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

UITGAWE OP GESAG — PUBLISHED BY AUTHORITY

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Goewermentskennisgewing

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. P. F. GOUS,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 143] [25 Junie 1976

ORDONNANSIE, 1976: UITVAARDIGING VAN

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet:

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Government Notice

The following Government Notice is published for general information.

H. P. F. GOUS,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 143] [25 June 1976

ORDINANCE, 1976: PROMULGATION OF

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act:

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No. 9 van 1976]

DRANKWYSIGINGSORDONNANSIE, 1976.

(Goedgekeur 16 Junie 1976)
(Engelse teks deur die Administrateur geteken)
(Datum van inwerkingtreding 25 Junie 1976)

ORDONNANSIE

Tot wysiging van die Drankordonnansie 1969, betreffende kwalifikasies van lisensiehouers en ure van verkoop en aflewering; en om voorsiening te maak vir bykomstige aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN SOOS VOLG:-

Wysiging van artikel 64 van Ordonnansie 2 van 1969, soos gewysig deur artikel 14 van Ordonnansie 18 van 1969, artikel 17 van Ordonnansie 20 van 1971 en artikel 16 van Ordonnansie 9 van 1975.

1. Artikel 64 van die Drankordonnansie 1969 (hieronder die Hoofordonnansie genoem), word hierby gewysig deur paragraaf (bA) deur die volgende paragraaf te vervang:

"(bA) binne die Republiek of the Gebied of elders in die voorafgaande vyf jaar skuldig bevind is daaraan dat hy drank verkoop, daarin handel gedryf of dit van die hand gesit het sonder die lisensie wat vir sodanige verkoop, handel dryf of van die hand sit nodig is, tensy sodanige persoon tot oortuiging van die bevoegde gesag bewys dat die betrokke skuldigbevinding te wyte is –

(i) aan enigiets wat by hierdie ordonnansie gedoen moes word, maar per abuis of versuim nie gedoen is nie of nie binne die bepaalde tyd gedoen is nie en die Uitvoerende Komitee ingevolge artikel 151 alle sodanige stappe gelas het soos nodig was om bedoelde fout of versuim reg te stel; of

(ii) aan enigiets wat onreëlmatig gedoen is, maar wat die Uitvoerende Komitee ingevolge artikel 151 in wese of vorm, na gelang, geldig gemaak het;".

Wysiging van artikel 78 van Ordonnansie 2 van 1969, soos gewysig deur artikel 16 van Ordonnansie 18 van 1969, artikel 20 van Ordonnansie 9 van 1970, artikel 21 van Ordonnansie 20 van 1971, artikel 2 van Ordonnansie 12 van 1974 en artikel 22 van Ordonnansie 9 van 1975.

2. Artikel 78 van die Hoofordonnansie word hierby gewysig deur die volgende verdere voorbehoudsbepaling by paragraaf (f) van subartikel (2) te voeg:

"Met dien verstande voorts dat, nieteenstaande enige andersluidende bepalings in hierdie ordonnansie of enige ander wet, maar behoudens die bepalings van artikel 77A, die Uitvoerende Komitee –

(i) in oorleg met die landdros van die betrokke distrik en die polisie-offisier aangewys ooreenkomstig artikel 115, en onderworpe aan die voorwaardes wat

No. 9 of 1976]

LIQUOR AMENDMENT ORDINANCE, 1976

(Assented to 16 June 1976)
(English text signed by the Administrator)
(Date of commencement 25 June 1976)

ORDINANCE

To amend the Liquor Ordinance, 1969, in regard to qualification of licensees and hours of sale and delivery; and to provide for incidental matters.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, as follows:-

Amendment of section 64 of Ordinance 2 of 1969, as amended by section 14 of Ordinance 18 of 1969, section 17 of Ordinance 20 of 1971 and section 16 of Ordinance 9 of 1975.

1. Section 64 of the Liquor Ordinance, 1969 (hereinafter referred to as the principal Ordinance), is hereby amended by the substitution for paragraph (bA) of the following paragraph:

"(bA) within the Republic or the Territory or elsewhere has in the preceding five years been convicted of selling, dealing in or disposing of liquor without the licence necessary for such sale, dealing or disposal, unless such person proves, to the satisfaction of the competent authority, that the relevant conviction was due —

(i) to anything required by this ordinance to be done but which, through any accident or omission, was omitted to be done or was not done within the time fixed and the Executive Committee has under section 151 ordered all such steps as were necessary to rectify the said error or omission; or

(ii) to anything which was irregularly done but which the Executive Committee has under section 151 validated in matter or form, as the case may be;".

Amendment of section 78 of Ordinance 2 of 1969, as amended by section 16 of Ordinance 18 of 1969, section 20 of Ordinance 9 of 1970, section 21 of Ordinance 20 of 1971, section 2 of Ordinance 12 of 1974 and section 22 of Ordinance 9 of 1975.

2. Section 78 of the principal Ordinance is hereby amended by the addition of the following further proviso to paragraph (f) of subsection (2):

"Provided further that, notwithstanding anything to the contrary contained in this ordinance or any other law, but subject to the provisions of section 77A, the Executive Committee may —

(i) in consultation with the magistrate of the district concerned and the commissioned officer of police designated in terms of section 115, and subject to

die Uitvoerende Komitee goedvind om op te lê, die houer van so 'n lisensie wat by hom aansoek doen, kan magtig om op enige dag, insluitende 'n geslote dag, binne die ure deur die Uitvoerende Komitee bepaal, op die betrokke gelisensieerde perseel drank te verkoop vir verbruik op daardie perseel;

(ii) te eniger tyd die ure waarbinne die houer van so 'n lisensie drank mag verkoop kan inkort indien omstandighede ontstaan wat so 'n inkorting na sy mening regverdig.

Sodanige magtiging of inkorting, na gelang, bly van krag totdat dit deur die Uitvoerende Komitee herroep of gewysig word. Enige beslissing van die Uitvoerende Komitee ingevolge hierdie paragraaf is afdoende;".

Kort titel.

3. Hierdie Ordonnansie heet die Drankwysigingsordonnansie, 1976.

such conditions as the Executive Committee may deem fit to impose, authorise the holder of any such licence who makes application to it, to sell liquor on any day, including a closed day, within the hours determined by the Executive Committee on the licensed premises concerned for consumption on those premises;

(ii) at any time reduce the hours within which the holder of any such licence may sell liquor, if circumstances arise which, in its opinion, justify such reduction.

Such authorisation or reduction, as the case may be, shall remain in force until repealed or amended by the Executive Committee. Any decision of the Executive Committee under this paragraph shall be final;".

3. This Ordinance shall be called the Liquor Amendment Ordinance, 1976. Short title.