van sodanige offisier redelikerwys nodig is vir die gerief van die publiek;

en oor die algemeen om die aandag van die Administrateur, die raad of die betrokke landdros, na gelang, te vestig op enige aangeleentheid wat, na sodanige offisier meen, by die oorweging van die aansoek in aanmerking geneem behoort te word.

of as gevolg van 'n oordrag van 'n lisensie.

(2) Met betrekking tot elke aansoek kragtens hierdie ordonnansie om die verplasing of die oordrag van 'n lisensie, moet die polisieoffisier wat kragtens subartikel (1) aangewys is, verslag doen ter inligting van die raad of betrokke landdros, na gelang, oor alle aangeleenthede wat, na sodanige polisieoffisier meen, by die oorweging van die aansoek in aanmerking geneem behoort te word.

Polisieverslag oor lisensiehouer se versuim om aan voorwaarde te voldoen.

116. Die polisieoffisier aangewys ooreenkomstig artikel 115 moet vasstel en verslag doen aan die landdros van die betrokke distrik of aan 'n voorwaarde deur die raad of die landdros van die betrokke distrik, na gelang, aan 'n lisensiehouer opgelê oor enige strukturele verandering aan of rangskikking van, of aanbousel aan, die perseel ten opsigte waarvan 'n lisensie verleen of hernieu is of oor die akkommodasie wat op die perseel vir die publiek beskikbaar moet wees, of oor enige ander saak hoegenaamd, voldoen is binne enige termyn wat die raad of die landdros, na gelang, bepaal het.

Aansoek deur polisie om intrekking van lisensie.

117. (1) Wanneer ook al 'n lisensiehouer skuldig bevind is weens 'n misdryf, hetsy kragtens hierdie ordonnansie of enige ander wet of die gemene reg, en die polisie-offisier aangewys ooreenkomstig artikel 115 meen —

- (a) dat weens sodanige misdryf sodanige lisensiehouer of, as die lisensie aan die lisensiehouer in sy hoedanigheid as 'n werknemer of genomineerde van 'n maatskappy, genootskap of vennootskap of ander vereniging van persone uitgereik is, 'n werk-

CHAPTER XX.

POWERS AND DUTIES OF POLICE.

115. (1) A commissioned officer of police designated for the purpose by the Assistant Commissioner of the South African Police in the Territory shall in respect of every application made to the Administrator, the board or a magistrate for the grant or renewal of any licence, other than a temporary liquor licence, report in writing for the information of the Administrator, the board or the magistrate concerned as the case may be, at least fourteen days before the date upon which such application is to be considered, whether —

Police to report upon applications.

- (a) the premises in respect of which an application for the grant or renewal of a licence is made, are in good repair and have reasonable and proper accommodation, and are in all respects adequately equipped for the proper carrying on of the business proposed;
- (b) the premises, if not yet erected or completed, would upon completion in accordance with the plans, be suitable in all respects for the proper carrying on of the business proposed;
- (c) in the case of a business previously licensed, it has been carried on in a proper and orderly manner and any records required to be kept, have been duly and properly kept, and any condition or restriction which has been imposed, has been complied with;
- (d) the applicant is of good character, and is not disqualified under any provision of section 64;
- (e) the licence for which application is made is, in the opinion of such officer, reasonably required to meet the convenience of the public;

and generally to call the attention of the Administrator, the board or the magistrate concerned as the case may be, to any matter which, in his opinion, is one proper to be taken into account in the consideration of the application.

(2) In respect of every application made under this ordinance for the removal or the transfer of a licence the officer of police designated in terms of subsection (1) shall report for the information of the board or the magistrate concerned, as the case may be, on all matters which, in his opinion are proper to be taken into account in the consideration of the application.

116. The commissioned officer of police designated in terms of section 115 shall ascertain and report to the magistrate of the district concerned whether any condition imposed by the board or the magistrate of the district concerned, as the case may be, upon any licensee as to any structural alteration or arrangement of, or addition to, the premises in respect of which any licence has been granted or renewed or as to the accommodation to be afforded in such premises to the public, or as to any other matter whatsoever has, within any period which may have been stipulated by the board or magistrate, as the case may be, been complied with.

Report by police on failure of licensee to carry out condition.

117. (1) Whenever a licensee has been convicted of any offence, whether under this ordinance or any other law or the common law, and the commissioned officer of police designated in terms of section 115 considers —

Application by police for cancellation of licence.

- (a) that by reason of such offence such licensee, or, if the licence was issued to such licensee in his capacity as an employee or nominee of any company, society, partnership or other association of persons,

nemer of genomineerd van sodanige maatskappy, genootskap, vennootskap of ander vereniging van persone, die betrokke lisensie in die openbare belang nie behoort te hou of behou nie; en

- (b) dat 'n uitstel tot die volgende gewone vergadering van die raad van die vraag of die lisensiehouer of, as die lisensie uitgereik is aan die lisensiehouer in sy hoedanigheid as 'n werknemer of genomineerde van enige maatskappy, genootskap, vennootskap of ander vereniging van persone, enige ander werknemer of genomineerde van bedoelde maatskappy, genootskap, vennootskap of ander vereniging van persone aan wie die lisensie sedert die pleging van die misdryf oorgedra is, die betrokke lisensie behoort te hou, 'n te groot vertraging sou veroorsaak,

moet hy die omstandighede van die misdryf en skuldigbevinding aan die landdros van die betrokke distrik ter inligting van die raad meedeel en versoek dat 'n spesiale vergadering van die raad belê word om die intrekking van die betrokke lisensie te oorweeg: Met dien verstande dat in die geval van die houer van 'n binneverbruikslisensie vir 'n huisvestingsinrigting hy die omstandighede van die misdryf en skuldigbevinding moet meedeel aan die Direkteur en versoek dat die Direkteur moet oorweeg die intrekking van die registrasie van sodanige persoon as 'n hotelier of bestuurder van 'n huisvestingsinrigting.

(2) Wanneer ook al die raad so 'n versoek ontvang, moet die voorsitter kragtens artikel 23 'n spesiale vergadering van die raad belê om die saak te oorweeg, en moet hy die daarin voorgeskrewe kennisgewing uitstuur en terselfdertyd aan die lisensiehouer, die verhuurder van die perseel en aan elke persoon, behalwe die lisensiehouer, wat 'n geldelike belang in die gelisensieerde besigheid het, 'n afskrif van sodanige verslag per aangetekende brief stuur of dit aan hom persoonlik besorg.

Reg van polisie om perseel te betree en op drank beslag te lê.

118. (1) Enige lid van die polisie van of bo die rang van sersant en enige lid van die polisie onder die rang wat spesiale skriftelike magtiging van 'n landdros of van 'n lid van die polisie van of bo die rang van sersant het, kan —

- (a) gedurende die ure wanneer 'n perseel gelisensieer kragtens hierdie ordonnansie vir die verkoop van drank oop is elke kamer of ander deel van sodanige perseel betree en inspekteer;
- (b) te eniger tyd enige perseel of kamer of ander deel daarvan, hetsy kragtens hierdie ordonnansie gelisensieer of nie, of enige voertuig binnegaan en inspekteer as daar redelike gronde bestaan om te vermoed dat 'n oortreding van 'n bepaling van hierdie ordonnansie daar plaasvind of as daar redelike gronde bestaan om te vermoed dat enige drank of ding daar strydig met enige bepaling van hierdie ordonnansie gehou word; en
- (c) enige perseel betree waarop drank verkoop of verskaf word en die vertoning van die lisensie wat sodanige verkoop of verskaffing magtig, verlang.

(2) So 'n lid van die polisie moet enigiets in beslag neem en verwyder as hy redelike gronde het om te vermoed dat die hou of besit daarvan op die perseel of voertuig wat deur hom binnegegaan word, onwettig is of dat 'n misdryf deur middel of ten opsigte van soiets gepleeg is of op die punt staan om gepleeg te word.

Deursoeking van perseel van handelaar in brandspiritus.

119. Enige doeane- of aksynsbeampte wat spesiaal deur die Kommissaris van Doeane en Aksyns van die Republiek gemagtig is of enige polisieoffisier van of bo die rang van sersant kan te eniger tyd die perseel van iemand wat die houer is van 'n lisensie bedoel in artikel 112, be-

an employee or nominee of such company, society, partnership or other association of persons, should not in the public interest hold or continue to hold the licence in question; and

- (b) that undue delay would be occasioned by postponing until the next ordinary meeting of the board the question of the retention of the licence in question by such licensee or, if the licence was issued to such licensee in his capacity as an employee or nominee of any company, society, partnership or other association of persons, by any other employee or nominee of such company, society, partnership or association of persons to whom the licence was since the commission of the offence transferred,

he shall report the circumstances of the offence and conviction to the magistrate of the district concerned for the information of the board and request that a special meeting of the board be convened for the purpose of considering the cancellation of the licence in question: Provided that in the case of the holder of an accommodation establishment on-consumption licence, he shall report the circumstances of the offence and conviction to the Director and request that the Director considers cancelling the registration of such person as an hotelier or manager of an accommodation establishment.

(2) Whenever the board receives such a request the chairman shall convene a special meeting of the board in terms of section 23 for the consideration of the matter, and shall give the notices therein prescribed, and at the same time send by registered post or personally deliver a copy of such report to the licensee, the lessor of the premises, and to every person, other than the licensee, who has any financial interest in the licensed business.

118. (1) Any member of the police of or above the rank of sergeant and any member of the police below the rank having a special written authority from a magistrate or a member of the police of or above the rank of sergeant, may —

Right of police to enter premises and seize liquor.

- (a) during the hours when any premises licensed under this ordinance are open for the sale of liquor enter and inspect every room or any other part of such premises;
- (b) at all times enter and inspect any premises or room or other portion thereof, whether licensed under this ordinance or not, or any vehicle, in which there is reasonable ground to suppose that any contravention of a provision of this ordinance is taking place or in which it is reasonable to suspect that any liquor or thing is kept in contravention of any provision of this ordinance; and
- (c) enter any premises upon which liquor is being sold or supplied and demand the production of the licence authorizing such sale or supply.

(2) Any such member of the police shall seize and remove anything in respect of which he has reasonable grounds to suspect that the keeping and possession thereof upon the premises or vehicle entered by him is unlawful or that an offence has been or is about to be committed by means or in respect thereof.

119. (1) Any customs or excise officer specially authorized by the Commissioner of Customs and Excise of the Republic or any officer of police 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 re-

Search of premises of dealer in methylated spirit.

tree en deursoek en sy voorraad brandspiritus en sy registers of aantekenings gehou kragtens daardie artikel inspekteer en kan die perseel van iemand wat daarvan verdink word dat hy onwettig in brandspiritus handel dryf of brandspiritus onwettig invoer of hou, betree en deursoek.

(2) So 'n offisier kan in 'n aldus betrede perseel enige brandspiritus in beslag neem wat strydig met die bepalings van die genoemde artikel of enige regulasie daarkragtens gehou word.

Polisie kan name en adresse van persone op perseel verlang.

120. (1) Enige lid van die polisie kan die naam en adres eis van enigiemand wat hy teenkom op enige perseel of voertuig waarop of waaruit hy kragtens die bepalings van artikels 118 en 119 enige drank, brandspiritus of ander ding in beslag neem of verwyder.

(2) As so iemand versuim om op sodanige eis sy volle naam en adres te verstrek kan sodanige lid hom onmiddellik arresteer en as so iemand op sodanige eis 'n naam en adres aan hom verstrek wat daardie lid op redelike gronde vermoed vals te wees, kan so iemand gearresteer en aangehou word vir 'n tydperk van hoogstens twaalf uur totdat daar vasgestel is of die aldus verstrekte naam en adres juis is.

Bevoegdheid van polisie wanneer onwettige drankvervoer, ens. vermoed word.

121. Enige lid van die polisie kan te eniger tyd van iemand wat hy om gegronde redes verdink van die vervoer van sterk drank of iets anders vir die verwydering of vervoer waarvan 'n permit of ander magtiging nodig is, die vertoning van daardie permit of ander magtiging eis en kan enige voertuig waarvan hy vermoed dat dit vir sodanige vervoer of verwydering gebruik word, aanhou en inspekteer, of kan iemand wat hy van die onwettige vervoer of verwydering van drank of iets anders verdink, aanhou en visenteer.

Aantekening van verleende permitte of magtigings.

112. Elke lid van die polisie wat kragtens enige bepaling van hierdie ordonnansie gemagtig is om 'n permit of magtiging uit te reik of te verleen, moet 'n register hou (wat kan bestaan uit duplikate of afskrifte van uitgereikte permitte of magtigings indien in die vorm van 'n boek gehou) waarin aangeteken moet word besonderhede van alle permitte wat uitgereik en van alle magtigings wat verleen word, van die naam en woonadres van elke houer van so 'n permit of magtiging, en van elke intrekking daarvan.

HOOFSTUK XXI.

REGSPROSEDURE, MISDRYWE EN STRAWWE.

(A) GETUIENIS EN STRAFREGTELIKE AANSPREEKLIKHEID.

Vermoede van verkoop deur ongelisensieerde persone.

123. Getuienis dat 'n ongelisensieerde persoon —

- (a) op of by sy perseel 'n uithangbord of kennisgewing gehad het, wat voorgee dat hy kragtens hierdie ordonnansie gelisensieer was; of
- (b) in besit of blykbare besit was van 'n perseel, voorsien van 'n kroeg of soortgelyke plek waarin bottels, vate of houers sodanig vertoon was, dat dit 'n redelike vermoede verwek het dat drank daarin verkoop of bedien is; of
- (c) op sy perseel meer drank gehad het as redelikerwys nodig was vir die persone daarop woonagtig, is bewys *prima facie* dat sodanige persoon drank verkoop het.

ferred to in section 112 and inspect his stock of methylated spirit and his registers or 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.

(2) Any such officer may upon premises so entered seize any methylated spirit kept in contravention of any provisions of the said section or any regulation thereunder.

120. (1) Any member of the police 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 118 or 119.

Police may demand names and addresses of persons on premises.

(2) If any such person fails on such demand to furnish his full name and address, such member may forthwith arrest him and if any such person on such demand furnishes to such member a name or address which such member upon reasonable grounds suspects to be false, such person may be arrested and detained for a period not exceeding twelve hours until the name and address so furnished have been verified.

121. Any member of the police may at all times demand from any person whom he has reason to believe is conveying intoxicating liquor or any other thing for the removal or conveyance of which a permit or other authority is required, the production of such permit or other authority and may stop and inspect any vehicle which he suspects is being used for such conveyance or removal or may stop and search any person whom he suspects to be conveying or removing any liquor or thing unlawfully.

Powers of police where unlawful removal of liquor, etc., suspected.

122. Every member of the police authorized by any provision of this ordinance to issue or grant any permit or authority shall keep a register (which may consist of duplicates or copies of the permits or authorities issued, if kept in book form) in which shall be entered particulars of all permits issued and all authorities granted, of the name and residential address of every holder of such a permit or authority, and of every cancellation thereof.

Record of permits or authorities granted.

CHAPTER XXI.

LEGAL PROCEEDINGS, OFFENCES AND PENALTIES.

(A) EVIDENCE AND CRIMINAL LIABILITY.

123. Evidence that any unlicensed person —

(a) had on or near his premises any signboard or notice importing that he was licensed under this ordinance; 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, shall afford *prima facie* proof of the sale of liquor by such person.

Presumption of sale by unlicensed person.

Wanneer geskenk of verskaffing van drank as verkoop beskou word.

124. Getuienis dat iemand wat 'n lisensiehouer, algemene handelaar, invoerder, agent van 'n buitelandse firma, slagter, bakker, of handelaar in mineraalwater is, enige drank verskaf het in verband met enige verkoop of ruil of in verband met enige handeling of transaksie van die aard van 'n verkoop of ruil is bewys *prima facie* dat hy daardie drank verkoop, verskaf of verhandel het.

Vermoede van verkoop uit aard van transaksie.

125. By die verhoor van enige aanklag kragtens hierdie ordonnansie waarin die onwettige verkoop van drank beweer word, word die verkoop van drank vermoed as die hof wat die saak verhoor, oortuig is dat, nieteenstaande die gebrek aan bewys dat geld betaal is 'n transaksie wat met 'n verkoop ooreenkom, werklik plaasgevind het of dat iemand op die punt was om drank te verbruik.

Vermoede van verkoop uit teenwoordigheid in beperkte gedeelte.

126. Getuienis dat iemand (behalwe die lisensiehouer, 'n lid van sy gesin, sy bediende of agent of iemand wat op die gelisensieerde perseel loseer) in 'n beperkte gedeelte van 'n gelisensieerde perseel was op 'n tydstip wanneer die verkoop van drank in sodanige beperkte gedeelte aan die publiek nie geoorloof was nie, is bewys *prima facie* van die verkoop van drank aan daardie persoon deur of namens die lisensiehouer gedurende verbode ure.

Vermoede uit verskaffing van drank deur werknemer of gesinslid.

127. Getuienis dat enige drank aan iemand op die gelisensieerde perseel verskaf is deur 'n lid van die lisensiehouer se gesin of deur 'n agent of iemand in die diens van die lisensiehouer, is bewys *prima facie* dat die drank deur of namens die lisensiehouer verskaf is.

Vermoede uit drankverbruik.

128. Getuienis van verbruik of voorgenome verbruik van drank op 'n gelisensieerde perseel deur iemand anders as die lisensiehouer, 'n lid van sy gesin of sy bediende of agent is bewys *prima facie* dat die drank wat verbruik is of verbruik sou word, deur of namens die lisensiehouer verskaf is.

Bewyslas wanneer verbode persoon op perseel was.

129. Wanneer bewys word dat iemand wat kragtens enige bepaling van hierdie ordonnansie nie op 'n gelisensieerde perseel of enige bepaalde gedeelte daarvan mag kom nie of op 'n bepaalde tydstip daar mag wees nie, op daardie perseel of gedeelte daarvan was of dat hy op daardie tydstip daar was, word daar aangeneem dat die lisensiehouer van die perseel sodanige persoon toegelaat het om op die plek te wees waar hy na bewyse was, tensy die lisensiehouer die hof deur bewyse oortuig dat hy, asook sy agente of bediendes, ywerig bemoei was om sodanige persoon daar uit te hou.

Bewyslas dat beskuldigde gelisensieer was.

130. (1) By 'n geding teen iemand kragtens hierdie ordonnansie weens die verkoop of verskaffing van, of die handel in, drank sonder 'n lisensie word aangeneem dat sodanige persoon ongelisensieer is tensy hy bewys dat hy gelisensieer is.

(2) By 'n geding teen iemand weens 'n oortreding van enige bepaling van hierdie ordonnansie rus die verpligting om te bewys dat sodanige persoon ten gevolge van 'n vrystelling by hierdie ordonnansie verleen, nie strafregtelik aanspreeklik is nie, op sodanige persoon.

Bewys van lisensie en aantekeninge daarop.

131. (1) By 'n geding kragtens hierdie ordonnansie is 'n dokument wat voorgee 'n duplikaat te wees van 'n lisensie of magtiging uitgereik kragtens hierdie ordonnansie en wat vertoon of aan die hof oorhandig word deur iemand van die personeel van die uitreikende gesag of deur 'n lid van die polisie, bewys *prima facie* van sodanige lisensie of magtiging en enige bepalinge en voorwaardes wat daarop voorkom, word *prima facie* beskou as bepalinge en voorwaardes kragtens hierdie ordonnansie in verband met die lisensie of magtiging opgelê.

124. Evidence that any person being a licensee, general dealer, importer, agent for a foreign firm, butcher, baker or dealer in aerated waters has supplied any liquor in connection with any sale or exchange or in connection with any dealing or transaction in the nature of a sale or exchange shall afford *prima facie* proof that such person has sold, supplied or dealt in such liquor.

When gift or supply of liquor presumed to be a sale.

125. At the trial of any charge under this ordinance alleging an unlawful sale of liquor a sale of liquor shall be presumed to have taken place if the court hearing the case is satisfied that, notwithstanding the absence of proof that money passed, a transaction in the nature of a sale actually took place, or that consumption of liquor was about to take place.

Presumption of sale arising from nature of transaction.

126. Evidence that any person (other than the licensee, a member of his family, his servant or agent, or a person lodging in the licensed premises) was in the restricted portion of licensed premises at a time when the sale of liquor to the public in such restricted portion was not authorized, shall afford *prima facie* proof of a sale of liquor to such person by or on behalf of the licensee during prohibited hours.

Presumption of sale arising from presence in restricted portion.

127. Evidence that any liquor was supplied to any person upon the licensed premises by any member of the licensee's family or by any agent of or person in the employ of the licensee, shall afford *prima facie* proof that such liquor was supplied by or on behalf of the licensee.

Presumption arising from supply of liquor by employee or member of family.

128. Evidence of consumption or intended consumption of liquor on licensed premises by some person other than the licensee, a member of his family or his servant or agent, shall afford *prima facie* proof that the liquor being consumed or about to be consumed was supplied by or on behalf of the licensee.

Presumption arising from consumption of liquor.

129. If any person who under any provision of this ordinance 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 he proves to the satisfaction of the court that he and, in addition, his agents and servants, exercised all due diligence to prevent the presence there of such person.

Onus of proof where prohibited person on premises.

130. (1) In any proceedings against any person under this ordinance for selling, supplying or dealing in liquor without a licence such person shall be deemed to be unlicensed unless he proves that he is licensed.

Burden of proof that accused is licensed.

(2) In any proceedings against any person for a contravention of any provision of this ordinance, the onus of proving that such person in consequence of any exemption provided by this ordinance is not criminally liable shall be upon such person.

131. (1) In any proceedings under this ordinance a document produced or handed into court by any member of the staff of the issuing authority or by any member of the police which purports to be a duplicate copy of a licence or a certified copy of an authority issued under this ordinance shall be *prima facie* evidence of such licence or authority, and any terms and conditions stated in such document shall *prima facie* be deemed to be terms and conditions imposed under this ordinance in respect of such licence or authority.

Proof of licence and statements thereon.

(2) By 'n strafregtelike geding kragtens hierdie ordonnansie is 'n verklaring deur 'n getuie in getuienis onder eed afgelê waarin beweer word dat hy die lisensiehouer is ten opsigte van 'n besigheid gelisensieer kragtens hierdie ordonnansie, of die bediende of agent van sodanige lisensiehouer is en dat sodanige besigheid aldus gelisensieer is, bewys *prima facie* van die feite wat in die verklaring beweer word.

Polisieregister is bewys van permitte.

132. Aantekeninge in enige register gehou kragtens artikel 122 is, op vertoon van die register deur enige staatsaanklaer of lid van die polisie, bewys *prima facie* van die daarin aangetekende feite, en die ontbreking in sodanige register van 'n aantekening dat 'n bepaalde persoon 'n permit of magtiging het of destyds gehad het, is bewys *prima facie* dat sodanige persoon nie in besit van 'n permit of magtiging is of was nie.

Bewys dat iemand onder sekere ouderdom is of tot sekere klas behoort.

133. (1) Wanneer in 'n geding kragtens hierdie ordonnansie beweer word dat iemand onder 'n sekere ouderdom is of tot 'n sekere klas behoort, is getuienis dat die betrokke persoon blykbaar onder daardie ouderdom is, of, na gelang, dat hy tot daardie klas gereken word of volgens sy voorkoms daaraan behoort, bewys *prima facie* van daardie feit.

(2) As die landdros wat die saak bereg buitendien oortuig is uit eie waarneming dat daardie persoon blykbaar onder daardie ouderdom is of tot daardie klas behoort, moet hy dit bekend maak en in die notule aanteken dat hy aldus oortuig is, maar sodanige bekendmaking en aantekening verhinder die beskuldigde nie om te bewys dat sodanige persoon, hoewel hy lyk soos iemand van onder daardie ouderdom of van daardie klas, na gelang, dit in werklikheid nie is nie.

Vergissing te goeder trou is geen verontskuldiging nie.

134. By 'n aanklag kragtens hierdie ordonnansie is dit geen verontskuldiging nie dat die beskuldigde of sy prinsipaal of agent of bediende te goeder trou geglo het dat 'n feit bestaan het, wat, as dit werklik bestaan het, die handeling of versuim waarop die klag steun, sou gewettig het.

Aanspreeklikheid van bestuurder.

135. Iemand wat te eniger tyd die besigheid van 'n lisensiehouer bestuur, dryf of onder toesig hou, is onderhewig aan en aanspreeklik vir, dieselfde pligte, verpligtings en strawwe as sodanige houer: Met dien verstande dat geen bepaling hierin beskou moet word as sou dit die lisensiehouer onthef van enige plig, verpligting of straf waaraan hy regtens onderhewig of waarvoor hy regtens aanspreeklik is nie.

Strafregtelike aanspreeklikheid van lisensiehouer vir onwettige daad van bestuurder, agent, bediende of gesinslid.

136. (1) Wanneer ook al die bestuurder, agent of bediende van 'n lisensiehouer of enige lid van sy gesin op 'n gelisensieerde perseel of in die uitvoering of loop van enige transaksie of reëling wat op 'n gelisensieerde perseel aangegaan of begin is, 'n daad of versuim begaan wat 'n misdryf kragtens hierdie ordonnansie sou wees as die lisensiehouer dit begaan het, word daar aangeneem dat die lisensiehouer self die daad of versuim begaan het, en is hy by skuldigbevinding strafbaar met die daarop gestelde strawwe, tensy hy die hof met bewyse oortuig dat —

- (a) hy daardie daad of versuim van die bestuurder, agent bediende of gesinslid nie oogluikend toegelaat het of dit toegestaan het nie;
- (b) hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en
- (c) dat 'n daad of versuim, hetsy wettig of onwettig van die soort wat ten laste gelê word onder geen voorwaardes of omstandighede binne die bevoegdheid of in die diensloop van die bestuurder, agent,

(2) In any criminal proceedings under this ordinance, a statement made in evidence on oath by any witness to the effect that he is the licensee in respect of any business licensed under this ordinance, or the servant or agent of such licensee, and that such business is so licensed, shall be *prima facie* proof of the facts alleged in the statement.

132. Entries in any register kept under the provisions of section 122, shall, on production of the register by any public prosecutor or member of the police, be *prima facie* evidence of the facts recorded therein, and the absence from such register of any entry that a permit or authority is or was at the time held by any particular person shall be *prima facie* evidence that such person is not or was not the holder of a permit or authority.

Police register is evidence of permits.

133. (1) If in any proceedings under this ordinance 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.

Proof that a person is under a particular age or belongs to a particular class.

(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 be of 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.

134. It shall be no defence to any charge under this ordinance that the accused or his principal, agent or servant, was *bona fide* under a belief in the existence of any fact which, had it in truth existed, would have made lawful the act or omission which is the subject of the charge.

Bona fide mistake of fact is no defence.

135. Any person who at any time is managing, superintending or conducting the business of a licence holder shall be subject and liable to the same duties, obligations and penalties as such holder: Provided that nothing herein contained shall be deemed to relieve such licence holder from any duty, obligation or penalty to which he may by law be subject or liable.

Liability of manager.

136. (1) Whenever upon any licensed premises, or in the pursuance or course of any transaction upon, or arrangement made or commenced upon, licensed premises, the manager, agent or servant of a licensee or any member of a licensee's family does or omits to do anything which it would be an offence under this ordinance for such licensee to do or omit to do such licensee shall be deemed himself to have done or omitted to do such thing and be liable on conviction to the penalties therefor unless he proves to the satisfaction of the court that —

Criminal responsibility of licensee for unlawful acts of manager, agent, servant, or member of his family.

- (a) in doing or omitting to do such thing such manager, agent, servant or member of his family was acting without his connivance or permission; and
- (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or the course of the employment of the manager, agent, servant or member of the family to do or omit to

bediende of gesinslid geval het nie: Met dien verstande dat die feit dat die lisensiehouer 'n daad of versuim van die betrokke soort verbied het, nie vanself tot voldoende bewys strek dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom nie.

(2) Wanneer ook al 'n lisensiehouer kragtens die bepalings van subartikel (1) aanspreeklik is vir 'n daad of versuim van 'n ander, is laasbedoelde ook daarvoor aanspreeklik asof hy die lisensiehouer was: Met dien verstande dat die bepalings van hierdie artikel daardie ander persoon nie onthef van enige aanspreeklikheid wat hy opgedoen het afgesien van die aanspreeklikheid wat hy met die lisensiehouer deel nie.

(B) MISDRYWE.

Misdrywe deur
lisensiehouers
in die algemeen.

137. Elke lisensiehouer is skuldig aan 'n misdryf as hy self of deur sy bediende of agent —

- (a) dronkenskap of enige losbandige gedrag op sy gelisensieerde perseel toelaat;
- (b) drank verkoop of verskaf aan iemand wat reeds in 'n beskonke toestand is;
- (c) drank verkoop as 'n besonder soort of merk, of as die fabrikaat van 'n besonder persoon, wat nie van daardie soort of merk is nie of nie 'n fabrikaat van daardie persoon is nie, tensy hy die hof oortuig dat hy nie medepligtig was aan, en nie bekend was met, die feit nie, en geen middel gehad het om dit te ontdek of te verhinder nie;
- (d) drank verkoop, verskaf of aflewer aan iemand wat ooreenkomstig 'n verbod of beperking by of kragtens hierdie ordonnansie opgelê, dit nie mag verkry nie;
- (e) in die beperkte gedeelte van sy gelisensieerde perseel iemand toelaat wat onder agtien jaar oud is of wat kragtens 'n bepaling van hierdie ordonnansie of van 'n voorwaarde daarkragtens opgelê, nie in daardie beperkte gedeelte mag wees nie;
- (f) toelaat dat 'n lid van die polisie (behalwe in sy diensverrigting) gedurende sy dienstyl op sy gelisensieerde perseel vertoef;
- (g) 'n onwettig spel of dobbelary op sy perseel toelaat;
- (h) toelaat dat sy gelisensieerde perseel as bordeel gebruik word of gereeld besoek word deur vroue wat as prostitute beskou word;
- (i) sy gelisensieerde perseel oop hou vir die verkoop of verbruik van drank, of drank verkoop of aflewer op 'n tydstop wanneer sy lisensie hom die verkoop of lewering daarvan nie magtig nie;
- (j) drank verkoop, verskaf of daarin handel dryf strydig met die voorwaardes van sy lisensie of op 'n wyse wat sodanige lisensie nie magtig nie, wanneer sodanige verkoop, verskaffing of handel nie kragtens 'n ander bepaling van hierdie artikel 'n misdryf is nie;
- (k) enige drank verkoop of vir verkoop aanbied of vertoon op 'n plek waar hy nie by sy lisensie gemagtig is om drank te verkoop nie;
- (l) iemand in diens neem op, of in verband met, of hom gebruik vir, werk waarvoor hy kragtens artikel 91 nie gebruik mag word nie;
- (m) toelaat dat iemand in stryd met 'n bepaling van artikel 105 sy gelisensieerde besigheid bestuur, daarvoor toesig hou, dit dryf of beheer, of 'n vennoot daarin word of in die wins daarvan deel;

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 by virtue of the provisions of subsection (1) liable for anything done or omitted by another person, the latter shall also be liable therefor as if he were the licensee: Provided that the provisions of this section shall not relieve such other person from any other liability which he may have incurred apart from the liability which he shares with the licensee.

(B) OFFENCES.

137. Any licensee shall be guilty of an offence if he by himself, his servant or agent —

Offences by licensees in general.

- (a) permits drunkenness or any riotous conduct to take place upon his licensed premises;
- (b) sells or supplies liquor to any person already in a state of intoxication;
- (c) sells as a particular kind or brand or as the manufacture of a particular person, liquor which is not of that kind or brand or is not the manufacture of such person, unless he satisfies the court that he was not a party to, and had no knowledge of, the fact and had no means of detecting or preventing it;
- (d) sells, supplies or delivers liquor to any person who, in terms of any prohibition or restriction imposed by or under the authority of this ordinance, is not permitted to obtain the same;
- (e) permits to be in any restricted portion of his licensed premises any person under the age of eighteen years or any person who, by virtue of any provision of this ordinance or any condition imposed thereunder, is not permitted to be in such restricted portion;
- (f) permits to remain on his licensed premises (unless in the execution of his duty) any member of the police during the time appointed for him to be on duty;
- (g) permits any unlawful game or gambling to be carried on on his premises;
- (h) permits his licensed premises to be a brothel or habitual resort of reputed prostitutes;
- (i) keeps his licensed premises open for the sale or consumption of liquor, or sells or delivers any liquor, during any time when he is not authorized by his licence to sell or deliver the same;
- (j) sells, supplies or deals in liquor contrary to the condition of his licence or in any manner not authorized by such licence where any such sale, supply or dealing in is not an offence under some other provision of this section;
- (k) sells or offers to sell or exposes for sale any liquor at any place where he is not authorized by his licence to sell it;
- (l) engages any person for employment at or in connection with or employs him at, work in which the employment of such person is prohibited by section 91;
- (m) permits any person to manage, superintend, conduct or control his licensed business or become a partner therein or sharer in the profits thereof in contravention of any provision of section 105;

- (n) versuim om 'n aantekening, boek of dokument te hou wat hy kragtens 'n bepaling van hierdie ordonnansie of enige bepaling of voorwaarde daarkragtens gestel, moet hou, of dit op 'n onvoldoende of onbehoorlike manier hou of weier of versuim om aan die polisie insae van so 'n aantekening, boek of dokument te verleen;
- (o) versuim om na vermoë hulp te verleen aan 'n lid van die polisie wat op of by sy gelisensieerde perseel enige diens verrig of op enige manier 'n lid van die polisie belemmer of hinder by sy diensverrigting kragtens hierdie ordonnansie;
- (p) strydig met artikel 98 (1) iets anders as gangbare munt of banktjeks ontvang as betaling of sekuriteit vir enige drank of onthaal op of uit sy gelisensieerde perseel verskaf;
- (q) strydig met artikel 98 (2) voor die afsluiting van 'n verkoop van drank, enige betaling vir daardie drank ontvang of van iemand 'n deposito van geld of goedere ontvang vir 'n toekomstige verskaffing van drank;
- (r) strydig met artikel 100 (3) 'n pand ontvang vir of ten opsigte van drank of enige onthaal op of uit sy gelisensieerde perseel verskaf;
- (s) terwyl hy die houer is van 'n lisensie bedoel in artikel 102 (1) versuim om te alle tye aan die redelike behoeftes van die publiek wat betref die verskaffing van wyn, brandewyn en moutdrank soos by daardie artikel vereis, te voldoen;
- (t) op sy gelisensieerde perseel enige handel of besigheid uitoefen of die uitoefening daarvan toelaat wat kragtens 'n bepaling van hierdie ordonnansie of 'n wettige bevel daarkragtens uitgevaardig nie daar uitgeoefen mag word nie.

Misdrywe deur
houers van
lisensies vir
buiteverbruik.

138. Die houer van 'n buiteverbruikslisensie is skuldig aan 'n misdryf as hy

- (a) toelaat dat 'n klant drank verbruik op die gelisensieerde perseel of op 'n perseel of plek wat aan die gelisensieerde perseel grens of daar digby geleë is en wat sodanige houer okkupeer of beheer;
- (b) enige drank behalwe in 'n vat, kruik, bottel of ander dig gekurkte of gepropte houer aan iemand verkoop, verskaf of aflewer;
- (c) 'n groter of kleiner hoeveelheid drank verkoop of verskaf as wat hy kragtens 'n bepaling van hierdie ordonnansie of enige magtiging daarkragtens verleen, gemagtig is om te verskaf;
- (d) enige bottel, kruik of dergelike houer met drank wat hy verkoop het op die gelisensieerde perseel of op 'n ander aangrensende of digby geleë perseel soos in paragraaf (a) gemeld ontkurk of oopmaak of toelaat dat dit ontkurk of oopgemaak word.

Misdrywe deur
houers van
lisensies vir
binneverbruik.

139. Die houer van 'n binneverbruikslisensie is skuldig aan 'n misdryf as hy —

- (a) toelaat dat iemand wat van hom drank gekoop het sodanige drank uit die gelisensieerde perseel wegneem;
- (b) 'n groter hoeveelheid drank aan of ten behoeve van iemand verkoop of verskaf as wat redelikerwys deur laasgenoemde op die gelisensieerde perseel verbruik kan word; of
- (c) behalwe in die omstandighede by artikel 97 veroorloof, toelaat dat drank waarvoor nie tydens die

- (n) fails to keep, or keeps inadequately or improperly, any record, book or document which by any provision of this ordinance or any provision or condition made thereunder he is required to keep, or refuses, or fails to allow any police inspection of any such record, book or document;
- (o) fails to render assistance to the best of his ability to any member of the police engaged on any duty in or about his licensed premises, or in any way obstructs or hinders any member of the police in the performance of his duty under this ordinance;
- (p) in contravention of section 98 (1) receives in payment or as security for any liquor or entertainment supplied in or from his licensed premises anything except current money or cheques drawn on bankers;
- (q) in contravention of section 98 (2) receives payment for liquor prior to the conclusion of a sale of such liquor, or receives from any person a deposit of money or goods in respect of a future supply of liquor;
- (r) in contravention of section 100 (3) receives any pledge for or in respect of any liquor or entertainment supplied in or from his licensed premises;
- (s) being the holder of a licence referred to in section 102 (1) fails to satisfy at all times the reasonable requirements of the public in regard to the supply of wine, brandy and malt liquor as required by that section;
- (t) conducts or permits to be conducted upon his licensed premises any trade or business forbidden by any provision of this ordinance or any lawful order made thereunder.

138. The holder of any off-consumption licence shall be guilty of an offence if he —

Offences by
licensees for
off-consumption.

- (a) permits any customer to consume liquor upon the licensed premises or in any premises or place adjoining or near the licensed premises which are in the occupation or under the control of such holder;
- (b) sells, supplies or delivers to any person any liquor other than in a cask, jar, bottle or other receptacle securely corked or stoppered;
- (c) sells or supplies a greater or lesser quantity of liquor than he is authorized to supply under any provision of this ordinance or any authority issued thereunder; or
- (d) uncorks or suffers or permits to be uncorked or opened upon the licensed premises or in any such other premises adjoining or near the same as are mentioned in paragraph (a) any bottle, jar or like vessel of liquor sold by him.

139. The holder of any on-consumption licence shall be guilty of an offence if he —

Offences by
licensees for on-
consumption.

- (a) permits any purchaser of liquor from him to take such liquor away from the licensed premises;
- (b) sells or supplies a greater quantity of liquor to, or for, any person than may reasonably be consumed by such person upon the licensed premises; or
- (c) save in circumstances permitted by section 97 allows on his licensed premises the consumption of

verkoop of verskaffing betaal is nie, op sy gelisensieerde perseel verbruik word.

Misdrywe deur
lisensiehouers
en andere.

140. Elkeen is skuldig aan 'n misdryf, wat, hetsy as prinsipaal, agent of bediende, waar die handeling of versuim deur hom nie kragtens artikel 137 'n misdryf uitmaak nie —

- (a) drank verkoop, daarin handel dryf of dit van die hand sit sonder die lisensie wat vir sodanige verkoop nodig is, buiten waar hierdie ordonnansie 'n uitsondering maak;
- (b) drank aan iemand gee, verkoop, verskaf of aflewer strydig met die bepalings van hierdie ordonnansie, of 'n verbod, beperking of voorwaarde opgelê kragtens 'n magtiging daarin vervat, of drank in besit of onder die beheer van so iemand plaas;
- (c) drank strydig met die bepalings van artikel 89 verskaf aan 'n werknemer of drank strydig met die bepalings van artikel 90 aan 'n inboorling verkoop, verskaf of aflewer;
- (d) weier om te voldoen aan die eis van 'n lid van die polisie kragtens hierdie ordonnansie om sy naam of adres op te gee;
- (e) op enige wyse valslik voorgee dat hy of iemand anders behoort tot 'n bepaalde klas persone of agtien jaar of ouer is om daarmee 'n lisensiehouer of sy agent of bediende te beweeg om aan hom of daardie ander persoon drank te verskaf strydig met 'n verbod, beperking of voorwaarde by of kragtens hierdie ordonnansie gestel;
- (f) versuim om enige register, aantekening, boek of dokument te hou, die hou waarvan 'n bepaling van hierdie ordonnansie aan hom voorskryf, of dit op onvoldoende of onbehoorlike wyse hou, of weier, versuim of in gebreke bly om aan die polisie of iemand anders insae van so 'n register, aantekening, boek of dokument kragtens hierdie ordonnansie of enige regulasie kragtens enige bepaling daarvan gemaak, te verleen;
- (g) 'n lid van die polisie of 'n ander beampte by sy diensverrigting kragtens hierdie ordonnansie, belemmer of hinder; of
- (h) behalwe onder omstandighede waar artikel 97 dit toelaat op 'n gelisensieerde perseel drank verbruik waarvoor daar nie tydens die verkoop of verskaffing betaal is nie.

Misdrywe deur
persone in die
algemeen.

141. Elkeen is skuldig aan 'n misdryf wat —

- (a) met bedrieglike oogmerk gebruik maak, vir watter doel ook al, van 'n vrystellingsbrief of 'n permit, sertifikaat, lisensie of ander dokument uitgereik kragtens of vir enige doel van hierdie ordonnansie of die regulasies, wat nie sy eie is nie;
- (b) opsetlik en met die doel om te mislei 'n vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument, uitgereik kragtens of vir die doel van hierdie ordonnansie of die regulasies, verander, onleesbaar maak, vernietig of beskadig of wederregtelik so 'n vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument weerhou van iemand wat geregtig is om dit te besit;
- (c) enige vrystellingsbrief, permit, sertifikaat, lisensie of ander dokument uitgereik kragtens hierdie ordonnansie of enige dokument wat deur 'n werkgewer geskryf of geteken is of wat voorgee deur

liquor which is not paid for at the time of sale or supply.

140. Any person shall be guilty of an offence who, whether as principal, agent or servant, where the act or omission by him is not an offence under section 137 —

Offences by
licensees and
others.

- (a) sells, deals in or disposes of any liquor without the licence necessary in respect of such sale save as in this ordinance excepted;
- (b) gives, sells, supplies or delivers liquor to any person contrary to the provisions of this ordinance or any prohibition, restriction or condition imposed under any authority contained therein or places liquor in the possession or under the control of any such person;
- (c) supplies liquor to any employee in contravention of the provisions of section 89 or sells, supplies or delivers liquor to any Native in contravention of the provisions of section 90;
- (d) refuses to comply with the demand of any member of the police made under this ordinance for information as to his name or address;
- (e) in any manner whatsoever falsely represents himself or any other person to be within any particular class of persons or as being of the age of eighteen years or more in order to induce any licensee or his agent or servant to supply him or such person with liquor contrary to any prohibition, restriction or condition imposed by or under the authority of this ordinance;
- (f) fails to keep or keeps inadequately or improperly, any register, record, book or document which by any provision of this ordinance he is required to keep, or refuses, neglects or fails to allow any police or other inspection of any such register, record, book or document under this ordinance or any regulation made under any provision thereof;
- (g) obstructs or hinders any member of the police or any other officer in the performance of any duty under this ordinance; or
- (h) save in circumstances permitted by section 97 consumes on licensed premises liquor which is not paid for at the time of sale or supply.

141. Every person shall be guilty of an offence who —

Offences by
persons generally.

- (a) with intent to deceive makes use for any purpose whatsoever of any letter of exemption or any permit, certificate, licence or other document issued under or for any purpose of this ordinance or the regulations, which is not his own;
- (b) wilfully, and with intent to deceive, alters, defaces, destroys or mutilates any letter of exemption, permit, certificate, licence or other document issued under or for any purpose of this ordinance or the regulations, or unlawfully withholds any such letter of exemption, permit, certificate, licence or other document from any person entitled to the possession thereof;
- (c) counterfeit or forges any letter of exemption, permit, certificate, licence or other document issued under this ordinance or any document written or signed or purporting to have been written or signed

'n werkgewer geskryf of geteken te wees, waarin iemand gemagtig word om drank vir daardie werkgewer te verkry, namaak of vervals, of so 'n nagemaakte of vervalste vrystellingsbrief, permit, sertifikaat, lisensie of dokument uitgee met die wete dat dit nagmaak of vervals is;

- (d) in verband met 'n aansoek kragtens hierdie ordonnansie skriftelike inligting waarvan hy weet dat dit vals is, of waarvan hy nie weet dat dit waar is nie, of 'n valse dokument of 'n dokument wat voorgee 'n juiste afskrif van die oorspronklike te wees maar dit in die werklikheid nie is nie voorlê, of op enige wyse by daardie voorlegging betrokke is;
- (e) sonder voldoende rede weier of in gebreke bly om voor die raad of 'n landdros te verskyn en getuienis af te lê op die tyd en plek vermeld in 'n kennisgewing uitgevaardig of om 'n boek, stuk of dokument voor te lê waarvan die voorlegging in daardie kennisgewing van hom geëis word;
- (f) na behoorlike beëdiging valse getuienis aflê voor die raad of 'n landdros oor enige saak betreffende die saak wat die raad of landdros ondersoek, terwyl hy weet dat die getuienis vals is, of sonder om te weet dat dit waar is;
- (g) as 'n lid van die raad sitting neem of stem of deelneem aan die verhoor of beslissing van 'n aansoek om 'n lisensie terwyl hy weet dat hy daartoe onbevoeg is of opsetlik 'n valse verklaring aflê oor sy bevoegdheid om 'n lid van die raad te wees;
- (h) weier of in gebreke bly om 'n gelisensieerde perseel te verlaat indien daartoe versoek deur die lisensiehouer of sy bediende of agent of enige lid van die polisie of in 'n beperkte gedeelte van 'n gelisensieerde perseel verkeer met die wete dat sy teenwoordigheid daar onwettig is;
- (i) dronk, gewelddadig of wanordelik is op 'n gelisensieerde perseel, of dronk is op of in of naby —
 - (i) 'n pad, straat, laan, deurgang, trekpad, uitspanning, meent of mark; of
 - (ii) 'n winkel, pakhuis, warehouse of openbare garage; of
 - (iii) 'n plek van vermaak, kafee, eethuis, renbaan, of ander perseel of plek waartoe aan die publiek toegang verleen of waartoe dit toegang het, hetsy die toegangsreg al dan nie teen betaling verleen word of vir 'n klas voorbehoud is;
- (j) drank verbruik in 'n straat, pad, laan of ander openbare deurgang of op oop grond wat grens aan enige straat, pad, laan of ander openbare deurgang, in 'n stedelike gebied (behalwe waar sodanige drank op sodanige grond verkoop en verskaf is kragtens 'n binneverbruikslisensie): Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie met betrekking tot enige onthaal wat op sodanige oop grond verskaf word soos voormeld deur iemand aan wie daardie grond behoort of wat dit wettig okkupeer of met betrekking tot die gebruik van enige sodanige grond deur so iemand in die gewone loop van sy okkupasie daarvan;
- (k) brandspiritus verkoop sonder 'n lisensie bedoel in artikel 112 (1) of brandspiritus vir verkoop in sy besit het;
- (l) terwyl hy iemand is aan wie kragtens 'n bepaling van hierdie ordonnansie of van 'n verbod of beperking daarkragtens opgelê, drank of 'n bepaalde soort of meer as 'n gespesifiseerde hoeveelheid drank nie wettig verskaf mag word nie, in stryd met daardie verbod drank koop, verkry of besit;
- (m) drank koop of die verskaffing daarvan verkry op 'n tydstip of onder omstandighede wanneer of op 'n plek waar die verskaffing van daardie drank aan hom onwettig is;

- by an employer authorizing any person to obtain liquor for such employer or utters such counterfeit or forged letter of exemption, permit, certificate, licence, or document knowing it to be counterfeit or forged;
- (d) submits any written information in connection with any application under this ordinance, which he knows to be false or does not know to be true, or any false document or document which purports to be but which is not, in fact, a true copy of the original, or is in any way a party to any such submission;
 - (e) refuses or fails without sufficient excuse to attend and give evidence before the board or a magistrate at the time and place specified in a notice given, or to produce any book, paper or document which he has been required by such notice to produce;
 - (f) after being duly sworn, gives false evidence before the board or a magistrate on any matter relevant to the question under enquiry by the board or magistrate, knowing such evidence to be false or not knowing it to be true;
 - (g) knowing that he is disqualified from doing so, sits or votes as a member of the board or takes any part in the hearing or decision of an application for a licence or wilfully makes a false declaration as to his qualifications to be a member of the board;
 - (h) refuses or fails to leave any licensed premises when requested by the licensee or his servant or agent or any member of the police to do so, or is upon any restricted portion of licensed premises knowing that his presence there is unlawful;
 - (i) is drunk, violent, or disorderly upon any licensed premises, or is drunk in or near —
 - (i) any road, street, lane, thoroughfare, treckpath, outspan, commonage, or market place; or
 - (ii) any shop, store, 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;
 - (j) 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 (except where such liquor has been sold and supplied on such land under an on-consumption licence): Provided that the provisions of this paragraph shall not apply in relation to any entertainment provided on such vacant land as aforesaid by any person who owns or otherwise lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof;
 - (k) without a licence referred to in section 112 (1) sells methylated spirit or has methylated spirit in his possession for the purpose of sale;
 - (l) being a person to whom in terms of any provision of this ordinance or of any prohibition or restriction imposed thereunder, liquor or liquor of any kind or in excess of any specified quantity may not lawfully be supplied, purchases, procures or possesses liquor contrary to such prohibition;
 - (m) purchases or obtains the supply of any liquor at a time when, or at a place or in circumstances in which it is unlawful for such liquor to be supplied to him;

- (n) strydig met die bepalings van artikel 106 die verkoop van drank werf of bestellings daarvoor aanneem of aanbiedings om drank te koop aanneem of ontvang;
- (o) enige brousel of drank bedoel in artikel 110 vervaardig, in bewaring of besit het, gebruik, drink, of aan iemand gee of verskaf;
- (p) enige bepaling van artikel 114 oortree of nie voldoen aan enige voorwaarde van 'n permit kragtens hierdie ordonnansie verleen nie;
- (q) wanneer hy drank koop waarvan die verkoop kragtens 'n regulasie in 'n verkoopregister ingeskryf moet word, aan die verkoper as sy (die koper se) naam of adres 'n naam of 'n adres opgee wat nie sy juiste naam of adres is nie.

(C) STRAWWE.

Strawwe vir oortredings deur lisensiehouers.

142. (1) 'n Lisensiehouer wat enige bepaling van hierdie ordonnansie, hieronder genoem, oortree, is by skuldigbevinding strafbaar —

- (a) as dit 'n oortreding is van 'n bepaling van paragraaf (a), (b), (e), (f), (g), (l), (m), (o), (p), (q), (r) of (t) van artikel 137 met 'n boete van hoogstens een honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande;
- (b) as dit 'n oortreding is van 'n bepaling van paragraaf (c), (h), (i) of (j) van artikel 137 of enige bepaling van artikel 138 of artikel 139, met 'n boete van hoogstens een duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande;
- (c) as dit 'n oortreding is van enige bepaling van paragraaf (d), (k), (n) of (s) van artikel 137 met 'n boete van hoogstens een duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf.

(2) As die lisensiehouer aldus skuldig bevind binne vyf jaar voor die datum van daardie skuldigbevinding weens 'n misdryf bedoel in paragraaf (a) of (b) van subartikel (1) skuldigbevind is weens enige oortreding hoegenaamd van hierdie ordonnansie of enige wet by artikel 160 herroep, word die strawwe voorgeskryf in subartikel (1) vir sodanige oortreding beskou as dubbel die strawwe aldus voorgeskryf.

Strawwe vir oortredings deur persone in die algemeen.

143. (1) Elkeen wat 'n bepaling van hierdie ordonnansie, hieronder genoem, oortree, is by skuldigbevinding strafbaar —

- (a) as dit 'n oortreding is van 'n bepaling van paragraaf (c), (d), (e), (g) of (h) van artikel 140 of paragraaf (a), (b), (c), (e) of (h) van artikel 141 met 'n boete van hoogstens een honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande;
- (b) as dit 'n oortreding is van 'n bepaling van paragraaf (d), (f), (i), (j), (k) of (n) van artikel 141 met 'n boete van hoogstens vier honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande;
- (c) as dit 'n oortreding is van 'n bepaling van paragraaf (a), (b) of (f) van artikel 140 of paragraaf (l), (m), (p) of (q) van artikel 141 met 'n boete van hoogstens een duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf;
- (d) as dit 'n oortreding is van 'n bepaling van paragraaf (o) van artikel 141, by 'n eerste skuldigbe-

- (n) solicits or takes orders for the sale of, or accepts or receives offers for the purchase of liquor in contravention of any provision of section 106;
- (o) makes, has the custody or possession of, uses, drinks, or gives or supplies to any person any concoction or drink referred to in section 110;
- (p) contravenes any provision of section 114, or does not comply with any condition of any permit granted under this ordinance;
- (q) when purchasing any liquor the sale whereof must be entered in a sales register, in terms of any regulation, gives to the seller as his (the purchaser's) name or address which is not his correct name or address.

(C) PENALTIES.

142. (1) A licensee who contravenes any provision of this ordinance mentioned hereunder shall on conviction be liable —

Penalties for
contravention by
licensee.

- (a) if the contravention is of a provision of paragraph (a), (b), (e), (f), (g), (l), (m), (o), (p), (q), (r) or (t) of section 137 to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months;
- (b) if the contravention is of a provision of paragraph (c), (h), (i) or (j) of section 137 or of any provision of section 138 or section 139, to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months;
- (c) if the contravention is of any provision of paragraph (d), (k), (n) or (s) of section 137 to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) If within five years prior to the date of any conviction for an offence referred to in paragraph (a) or (b) of subsection (1) the licensee so convicted was convicted of any contravention whatsoever of this ordinance or of any law repealed by section 160 the penalties prescribed in subsection (1) for such contravention shall be deemed to be double the penalties so prescribed.

143. (1) Any person contravening any provisions of this ordinance mentioned hereunder shall on conviction be liable —

Penalties for
contraventions by
persons generally.

- (a) if the contravention is of any provision of paragraph (c), (d), (e), (g) or (h) of section 140 or paragraph (a), (b), (c), (e) or (h) of section 141, to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months;
- (b) if the contravention is of any provision of paragraph (d), (f), (i), (j), (k) or (n) of section 141, to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months;
- (c) if the contravention is of a provision of paragraph (a), (b) or (f) of section 140 or paragraph (l), (m), (p) or (q) of section 141, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment;
- (d) if the contravention is of any provision of paragraph (o) of section 141, on a first conviction to a

vinding met 'n boete van hoogstens een duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf en by 'n tweede of daaropvolgende skuldigbevinding met gevangenisstraf vir 'n tydperk van minstens ses maande maar hoogstens vyf jaar en 'n boete van hoogstens een duisend rand of met sodanige gevangenisstraf sonder die keuse van 'n boete.

(2) As die aldus vooroordeelde persoon binne vyf jaar voor die datum van 'n skuldigbevinding weens 'n misdryf bedoel in paragraaf (a) van subartikel (1), skuldig bevind is weens enige oortreding hoegenaamd van hierdie ordonnansie of enige wet herroep by artikel 160 word die strawwe voorgeskryf in subartikel (1) vir sodanige oortreding beskou as dubbel die strawwe aldus voorgeskryf.

Regsbevoegdheid van houe om lisensties verbeurd te verklaar.

144. (1) Behoudens die bepalings van subartikels (2) en (3) kan die hof wat iemand skuldig bevind wat die houer is of was van 'n lisensie, kragtens hierdie ordonnansie uitgereik, weens 'n misdryf bedoel in paragraaf (b) of (c) van artikel 142 (1), of in paragraaf (b) of (c) van artikel 143 (1) die lisensie uitgereik ten opsigte waarvan die veroordeelde die houer van die lisensie was toe die oortreding plaasgevind het, verbeurd verklaar.

(2) Geen lisensie word kragtens subartikel (1) verbeurd verklaar nie as die veroordeelde die lisensie as 'n werknemer van 'n persoon (met inbegrip van 'n genootskap, vennootskap of ander vereniging van persone) gehou het, en die persoon by wie hy in diens was, die hof met bewyse oortuig dat —

- (a) die betrokke oortreding sonder sy oogluikende toelating of toestemming plaasgevind het; en
- (b) alle redelike maatreëls deur hom getref is om die betrokke oortreding te verhoed:

Met dien verstande dat die feit dat bedoelde persoon enige daad of versuim wat die misdryf uitmaak, verbied het, nie op sigself aangeneem word as voldoende bewys dat hy alle redelike maatreëls getref het om so 'n handeling of versuim te verhoed nie.

(3) Voordat hy 'n verbeurdverklaring kragtens subartikel (1) doen, moet die hof, waar die veroordeelde die lisensie as 'n werknemer van 'n persoon (met inbegrip van 'n genootskap, vennootskap of ander vereniging van persone) gehou het, bedoelde persoon, genootskap, vennootskap of ander vereniging van persone, na gelang, 'n geleentheid toestaan om aangehoor te word en as 'n verbeurdverklaring na so 'n aanhoring gedoen word, kan die persoon, genootskap, vennootskap of ander vereniging van persone wat daardeur ongunstig geraak word, daarteen appelleer asof dit 'n skuldigbevinding was deur die hof wat die verklaring gedoen het, en so 'n appèl kan of afsonderlik van of saam met 'n appèl teen die skuldigbevinding as gevolg waarvan die verbeurdverklaring geskied het of teen 'n vonnis wat weens so 'n skuldigbevinding opgelê is, verhoor word.

Algemene strawwe.

145. Elkeen wat 'n bepaling van hierdie ordonnansie of van enige regulasie gemaak kragtens artikel 150 oortree of wat versuim om te voldoen aan enige sodanige bepalings of regulasie waaraan hy verplig is om te voldoen, is skuldig aan 'n misdryf en is, as geen straf uitdruklik voorgeskryf word vir sodanige oortreding of versuim nie, by skuldigbevinding strafbaar met 'n boete van hoogstens een honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of as die persoon wat aldus skuldig bevind is binne drie jaar voor daardie skuldigbevinding, skuldig bevind is weens enige oortreding van hierdie ordonnansie hoegenaamd of van enige wet her-

fine not exceeding one thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment and upon a second or subsequent conviction, to imprisonment for a period of not less than six months but not exceeding five years and a fine not exceeding one thousand rand or to such imprisonment without the option of a fine.

(2) If within five years prior to the date of any conviction for an offence referred to in paragraph (a) of subsection (1) the person so convicted was convicted of any contravention whatsoever of this ordinance or of any law repealed by section 160 the penalties prescribed in subsection (1) for such contravention shall be deemed to be double the penalties so prescribed.

144. (1) Subject to the provisions of subsections (2) and (3), the court convicting any person, who is or was the holder of a licence issued under this ordinance of an offence referred to in paragraph (b) or (c) of section 142 (1) or in paragraph (b) or (c) of section 143 (1) may declare forfeited the licence issued in respect of the business in respect of which the person convicted was the holder of the licence when the contravention took place.

Jurisdiction of courts to declare licences forfeited.

(2) No licence shall be declared forfeited under subsection (1) if the person convicted held the licence as an employee of any person (including any society, partnership or other association of persons) and the person by whom he was employed proves to the satisfaction of the court that —

- (a) the contravention in question took place without his connivance or permission; and
- (b) all reasonable steps were taken by him to prevent the contravention in question:

Provided that the fact that such person issued instructions forbidding any act or omission constituting the offence in question, shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent such act or omission.

(3) Before making any declaration of forfeiture under subsection (1) the court shall, where the person convicted held the licence as an employee of any person (including any society, partnership or other association of persons), afford that person, society, partnership or other association of persons, as the case may be, an opportunity of being heard and if after such hearing a declaration of forfeiture is made, the person, society, partnership or other association of persons adversely affected thereby, may appeal therefrom as if it were a conviction by the court making the declaration, and such appeal may be heard either separately or jointly with an appeal against the conviction as a result whereof the declaration of forfeiture was made, or against a sentence imposed as a result of such conviction.

145. Any person who contravenes any provision of this ordinance or of any regulation made under section 150 or who fails to comply with any such provision or regulation with which it is his duty to comply, shall be guilty of an offence, and shall, if no penalty is specially prescribed for such contravention or failure be liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or if within three years prior to the date of such conviction the person so convicted was convicted of any contravention whatsoever of this ordinance or of any law repealed by section 160, to a fine not exceeding two hundred

General penalties.

roep by artikel 160, met 'n boete van hoogstens twee honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Regsbevoegdheid van landdroshowe.

146. Nieteenstaande enige bepaling van artikel 92 van die Ordonnansie op Landdroshowe 1963 (Ordonnansie 29 van 1963) of van enige ander wet, het enige landdroshof regsbevoegdheid om enige straf voorgeskryf by hierdie ordonnansie of enige regulasie daarkragtens gemaak op te lê.

Verbeuring van drank waarop beslag gelê is, ens.

147. (1) Enige drank of ding wat kragtens hierdie ordonnansie of kragtens die Strafprosesordonnansie 1963 (Ordonnansie 34 van 1963) in beslag geneem is, word saam met enige houers waarin dit bevat is, aan die Staat verbeur, tensy —

- (a) waar sodanige drank of ding die onderwerp is van die vervolging van die persoon in wie se besit daarop beslag gelê is, die hof bevind dat hy nie die drank of ding in besit gehad het in stryd met enige bepaling van hierdie ordonnansie of van enige ander wet nie; of
- (b) in enige ander geval die persoon van wie die drank of ding gemeen is binne dertig dae na die beslaglegging ten genoë van die Administrateur bewys dat die besit daarvan deur hom of iemand anders nie vir 'n onwettige doel was nie.

(2) Enige drank, ding of houer aldus verbeur, kan verkoop of vernietig word of daar kan mee gehandel word op sodanige ander wyse soos die Administrateur gelas.

HOOFSTUK XXII.

TOEPASSING VAN ORDONNANSIE OP REHOBOTH- GEBIET EN IN GOEDGEKEURDE DORPE VIR KLEURLINGE.

Toepassing van ordonnansie op Rehoboth-Gebiet.

148. (1) Hierdie ordonnansie en enige wysiging daarvan wat van tyd tot tyd aangebring word, is van toepassing ook in en ten opsigte van alle persone in daardie deel van die Gebied bekend as die „Rehoboth-Gebiet” en omskryf in die Eerste Bylae van Proklamasie 28 van 1923: Met dien verstande dat, nieteenstaande enige andersluitende bepaling in hierdie of enige ander wet, geen lisensie verleen, oorgedra of hernieu mag word ten opsigte van 'n perseel in die genoemde *Gebiet* aan of ten gunste van enigiemand buiten 'n Burger van die genoemde *Gebiet* nie, en niemand buiten so 'n Burger of 'n genootskap, vennootskap, maatskappy of vereniging van sodanige Burgers enige geldelik belang mag hê in enige lisensie verleen, oorgedra of hernieu ten opsigte van 'n perseel in die genoemde *Gebiet* sonder die goedkeuring van die Administrateur nie en dan onderhewig aan sodanige voorwaardes soos hy oplê.

(2) Dit is 'n voorwaarde van elke lisensie buiten 'n botteldranklisensie verleen kragtens hierdie artikel dat geen drank daarkragtens aan blankes verskaf mag word nie.

Toepassing van ordonnansie in goedgekeurde dorpe vir Kleurlinge.

149. (1) By die toepassing van hierdie ordonnansie in, en met betrekking tot persone, in 'n goedgekeurde dorp vir Kleurlinge word geen lisensie ten opsigte van 'n perseel in sodanige dorp verleen, oorgedra of hernieu aan of ten gunste van enigiemand buiten 'n Kleurling nie en niemand buiten 'n Kleurling of 'n genootskap, vennootskap, maatskappy of vereniging van Kleurlinge mag enige gel-

red rand or to imprisonment for a period not exceeding six months.

146. Notwithstanding anything contained in section 92 of the Magistrates' Courts Ordinance, 1963 (Ordinance 29 of 1963), or any other law, any magistrates' court shall have jurisdiction to impose any penalty prescribed by this ordinance or any regulation made thereunder.

Jurisdiction of magistrates' courts.

147. (1) Any liquor or anything seized under this ordinance or under the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963), shall, together with any vessels in which the same may be contained, be forfeited to the State unless —

Forfeiture of seized liquor, etc.

- (a) where such liquor or thing forms the subject of the prosecution of the person in whose possession it was seized, the court finds that the liquor or thing was not possessed by him in contravention of any provision of this ordinance or any other law; or
- (b) in any other case the person from whom such liquor or thing was taken proves within thirty days of the seizure to the satisfaction of the Administrator that the possession of it by himself or any other person was not for an unlawful purpose.

(2) Any liquor, thing or vessel so forfeited may be sold or destroyed or may be dealt with in such other manner as the Administrator may direct.

CHAPTER XXII.

APPLICATION OF ORDINANCE TO REHOBOTH GEBIET AND IN APPROVED TOWNSHIPS FOR COLOURED PERSONS.

148. (1) This ordinance and any amendment thereof which may be made from time to time shall apply also in and in relation to all persons in that portion of the Territory known as the "Rehoboth *Gebiet*" and defined in the First Schedule to Proclamation 28 of 1923: Provided that notwithstanding anything to the contrary in this or in any other law contained, no licence shall be granted, transferred or renewed in respect of premises in the said *Gebiet*, to or in favour of any person other than a Burgher of the said *Gebiet* and no person other than such a Burgher or a society, partnership, company or association of such Burghers shall have any financial interest in any licence granted, transferred or renewed in respect of premises in the said *Gebiet* without the approval of the Administrator and subject to such conditions as he may impose.

Application of Ordinance to Rehoboth Gebiet.

(2) It shall be a condition of every licence other than a bottle liquor licence, granted under this section, that no liquor shall be supplied thereunder to a white person.

149. (1) In the application of this ordinance in and in relation to persons in any approved township for Coloured persons, no licence in respect of premises in such a township shall be granted, transferred or renewed to or in favour of any person other than a Coloured person and no person other than a Coloured person or a society, partnership, company or association of Coloured

Application of Ordinance in approved townships for Coloured persons.

delike belang hê in enige lisensie wat ten opsigte van sodanige perseel verleen, oorgedra of hernieu word sonder die goedkeuring van die Administrateur nie en dan onderhewig aan sodanige voorwaardes soos hy oplê.

(2) Dit is 'n voorwaarde van elke lisensie verleen kragtens hierdie artikel dat geen drank daarkragtens verskaf mag word aan enigiemand wat nie 'n Kleurling is nie.

HOOFSTUK XXIII.

ALGEMENE EN AANVULLENDE BEPALINGS.

Regulasies.

150. Die Administrateur kan regulasies maak oor —
- (a) die volgorde van verrigtings by vergaderings van die raad en by die verhoor van aansoeke deur landdroste;
 - (b) aansoeke en die publikasie van aansoeke om die verlening, hernuwing, oordrag of verplasing van lisensies en die indiening van dokumente, inligting, besware, polisieverslae en vertoë in verband daarmee;
 - (c) die vorms van lisensies, kennisgewings, permitte en ander dokumente wat kragtens hierdie ordonnansie uitgereik moet word;
 - (d) die hou van aantekeninge en registers deur lisensiehouers of verskillende klasse lisensiehouers, die besonderhede wat daarin aangeteken moet word, die inspeksie van sodanige aantekeninge en registers en alle ander verbandhoudende sake;
 - (e) die pligte van ontvangers van inkomste en ander beamptes kragtens hierdie ordonnansie;
 - (f) enigiets wat voorgeskryf kan of moet word; en
 - (g) oor die algemeen enige saak wat hy noodsaaklik of dienstig ag om voor te skryf ter bereiking van die oogmerke van hierdie ordonnansie.

Administrateur kan sekere stappe gelas om foute of versuime reg te stel.

151. As enigiets wat by hierdie ordonnansie gedoen moet word per abuis of versuim nie gedoen word nie of nie binne die bepaalde tyd gedoen word nie, kan die Administrateur alle sodanige stappe gelas soos nodig is om enige fout of versuim reg te stel en kan hy enigiets wat onreëlmatig gedoen is in wese of vorm geldig maak sodat die bedoeling en oogmerke van hierdie ordonnansie uitvoering kan kry.

Oordrag van Administrateursbevoegdhe.

152. Die Administrateur kan enige bevoegdheid, plig of werksaamheid wat by hierdie ordonnansie aan hom verleen of toegewys is, buiten die bevoegdhe bedoel in artikel 111, 112, 113 of 150 oordra aan die Sekretaris van Suidwes-Afrika of enige beampte onder sy beheer.

Kontrakte.

153. Buiten waar hierdie ordonnansie uitdruklik anders bepaal —

- (a) is enige bepaling in enige kontrak aangegaan na die inwerkingtreding van hierdie ordonnansie waarvolgens iemand voorgee om enige reg daarkragtens af te staan of enige verpligting daarkragtens op te gee, nietig; en
- (b) maak geen bepaling in hierdie ordonnansie enige inbreuk op enige bepaling in 'n kontrak wat by die inwerkingtreding daarvan bestaan nie.

Kennisgewings wat nie behoorlik gepubliseer is nie.

154. Die geldigheid van 'n lisensie wat hiernieu, oorgedra of verplaas is, word nie geraak bloot om rede die feit dat enige kennisgewing wat ooreenkomstig hierdie ordonnansie gepubliseer moet word, nie behoorlik gepubliseer is nie.

persons shall have any financial interest in any licence granted, transferred or renewed in respect of such premises without the approval of the Administrator and subject to such conditions as he may impose.

(2) It shall be a condition of every licence granted under this section, that no liquor shall be supplied thereunder to any person who is not a Coloured person.

CHAPTER XXIII.

GENERAL AND SUPPLEMENTARY.

150. The Administrator may make regulations as Regulations.
to —

- (a) the order of proceedings at meetings of the board and at hearings of applications by magistrates;
- (b) applications and the publication of applications for the grant, renewal, transfer or removal of licences and the submission of documents, information, objections, police reports and representations in regard thereto;
- (c) the forms of licences, notices, permits and other documents to be issued under this ordinance;
- (d) the keeping of records and registers by licensees or different classes of licencees, the particulars to be recorded therein, the inspection of such records and registers, and all other matters incidental thereto;
- (e) the duties of receivers of revenue and other officers under this ordinance;
- (f) anything which may or is required to be prescribed; and
- (g) generally all matters which he deems it necessary or expedient to prescribe in order that the objects of this ordinance may be achieved.

151. If through any accident or omission anything required by this ordinance to be done is omitted to be done, or is not done within the time fixed, the Administrator may order all such steps to be taken as may be necessary to rectify any error or omission, and may validate anything which may have been irregularly done in matter or form so that the intent and purpose of this ordinance may have effect.

Administrator may order certain steps to rectify errors or omissions.

152. The Administrator may delegate any power, duty or function conferred upon or assigned to him by this ordinance, other than the powers referred to in section 111, 112, 113 or 150, to the Secretary for South West Africa or any officer under his control.

Delegation of Administrator's powers.

153. Save as otherwise specially provided in this ordinance — Contracts.

- (a) any provision in any contract entered into after the commencement of this ordinance whereby any person purports to relinquish any right or forgo any obligation thereunder shall be null and void; and
- (b) nothing in this ordinance contained shall affect any provision in any contract existing at the commencement thereof.

154. The validity of a licence renewed, transferred or removed shall not be affected merely by reason of the fact that any notice required to be published in terms of this ordinance was not duly published.

Notices not duly published.

Dood of
onbekwaamheid
van aansoeker
om 'n lisensie.

155. (1) As iemand aansoek doen —

- (a) om die verlening, hernuwing, oordrag of verplasing van 'n lisensie, of
- (b) vir die verlening van 'n sertifikaat kragtens artikel 76,

en op of voor die dag bepaal vir die oorweging van die aansoek vermeld in paragraaf (a), of op of voor die dag waarop die sertifikaat vermeld in paragraaf (b) verleen word, sterf of insolvent raak of onbekwaam verklaar word om sy eie sake te behartig, aan behoudens enige wet op boedels, van oorlede persone, insolvensie of geestesgebroke, na gelang —

- (i) het sy eksekuteur, trustee of kurator en by ontstentenis van 'n eksekuteur, trustee of kurator, of as die bekleër van so 'n amp nie kan of wil optree nie, enige lid van sy familie wat die voorsitter van die raad daartoe gemagtig het, of iemand wat op sy gesag handel of die landdros, na gelang in die geval van paragraaf (a), of deur die Direkteur in die geval van paragraaf (b), al die regte en kan hy al die regte uitoefen wat die aansoeker sou gehad het en sou kon uitgeoefen het, as hy nie gesterf het, insolvent geraak het of onbekwaam verklaar was nie; en
- (ii) in die geval van paragraaf (a) kan die voorsitter van die raad of die landdros, na gelang, of in die geval van paragraaf (b) kan die Direkteur, as hy dit goedvind en behoudens die bepalinge van hierdie ordonnansie, die aansoek toestaan ten gunste van die eksekuteur, trustee of kurator of enige lid van die familie van sodanige aansoeker.

(2) As 'n maatskappy of koöperatiewe vereniging of maatskappy wat aansoek gedoen het —

- (a) om die verlening, hernuwing, oordrag of verplasing van 'n lisensie, of
- (b) vir die toestaan van 'n sertifikaat kragtens artikel 76,

en op of voor die dag bepaal vir die oorweging van die aansoek vermeld in paragraaf (a), of op of voor die dag waarop die sertifikaat vermeld in paragraaf (b) verleen word, gelikwieder word, het die likwidateur, behoudens die wet op maatskappye of koöperatiewe verenigings of maatskappye, na gelang, al sodanige bevoegdhede en regte ten opsigte van die aansoek soos in trustee of kurator kragtens subartikel (1) sou hê waar die boedel van 'n aansoeker gesekwestreer word kragtens die wet op insolvensie.

Bepalings vir die
dryf van 'n
besigheid onder
sekere
omstandighede.

156. (1) As 'n lisensiehouer of iemand ten gunste van wie 'n magtiging tot uitreiking van 'n lisensie verleen is, sterf of deur 'n hof onbekwaam om sy eie sake te behartig of tot 'n verkwister verklaar is of aangehou word as 'n kranksinnige kragtens die bevel van 'n regter uitgereik ingevolge die Wet op Geestesgebroke 1916 (Wet 38 van 1916) soos op die Gebied toegepas by artikel 1 van die Wet op Geestesgebroke in Suidwes-Afrika 1926 (Wet 22 van 1926), of enige wysiging daarvan, of as die boedel van 'n lisensiehouer of so iemand gesekwestreer is, gaan sy lisensie of magtiging, na gelang, oor op sy eksekuteur, kurator of trustee, na gelang, wat, behoudens enige wet op geestesgebroke, bestorwe boedels of insolvensie, na gelang, sonder formele oordrag die besigheid self of deur 'n agent wat skriftelik goedgekeur is deur die landdros van die distrik of deur die Direkteur in die geval van 'n binneverbruiklisensie vir 'n huisvestingsinrigting kan dryf tot die datum waarop 'n aansoek om die hernuwing van sodanige lisensie deur die landdros oor-

155. (1) If any person applies —

- (a) for the grant, renewal, transfer or removal of a licence; or
- (b) for the grant of a certificate in terms of section 76,

Death or disability of applicant for a licence.

and on or before the day appointed for the consideration of the application referred to in paragraph (a), or on or before the day on which the certificate referred to in paragraph (b) is granted, dies or becomes insolvent, or is declared incapable of managing his own affairs, then, subject to any law relating to deceased estates, insolvency or mental disorders, as the case may be —

- (i) his executor, trustee, or curator, and in the event of there being no executor, trustee, or curator, or of the holder of any such office being unable or unwilling to act, any member of his family authorized thereto by the chairman of the board or any person acting under his directions or the magistrate, as the case may be, in the case of paragraph (a), or by the Director in the case of paragraph (b), 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
- (ii) in the case of paragraph (a) the chairman of the board or the magistrate, as the case may be, or in the case of paragraph (b), the Director may, if he thinks fit and subject to the provisions of this ordinance, grant the application in favour of the executor, trustee, or curator or any member of the family of such applicant.

(2) If a company or co-operative society or company which has applied —

- (a) for the grant, renewal, transfer or removal of a licence, or
- (b) for the grant of a certificate in terms of section 76,

is placed under liquidation on or before the day appointed for the consideration of the application referred to in paragraph (a), or on or before the day on which the certificate referred to in paragraph (b) is granted, the liquidator shall, subject to the law relating to companies or co-operative societies or companies, as the case may be, have all such powers and rights in respect of the application as would, under subsection (1) be held by a trustee where the estate of an applicant is sequestrated under the law relating to insolvency.

156. (1) If a licensee or person in whose favour an authority for the issue of a licence has been granted dies, or is declared by any court to be incapable of managing his own affairs, or a prodigal, or is detained as a mental patient under the order of a judge issued under the Mental Disorders Act, 1916 (Act 38 of 1916) as applied to the Territory by section 1 of the South West Africa Mental Disorders Act, 1926 (Act 22 of 1926), or any amendment thereof, or if the estate of any licensee or of any such person is sequestrated, his licence or authority, as the case may be, shall enure for the benefit of his executor, curator, or trustee, as the case may be, who may, subject to any law relating to mental disorders, deceased estates or insolvency, as the case may be, without formal transfer carry on the business either personally or by some agent approved by writing under the hand of the magistrate of the district, or the Director in the case of an accommodation establishment on-consumption licence, until the date upon which an application for the

Provisions for the carrying on of a business under certain circumstances.

weeg word, of 'n lisensie gemagtig by 'n sertifikaat kragtens Artikel 76 uitgereik word en daarna gedurende sodanige tydperk, maar hoogstens twaalf maande, soos die landdros goedvind om, op aansoek 'n hernuwing van die lisensie te verleen, of die Direkteur goedvind om, op aansoek, aan te dui in die sertifikaat verleen kragtens artikel 76.

(2) As daar op die perseel in verband waarmee 'n lisensie verleen is, tot voltrekking van 'n vonnis of op bevel van 'n hof beslag gelê is, kan die beslagleggende beampte met die goedkeuring van die landdros van die distrik, of die Direkteur in die geval van 'n binneverbruikslisensie vir 'n huisvestingsinrigting, iemand aanstel om die gelisensieerde besigheid te dryf terwyl die perseel onder beslag is.

(3) As 'n lisensiehouer wat 'n maatskappy of 'n koöperatiewe vereniging of maatskappy is onder likwidasië geplaas word, het die likwidateur, behoudens die wet op maatskappye of op koöperatiewe verenigings of maatskappye, na gelang, al die bevoegdhede en regte ten opsigte van die lisensie wat 'n trustee of kurator kragtens hierdie artikel sou hê wanneer die boedel van 'n lisensiehouer gesekwestreer word kragtens die wet op insolvensie.

(4) As 'n lisensiehouer gedurende die geldigheid van sy lisensie wegloop sonder om te sorg dat die gelisensieerde besigheid voortgesit word, of as sodanige besigheid om enige ander rede gedurende daardie geldigheid nie voortgesit kan word nie weens afwesigheid van iemand wat kragtens hierdie ordonnansië gemagtig is om dit te dryf, kan die landdros van die distrik, of die Direkteur in die geval van 'n binneverbruikslisensie vir 'n huisvestingsinrigting, as hierdie ordonnansië nie uitdruklik in die omstandighede voorsien nie, enigiemand wat hy geskik ag, magtig om die besigheid voort te sit tot die einde van die tydperk waarvoor die lisensie verleen is, of vir enige korter tydperk: Met dien verstande dat geen sodanige magtiging verleen mag word nie tensy redelike kennis ten genoë van die landdros of die Direkteur, na gelang, van die voorstel gegee is aan elkeen wat in die besigheid geldelike belang het.

(5) Geen bepaling in hierdie artikel doen afbreuk aan enige reg of aanspraak van enigiemand wat 'n wettige belang in 'n betrokke besigheid het nie.

(6) Elkeen wat enige gelisensieerde besigheid kragtens hierdie artikel of uit hoofde van enige magtiging daarkragtens verleen, voortsit of dryf, het al die regte en voorregte en is onderhewig aan al die pligte, verpligtings en strawwe van die oorspronklike houer van die lisensie.

Reg van beskikking
oor drank by
verbeuring of
intrekking van
lisensie.

157. (1) Wanneer ook al 'n lisensie ooreenkomstig artikel 144 of kragtens enige ander wet deur die hof verbeurd verklaar word, en wanneer die raad op 'n spesiale vergadering die intrekking van 'n lisensie beveel het, word die betrokke lisensie onmiddellik ongeldig: Met dien verstande dat die houer daarvan binne veertien dae na die verbeurdverklaring of bevel, of, in die geval van enige hersiening daarvan of van enige appèl daarteen, binne veertien dae na die finale bekragtiging daarvan, enige drank wat op die dag van die verbeurdverklaring of bevel op sy gelisensieerde perseel was, by publieke veiling kan verkoop op die perseel ten opsigte waarvan die lisensie gehou word deur 'n behoorlik gelisensieerde afslaer en in hoeveelhede van minstens twee gelling van dieselfde soort drank.

(2) As 'n verbeurdverklaring of bevel vir die intrekking van 'n lisensie deur 'n bevoegde hof by hersiening of appèl omvergewerp word, word die betrokke lisensie *ipso facto* weer ten volle geldig.

renewal of such licence is considered by the magistrate, or a licence authorised by a certificate in terms of section 76 is issued, and thereafter for such period not exceeding twelve months for which the magistrate may deem it fit to grant, on application, a renewal of the licence or the Director may deem it fit, on application, to indicate in the certificate granted in terms of section 76.

(2) If the premises in connection wherewith a licence was granted have been attached in execution of a judgment or order of a court, the officer who effected the attachment may, with the approval of the magistrate of the district, or the Director, in the case of an accommodation establishment on-consumption licence appoint any person to carry on the licensed business while the premises are under attachment.

(3) If a licensee being a company or co-operative society or company is placed under liquidation, the liquidator shall, subject to the law relating to companies, or to co-operative societies and companies, as the case may be, have all such powers and rights in respect of the licence as would, under this section, be held by a trustee where the estate of a licensee is sequestrated under the law relating to insolvency.

(4) If during the currency of any licence the licensee absconds without making provision for the carrying on of the licensed business, or if for any other reason such business cannot during such currency be carried on because of the absence of any person authorized under this ordinance to carry it on, the magistrate of the district, or the Director in the case of an accommodation establishment on-consumption licence, if no specific provision for the circumstances is made in this ordinance, may authorize any person whom he thinks fit to carry on such business for the remainder of the term for which the licence was granted or for any less period: Provided that no such authority shall be granted unless reasonable notice to the satisfaction of the magistrate or the Director, as the case may be, has been given of the proposal to every person who is financially interested in the business.

(5) Nothing in this section contained shall prejudice any right or claim of any person who has any lawful interest in any business concerned.

(6) Any person carrying on or conducting any licensed business under this section or by virtue of any authority granted thereunder, shall possess all the rights and privileges and be subject to all the duties, obligations and penalties of the original holder of the licence.

157. (1) Whenever in terms of section 144, or under any other law a licence is declared by a court to be forfeited and whenever the board has at any special meeting ordered the cancellation of a licence, the licence concerned shall immediately become null and void: Provided that the holder thereof may, within fourteen days after such declaration or order, or in the event of any review thereof or of any appeal therefrom within fourteen days after the final confirmation thereof, sell by public auction upon the premises in respect of which the licence was held, through a duly licensed auctioneer, and in quantities of not less than two gallons of liquor of the same kind, any liquor which was upon his licensed premises at the date of the declaration or order.

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

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

(3) Geen gedeelte van die som betaal vir 'n lisensie wat aldus verbeurd verklaar of ingetrek word, of vir 'n lisensie wat 'n tydlank geskors is deur 'n verklaring of bevel wat deur 'n bevoegde hof in appèl of hersiening omvergewerp is, word terugbetaal aan die houer of persoon wat die houer van die lisensie was nie.

Sluiting van
gelisensieerde
perseel gedurende
oploop.

158. (1) Wanneer op enige plek 'n staking of uitsluiting aan die gang is of 'n oproer of oploop plaasvind of verwag word, kan die landdros of, in sy afwesigheid, 'n addisionele of assistent-landdros, of in die afwesigheid van so 'n landdros, 'n polisieoffisier van of bo die rang van adjudant-offisier die sluiting beveel van enige perseel kragtens hierdie ordonnansie gelisensieer op of naby daardie plek vir solank soos daardie landdros, assistent-landdros, addisionele landdros of polisie-offisier goedvind.

(2) Die lisensiehouer of sy bestuurder of agent moet onverwyld aan die bevel gevolg gee en as hy versuim om dit te doen, kan die persoon wat die bevel gegee het sodanige stappe doen en sodanige geweld gebruik soos hy redelik nodig ag om die perseel te sluit.

(3) As die landdros van die distrik of die persoon wat die bevel uitgereik het voor die verstryking van die tydperk waarvoor die bevel uitgereik is, van oordeel is dat die rede vir die voortdoring van die bevel nie meer bestaan nie, kan hy dit intrek.

Voorregte,
verplichings en
onbevoegdhede
onder reg van
buiteverkoop.

159. Al die bepalings van hierdie ordonnansie wat betrekking het op verkope kragtens 'n botteldranklisensie met inbegrip van die ure en dae van verkoop en die hoeveelheid drank wat verkoop kan word en al die verplichings en onbevoegdhede van die houers van botteldranklisensies en al die strawwe waaraan hulle onderhewig is, is van toepassing ten opsigte van die verkope van drank vir verbruik buite die gelisensieerde perseel, en die Administrateur, die lisensieraad of die landdros van die distrik, na gelang, moet al die bevoegdhede uitoefen wat hy ten opsigte van 'n botteldranklisensie of die houer van 'n botteldranklisensie kan uitoefen: Met dien verstande dat ten opsigte van 'n groothandelranklisensie en 'n spesiale groothandeldepotlisensie vir brouers hierdie artikel toegepas word behoudens die bepalings van hierdie ordonnansie wat uitdruklik op daardie lisensies van toepassing is.

Herroeping van
wette en gevolg-
like bepalings.

160. (1) Die wette opgenoem in die Derde Bylae van hierdie ordonnansie word hierby herroep: Met dien verstande dat, behoudens andersluidende bepalings in hierdie ordonnansie, geen bepaling in hierdie ordonnansie enige verrigtings hoegenaamd wat by die inwerkingtreding van hierdie ordonnansie ingestel is (hetsy deur die indiening van enige kennisgewing of aansoek of die uitreiking van enige dagvaarding of prosesstuk of die gee van enige waarskuwing om teenwoordig te wees op enige plek of op enige ander wyse) kragtens enige wet hierby herroep, raak nie en sodanige verrigtings moet voortgesit en afgesluit word in alle opsigte asof hierdie ordonnansie nie aangeneem was nie.

(2) 'n Verwysing in een of ander wet wat by die inwerkingtreding van hierdie ordonnansie geldig is, na 'n lisensie van 'n klas gespesifiseer in die eerste kolom van die Tweede Bylae by hierdie ordonnansie word vanaf sodanige inwerkingtreding beskou as 'n verwysing na 'n lisensie van die klas gespesifiseer in die tweede kolom van daardie bylae teenoor die naam van sodanige eersgenoemde klas en 'n verwysing in enige sodanige wet na 'n wet herroep by subartikel (1) word beskou as 'n verwysing na hierdie ordonnansie.

(3) Elkeen wat by die inwerkingtreding van hierdie ordonnansie die houer is van 'n lisensie kragtens 'n wet herroep by subartikel (1) word, vir die doeleindes van

(3) No portion of the sum paid in respect of any licence so forfeited or cancelled, or in respect of any licence which by reason of any declaration or order which was reversed by a competent court on review or appeal was suspended for any period, shall be refunded to the holder or person who was the holder of such licence.

158. (1) Whenever any strike or lock-out is in progress, or any riot or tumult occurs or is expected to occur in any place, the magistrate or, in his absence, an additional or assistant magistrate, or in the absence of any such magistrate a police officer of or above the rank of warrant officer may order any premises licensed under this ordinance in or in the vicinity of such place to be closed during such time as such magistrate, assistant magistrate, additional magistrate or police officer may deem fit.

Closing of licensed premises during tumult.

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

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

159. All the provisions of this ordinance relating to sales under a bottle liquor licence including the hours and days of sale and the quantity of liquor which may be sold, and all the obligations and disabilities of and penalties upon the holders of bottle liquor licences, shall apply in respect of sales of liquor for consumption off the licensed premises and the Administrator, the licensing board or the magistrate of the district, as the case may be, shall exercise all such powers as he or it may exercise in respect of a bottle liquor licence or the licensee of a bottle liquor licence: Provided that in respect of a wholesale liquor licence and a special brewer's wholesale depot licence, this section shall be applied subject to the provisions of this ordinance specially applicable to those licences.

Privileges, obligations and disabilities under right of off-sale.

160. (1) The laws set forth in the Third Schedule of this ordinance are hereby repealed: Provided that, save as may be otherwise provided in this ordinance, nothing in this ordinance shall affect any proceedings of whatever nature which at the commencement of this ordinance have been instituted (whether by the filing of any notice or application or the issue of any summons or process or the giving of any warning to attend at any place or in any other manner) under any law hereby repealed and such proceedings shall be continued and concluded in every respect as if this ordinance had not been passed.

Repeal of laws and consequential provisions.

(2) A reference in any law in force at the commencement of this ordinance to a licence of a class specified in the first column of the Second Schedule to this ordinance shall as from such commencement be deemed to be a reference to a licence of the class specified in the second column of that Schedule opposite the name of such first-mentioned class and a reference in any such law to a law repealed by subsection (1) shall be deemed to be a reference to this ordinance.

(3) Any person who at the commencement of this ordinance is the holder of a licence under a law repealed by subsection (1) shall for the purposes of any applica-

enige aansoek gedoen by die eerste jaarlikse verhoor, kragtens hierdie ordonnansie, deur 'n landdros, van aansoeke om die hernuwing van lisensies ooreenkomstig artikel 38, beskou as die houer kragtens hierdie ordonnansie van 'n lisensie van die klas gespesifiseer in die Tweede Bylae by hierdie ordonnansie teenoor die naam van die klas lisensie waarvan hy 'n houer is by sodanige inwerking-treding, en so iemand kan by sodanige verhoor aansoek doen om die hernuwing van die lisensie aldus beskou as deur hom gehou kragtens hierdie ordonnansie en sodanige aansoek word in elke opsig beskou as 'n aansoek om hernuwing.

(4) As so 'n aansoek om hernuwing van enige lisensie toegestaan word, moet die uitreikende gesag aan die aansoeker 'n lisensie uitreik van die klas wat hy ooreenkomstig subartikel (3) geag word te hou.

(5) Geen hernuwing van 'n lisensie waarom ooreenkomstig subartikel (3) aansoek gedoen is, word verleen nie —

- (a) as die aansoeker nie kragtens hierdie ordonnansie bevoeg is om 'n lisensie te hou nie;
- (b) as die aansoeker nie kragtens hierdie ordonnansie bevoeg is om die lisensie ten opsigte waarvan die aansoek gedoen is, te hou nie; of
- (c) as die perseel ten opsigte waarvan aansoek om 'n lisensie gedoen word nie 'n perseel is ten opsigte waarvan die raad ooreenkomstig enige bepaling van hierdie ordonnansie bevoeg is om 'n lisensie van die aangevraagde klas te verleen nie:

Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op 'n aansoek gedoen by die eerste jaarlikse verhoor, kragtens hierdie ordonnansie, deur 'n landdros, van aansoeke om die hernuwing van lisensies ooreenkomstig artikel 38, deur iemand wat op die datum van sodanige aansoek die houer was van 'n lisensie kragtens 'n wet herroep by subartikel (1) en wat werklik kragtens sodanige lisensie besigheid gedryf het.

(6) Elkeen wat by die inwerkingtreding van hierdie ordonnansie die houer is van 'n ligtedranklisensie of 'n lisensie by die klein maat uitgereik ten opsigte van 'n perseel gebruik as 'n hotel binne die betekenis van daardie term in die herroepe wet, die voorwaardes waarvan die verkoop van drank magtig vir verbruik op die gelisensieerde perseel, word vir die doeleindes van 'n aansoek kragtens artikel 76 beskou as die houer kragtens hierdie ordonnansie van 'n binneverbruikslisensie vir 'n huisvestinginrigting soos gespesifiseer in die Tweede Bylae by hierdie ordonnansie, en so iemand kan by sodanige aansoek aanvra vir die hernuwing van die lisensie aldus beskou as deur hom gehou kragtens hierdie ordonnansie en sodanige aansoek word in elke opsig beskou as 'n aansoek om hernuwing.

Kort titel en
datum van
inwerkingtreding.

160. Hierdie ordonnansie heet die Drankordonnansie 1969 en tree in werking op die eerste dag van April 1969.

tion made at the first annual hearing under this ordinance by a magistrate of applications for the renewal of licences in terms of section 38, be deemed to be the holder under this ordinance of a licence of the class specified in the Second Schedule to this ordinance opposite the name of the class of licence of which he is a holder at such commencement and such person may at such hearing apply for the renewal of the licence so deemed to be held by him under this ordinance and such application shall in all respects be deemed to be an application for renewal.

(4) If any such application for the renewal of any licence is granted, the issuing authority shall issue to the applicant a licence of the class which in terms of subsection (3) he is deemed to hold.

(5) No renewal of a licence applied for in terms of subsection (3) shall be granted —

- (a) if the applicant is not qualified under this ordinance to hold any licence;
- (b) if the applicant is not qualified under this ordinance to hold the licence in respect of which the application is made, or
- (c) if the premises in respect of which the licence is applied for are not premises in respect of which, in terms of any provision of this ordinance, it is not competent for the board to grant a licence of the class applied for:

Provided that the provisions of this subsection shall not apply to an application made at the first annual hearing under this ordinance by a magistrate of applications for the renewal of licences in terms of section 38, by any person who at the date of such application was the holder of a licence under a law repealed by subsection (1) and actually carried on business under such licence.

(6) Any person who at the commencement of this ordinance is the holder of a light liquor licence or a retail liquor licence issued in respect of premises used as an hotel within the meaning of that term in the repealed law, the conditions of which authorise the sale of liquor for consumption on the licensed premises, shall for the purposes of an application made in terms of section 76 be deemed to be the holder under this ordinance of an accommodation establishment on-consumption licence as specified in the Second Schedule to this ordinance, and such person may, in making such application apply for the renewal of the licence so deemed to be held by him under this ordinance and such application shall in all respects be deemed to be an application for renewal.

160. This ordinance shall be called the Liquor Ordinance, 1969 and shall come into operation on the first day of April, 1969.

Short title and
date of
commencement.

EERSTE BYLAE.
GELDE BETAALBAAR BY UITREIKING VAN
LISENSIES.

<i>Beskrywing van dranklisensie.</i>	<i>Gelde betaalbaar by uitreiking van nuwe lisensie.</i>	<i>Gelde betaalbaar by hernuwing van lisensie.</i>	<i>Gelde betaalbaar by uitreiking van magtiging tot oordrag aan iemand anders.</i>	<i>Gelde betaalbaar by uitreiking van magtiging tot permanente verpla- sing van lisensie na ander perseel.</i>
Groothandelranklisensie . . .	R200	R150	R100	R100
Spesiale groothandeldepotli- sensie vir brouers . . .	R 40	R 30	R 20	R 20
Botteldranklisensie . . .	R300	R200	R150	R150
Buiteverkoopslisensie vir huisvestingsinrigtings . .	R300	R200	R150	R150
Binneverbruikslisensie vir huisvestingsinrigtings . .	R 50	R 25	R 15	R 15
Restaurantranklisensie . . .	R 50	R 25	R 15	R 15
Klubranklisensie . . .	R 50	R 50	R 25	R 25
Spesiale dranklisensie . . .	R200	R150	R100	R100
Tydlike dranklisensieR2-00 per kroeg vir enige tydperk tussen 8-uur in die oggend en 12-uur middernag. Vir enige ander tydperk R4-00 per kroeg per uur of deel van 'n uur.			

FIRST SCHEDULE.

FEE PAYABLE ON ISSUE OF LICENCES.

<i>Description of liquor licence.</i>	<i>Fee payable on issue of new licence.</i>	<i>Fee payable on renewal of licence.</i>	<i>Fee payable on issue of authority for transfer to another person.</i>	<i>Fee payable on issue of authority for permanent removal of licence to other premises.</i>
Wholesale	R200	R150	R100	R100
Special Brewers Wholesale Depot	R 40	R 30	R 20	R 20
Bottle	R300	R200	R150	R150
Accommodation Establish-ment off-sales	R300	R200	R150	R150
Restaurant	R 50	R 25	R 15	R 15
Club	R 50	R 50	R 25	R 25
Special	R200	R150	R100	R100
Temporary	R2.00 per bar for any period between 8 o'clock in the morning and 12 o'clock mid-night. For any other period R4.00 per bar per hour or part of an hour.			

TWEEDE BYLAE.

LISENSIES BESKOU AS GEHOU KRAGTENS HIERDIE ORDONNANSIE DEUR PERSONE WAT BY DIE INWERKINGTREDING DAARVAN LISENSIES GEHOU HET KRAGTENS 'N WET DAARBY HERROEP.

<i>Lisensie gehou kragtens herroepe wet.</i>	<i>Lisensie beskou as gehou kragtens hierdie ordonnansie.</i>
1. Bottel licentie.	1. Botteldranklisensie.
2. Licentie bij de groote maat.	2. Groothandelranklisensie.
3. Spesiale groothandeldépotlisensie vir bierbrouers.	3. Spesiale groothandeldepotlisensie vir bierbrouers.
4. Ligte-dranklisensie of licentie bij de kleine maat uitgereik ten opsigte van 'n perseel gebruik as 'n hotel binne die betekenis van daardie term in die herroepe wet, die voorwaardes waarvan die verkoop van drank vir gebruik buite die gelisensieerde perseel magtig.	4. Buiteverkooplisensie vir huisvestingsinrigtings.
5. Ligte-dranklisensie of licentie bij de kleine maat uitgereik ten opsigte van 'n perseel gebruik as 'n hotel binne die betekenis van daardie term in die herroepe wet, die voorwaardes waarvan die verkoop van drank vir gebruik op die gelisensieerde perseel magtig.	5. Binneverbruiklisensie vir huisvestingsinrigtings.
6. Ligte-dranklisensie of licentie bij de kleine maat uitgereik ten opsigte van 'n <i>bona fide</i> -restaurant.	6. Restaurantranklisensie.
7. Club licentie.	7. Klubdranklisensie.
8. Tijdelike licentie.	8. Tydelike dranklisensie.
9. Enige ander lisensie wat nie in hierdie kolom genoem word nie.	9. Spesiale dranklisensie.

SECOND SCHEDULE.

LICENCES DEEMED TO BE HELD UNDER THIS ORDINANCE BY PERSONS WHO AT THE COMMENCEMENT THEREOF HELD LICENCES UNDER A LAW REPEALED THEREBY.

<i>Licence held under law repealed.</i>	<i>Licence deemed to be held under this ordinance.</i>
1. Bottle Licence.	1. Bottle Liquor Licence.
2. Wholesale Licence.	2. Wholesale Liquor Licence.
3. Special Brewer's Wholesale Depot Licence.	3. Special Brewer's Wholesale Depot Licence.
4. Light Liquor Licence or Retail Liquor Licence issued in respect of premises used as an hotel within the meaning of that term in the repealed law, the conditions of which authorise the sale of liquor for consumption off the licensed premises.	4. Accommodation Establishment off-sales licence.
5. Light Liquor Licence or Retail Liquor Licence issued in respect of premises used as an hotel within the meaning of that term in the repealed law, the conditions of which authorise the sale of liquor for consumption on the licensed premises.	5. Accommodation Establishment On-Consumption Licence.
6. Light Liquor Licence or Retail Liquor Licence issued in respect of a <i>bona fide</i> restaurant.	6. Restaurant Liquor Licence.
7. Club Licence.	7. Club Liquor Licence.
8. Temporary Liquor Licence.	8. Temporary Liquor Licence.
9. Any other licence not specified in this column.	9. Special Liquor Licence.

DERDE BYLAE.

HERROEPE WETTE.

- (1) Drank licentie Proclamatie, 1920 (Proklamasie 6 van 1920).
- (2) Dranklicentie Wijzigings Proclamatie 1920 (Proklamasie 71 van 1920).
- (3) Drank Licentie Verdere Vijziging Proclamatie 1921 (Proklamasie 48 van 1921).
- (4) Dranklicentie Proclamatie Verdere Vijziging Proklamatie 1923 (Proklamasie 7 van 1923).
- (5) Dranklicentie Vijziging Verdere Vijzigingsproklamatie 1923 (Proklamasie 27 van 1923).
- (6) Dranklicentie Verdere Vijzigingsproklamatie 1924 (Proklamasie 18 van 1924).
- (7) Dranklicentie Vijziging Verdere Vijzigingsproklamatie 1924 (Proklamasie 25 van 1924).
- (8) Dranklisensiewet-Wysigingsordonnansie 1927 (Ordonnansie 3 van 1927).
- (9) Dranklisensie Wysigingsordonnansie 1930 (Ordonnansie 7 van 1930).
- (10) Dranklisensie Verdere Wysigingsordonnansie 1931 (Ordonnansie 7 van 1931).
- (11) Die Dranklisensie Wysigingsproklamasie 1931 (Proklamasie 12 van 1931).
- (12) Wysigingsproklamasie van 1931 betreffende die Dranklisensiewet (Proklamasie 32 van 1931).
- (13) Dranklisensiewet-Wysigingsordonnansie 1932 (Ordonnansie 9 van 1932).
- (14) Dranklisensiewet-Wysigingsproklamasie (Proklamasie 34 van 1932).
- (15) Dranklisensie-Wet Wysigingsproklamasie 1933 (Proklamasie 20 van 1933).
- (16) Dranklisensie Wet Wysigingsproklamasie 1934 (Proklamasie 22 van 1934).
- (17) Dranklisensie Wet Verder Wysigingsproklamasie 1934 (Proklamasie 27 van 1934).
- (18) Dranklisensiewet-Wysigingsproklamasie 1935 (Proklamasie 23 van 1935).
- (19) Dranklisensie-wet Verdere Wysigingsproklamasie 1935 (Proklamasie 27 van 1935).
- (20) Dranklisensiewet Wysigingsordonnansie 1935 (Ordonnansie 14 van 1935).
- (21) Dranklisensiewet Wysigingsproklamasie 1936 (Proklamasie 3 van 1936).
- (22) Dranklisensie Wysigingsproklamasie 1936 (Proklamasie 35 van 1936).
- (23) Dranklisensiewet Wysigingsordonnansie 1936 (Ordonnansie 4 van 1936).
- (24) Dranklisensie-Wysigingsordonnansie 1937 (Ordonnansie 12 van 1937).
- (25) Dranklisensie-Wysigingsordonnansie 1939 (Ordonnansie 6 van 1939).
- (26) Dranklisensie-Wysigingsproklamasie 1940 (Proklamasie 31 van 1940).
- (27) Dranklisensie-Wysigingsordonnansie 1941 (Ordonnansie 15 van 1941).
- (28) Dranklisensie Wysigingsordonnansie 1942 (Ordonnansie 11 van 1942).
- (29) Dranklisensie Wysigingsproklamasie 1943 (Proklamasie 28 van 1943).
- (30) Dranklisensie-wysigingsproklamasie 1946 (Proklamasie 24 van 1946).
- (31) Dranklisensie-Wysigingsordonnansie 1948 (Ordonnansie 14 van 1948).
- (32) Wysigingsproklamasie op Dranklisensies 1950 (Proklamasie 41 van 1950).
- (33) Wysigingsproklamasie op Dranklisensies 1950 (Proklamasie 57 van 1950).
- (34) Wysigingsproklamasie op Dranklisensies 1951 (Proklamasie 43 van 1951).

THIRD SCHEDULE.

LAWS REPEALED.

- (1) Liquor Licensing Proclamation, 1920 (Proclamation 6 of 1920).
- (2) Liquor Licensing Amendment Proclamation, 1920 (Proclamation 71 of 1920).
- (3) Liquor Licensing Further Amendment Proclamation, 1921 (Proclamation 48 of 1921).
- (4) Liquor Licensing Proclamation Further Amendment Proclamation, 1923 (Proclamation 7 of 1923).
- (5) Liquor Licensing Amendment Further Amendment Proclamation, 1923 (Proclamation 27 of 1923).
- (6) Liquor Licensing Further Amendment Proclamation, 1924 (Proclamation 18 of 1924).
- (7) Liquor Licensing Amendment Further Amendment Proclamation, 1924 (Proclamation 25 of 1924).
- (8) Liquor Licensing Law Amendment Ordinance, 1927 (Ordinance 3 of 1927).
- (9) Liquor Licensing Amendment Ordinance, 1930 (Ordinance 7 of 1930).
- (10) Liquor Licensing Law Further Amendment Ordinance, 1931 (Ordinance 7 of 1931).
- (11) Liquor Licensing Law Amendment Proclamation, 1931 (Proclamation 12 of 1931).
- (12) Liquor Licensing Law Amendment Proclamation, 1931 (Proclamation 32 of 1931).
- (13) Liquor Licensing Law Amendment Ordinance, 1932 (Ordinance 9 of 1932).
- (14) Liquor Licensing Law Amendment Proclamation, 1932 (Proclamation 34 of 1932).
- (15) Liquor Licensing Law Amendment Proclamation, 1933 (Proclamation 20 of 1933).
- (16) Liquor Licensing Law Amendment Proclamation, 1934 (Proclamation 22 of 1934).
- (17) Liquor Licensing Law Further Amendment Proclamation, 1934 (Proclamation 27 of 1934).
- (18) Liquor Licensing Law Amendment Proclamation, 1935 (Proclamation 23 of 1935).
- (19) Liquor Licensing Law Further Amendment Proclamation, 1935 (Proclamation 27 of 1935).
- (20) Liquor Licensing Amendment Ordinance, 1935 (Ordinance 14 of 1935).
- (21) Liquor Licensing Law Amendment Proclamation, 1936 (Proclamation 3 of 1936).
- (22) Liquor Licensing Amendment Proclamation, 1936 (Proclamation 35 of 1936).
- (23) Liquor Licensing Law Amendment Ordinance, 1936 (Ordinance 4 of 1936).
- (24) Liquor Licensing Amendment Ordinance, 1937 (Ordinance 12 of 1937).
- (25) Liquor Licensing Amendment Ordinance, 1939 (Ordinance 6 of 1939).
- (26) Liquor Licensing Amendment Proclamation, 1940 (Proclamation 31 of 1940).
- (27) Liquor Licensing Amendment Ordinance, 1941 (Ordinance 15 of 1941).
- (28) Liquor Licensing Amendment Ordinance, 1942 (Ordinance 11 of 1942).
- (29) Liquor Licensing Amendment Proclamation, 1943 (Proclamation 28 of 1943).
- (30) Liquor Licensing Amendment Proclamation, 1946 (Proclamation 24 of 1946).
- (31) Liquor Licensing Amendment Ordinance, 1948 (Ordinance 14 of 1948).
- (32) Liquor Licensing Amendment Proclamation, 1950 (Proclamation 41 of 1950).
- (33) Liquor Licensing Amendment Proclamation, 1950 (Proclamation 57 of 1950).
- (34) Liquor Licensing Amendment Proclamation, 1951 (Proclamation 43 of 1951).

- (35) Wysigingsordonnansie op Dranklisensies 1952 (Ordonnansie 47 van 1952).
 - (36) Algemene Regswysigingsordonnansie 1954 (Ordonnansie 11 van 1954).
 - (37) Dranklisensie-Wysigingsordonnansie 1955 (Ordonnansie 31 van 1955).
 - (38) Wysigingsordonnansie op Dranklisensies 1956 (Ordonnansie 25 van 1956).
 - (39) Wysigingsordonnansie op Dranklisensies 1957 (Ordonnansie 12 van 1957).
 - (40) Verdere Wysigingsordonnansie op Dranklisensies (Ordonnansie 44 van 1957).
 - (41) Wysigingsordonnansie op Dranklisensies 1958 (Ordonnansie 34 van 1958).
 - (42) Wysigingsordonnansie op Dranklisensies 1959 (Ordonnansie 22 van 1959).
 - (43) Wysigingsordonnansie op Dranklisensies 1960 (Ordonnansie 32 van 1960).
 - (44) Wysigingsordonnansie op Dranklisensies 1961 (Ordonnansie 4 van 1961).
 - (45) Algemene Regswysigingsordonnansie 1962 (Ordonnansie 13 van 1962).
 - (46) Wysigingsordonnansie op Dranklisensies 1963 (Ordonnansie 5 van 1963).
 - (47) Verdere Wysigingsordonnansie op Dranklisensies 1963 (Ordonnansie 25 van 1963).
 - (48) Wysigingsordonnansie op Dranklisensies 1964 (Ordonnansie 8 van 1964).
 - (49) Verdere Wysigingsordonnansie op Dranklisensies 1964 (Ordonnansie 14 van 1964).
 - (50) Wysigingsordonnansie op Dranklisensies 1965 (Ordonnansie 6 van 1965).
 - (51) Wysigingsordonnansie op Dranklisensies 1966 (Ordonnansie 3 van 1966).
 - (52) Wysigingsordonnansie op Dranklisensies 1967 (Ordonnansie 7 van 1967).
 - (53) Wysigingsordonnansie op Dranklisensies 1968 (Ordonnansie 14 van 1968).
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- (35) Liquor Licensing Amendment Ordinance, 1952 (Ordinance 47 of 1952).
 - (36) General Laws Amendment Ordinance, 1954 (Ordinance 11 of 1954).
 - (37) Liquor Licensing Amendment Ordinance, 1955 (Ordinance 31 of 1955).
 - (38) Liquor Licensing Amendment Ordinance, 1956 (Ordinance 25 of 1956).
 - (39) Liquor Licensing Amendment Ordinance, 1957 (Ordinance 12 of 1957).
 - (40) Liquor Licensing Further Amendment Ordinance, 1957 (Ordinance 44 of 1957).
 - (41) Liquor Licensing Amendment Ordinance, 1958 (Ordinance 34 of 1958).
 - (42) Liquor Licensing Amendment Ordinance, 1959 (Ordinance 22 of 1959).
 - (43) Liquor Licensing Amendment Ordinance, 1960 (Ordinance 32 of 1960).
 - (44) Liquor Licensing Amendment Ordinance, 1961 (Ordinance 4 of 1961).
 - (45) General Law Amendment Ordinance, 1962 (Ordinance 13 of 1962).
 - (46) Liquor Licensing Amendment Ordinance, 1963 (Ordinance 5 of 1963).
 - (47) Liquor Licensing Further Amendment Ordinance, 1963, (Ordinance 25 of 1963).
 - (48) Liquor Licensing Amendment Ordinance, 1964 (Ordinance 8 of 1964).
 - (49) Liquor Licensing Further Amendment Ordinance, 1964 (Ordinance 14 of 1964).
 - (50) Liquor Licensing Amendment Ordinance, 1965 (Ordinance 6 of 1965).
 - (51) Liquor Licensing Amendment Ordinance, 1966 (Ordinance 3 of 1966).
 - (52) Liquor Licensing Amendment Ordinance, 1967 (Ordinance 7 of 1967).
 - (53) Liquor Licensing Amendment Ordinance, 1968 (Ordinance 14 of 1968).
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