

Argief



OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT

ITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

10c

Friday, 26 July 1968

WINDHOEK

Vrydag, 26 Julie 1968

No. 2911

CONTENTS

INHOUD

Bladsy/Page

PROCLAMATION:

PROKLAMASIE:

No. 205 (Republic) Supply and Sale of Liquor to Natives in South West Africa and the Brewing, Selling and Supplying of Kaffir Beer in South West Africa

(Republiek) Verskaffing en verkoop van drank aan Inboorlinge in Suidwes-Afrika en die brou, verkoop en verskaffing van Kafferbier in Suidwes-Afrika . . . 1294

PROCLAMATION

PROKLAMASIE

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. 205 of 1968 (Republic).]

No. 205 van 1968 (Republiek).]

SUPPLY AND SALE OF LIQUOR TO NATIVES IN SOUTH WEST AFRICA AND THE BREWING, SELLING AND SUPPLYING OF KAFFIR BEER IN SOUTH WEST AFRICA

VERSKAFFING EN VERKOOP VAN DRANK AAN INBOORLINGE IN SUIDWES-AFRIKA EN DIE BROU, VERKOOP EN VERSKAFFING VAN KAFFERBIER IN SUIDWES-AFRIKA.

By virtue of the powers vested in me by section 22 (5) of the General Law Amendment Act, 1967 (Act No. 102 of 1967), I hereby make the regulations contained in the Schedule hereto.

Kragtens die bevoegdheid my verleen by artikel 22 (5) van die Algemene Regswysigingswet, 1967 (Wet No. 102 van 1967), vaardig ek hierby die regulasies in die Bylae hiervan vervat, uit.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventeenth day of June One thousand Nine hundred and Sixty-eight.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewentiende dag van Junie Eenduisend Nege-honderd Agt-en-sestig.

J. J. FOUCHÉ,
State President.

J. J. FOUCHÉ,
Staatspresident.

By order of the State President-in-Council.
M. C. BOTHA.

Op las van die Staatspresident-in-rade.
M. C. BOTHA.

SCHEDULE.

BYLAE.

CHAPTER I.

HOOFSTUK I.

DEFINITIONS AND INTERPRETATION.

WOORDOMSKRYWING EN UITLEG.

In these regulations, unless the context otherwise indicates —

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

“Act” means the General Law Amendment Act, 1967 (Act No. 102 of 1967);

“Board” means the Liquor Board instituted by regulation 1 of Chapter II;

“Chief Native Commissioner” means the Chief Native Commissioner of South West Africa;

“financial interest” means any interest arising from ownership in the premises concerned or from any advance of money by way of a loan to the owner or lessee of such premises or to the applicant for a special authority or his nominator;

“kaffir beer” means —

- (a) the drink generally known as kaffir beer and commonly brewed by natives from kaffir corn or millet or other grain;
- (b) any liquor which is similar in appearance and taste to the drink generally known as kaffir beer and which is made whether with or without the addition of yeast or other fermenting agency, from any powder or substance generally referred to as beer powder;
- (c) any other fermented liquor which the State President may from time to time by proclamation in the Government Gazette declare to be kaffir beer;

“liquor” has the same meaning as that assigned thereto in section 22 of the General Law Amendment Act, 1967 (Act No. 102 of 1967);

“location” means an area defined and set apart in terms of section 2 (1) (a) of the Natives (Urban) Areas Proclamation, 1951 (Proclamation No. 56 of 1951);

“manufacture” includes brew;

“Minister” means the Minister of Bantu Administration and Development or any person acting under his authority;

“native” has the same meaning as that assigned thereto in section 22 of the General Law Amendment Act, 1967 (Act No. 102 of 1967); and “Bantu” has a corresponding meaning;

“Native Commissioner” includes a magistrate and a detached assistant magistrate, but does not include a magistrate and a detached assistant magistrate who are not concerned with the administration of natives;

“native hostel”, “native revenue account” and “native village” have the same meaning as that assigned thereto by sections 1 and 17 of the Natives (Urban) Areas Proclamation, 1951 (Proclamation No. 56 of 1951);

“overseer” means the officer appointed from time to time by a local authority, an association of persons or a statutory or other body or board, to manage the undertaking of such local authority, association of persons, statutory or other body or board and to exercise control over its premises or buildings in any portion of which kaffir beer is manufactured, sold or supplied and any yard or enclosure appertaining to such buildings and shall include any White employee of such local authority, association of persons, statutory or other body or board discharging the duties of such officer;

“reserve” means a native reserve reserved and set apart for the exclusive use and occupation of Bantu in terms of section 4 of the South West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954);

“sell” in addition to its ordinary meaning includes keeping, exposing or delivering for sale, or authorising,

het „drank” dieselfde betekenis as dié wat in artikel 22 van die Algemene Regswysigingswet, 1967 (Wet No. 102 van 1967), daaraan geheg word;

beteken „geldelike belang” enige belang wat ontstaan uit eiendomsreg op die betrokke gebou of uit enige voorskot van geld by wyse van ’n lening aan die huurder of eenaar van sodanige gebou of aan die aanvrager om ’n skriftelike magtiging of sy nomineerder;

beteken „Hoofnaturellekommissaris” die Hoofnaturellekommissaris van Suidwes-Afrika;

het „inboorling” dieselfde betekenis as dié wat in artikel 22 van die Algemene Regswysigingswet, 1967 (Wet No. 102 van 1967), daaraan geheg word; en het „Bantoe” ’n ooreenstemmende betekenis;

het „inboorlingdorp”, „inboorling-inkomsterekening” en „inboorlingtehuis” dieselfde betekenis as dié wat in artikels 1 en 17 van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Proklamasie No. 56 van 1951), daaraan geheg word;

beteken „Kafferbier” —

- (a) die drank wat algemeen bekend staan as kafferbier en wat gewoonlik deur inboorlinge gebrou word van kafferkoring of giers of ander graan;
- (b) enige drank wat in voorkoms en smaak soortgelyk is aan die drank wat algemeen bekend staan as kafferbier en wat gemaak word, hetsy met of sonder die toediening van suurdeeg of ’n ander gismiddel, van ’n poeier of stof waarna in die algemeen verwys word as bierpoeier;
- (c) enige ander gegiste drank wat die Staatspresident van tyd tot tyd by proklamasie in die Staatskoerant verklaar kafferbier te wees;

beteken „lokasie” ’n terrein bepaal en afgesonder kragtens artikel 2 (1) (a) van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Proklamasie No. 56 van 1951);

beteken „maak” ook brou;

beteken „Minister” die Minister van Bantoe-administrasie en -ontwikkeling of enige persoon wat kragtens sy magtiging optree;

beteken „Naturellekommissaris” ook ’n magistraat en ’n gedetasjeerde assistent-magistraat, maar nie ’n magistraat en ’n gedetasjeerde assistent-magistraat wat nie met die administrasie van inboorlinge te doen het nie;

beteken „opsigter” die amptenaar wat van tyd tot tyd deur ’n plaaslike bestuur, vereniging van persone of statutêre of ander liggaam of raad aangestel is om sodanige plaaslike bestuur, vereniging van persone, statutêre of ander liggaam of raad se ondernemings te bestuur in en om beheer uit te oefen oor sodanige plaaslike bestuur, vereniging van persone, statutêre of ander liggaam of raad se perseel of geboue in enige gedeelte waarvan kafferbier gemaak, verkoop of verskaf word en ’n agterplaas of ingesluite ruimte wat tot sodanige geboue behoort en ook enige Blanke werknemer van sodanige plaaslike bestuur, vereniging van persone, statutêre of ander liggaam of raad wat die pligte van sodanige amptenaar uitvoer;

beteken „Raad” die Drankraad ingestel by regulasie 1 van Hoofstuk II;

beteken „reservaat” ’n inboorlingreservaat wat kragtens artikel 4 van die Wet op Administrasie van Bantoesake in Suidwes-Afrika 1954 (Wet No. 56 van 1954), gereserveer en afgesonder is vir die uitsluitlike gebruik en okkupasie deur Bantoes;

het „stedelike plaaslike bestuur” en „stedelike gebied” dieselfde betekenis as die wat in artikel 1 van die Proklamasie op Inboorlinge in Stedelike Gebiede,

directing or allowing sale, or bartering or exchanging, or possessing for purposes of sale;

“supply” means in relation to the supply of liquor to any person, the placing of such person in control over such liquor for his own use;

“urban area” and “urban local authority” have the same meaning as that assigned thereto in section 1 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951).

CHAPTER II.

LIQUOR BOARD.

1. (1) A board, known as the Liquor Board for Natives of South West Africa, to consider applications for written authority in terms of section 22 (3) of the Act, hereby instituted.

(2) The Board shall consist of —

- (a) the Chief Native Commissioner or the person who acts in his capacity and who is the chairman of the Board;
- (b) the Divisional Commissioner of Police of South West Africa or a police officer or the person who acts in his capacity;
- (c) an officer of the Administration of South West Africa, nominated by the Administrator of South West Africa.

(3) A quorum shall consist of two members of the board.

(4) The order of business at any meeting of the Board shall be as determined by the Board.

(5) All meetings of the Board shall take place in private and at the consideration of any application for a special authority, no applicant or objector shall be entitled to appear before the said Board either personally or by counsel or attorney: Provided that the Board may request any person to furnish additional information in connection with an application.

(6) The decision of the majority of the members of the Board present at any meeting thereof shall be deemed to be a decision of the Board.

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

APPLICATION FOR AUTHORITY IN TERMS OF SECTION 22 (3) OF THE ACT.

2. (1) Any person or a nominee referred to in section 22 (3) of the Act desiring the grant or renewal of a written authority, shall make application therefor substantially in the form of Form No. A contained in the Annexure and furnish in the said application such information as is solicited in the said form.

(2) Every such application shall be accompanied by —

- (a) a description of the premises and a plan drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows and means of internal and ex-

1951 (Proklamasie No. 56 van 1951), daaraan geheg word;

beteken „verkoop”, benewens sy gewone betekenis, ook hou, uitstal of lewer ter verkoop, magtig, opdrag of toelaat of ruilhandel of verruil, of besit ter verkoping;

beteken „verskaf”, in verband met die verskaffing van drank aan ’n persoon, sodanige persoon in besit van sodanige drank stel vir sy eie gebruik;

beteken „Wet” die Algemene Regswysigingswet, 1967 (Wet No. 102 van 1967).

HOOFSTUK II.

DRANKRAAD.

1. (1) ’n Raad, wat bekend staan as die Drankraad vir Inboorlinge van Suidwes-Afrika, om aansoeke om skriftelike magtiging ingevolge artikel 22 (3) van die Wet te oorweeg, word hierby ingestel.

(2) Die Raad bestaan uit —

- (a) die Hoofnaturellekommissaris of die persoon wat in sy plek waarneem wat die voorsitter van die Raad is;
- (b) die Afdelingskommissaris van Polisie van Suidwes-Afrika of ’n polisiebeampte of die persoon wat in sy plek waarneem;
- (c) ’n beampte van die Administrasie van Suidwes-Afrika, benoem deur die Administrateur van Suidwes-Afrika.

(3) ’n Kworum bestaan uit twee lede van die Raad.

(4) Die Raad beslis oor die volgorde waarin sy sake op enige vergadering behandel word.

(5) Alle vergaderings van die Raad vind agter geslote deure plaas en by die oorweging van ’n aanvraag om ’n skriftelike magtiging, is geen aanvrager of beswaarmaker, of persoonlik of verteenwoordig deur ’n advokaat of prokureur, geregtig om voor genoemde Raad te verskyn nie: Met dien verstande dat die Raad enige persoon kan versoek om nadere inligting in verband met ’n aanvraag te verstrek.

(6) Die beslissing van die meerderheid van die lede van die Raad wat op ’n vergadering daarvan aanwesig is, word geag ’n besluit van die Raad te wees.

(7) By ’n staking van stemme oor enige aangeleentheid voor ’n vergadering van die Raad, het die voorsitter of die persoon wat op sodanige vergadering voorsit, benewens sy gewone stem, ook ’n beslissende stem.

AANVRAAG OM MAGTIGING KRAGTENS ARTIKEL 22 (3) VAN DIE WET.

2. (1) Iemand of ’n benoemde in artikel 22 (3) van die Wet genoem, wat die verlening of vernuwing van ’n skriftelike magtiging verlang, moet aanvraag daarom doen wesenlik in die vorm van Vorm No. A in die Aanhangsel vervat en in genoemde aanvraag sodanige inligting as wat in genoemde vorm gevra word, verstrek.

(2) Elke sodanige aanvraag moet vergesel gaan van —

- (a) ’n beskrywing van die gebou en ’n plan volgens skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnegebou met alle deure, vensters en buite- en binneverbindings en die

ternal communication, and the streets or places to which such means of external communication lead: Provided that no such plan shall be necessary in the case of an application for the renewal of a written authority if the applicant submits with his application an affidavit that since the last application for such authority, the premises have undergone no change or have undergone only minor structural alterations, of which full particulars shall be submitted at the time of filing the application for renewal;

- (b) (i) if the applicant is an urban local authority, a plan of the location indicating clearly the situation of the site concerned: Provided that no such plan shall be necessary on application for a renewal of a written authority;
- (ii) if the applicant is an association of persons or a statutory or other body or board referred to in section 22 (3) of the Act, a plan clearly showing the situation of the site concerned on which liquor will be sold and supplied in the reserve, together with a copy of the approval granting the applicant the right to occupy the site concerned;
- (c) a power of attorney granted by his nominator, if the applicant applies in the capacity of a nominee;
- (d) an affidavit indicating the relationship between the nominee and nominator.

(3) Every such application together with the documents referred to in subregulation (2) shall be submitted to the Native Commissioner of the district in which the premises concerned in the application are situated;

(4) (a) Every such application, together with the documents referred to in subregulation (2), shall, unless the Minister otherwise agrees, be submitted in sextuple at least two months before the first day of the month in which it will be considered by the Board in terms of regulation 5;

(b) The holder of a written authority desiring the renewal thereof shall, at least two months before the date upon which the authority expires, submit an application for such renewal, together with the documents referred to in subregulation (2) in sextuple, in accordance with subregulation (3).

POLICE REPORT UPON AN APPLICATION.

3. In respect of every application submitted to a Native Commissioner in terms of regulation 2 (3) of this Chapter, the police officer designated for the purpose by the Divisional Commissioner of Police of South West Africa shall report to the Native Commissioner, whether —

- (a) the premises concerned are in good repair, have reasonable and proper accommodation, and are in every respect 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 granted a written authority, 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;

strate of plekke waarheen die buiteverbindinge lei: Met dien verstande dat sodanige plan by aanvraag om 'n vernuwing van 'n skriftelike magtiging nie nodig is as die aanvrager met sy aanvraag 'n beëdigde verklaring voorlê dat sedert die jongste aanvraag om sodanige skriftelike magtiging die gebou nie verander is nie, of slegs deur geringe verbouing verander is, waarvan volledige besonderhede voorgelê moet word ten tyde van die indiening van die aanvraag om vernuwing;

- (b) (i) indien die aanvrager 'n stedelike plaaslike bestuur is, 'n plan van die lokasie waarop die ligging van die betrokke terrein duidelik aangetoon word: Met dien verstande dat sodanige plan by aanvraag om 'n vernuwing van 'n skriftelike magtiging nie nodig is nie;
- (ii) indien die aanvrager 'n vereniging van persone of 'n statutêre of ander liggaam of raad is bedoel in artikel 22 (3) van die Wet, 'n plan wat die ligging van die betrokke perseel waarop drank in die reservaat verkoop en verskaf sal word, duidelik aantoon, en 'n afskrif van die goedkeuring wat die aanvrager die reg tot okkupasie van die betrokke terrein verleen;
- (c) 'n volmag deur sy nomineerder indien die aanvrager aanvraag doen in die hoedanigheid van 'n benoemde;
- (d) 'n verklaring wat aandui wat die verhouding van die benoemde tot die nomineerder is.

(3) Elke sodanige aanvraag tesame met die dokumente in subregulasie (2) genoem, moet ingelewer word by die Naturellekommissaris van die distrik waarin die gebou waarop die aanvraag betrekking het, geleë is of sal wees.

(4) (a) Elke sodanige aanvraag tesame met die dokumente in subregulasie (2) genoem, moet, tensy die Minister anders instem, minstens twee maande voor die eerste dag van die maand waarin dit deur die Drankraad ooreenkomstig regulasie 5 oorweeg moet word, in sesvoud ingelewer word.

(b) Die houër van 'n skriftelike magtiging wat die vernuwing daarvan verlang, moet minstens twee maande voor die datum waarop die magtiging verstryk 'n aanvraag om sodanige vernuwing tesame met die dokumente in subregulasie (2) genoem, ooreenkomstig subregulasie (3) in sesvoud indien.

POLISIEVERSLAG OMTRENT 'N AANVRAAG.

3. Ten opsigte van elke aanvraag wat ooreenkomstig regulasie 2 (3) van hierdie Hoofstuk by 'n Naturellekommissaris ingedien word, moet die polisie-offisier wat vir die doel deur die Afdelings-kommissaris van Polisie van Suidwes-Afrika aangewys is, aan die Naturellekommissaris verslag doen of —

- (a) die betrokke gebou goed onderhou is, redelike en geskikte akkommodasie bevat en in elke opsig voldoende ingerig is vir die behoorlike dryf van die voorgestelde besigheid;
- (b) die gebou, indien nog nie opgerig of voltooi nie, na voltooiing in ooreenstemming met die planne, in elke opsig geskik sal wees vir die behoorlike dryf van die voorgestelde besigheid;
- (c) in die geval van 'n besigheid ten opsigte waarvan 'n skriftelike magtiging voorheen uitgereik is, dit op 'n behoorlike en ordelike manier gedryf is, en aantekeninge wat gehou moet word, behoorlik gehou is, en daar voldoen is aan enige voorwaarde of beperking opgelê;

(d) the applicant is of good character and a fit and proper person to be granted an authority; and shall draw attention to any further matter which, in the opinion of such officer, should be taken into account in the consideration of the application.

FORWARDING OF APPLICATIONS TO THE BOARD.

4. After the receipt of an application the Native Commissioner shall forward it, together with the documents referred to in regulation 2 (2) of this Chapter and the police report referred to in regulation 3 of this Chapter, to the Chief Native Commissioner for submission to the Board, and shall furnish such further information in respect of the application as he deems necessary.

CONSIDERATION BY THE BOARD OF APPLICATIONS FOR WRITTEN AUTHORITY.

5. (1) Unless otherwise directed by the Minister, the Board shall meet, during the first twelve months following the promulgation of these regulations, every third month and thereafter during the month of November of each successive year on such date and at such place as may be determined by the chairman thereof, for the consideration of applications for the granting of written authorities.

(2) The decisions of the Board shall be made after consideration of the application and all relevant documents, information, objections, police reports and representations in respect thereof which are submitted to the Board by the Chief Native Affairs Commissioner, and, if the Board is unable to arrive at a decision thereon, it may refer that application back to the Native Commissioner of the district concerned for such further information and report as the Board may deem necessary.

(3) The Board is empowered to impose such conditions or restrictions as it may deem fit.

(4) Any decision of the Board shall be subject to the sanction of the Minister who can in his discretion approve, amend or disapprove it. The decision of the Minister shall be final.

CERTIFICATE OF WRITTEN AUTHORITY.

6. If an application for the grant or renewal of a written authority is granted, a certificate substantially in the form of Form No. B contained in the Annexure shall be issued to the applicant on payment of the fees laid down in terms of regulation 7 of this Chapter.

FEE FOR A WRITTEN AUTHORITY.

7. The person or nominee to whom a written authority is granted, or in whose name it is renewed, or in the case of the removal of an authorised business to other premises, or in the case of the transfer of a written authority from one nominee to another nominee, shall pay to the receiver of revenue for the benefit of the Liquor Profits Fund, established by regulation 1 of Chapter IV, the fees laid down in the Second Schedule to the Liquor Licensing Proclamation, 1920 (South West Africa Proclamation No. 6 of 1920), as amended.

PERIOD OF VALIDITY OF A WRITTEN AUTHORITY AND WITHDRAWAL OF A WRITTEN AUTHORITY.

8. (1) Subject to the provisions of subregulation (2) a written authority granted in terms of regulation 5 of this Chapter shall remain in force until the thirty-first day of December of each year and may be renewed on application from time to time by the Board for a period not exceeding 12 months at a time and subject to the conditions or restrictions then imposed.

(d) die aanvrager van goeie karakter en 'n geskikte persoon is aan wie 'n magtiging toegestaan kan word; en moet die aandag vestig op enige verdere aangeleentheid wat na die mening van sodanige offisier by die oorweging van die aanvraag in aanmerking geneem behoort te word.

DEURSTUUR VAN AANVRAE AAN DIE RAAD.

4. Na die ontvangs van 'n aanvraag moet die Naturellekommissaris dit tesame met die dokumente in regulasie 2 (2) van hierdie Hoofstuk genoem en die polisieverlag in regulasie 3 van hierdie Hoofstuk genoem, stuur aan die Hoofnaturellekommissaris vir voorlegging aan die Raad, en sodanige verdere inligting met betrekking tot die aanvraag as wat hy nodig ag, verstrek.

OORWEGING DEUR DIE RAAD VAN AANVRAE OM SKRIFTELIKE MAGTIGING.

5. (1) Tensy anders deur die Minister beveel, vergader die Raad vir die eersvolgende twaalf maande elke derde maand na afkondiging van hierdie regulasies en daarna gedurende die maand November van elke daaropvolgende jaar op die datum en plek deur die voorsitter daarvan bepaal, vir die oorweging van aanvrae om die verlening van skriftelike magtigings.

(2) Die beslissings van die Raad word geneem na oorweging van die aanvraag en al die relevante dokumente, inligting, besware, polisieverslae en vertoë ten opsigte daarvan wat deur die Hoofnaturellekommissaris aan die Raad voorgelê word, en indien die Raad nie tot 'n beslissing daaromtrent kan geraak nie, kan hy daardie aanvraag vir sodanige verdere inligting en verslag as wat die Raad nodig ag, terugverwys na die Naturellekommissaris van die betrokke distrik.

(3) Die Raad is bevoeg om sodanige voorwaardes of beperkings te stel as wat hy goed ag.

(4) Enige beslissing van die Raad is onderworpe aan die bekragtiging van die Minister wat dit in sy diskresie kan goedkeur, wysig of afkeur. Die Minister se beslissing is finaal.

SERTIFIKAAT VAN SKRIFTELIKE MAGTIGING.

6. Indien 'n aanvraag om die verlening of vernuwing van 'n skriftelike magtiging toegestaan word, word by betaling van die gelde ingevolge regulasie 7 van hierdie Hoofstuk bepaal 'n sertifikaat wesenlik in die vorm van vorm No. B in die Aanhangsel vervat, aan die aanvrager uitgereik.

GELDE VIR 'N SKRIFTELIKE MAGTIGING.

7. Die persoon of benoemde aan wie 'n skriftelike magtiging verleen word of op wie se naam dit vernuwe word of in die geval van 'n verplasing van 'n gemagtigde besigheid na 'n ander perseel of in die geval van die oordrag van 'n skriftelike magtiging van die benoemde aan 'n ander benoemde, betaal aan die ontvanger van inkomste, ten voordele van die Drankprofytfonds ingestel by regulasie 1 van Hoofstuk IV, die gelde bepaal in die tweede Bijlage van die Drank Licentie Proklamatie, 1920 (Proklamasie No. 6 van 1920 van Suidwes-Afrika), soos gewysig.

GELDIGHEIDSDUUR VAN 'N SKRIFTELIKE MAGTIGING EN INTREKKING VAN 'N SKRIFTELIKE MAGTIGING.

8. (1) Behoudens die bepalings van subregulasie (2), bly 'n skriftelike magtiging kragtens regulasie 5 van hierdie Hoofstuk verleen van krag tot die een-en-dertigste dag van Desember van elke jaar en dit kan van tyd tot tyd op aanvraag vernuwe word deur die Raad vir 'n tydperk van hoogstens 12 maande op 'n keer en behoudens die voorwaardes of beperkings wat dan opgelê word.

(2) (a) The Minister may at any time revoke a written authority granted in terms of regulation 6 of this Chapter and his decision shall be final.

(b) A written authority revoked in terms of paragraph (a) shall forthwith be surrendered by the person concerned or the nominee to the Native Commissioner of the district in which the business is conducted.

TRANSFER OF A WRITTEN AUTHORITY UPON CHANGE OR IN THE ABSENCE OF A NOMINEE.

9. (1) (a) If a nominee of a local authority, an association of persons or a statutory or other body or board in whose name a written authority has been issued, ceases for any reason to hold his position as such nominee, such local authority, association or body or board shall forthwith notify in writing the Native Commissioner of the district in which the premises are situate, for the information of the Chief Native Commissioner, of the name of the person nominated in the place of such nominee.

(b) If, after considering the reports of the police officer referred to in regulation 3 of this Chapter and the Native Commissioner, of the district concerned, the Chief Native Commissioner is satisfied that the person nominated in place of such nominee is of good character and a fit and proper person to be granted a written authority, he shall endorse on the written authority the name of that person who shall thereupon have all the rights and be subject to all the obligations and penalties which the original nominee had or was subject to.

(c) The Chief Native Commissioner shall submit to the next meeting of the Board a return for confirmation or such directions as the Board may think fit.

(2) (a) At the request of an urban local authority, an association of persons, a statutory or other body or board to whom a written authority had been issued, the Native Commissioner of the district may, at any time and for good reasons, in a written document under his hand grant permission to the person referred to in such document to act in the place of the nominee for a period mentioned in such document, but not exceeding 30 days, and the person so referred to shall thereupon during the period he so acts have all the rights and be subject to all the obligations and penalties which the nominee in whose name the written authority had been issued had or was subject to: Provided that the Native Commissioner may, for good reasons, extend such period by a further period not exceeding 30 days.

(b) The Native Commissioner may at any time cancel in a written document under his hand, permission granted in terms of paragraph (a).

TRANSFER OF WRITTEN AUTHORITY ON SALE OR DISPOSAL OF BUSINESS.

10. (1) If during the currency of a written authority the business in respect of which it was granted is sold or disposed of, the holder of a written authority issued in terms of regulation 6 of this Chapter or his nominator may apply to the Chief Native Commissioner through the Native Commissioner of the district in which the premises are situate for the transfer of the written authority to the purchaser or his nominee and the Chief Native Commissioner may, after considering the reports by the police officer referred to in regulation 3 of this Chapter and the Native Commissioner of the district concerned,

(2) (a) Die Minister kan te eniger tyd 'n skriftelike magtiging kragtens regulasie 6 van hierdie Hoofstuk uitgereik, intrek, en sy besluit is finaal.

(b) 'n Skriftelike magtiging wat kragtens paragraaf (a) ingetrek is, moet onverwyld deur die betrokke persoon of benoemde afgegee word aan die Naturellekommissaris van die distrik waarin die besigheid gedryf word.

OORDRAG VAN 'N SKRIFTELIKE MAGTIGING BY VERANDERING OF IN AFWESIGHEID VAN DIE BENOEMDE.

9. (1) (a) Indien 'n benoemde van 'n plaaslike bestuur, vereniging van persone of statutêre of ander liggaam of raad op wie se naam 'n skriftelike magtiging uitgereik is, om enige rede ophou om sy posisie as sodanige benoemde te beklee, moet sodanige plaaslike bestuur, vereniging of liggaam of raad onverwyld die Naturellekommissaris van die distrik waarin die gebou geleë is, skriftelik in kennis stel, vir die inligting van die Hoofnaturellekommissaris, van die naam van die persoon wat in die plek van sodanige benoemde benoem is.

(b) Indien die Hoofnaturellekommissaris, na oorweging van die verslae van die polisie-offisier genoem in regulasie 3 van hierdie Hoofstuk en die Naturellekommissaris van die betrokke distrik, oortuig is dat die persoon wat in die plek van sodanige benoemde benoem is van goeie karakter en 'n geskikte persoon is aan wie 'n skriftelike magtiging verleen kan word, endosseer hy op die skriftelike magtiging die naam van daardie persoon en laasgenoemde persoon het dan al die regte en is onderworpe aan al die verpligtings en strawwe wat die oorspronklike benoemde gehad het of waaraan hy onderworpe was.

(c) Die Hoofnaturellekommissaris lê aan die eersvolgende sitting van die Raad 'n opgawe voor vir bekragtiging of sodanige voorskrifte as wat die Raad goeddink.

(2) (a) Op versoek van 'n stedelike plaaslike bestuur, vereniging van persone, statutêre of ander liggaam of raad aan wie 'n skriftelike magtiging uitgereik is, kan die Naturellekommissaris van die distrik te eniger tyd, en om goeie rede, in 'n skriftelike dokument onder sy hand vergunning verleen aan die persoon in sodanige dokument genoem om namens die benoemde vir 'n tydperk wat in sodanige geskrif genoem word en wat dertig dae nie te bowe gaan nie, op te tree, en die persoon aldus genoem, het dan gedurende die tydperk wat hy aldus optree al die regte en is onderworpe aan al die verpligtings en strawwe wat die benoemde op wie se naam die skriftelike magtiging uitgereik is, gehad het of waaraan hy onderworpe is: Met dien verstande dat die Naturellekommissaris, om goeie rede, sodanige tydperk met 'n verdere tydperk, wat nie dertig dae te bowe gaan nie, kan verleng.

(b) Die Naturellekommissaris kan te eniger tyd in 'n skriftelike dokument onder sy hand 'n vergunning wat ingevolge paragraaf (a) verleen is, intrek.

OORDRAG VAN SKRIFTELIKE MAGTIGING BY VERKOOP OF VAN DIE HAND SIT VAN BESIGHEID.

10. (1) Indien tydens die geldigheidsduur van 'n skriftelike magtiging die besigheid ten opsigte waarvan dit verleen is, verkoop of van die hand gesit word, kan die houer van 'n skriftelike magtiging uitgereik ooreenkomstig regulasie 6 van hierdie Hoofstuk of sy nomineerder by die Hoofnaturellekommissaris deur bemiddeling van die Naturellekommissaris van die distrik waarin die gebou geleë is, aanvraag doen om die oordrag van die skriftelike magtiging aan die koper of sy benoemde, en die Hoofnaturellekommissaris kan, na oorweging van die verslae van die polisie-offisier genoem in regulasie 3 van hierdie Hoof-

by way of endorsement on the said authority, grant the transfer of such authority to that purchaser or his nominee, who shall thereupon have all the rights and be subject to all the obligations and penalties which the original holder of the written authority had or was subject to.

(2) Such applications shall be submitted in quadruplicate and shall be accompanied by the documents referred to in regulation 2 (2) (a), (b), (c) and (d) of this Chapter.

REMOVAL OF AUTHORISED BUSINESS TO OTHER PREMISES.

11. (1) If the holder of a written authority desires to remove the business which may be carried on thereunder, whether permanently or temporarily, to other premises in the same district as that described in the written authority, he shall make application therefor to the Chief Native Commissioner through the Native Commissioner of the district in which the premises are or will be situate.

(2) Such application shall be submitted in writing in quadruplicate and shall be accompanied by —

- (a) a description of the premises to which the authorised business is to be removed and a plan thereof, drawn to scale, clearly showing the dimensions and arrangements of the internal structure together with all doors and means of external and internal communication and the streets or places to which the means of external communication lead;
- (b) in the case of a nominee, a power of attorney furnished by the nominator;
- (c) a statement by the applicant in which the reason for the removal and any representations in support thereof are set out.

(3) In respect of every application submitted to a Native Commissioner in terms of subregulation (1), the police officer referred to in regulation 3 of this Chapter shall report to the Native Commissioner whether —

- (a) the premises concerned, if already erected, have reasonable and proper accommodation and are in all respects adequately equipped for the proper carrying on of the business authorised;
- (b) the premises concerned, if not yet erected or completed, would, upon completion in accordance with the plans, be suitable in every respect for the proper carrying on of the business authorised,

and shall draw attention to any further matter which, in the opinion of such police officer, should be taken into account in the consideration of the application.

(4) After receipt of any application referred to in subregulation (1), the Native Commissioner shall forward together with the documents referred to in subsection (b) to the Chief Native Commissioner and shall furnish such further information relating to the application as he deems necessary.

(5) If after considering the application and all relevant documents, information, the police report and presentations relating thereto which are submitted to him, the Chief Native Commissioner authorises the removal, he shall endorse the written authority accordingly and shall lay the documents concerned before the next meeting of the Board for confirmation or such directions as the Board may think fit.

stuk en die Naturellekommissaris van die betrokke distrik, by wyse van 'n endossement op genoemde magtiging die oordrag van sodanige magtiging aan daardie koper of sy benoemde toestaan, wat dan al die regte het en onderworpe is aan al die verpligtings en strawwe wat die oorspronklike houër van die skriftelike magtiging gehad het of waaraan hy onderworpe was.

(2) Sodanige aanvraag moet in viervoud ingedien word en vergesel gaan van die dokumente genoem in regulasie 2 (2) (a), (b), (c) en (d) van hierdie Hoofstuk.

VERPLASING VAN GEMAGTIGDE BESIGHEID NA 'N ANDER GEBOU.

11. (1) Indien die houër van 'n skriftelike magtiging die besigheid wat daarkragtens gedryf mag word, wil verplaas, hetsy tydelik of permanent, na 'n ander gebou in dieselfde distrik as die in die gemelde skriftelike magtiging beskryf, moet hy by die Hoofnaturellekommissaris deur bemiddeling van die Naturellekommissaris van die distrik waarin die gebou geleë is of sal wees, daarom aanvraag doen.

(2) Sodanige aanvraag moet skriftelik in viervoud ingedien word en moet vergesel gaan van —

- (a) 'n beskrywing van die gebou waarheen die gemagtigde besigheid verplaas gaan word en 'n plan daarvan, volgens skaal geteken, waarop duidelik aangegee is die afmetings en inrigting van die binnestruktuur met alle deure, vensters en buite- en binneverbindinge en die strate of plekke waarheen die buiteverbindinge lei;
- (b) 'n volmag, in die geval van 'n benoemde, verstrekk deur die nomineerder;
- (c) 'n verklaring deur die aanvrager waarin die rede per carrying on of the business authorised, vir die verplasing en enige vertoë ter ondersteuning daarvan uiteengesit word.

(3) Ten opsigte van elke aanvraag wat ooreenkomstig subregulasie (1) by 'n Naturellekommissaris ingedien word, moet die polisie-offisier in regulasie 3 van hierdie Hoofstuk genoem, aan die Naturellekommissaris verslag doen of —

- (a) die betrokke gebou, indien reeds opgerig, redelike en geskikte akkommodasie bevat en in elke opsig voldoende ingerig is vir die behoorlike dryf van die gemagtigde besigheid;
- (b) die betrokke gebou, indien nog nie opgerig of voltooi nie, na voltooiing in ooreenstemming met die planne, in elke opsig geskik sal wees vir die behoorlike dryf van die gemagtigde besigheid; en

moet die aandag vestig op enige verdere aangeleentheid wat na die mening van sodanige polisie-offisier by die ooreweging van die aanvraag in aanmerking geneem behoort te word.

(4) Na die ontvangs van 'n aanvraag in subregulasie (1) genoem, moet die Naturellekommissaris dit, tesame met die dokumente genoem in subregulasie (2), aan die Hoofnaturellekommissaris stuur en sodanige verdere inligting met betrekking tot die aanvraag as wat hy nodig ag, verstrekk.

(5) Indien die Hoofnaturellekommissaris na oorweging van die aanvraag en alle relevante dokumente, inligting, die polisieverslag en vertoë in verband daarmee wat aan hom voorgelê word, die verplasing magtig, endosseer hy die skriftelike magtiging dienoreenkomstig, en lê die betrokke stukke voor aan die eersvolgende sitting van die Raad vir bekragtiging of sodanige voorskrifte as wat die Raad goeddink.

DISPLAY OF WRITTEN AUTHORITY.

12. (1) The holder of a written authority shall, at all times during the validity of the written authority, display it on the premises in a conspicuous place.

(2) A copy of every written authority shall be filed in the office of the Native Commissioner of the district where the premises are situated and may be inspected and copies thereof obtained by any person upon like conditions and upon payment of the same fees as those applicable to a civil record in a magistrate's court.

(3) A copy of each written authority and the conditions attached to it shall be forwarded to the police officer referred to in regulation 3 of this Chapter.

SALE AND SUPPLY OF LIQUOR TO NATIVES AND THE CONDUCT OF BUSINESS BY THE HOLDER OF A WRITTEN AUTHORITY.

13. (a) The holder of a written authority may, subject to the conditions and restrictions imposed, sell liquor to any native or classes or groups of natives of the age of 18 years or older, as mentioned in such written authority, and such native or classes or groups of natives may buy liquor from such holder and be in possession of it.

(b) The provisions of the Proclamation for the Supply and Sale of Liquor to Natives in South West Africa, 1967 (Proclamation No. 231 of 1967), as amended, shall *mutatis mutandis* be applicable, in so far as they are not conflicting to the provisions of these regulations and are deemed to form part of these regulations.

POLICE REPORT ON FAILURE OF HOLDER OF WRITTEN AUTHORITY TO COMPLY WITH CONDITIONS OR RESTRICTIONS, AND CONVICTION OF HOLDER.

14. (1) The police officer referred to in regulation 3 of this Chapter shall forthwith report to the Native Commissioner of the district concerned if the holder of a written authority —

- (a) fails to comply with any condition or restriction imposed; or
- (b) is convicted of any offence and the said police officer is of the opinion that, because of that offence, the holder of such written authority is not a fit and proper person to hold such authority.

(2) The Native Commissioner shall forthwith forward the report referred to in subregulation (1) to the Chief Native Commissioner together with such further information relating to the matter as he deems necessary.

LIQUOR ACCOUNT.

15. (1) (a) From the date of commencement of these regulations every urban local authority which sells liquor shall open and keep a sub-account of the Native Revenue Account, to be called a liquor account, into which shall be paid —

- (i) all moneys derived from the sale of liquor;
- (ii) any fine recovered or bail estreated in respect of a contravention of these regulations, if the contravention in question occurred within an urban area and was committed by a native.

(b) The liquor account shall be chargeable only with —

VERTOON VAN SKRIFTELIKE MAGTIGING.

12. (1) Die houer van 'n skriftelike magtiging moet op alle tye gedurende die geldigheid daarvan sodanige skriftelike magtiging op 'n ooglopende plek in die gebou vertoon.

(2) 'n Afskrif van elke skriftelike magtiging moet in die kantoor van die Naturellekommissaris van die distrik waarin die gebou geleë is, geliasseer word, en enige persoon kan insae daarin hê en afskrifte daarvan bekom op dieselfde voorwaardes en by betaling van dieselfde gelde as dié wat op 'n siviele rekord in 'n magistratuurshof van toepassing is.

(3) 'n Afskrif van elke skriftelike magtiging en die voorwaardes daaraan verbonde moet aan die polisie-offisier genoem in regulasie 3 van hierdie Hoofstuk gestuur word.

VERKOOP EN LEWERING VAN DRANK AAN INBOORLINGE EN DRYF VAN HANDEL DEUR DIE HOUER VAN 'N SKRIFTELIKE MAGTIGING.

13. (a) Die houer van 'n skriftelike magtiging kan, behoudens die voorwaardes en beperkings opgelê, drank verkoop aan enige inboorling of klasse of groepe inboorlinge van die ouderdom van agtien jaar of ouer, soos in sodanige skriftelike magtiging vermeld, en sodanige inboorling of klasse of groepe inboorlinge kan drank van sodanige houer koop en dit besit.

(b) Die bepalings van die Proklamasie op die Verksaffing en Verkoop van Drank aan Inboorlinge in Suidwes-Afrika, 1967 (Proklamasie No. 231 van 1967), soos gewysig, is *mutatis mutandis* van toepassing, vir sover dit nie strydig is met die bepalings van hierdie regulasies nie en word geag deel van hierdie regulasies uit te maak.

POLISIEVERSLAG BY VERSUIM VAN HOUER VAN 'N SKRIFTELIKE MAGTIGING OM AAN VOORWAARDES OF BEPERKINGS TE VOLDOEN EN SKULDIGBEVINDING VAN HOUER.

14. (1) Die polisie-offisier in regulasie 3 van hierdie Hoofstuk genoem, moet onverwyld aan die Naturellekommissaris van die betrokke distrik verslag doen indien die houer van 'n skriftelike magtiging —

- (a) versuim om te voldoen aan enige voorwaarde of beperking opgelê; of
- (b) skuldig bevind word aan 'n misdryf en genoemde polisie-offisier van mening is dat die houer van sodanige skriftelike magtiging weens daardie misdryf nie 'n geskikte persoon is om sodanige magtiging te hou nie.

(2) Die Naturellekommissaris moet onverwyld die verslag genoem in subregulasie (1) tesame met sodanige verdere inligting betreffende die aangeleentheid as wat hy nodig ag, aan die Hoofnaturellekommissaris stuur.

DRANKREKENING.

15. (1) (a) Vanaf die datum van inwerkingtreding van hierdie regulasies moet elke stedelike plaaslike bestuur wat drank verkoop 'n onderrekening van die Inboorlinginkomsterekening, wat as die drankrekening bekend staan, open en hou waarin die volgende gestort word:

- (i) alle gelde verkry uit die verkoop van drank;
- (ii) alle boetes wat verhaal word, of borgtog wat verbeurd verklaar word ten opsigte van 'n oortreding van hierdie regulasies, as die betrokke oortreding binne 'n stedelike gebied plaasgevind het en deur 'n inboorling begaan is.

(b) Die drankrekening word alleen belas met —

- (i) any expenditure incurred by the urban local authority in connection with the sale of liquor to natives in terms of these regulations;
- (ii) all the profits or such portion of the profits derived from the sale of liquor to natives in terms of these regulations as shall be dealt with in terms of regulation 16 of this Chapter in the manner specified in the written authority under which such liquor is sold;
- (iii) any service, expenditure or grant which may be certified in writing by the Minister as being in the interests of the natives, irrespective of whether or not it relates to a matter in the area of the urban local authority.

(2) The provisions of subregulation 1 are not applicable to the sale of kaffir beer.

DISPOSAL OF PROFITS.

16. All the profits derived from the sale of liquor excluding the profits derived from the sale of kaffir beer) under any written authority issued under these regulations shall (after deduction of any legal costs incurred by the Minister in connection with the recovery thereof) be dealt with in the manner determined by the Minister and specified in such written authority, and the Minister is hereby empowered to cause action to be brought in any court of competent jurisdiction against the holder of such written authority for the recovery of an amount equal to such profits, or any part thereof, as may accrue to the Liquor Profit Fund instituted by Chapter IV.

CHAPTER III.

SUPPLY AND MANUFACTURE OF KAFFIR BEER.

1. (1) Any urban local authority —

- (a) which has been granted written authority in terms of section 22 (3) of the Act to sell liquor;
- (b) which has been authorised thereto by the Minister in writing;
- (c) which has before the commencement of these regulations been granted authority, in terms of the provisions of section 29 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951 of the Territory of South West Africa),

may, with due regard to the provisions of this regulation, manufacture, sell and supply kaffir beer within its urban area.

(2) A statutory or other body or board, whether its members are natives or not —

- (a) which has been granted written authority in terms of section 22 (3) of the Act to sell liquor;
- (b) which has been authorised thereto by the Minister in writing,

may, with due regard to the provisions of this regulation, manufacture, sell and supply kaffir beer within a reserve defined by the Minister.

(3) An urban local authority, a statutory or other body or board which may under subregulations (1) and (2) manufacture, sell and supply kaffir beer, shall manufacture, sell and supply such beer only on a site or premises approved by the Minister.

(4) No person shall sell or supply kaffir beer to any person under the apparent age of 18 years.

(5) An urban local authority, a statutory or other body or board may with the approval of the Minister determine that the whole or any part of the site or pre-

(i) uitgawes deur die stedelike plaaslike bestuur aangegaan in verband met die verkoop van drank aan inboorlinge ingevolge hierdie regulasies;

(ii) al die winste of sodanige gedeelte van die winste verkry uit die verkoop van drank aan inboorlinge ingevolge hierdie regulasies, as waarvoor ingevolge regulasie 16 van hierdie Hoofstuk beskik moet word op die wyse aangedui in 'n skriftelike magtiging waarkragtens sodanige drank verkoop word;

(iii) enige diens, uitgawes of toekenning ten opsigte waarvan die Minister skriftelik sertifiseer dat dit in die belang van die inboorlinge is, ongeag of dit betrekking het op 'n aangeleentheid in die gebied van die stedelike plaaslike bestuur al dan nie.

(2) Die bepalings van subregulasie 1 is nie van toepassing op die verkoop van kafferbier nie.

BESKIKKING OOR WINSTE.

16. Oor al die winste verkry uit die verkoop van drank (uitgesonderd die winste gemaak uit die verkoop van kafferbier), kragtens 'n skriftelike magtiging wat kragtens hierdie regulasies uitgereik is, word (na aftrekking van enige regskoste deur die Minister aangegaan in verband met die verhaal daarvan) beskik op die wyse deur die Minister bepaal en in sodanige skriftelike magtiging vermeld, en die Minister word hierby gemagtig om 'n geving in 'n bevoegde hof te laat instel teen die houder van die skriftelike magtiging vir die verhaal van 'n bedrag gelykstaande met sodanige winste, of enige gedeelte daarvan, as wat aan die Drankprofytfonds ingestel by Hoofstuk IV, toeval.

HOOFSTUK III.

VERSKAFFING EN BROU VAN KAFFERBIER.

1. (1) 'n Stedelike plaaslike bestuur —

- (a) wat skriftelike magtiging ingevolge artikel 22 (3) van die Wet verleen is om drank te verkoop;
- (b) wat skriftelik daartoe deur die Minister gemagtig is;
- (c) wat voor die inwerkingtreding van hierdie regulasies magtiging ingevolge die bepalings van artikel 29 van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Proklamasie No. 56 van 1951 van die Gebied Suidwes-Afrika), verkry het,

kan met behoorlike inagneming van die bepalings van hierdie regulasie binne sy stedelike gebied kafferbier maak, verkoop en verskaf.

(2) 'n Statutêre of ander liggaam of raad, hetsy die lede daarvan inboorlinge is al dan nie —

- (a) wat skriftelike magtiging ingevolge artikel 22 (3) van die Wet verleen is om drank te verkoop;
- (b) wat skriftelik daartoe deur die Minister gemagtig is;

kan met behoorlike inagneming van die bepalings van hierdie regulasie binne 'n reservaat deur die Minister omskryf, kafferbier maak, verkoop en verskaf.

(3) 'n Stedelike plaaslike bestuur, statutêre of ander liggaam of raad wat ingevolge subregulasies (1) en (2) kafferbier kan maak, verkoop en verskaf, maak, verkoop en verskaf sodanige bier alleen op 'n terrein of in 'n perseel deur die Minister goedgekeur.

(4) Niemand mag kafferbier aan iemand onder die skynbare ouderdom van agtien jaar verkoop of verskaf nie.

(5) 'n Stedelike plaaslike bestuur, statutêre of ander liggaam of raad kan met die goedkeuring van die Minister bepaal dat die hele of enige gedeelte van die terrein of

mises referred to in subregulation (3) shall be a site or premises on which no female person shall at any time be, save when specially authorised thereto by the overseer: Provided that a description of any such site or premises or such part of any such site or premises restricted in respect of female persons shall be conspicuously displayed or notified on such site or premises.

(6) The maximum selling price of kaffir beer sold by an urban local authority, a statutory or other body or board may after inquiry (at which such urban local authority, a statutory or other body or board shall be entitled to be heard) by an officer appointed by the Minister for that purpose, be fixed by the Minister as from a date determined by the Minister.

(7) The Secretary for Bantu Administration and Development shall notify in writing the urban local authority a statutory or other body or board concerned of the fixing of such price and the determination of such date, and from the said date no kaffir beer shall be sold by such urban local authority or a statutory or other body or board at a price in excess of the price so fixed by the Minister.

ALCOHOL CONTENT OF KAFFIR BEER MANUFACTURED IN TERMS OF THESE REGULATIONS FOR PURPOSES OF SALE.

2. An urban local authority, a statutory or other body or board shall not for purposes of sale manufacture kaffir beer of a strength of more than three per centum by volume of absolute alcohol: Provided that this regulation is not applicable in the case of an urban local authority which has been authorised in writing in terms of the proviso to section 29 (1) of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951), by the Administrator of South West Africa to manufacture, sell and supply kaffir beer of a higher alcohol content, which content shall not be higher than five per centum by volume.

BREWING OF KAFFIR BEER FOR DOMESTIC CONSUMPTION AND FOR SUPPLY TO EMPLOYEES.

3. Subject to the provisions of these regulations, any person may for domestic consumption and any employer may for supply free of charge to his employee brew kaffir beer.

EXCLUSIVE SUPPLY OF KAFFIR BEER BY URBAN LOCAL AUTHORITY.

4. (1) The Minister may, at the request of a local authority for any urban area made after reference to the Native advisory board or boards in such urban area, declare by notice in the *Gazette* that as from a date specified therein, such local authority shall, with due regard to the provisions of regulation 1 of this Chapter, have the exclusive right to manufacture, sell and deliver kaffir beer within the whole of such urban area, or in any portion thereof specified in such notice.

(2) Any right granted to a local authority by or under the provisions of section 29 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951), to manufacture, sell and deliver kaffir beer within its urban area and not withdrawn at the commencement of these regulations, shall be deemed to be an exclusive right granted to such local authority under subregulation (1).

perseel in subregulasie (3) bedoel, 'n terrein of perseel is waarop of waarin geen vrouspersoon te eniger tyd mag wees nie, behalwe wanneer spesiaal daartoe gemagtig deur die opsigter: Met dien verstande dat 'n beskrywing van enige sodanige terrein of perseel of sodanige gedeelte van sodanige terrein of perseel wat ten opsigte van vrouspersone beperk is, op 'n ooglopende plek op sodanige terrein of in sodanige perseel vertoon of bekendgemaak moet word.

(6) Die maksimum verkoopprijs van kafferbier wat deur 'n stedelike plaaslike bestuur, statutêre of ander liggaam of raad verkoop word, kan, na ondersoek (waarby sodanige stedelike plaaslike bestuur, statutêre of ander liggaam of raad geregtig sal wees om aangehoor te word), deur 'n beamppte vir daardie doel deur die Minister benoem, deur die Minister vasgestel word vanaf 'n datum deur die Minister bepaal.

(7) Die Sekretaris van Bantoe-administrasie en -ontwikkeling stel die betrokke stedelike plaaslike bestuur, statutêre of ander liggaam of raad skriftelik in kennis omtrent die vasstelling van sodanige prys en die bepaling van sodanige datum, en vanaf sodanige datum mag geen kafferbier deur sodanige stedelike plaaslike bestuur, statutêre of ander liggaam of raad verkoop word teen 'n hoër prys as die prys aldus deur die Minister vasgestel nie.

ALKOHOLGEHALTE VAN KAFFERBIER INGEVOLGE HIERDIE REGULASIES VIR VERKOOPDOELEINDES GEMAAK.

2. 'n Stedelike plaaslike bestuur, statutêre of ander liggaam of raad mag nie vir verkoopdoeleindes kafferbier met 'n sterkte van meer as drie persent van sy volume aan absolute alkohol maak nie: Met dien verstande dat hierdie regulasie nie van toepassing is nie in die geval van 'n stedelike plaaslike bestuur wat kragtens die voorbehoudsbepaling van artikel 29 (1) van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Proklamasie No. 56 van 1951), deur die Administrateur van Suidwest-Afrika skriftelik gemagtig is om kafferbier van 'n hoër alkoholgehalte te maak, te verkoop en te verskaf, welke gehalte nie hoër as vyf persent van sy volume mag wees nie.

DIE BROU VAN KAFFERBIER VIR HUISGEBRUIK EN VIR VERSKAFFING AAN WERKNEMERS.

3. Behoudens die bepalings van hierdie regulasies, kan enige persoon vir huisgebruik en kan enige werkgewer vir gratis verskaffing aan sy werknemers, kafferbier brou.

UITSLUITENDE VERSKAFFING VAN KAFFERBIER DEUR STEDELIKE PLAASLIKE BESTUUR.

4. (1) Die Minister kan, op versoek van 'n plaaslike bestuur vir 'n stedelike gebied na verwysing na die Inboorlingadviesraad of -rade in sodanige stedelike gebied, by kennisgewing in die *Staatskoerant* verklaar dat vanaf 'n datum daarin vermeld te word, sodanige plaaslike bestuur die uitsluitende reg sal hê om, met behoorlike inagneming van die bepalings van regulasie 1 van hierdie Hoofstuk, binne die geheel van sodanige stedelike gebied, of binne 'n gedeelte daarvan in sodanige kennisgewing vermeld, kafferbier te maak, te verkoop en te lewer.

(2) 'n Reg wat by of ingevolge die bepalings van artikel 29 van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Proklamasie No. 56 van 1951), aan 'n plaaslike bestuur verleen is om binne sy stedelike gebied kafferbier te maak, te verkoop of te lewer en wat by die inwerkingtreding van hierdie regulasies nie ingetrek is nie, word geag 'n uitsluitende reg te wees wat ingevolge subregulasie (1) aan sodanige plaaslike bestuur verleen is.

WITHDRAWAL OF EXCLUSIVE RIGHT OF SUPPLY OF KAFFIR BEER BY URBAN LOCAL AUTHORITY.

5. The Minister may, at the request of an urban local authority, by notice in the *Gazette* withdraw the exclusive right which such urban local authority has under regulation 4 of this Chapter to manufacture, sell and deliver kaffir beer within its urban area or in any portion thereof, as from a date and in respect of the whole area, or any portion thereof specified in such notice.

MANUFACTURE, SALE AND DELIVERY OF KAFFIR BEER PROHIBITED WHEN URBAN LOCAL AUTHORITY HAS EXCLUSIVE RIGHT.

6 (1) So long as a local authority has the exclusive right under regulation 4 of this Chapter to manufacture, sell and deliver kaffir beer within its urban area or in any portion thereof, no person other than such local authority may manufacture, sell or deliver kaffir beer in such urban area or part thereof, as the case may be.

(2) The prohibition contained in subregulation (1) shall not apply in respect of any person authorised or permitted under the provisions of the Liquor Licensing Proclamation, 1920 (South West Africa Proclamation No. 6 of 1920), to sell liquor in such urban area or portion thereof, as the case may be.

SALE AND SUPPLY OF KAFFIR BEER BY AUTHORISED LICENCE HOLDERS.

7. Only kaffir beer acquired from an urban local authority, a statutory or other body or board shall be sold and supplied by the holders of licences issued in terms of the Liquor Licensing Proclamation, 1920 (South West Africa Proclamation No. 6 of 1920).

POSSESSION OF KAFFIR BEER ON CERTAIN PREMISES.

8. The prohibition contained in regulation 3 of the Proclamation on the Supply and Sale of Liquor to Natives in South West Africa, 1967 (Proclamation No. 231 of 1967), as amended, shall not apply to kaffir beer in respect of a private site or premises —

- (a) situated in a location or native village or native hostel;
- (b) referred to in regulation 1 (3) of this Chapter;
- (c) on or in which kaffir beer is sold or supplied in terms of regulation 7 of this Chapter.

PRESUMPTION.

9. (1) Where in any charge under these regulations it is alleged that any liquid was or is kaffir beer, evidence that such liquid had or has the appearance of kaffir beer shall be *prima facie* proof that it was or is kaffir beer.

(2) Where in any charge under regulation 1 (1) (b) or (c) of Chapter V it is proved that any person had more kaffir beer in his possession or control than was reasonably required by him for the purposes of regulation 3 of this Chapter, he shall be deemed, until the contrary is proved, to have manufactured, sold, delivered or supplied or has permitted kaffir beer to be manufactured, sold, delivered or supplied contrary to the provisions of the said regulation 1 (1) (b) or (c).

SAVINGS.

10. Nothing in these regulations contained shall be construed as prohibiting —

INTREKKING VAN UITSLUITENDE REG VAN VERSKAFFING VAN KAFFERBIER DEUR STEDELIKE PLAASLIKE BESTUUR.

5. Die Minister kan, op versoek van 'n stedelike plaaslike bestuur, by kennisgewing in die *Staatskoerant* die uitsluitende reg wat sodanige stedelike plaaslike bestuur ingevolge regulasie 4 van hierdie Hoofstuk het om kafferbier in sy stedelike gebied of in 'n gedeelte daarvan te maak, te verkoop en te lewer, vanaf 'n datum en ten opsigte van die geheel van sodanige gebied, of 'n gedeelte daarvan in sodanige kennisgewing vermeld, intrek.

DIE MAAK, VERKOOP EN LEWERING VAN KAFFERBIER VERBOD WANNER 'N STEDELIKE PLAASLIKE BESTUUR DIE UITSLUITENDE REG HET.

6. (1) Solank 'n plaaslike bestuur die uitsluitende reg ingevolge regulasie 4 van hierdie Hoofstuk het om kafferbier in sy stedelike gebied of in 'n gedeelte daarvan te maak, te verkoop en te lewer, mag niemand, uitgesonderd sodanige plaaslike bestuur, kafferbier in daardie stedelike gebied of gedeelte daarvan, na gelang van die geval, maak, verkoop of lewer nie.

(2) Die verbodsbepaling in subregulasie (1) vervat, is nie van toepassing nie ten opsigte van iemand wat ingevolge die bepalings van die Drank Licentie Proklamatie, 1920 (Proklamasie No. 6 van 1920 van Suidwes-Afrika), gemagtig of toegelaat is om drank in sodanige stedelike gebied of gedeelte daarvan, na gelang van die geval te verkoop of te verskaf.

VERKOOP EN VERSKAFFING VAN KAFFERBIER DEUR GEMAGTIGDE LISENSIEHOUSERS.

7. Alleenlik kafferbier wat van 'n stedelike plaaslike bestuur, statutêre of ander liggaam of raad verkry is, mag deur die houers van lisensies uitgereik kragtens die bepalings van die Drank Licentie Proklamatie, 1920 (Proklamasie No. 6 van 1920 van Suidwes-Afrika), soos gewysig, verkoop en verskaf word.

BESIT VAN KAFFERBIER OP SEKERE PERSELE.

8. Die verbodsbepaling vervat in regulasie 3 van die Proklamasie op die Verskaffing en Verkoop van Drank aan Inboorlinge in Suidwes-Afrika, 1967 (Proklamasie No. 231 van 1967), soos gewysig, is nie van toepassing nie op kafferbier ten opsigte van 'n private terrein of perseel —

- (a) geleë in 'n lokasie of inboorlingdorp of inboorlingtehuis;
- (b) in regulasie 1 (3) van hierdie Hoofstuk bedoel;
- (c) waarop of waarin kafferbier ingevolge regulasie 7 van hierdie Hoofstuk verkoop of verskaf word.

VERMOEDE.

9. (1) Wanneer in 'n beskuldiging ingevolge hierdie regulasies beweer word dat 'n vloeistof kafferbier was of is, dan lewer getuienis dat daardie vloeistof na kafferbier gelyk het of lyk, *prima facie* bewys dat dit kafferbier was of is.

(2) Wanneer in 'n beskuldiging ingevolge regulasie 1 (1) (b) of (c) van Hoofstuk V bewys word dat iemand meer kafferbier in sy besit of onder sy beheer gehad het as wat hy redelikerwys nodig gehad het vir die doeleindes van regulasie 3 van hierdie Hoofstuk word, totdat die teendeel bewys word, geag dat hy kafferbier strydig met die bepalings van genoemde regulasie 1 (1) (b) of (c) gemaak, verkoop, gelewer of verskaf het of toegelaat het dat kafferbier aldus gemaak, gelewer, of verskaf word, na gelang van die geval.

VOORBEHOUDE.

10. Geen bepaling van hierdie regulasies word uitgelê as sou dit die bedoeling hê om te verbied dat —

- (a) any person from acquiring kaffir beer from an urban local authority, a statutory or other body or board for consumption off the site or premises referred to in regulation 1 (3) of this Chapter but with due regard to the provisions of regulation 8 of this Chapter;
- (b) any employer from acquiring kaffir beer for sale on behalf of the urban local authority, statutory or other body or board concerned, to persons in his employ;
- (c) an urban local authority from acquiring kaffir beer from any other urban local authority: Provided it is done in terms of an agreement in writing approved by the Minister;
- (d) any urban local authority from selling, and delivering, subject to such terms and conditions as the Minister may determine, any powder or other substance, which when added to water, whether with or without the addition of yeast, produces a liquid having the appearance and taste of kaffir beer.

CHAPTER IV.

ESTABLISHMENT OF LIQUOR PROFIT FUND.

1. (a) There is hereby established a fund, known as the Liquor Profit Fund, controlled by the Minister of Bantu Administration and Development and wherein every urban local authority, statutory or other body or board authorised under these regulations to sell liquor, shall pay yearly the amount determined by the Minister in terms of regulation 16 of Chapter II: Provided that this provision shall not apply to the profits accruing from the sale of kaffir beer.

(b) Moneys from this Fund are appropriated to the exclusive benefit of the natives of South West Africa in accordance with the directions of the Minister and subject to such conditions and restrictions as he may deem expedient.

CHAPTER V.

OFFENCES.

1. (1) Any person shall be guilty of an offence, who —
- (a) when he is the holder of a written authority fails or neglects to —
 - (i) comply with any condition or restriction imposed upon him or made applicable to the premises concerned in terms of these regulations;
 - (ii) display the written authority at all times during its validity in a conspicuous place on the premises concerned;
 - (iii) comply with the provisions of regulation 8 (2) (b) of Chapter II;
 - (b) when not authorised thereto by or under these regulations or any other law, sells kaffir beer;
 - (c) manufactures, sells, delivers or supplies or permits the manufacture, sale, delivery or supply of kaffir beer in contravention of these regulations or any other law;
 - (d) is a female and who while knowing that she is not entitled to do so, enters or remains on any site or premises or part of any site or premises restricted in respect of female persons in terms of regulation 1 (5) of Chapter III without the permission of the overseer;

- (a) iemand kafferbier van 'n stedelike plaaslike bestuur, statutêre of ander liggaam of raad verkry vir verbruik buite die terrein of perseel bedoel in regulasie 1 (3) van hierdie Hoofstuk met behoorlike inagneming van die bepalings van regulasie 8 van hierdie Hoofstuk;
- (b) 'n werkgewer kafferbier verkry vir verkoop namens die betrokke stedelike plaaslike bestuur, statutêre of ander liggaam of raad aan persone in sy diens;
- (c) 'n stedelike plaaslike bestuur kafferbier van 'n ander stedelike plaaslike bestuur verkry: Met dien verstande dat dit geskied by wyse van 'n skriftelike ooreenkoms wat deur die Minister goedgekeur is;
- (d) 'n stedelike plaaslike bestuur, behoudens sodanige bedinge en voorwaardes as wat die Minister bepaal, enige poeier of ander stof verkoop of lewer wat, wanneer dit by water gevoeg word, hetsy met of sonder die byvoeging van suurdeeg, 'n vloeistof voortbring wat die voorkoms en smaak van kafferbier het.

HOOFSTUK IV.

INSTELLING VAN DRANKPROFYTEFONDS.

1. (a) 'n Fonds word hierby ingestel wat bekend staan as die Drankprofytefonds en wat deur die Minister van Bantoe-administrasie en -ontwikkeling beheer word en waarin elke stedelike plaaslike bestuur, statutêre of ander liggaam of raad, wat ingevolge hierdie regulasies gemagtig is om drank te verkoop, jaarliks die bedrag deur die Minister by regulasie 16 van Hoofstuk II bepaal, moet betaal: Met dien verstande dat hierdie bepaling nie van toepassing is op die wins wat uit die verkoop van kafferbier gemaak word nie.

(b) Gelde uit hierdie Fonds word aangewend tot die uitsluitlike voordeel van die inboorlinge van Suidwes-Afrika ooreenkomstig die voorskrifte van die Minister en behoudens sodanige voorwaardes of beperkings as wat hy ook al wenslik ag.

HOOFSTUK V.

MISDRYWE.

1. (1) Iemand wat —
- (a) terwyl hy die houër van 'n skriftelike magtiging is, versuim of nalaat om —
 - (i) te voldoen aan enige voorwaarde of beperking wat hom opgelê is of wat op die betrokke gebou van toepassing gemaak is kragtens hierdie regulasies;
 - (ii) die skriftelike magtiging te alle tye gedurende die geldigheid daarvan in die betrokke gebou, te vertoon;
 - (iii) te voldoen aan die bepalings van regulasie 8 (2) (b) van Hoofstuk II;
 - (b) terwyl hy nie by of ingevolge hierdie regulasies of enige ander wet daartoe gemagtig is nie, kafferbier verkoop;
 - (c) kafferbier strydig met hierdie regulasies of enige ander wet maak, verkoop, lewer of verskaf of toelaat dat dit aldus gemaak, verkoop, gelewer of verskaf word;
 - (d) 'n vrouspersoon is en wat, terwyl sy weet dat sy dit nie mag doen nie, 'n terrein of perseel of 'n gedeelte van 'n terrein of perseel wat ingevolge regulasie 1 (5) van Hoofstuk III ten opsigte van vrouspersone beperk is, betree of daarop of daarin vertoef sonder die magtiging van die opsigter;

- (e) when he is the holder of a licence authorised in terms of the Liquor Licensing Proclamation, 1920 (South West Africa Proclamation No. 6 of 1920) to sell liquor, sells or supplies kaffir beer not acquired from an urban local authority, a statutory or other body or board;
- (f) sells or delivers to any person other than a person permitted under these regulations or any other law to sell or supply kaffir beer, or an urban local authority, a statutory or other body or board any powder or other substance, which when added to water, whether with or without the addition of yeast, produces a liquid having the appearance and taste of kaffir beer;
- (g) obstructs or hinders the overseer or a police officer in the performance of his duty or who neglects or fails to comply with a lawful request or order of such overseer or police officer;
- (h) sells or supplies kaffir beer in contravention of an order made in terms of regulation 2 (1) of Chapter VI.

(2) The provisions of subregulation (1) (f) are not applicable to kaffircorn malt.

PENALTIES.

2. Any person convicted of an offence under these regulations shall be liable on first conviction to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment or to such imprisonment without the option of a fine and on a second or subsequent conviction to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment or to such imprisonment without the option of a fine.

CHAPTER VI.

BEERHALL REGULATIONS.

POWERS OF THE OVERSEER.

1. (1) The overseer may refuse to supply kaffir beer to any person and may request any person who is on the site or premises on which kaffir beer is sold, supplied or consumed, to depart therefrom.

(2) The overseer may eject from the site or premises any person who is drunk, violent or disorderly on such site or premises on which kaffir beer is sold, supplied or consumed.

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

POWERS OF THE NATIVE COMMISSIONER AND POLICE IN THE CASE OF STRIKES OR RIOTS.

2. (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 Native Commissioner of the district concerned or in his absence an additional or assistant Native Commissioner, or in the absence of any such Native Commissioner, a police officer with the rank of warrant officer or a higher rank, may order any site or premises on which kaffir beer is sold or supplied to be closed during such time as such Native Commissioner, additional Native Commissioner, assistant Native Commissioner, police of-

- (e) 'n lisensiehouer is wat ingevolge die bepalings van die Drank Licentie Proklamatie, 1920 (Proklamasie No. 6 van 1920 van Suidwes-Afrika), gemagtig is om drank te verkoop, kafferbier wat nie van 'n stedelike plaaslike bestuur, statutêre of ander liggaam of raad verkry is nie, verkoop of verskaf;
- (f) aan iemand, uitgesonderd 'n persoon wat kragtens hierdie regulasies of enige ander wet toegelaat word om kafferbier te verkoop of te verskaf of 'n stedelike plaaslike bestuur, statutêre of ander liggaam of raad, enige poeier of ander stof verkoop of lewer, wat, wanneer dit by water gevoeg word, hetsy met of sonder die byvoeging van suurdeeg, 'n vloeistof voortbring wat die voorkoms en smaak van kafferbier het;
- (g) die opsigter of 'n polisiebeampte hinder of belemmer in die uitvoering van sy pligte of versuim of nalaat om aan 'n wettige versoek of bevel van sodanige opsigter of polisiebeampte te voldoen;
- (h) kafferbier verkoop of verskaf strydig met 'n bevel wat gegee is ingevolge regulasie 2 (1) van Hoofstuk VI,

begaan 'n misdryf.

(2) Die bepalings van subregulasie (1) (f) is nie van toepassing op kafferkoringmout nie.

STRAFBEPALINGS.

2. Iemand wat skuldig bevind word aan 'n oortreding van hierdie regulasies, is by eerste veroordeling strafbaar met 'n boete van hoogstens vyftig rand of by wanbetaling met 'n gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en gevangenisstraf of met sodanige gevangenisstraf sonder die keuse van 'n boete, en by 'n tweede of latere veroordeling met 'n boete van hoogstens honderd rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf of met sodanige gevangenisstraf sonder die keuse van 'n boete.

HOOFSTUK VI.

BIERSAALREGULASIES.

BEVOEGDHEDE VAN DIE OPSIGTER.

1. (1) Die opsigter kan weier om aan iemand kafferbier te verskaf en kan iemand wat op die perseel of in die gebou is waarop of waarin kafferbier verkoop, verskaf of verbruik word, versoek om dit te verlaat.

(2) Die opsigter kan iemand wat dronk of gewelddadig of wanordelik is op die perseel of in die gebou waarop of waarin kafferbier verkoop, verskaf of verbruik word uit sodanige perseel of gebou sit.

(3) Enige lid van die polisiemag moet op versoek van die opsigter iemand genoem in subregulasie (2) van die perseel of uit die gebou verwyder of help verwyder en moet iemand wat geweier of versuim het om te voldoen aan 'n versoek ingevolge subregulasie (1) daaruit verwyder en kan sodanige geweld gebruik as wat vir daardie doeleindes nodig is.

BEVOEGDHEDE VAN NATURELLEKOMMISSARIS EN POLISIE IN GEVAL VAN STAKINGS OF OPROER.

2. (1) Wanneer op enige plek 'n staking of uitsluiting aan die gang is of 'n oproer of ooploop plaasvind of verwag word, kan die Naturellekommissaris van die betrokke distrik of by sy afwesigheid 'n addisionele of assistent-Naturellekommissaris, of by afwesigheid van enige sodanige Naturellekommissaris, 'n polisiebeampte met die rang van adjutant-offisier of 'n hoër rang, die sluiting bevel van 'n perseel of gebou waarop kafferbier verkoop of verskaf word vir solank as wat sodanige Naturellekommissaris, addisionele Naturellekommissaris, assistent-Naturel-

ficer with the rank of warrant officer or a higher rank may deem fit, and the sale or supply of kaffir beer on such site or premises may likewise be prohibited.

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

(3) If, before the expiry of the time for which the order was made, the Native Commissioner of the district concerned 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 order.

GENERAL.

3. No person's condition, behaviour or presence shall be of such a nature that it is or is calculated to be prejudicial or inimical to the maintenance of decency, cleanliness, quietness, health, comfort or good order on any premises or any building under the control of the overseer or any person acting under his instructions, and no person shall enter or remain on such premises or building after being requested by the overseer or any person acting under his instruction or by any police officer to refrain from entering or to quit such premises or building, as the case may be.

4. No person other than a member or employee of an urban local authority, a statutory or other body or board or a police officer in the discharge of his duties shall, without the permission of the overseer or of any person acting under his instructions, enter or be upon premises, or any portion thereof, on which kaffir beer is actually manufactured or brewed by such local authority, statutory or other body or board.

CHAPTER VII.

APPLICATION OF THE LIQUOR LICENSING PROCLAMATION, 1920.

The provisions of the Liquor Licensing Proclamation, 1920 (South West Africa Proclamation No. 6 of 1920), as amended, shall be *mutatis mutandis* applicable, in so far as they are not contrary to the provisions of these regulations.

ANNEXURE.

PROCLAMATION NO. 205 OF 1968.

APPLICATION IN TERMS OF REGULATION 2, CHAPTER II, TO SELL LIQUOR TO NATIVES.

The Chief Native Commissioner,
(through the Native Commissioner of
.....).

I hereby apply for the grant/renewal* of an authority to sell liquor to natives in terms of section 22 (3) of the General Law Amendment Act, 1967 (Act No. 102 of 1967).

I declare that the information and documents in support of the application are, to the best of my knowledge and belief, true and correct.

.....
Signature of applicant.

Place

Date

lekommissaris, polisiebeampte met die rang van adjudant-offisier of 'n hoër rang wenslik ag, en die verkoop of ver-skaffing van kafferbier op sodanige perseel of gebou kan insgelyks verbied word.

(2) Die opsigter moet onverwyld aan die bevel gevolg gee en as hy om enige rede versuim om dit te doen, kan die persoon wat die bevel gegee het sodanige stappe doen en sodanige geweld gebruik as wat hy nodig ag om die perseel of gebou te sluit.

(3) As die Naturellekommissaris van die betrokke distrik of die persoon wat die bevel uitgereik het voor die verstryking van die tydperk waarvoor die bevel uitgevaardig is van oordeel is dat die rede vir die voortdoring van die bevel nie meer bestaan nie, kan hy die bevel in-trek.

ALGEMEEN.

3. Niemand se toestand, gedrag of aanwesigheid mag sodanig wees dat dit die handhawing van fatsoenlikheid, sindelikhed, stilte, gesondheid, gerief of goeie orde op 'n perseel of in 'n gebou onder die beheer van die opsigter of 'n persoon wat volgens sy opdrag handel, benadeel of skaad nie of kan benadeel of kan skaad nie en niemand mag sodanige perseel of gebou binnegaan of daarop ver-toef nie nadat hy deur die opsigter of deur 'n persoon wat volgens sy opdrag handel, of deur 'n polisiebeampte ver-soek is om nie sodanige perseel of gebou te betree nie of om dit te verlaat, na gelang van die geval.

4. Niemand, uitgesonderd 'n lid of 'n werknemer van 'n stedelike plaaslike bestuur, statutêre of ander liggaam of raad of 'n polisiebeampte in die uitvoering van sy pligte, mag sonder die toestemming van die opsigter of 'n persoon wat volgens sy opdrag handel, 'n perseel of gedeelte daarvan waarop kafferbier werklik deur sodanige stedelike plaaslike bestuur, statutêre of ander liggaam of raad gemaak of gebrou word, binnegaan of daarin wees nie.

HOOFSTUK VII.

TOEPASSING VAN DIE DRANK LICENTIE PROKLAMATIE, 1920.

Die bepalings van die Drank Licentie Proklamatie, 1920 (Proklamasie No. 6 van 1920 van Suidwes-Afrika), soos gewysig, is *mutatis mutandis* van toepassing, vir so-ver dit nie strydig is met die bepalings van hierdie regu-lasies nie.

AANHANGSEL.

PROKLAMASIE NO. 205 VAN 1968.

AANVRAAG INGEVOLGE REGULASIE 2, HOOFSTUK II, OM DRANK AAN INBOORLINGE TE VERKOOP.

Die Hoofnaturellekommissaris,
(deur bemiddeling van die Naturellekommissaris van
.....).

Ek doen hierby aanvraag om die verlening-vernu-wing* van 'n magtiging om drank ingevolge artikel 22 (3) van die Algemene Regswysigingswet, 1967 (Wet No. 102 van 1967), aan inboorlinge te verkoop.

Ek verklaar dat die inligting en dokumente ter onder-steuning van die aanvraag na my beste wete en oortuiging waar en juis is.

.....
Handtekening van aanvrager.

Plek

Datum

Vorm No. A.

- 1. (i) Full name of applicant
- (ii) Age Racial Group
- Nationality
- (iii) Occupation
- (iv) Residential and business addresses of applicant

* Delete whichever not applicable.

- 2. If applicant applies as a nominee, state —
 - (i) Full name and address of nominator
 - (ii) Power of attorney and statement as required by regulation 2 (2) (c) and (d) of Chapter II are attached as annexures
 - (iii) In the case of an application as a nominee of an association of persons or a statutory or other body or board, the names, addresses and racial groups of the directors/partners

- 3. State whether application is made for authority to sell liquor for consumption *on* or *off* the premises
- (Note — A separate application is required in each case).

- 4. Under what name is the business to be carried on

- 5. Describe the situation of the premises where the business is to be carried on, including the number or name (if any) of such premises and of the street or road and the number or other designation of the lot or erf

- 6. Are a description of the premises and a plan as required by regulation 2 (2) (a) of Chapter II attached?
- Annexure

- 7. Are the documents prescribed by regulation (in so far as they are applicable to this application) attached?
- Annexure

- 8. Under what right does applicant occupy the premises referred to in 5?

- 9. Where will the applicant store liquor received by him and not immediately required for sale?

- 10. (i) In the case of an application for the granting of an authority, on what date does the applicant propose to commence business?
- (ii) In the case of an application for renewal of an authority on what date will the current authority expire?

- 1. What other business does applicant propose to carry on on the premises referred to in 5?

- 2. On what days of the week and during what hours does applicant desire to sell liquor?

- 3. For the sale of what kinds of liquor is the authority applied for?

- 4. Is the applicant of his nominator the holder of any liquor licence issued in terms of this Proclamation or the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), or has he or his nominator any financial interest whatever in such licence or authority? (Give full particulars)

Annexure

- J.B. Written representations in support of this application may be attached

- 1. (i) Volle naam van aanvrager
- (ii) Ouderdom Rassegroep
- Nasionaliteit
- (iii) Beroep
- (iv) Woon- en besigheidsadres van aanvrager

* Skrap wat nie van toepassing is nie.

- 2. Indien aanvrager aanvraag doen as benoemde, meld —
 - (i) Volle naam en adres van nomineerder
 - (ii) Volmag en verklaring soos vereis by regulasie 2 (2) (c) en (d) van Hoofstuk II is aangeheg as aanhangsels
 - (iii) In die geval van 'n aanvraag as benoemde van 'n vereniging van persone of 'n statutêre of ander liggaam of raad die name, adresse en rassegroepe van die direkteure/vennote

- 3. Meld of aanvraag gedoen word om magtiging om drank vir gebruik *binne* of *buite* die gebou te verkoop
- (OPMERKING — 'n Aparte aanvraag word in elke geval vereis.)

- 4. Onder watter naam sal die besigheid gedryf word?

- 5. Beskryf die ligging van die gebou waar die besigheid gedryf sal word met vermelding van die nommer of naam (as daar is) van sodanige gebou en van die straat of weg, en die nommer of ander aanduiding van die perseel of erf

- 6. Is 'n beskrywing van die gebou en plan aangeheg soos vereis by regulasie 2 (2) (a) van Hoofstuk II?
- Aanhangsel

- 7. Is die dokumente by regulasie voorgeskryf (vir sover hulle op hierdie aanvraag van toepassing is) aangeheg?
- Aanhangsel

- 8. Kragtens watter reg okkupeer die aanvrager die gebou in 5 genoem?

- 9. Waar sal aanvrager drank wat deur hom ontvang word en nie onmiddellik vir verkoop nodig is nie, opberg?

- 10. (i) In die geval van 'n aanvraag om verlening van 'n magtiging, op watter datum is die aanvrager van voorneme om besigheid te begin dryf?
- (ii) In die geval van 'n aanvraag om die vernuwing van 'n magtiging, op watter datum verval die geldende magtiging?

- 11. Watter ander besigheid is die aanvrager van voorneme om in die gebou in 5 genoem, te dryf?

- 12. Op watter dae van die week en gedurende watter ure verlang aanvrager om drank te verkoop?

- 13. Vir die verkoop van watter soorte drank word die magtiging verlang?

- 14. Is die aanvrager of sy nomineerder die houër van 'n dranklisensie uitgereik kragtens hierdie Proklamasie of die Drank Licentie Proklamasie, 1920 (Proklamasie No. 6 van 1920), of het hy of sy nomineerder enige geldelike belang hoegenaamd in sodanige lisensie of magtiging? (Verstrek volle besonderhede)

Aanhangsel

- L.W. Skriftelike verhoë ter ondersteuning van hierdie aanvraag kan aangeheg word

Form No. B.

Vorm No. B.

PROCLAMATION NO. 205 OF 1968.

PROKLAMASIE NO. 205 VAN 1968.

CERTIFICATE OF AUTHORITY TO SELL LIQUOR TO NATIVES.

SERTIFIKAAT VAN MAGTIGING OM DRANK AAN INBOORLINGE TE VERKOOP

On Consumption/off consumption *

Binne/buiteverbruik *

Granting/renewal* of authority
In terms of regulation 5 of Chapter II of the Proclamation, authority is hereby granted to
as principal/nominee of *
whose residential address is
to sell (state kinds of liquor)
to (state class of natives)
of the age of 18 years or more for consumption
premises situated at

Verlenging/Vernuwing* van magtiging.
Kragtens regulasie 5 van Hoofstuk II van die Proklamasie word magtiging hierby verleen aan
as prinsipaal/benoemde van*

Subject to the provisions of regulation 8 of Chapter II of the Proclamation, this authority is valid for the period from the day of 19, to the day of 19.

wie se woonadres is om (vermeld soorte drank) aan (vermeld klas inboorlinge) van die ouderdom van agtien jaar of meer te verkoop vir gebruik in 'n gebou geleë te Behoudens die bepalings van regulasie 8 van Hoofstuk II van die Proklamasie is hierdie magtiging geldig vir die tydperk vanaf die dag van 19 tot die dag van 19.

The holder of this authority may, subject to compliance with the provisions of the Licensing Ordinance or any other law governing the matter, carry on or permit to be carried on upon the said premises, the business of

Die houer van hierdie magtiging kan, behoudens nakoming van die bepalings van die Ordonnansie op Lisensies of enige ander wetsbepaling wat op die aangeleentheid betrekking het, die besigheid van in genoemde gebou dryf of toelaat dat dit gedryf word. Hierdie magtiging is onderworpe aan die voorwaardes en beperkings in Aanhangel hiervan vervat.

This authority shall be subject to the conditions and restrictions contained in Annexure hereto.

Die bepalings van die Drank Licentie Proklamatie, 1920 (Proklamasie No. 6 van 1920), soos gewysig, uiteengesit in Aanhangel hiervan is mutatis mutandis van hoepassing op die houer van hierdie magtiging en op of met betrekking tot genoemde gebou.

* Delete whichever not applicable.

* Skrap wat nie van toepassing is nie.

The provisions of the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), as amended, set forth in Annexure hereto shall mutatis mutandis be applicable to the holder of this authority and to or in respect of the said premises.

Ingevolge regulasie 16 van Hoofstuk II van die Proklamasie word oor alle winste verkry uit die verkoop van drank kragtens hierdie magtiging op die volgende wyse beskik

In terms of regulation 16 of Chapter II of the Proclamation all profits derived from the sale of liquor under this authority shall be dealt with in the following manner

In terms of regulation 7 of Chapter II of the Proclamation a fee of has been determined as being payable in respect of this authority.

Ingevolge regulasie 7 van Hoofstuk II van die Proklamasie is 'n bedrag van vasgestel as die gelde betaalbaar ten opsigte van hierdie magtiging.

Chief Native Commissioner.

Hoofnaturellekommissaris.

Place

Plek

Date

Datum