



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 57.]

KAAPSTAD, 6 MAART 1970.

[No. 2655.

CAPE TOWN, 6TH MARCH, 1970.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 367.

6 Maart 1970.

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

No. 17 van 1970: Algemene Regswysigingswet, 1970.

DEPARTMENT OF THE PRIME MINISTER.

No. 367.

6th March, 1970.

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

No. 17 of 1970: General Law Amendment Act, 1970.

Wet No. 17, 1970

ALGEMENE REGSWYSIGINGSWET, 1970.

WET

Tot wysiging van die Drankwet, 1928; die Wet op Landdros-howe, 1944; die Wet op Hotelle, 1965, en die Wet op die Konstitusie van Suidwes-Afrika, 1968; en om vir bykom-stige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1970.)

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

Wysiging van artikel 6 van Wet 30 van 1928, soos gewysig deur artikel 3 van Wet 41 van 1934, artikel 1 van Wet 39 van 1937, artikel 2 van Wet 72 van 1961, artikel 1 van Wet 89 van 1962, artikel 2 van Wet 88 van 1963, artikel 1 van Wet 85 van 1964, artikel 1 van Wet 98 van 1965, artikel 1 van Wet 62 van 1966 en artikel 2 van Wet 23 van 1969.

Wysiging van artikel 75 van Wet 30 van 1928, soos vervang deur artikel 58 van Wet 88 van 1963 en gewysig deur artikel 10 van Wet 85 van 1964, artikel 4 van Wet 70 van 1968 en artikel 21 van Wet 23 van 1969.

1. Artikel 6 van die Drankwet, 1928, word hierby gewysig deur na paragraaf (d)ter van subartikel (1) die volgende para-graf in te voeg:
„(d)quat iemand wat op gesag van die Minister, en behou-dens die voorwaardes of beperkings deur hom opgelê, drank in 'n restaurant wat in 'n gebou is wat deur die Posmeester-generaal beheer en in stand gehou word, verkoop vir gebruik in bedoelde restaurant.”.

2. Artikel 75 van die Drankwet, 1928, word hierby gewysig deur paragraaf (e) van subartikel (2) deur die volgende para-graf te vervang:
„(e) mag die houer van 'n restaurant-dranklisensie, on-danks andersluidende wetsbepalings, drank op alle dae, ook geslotte dae, verkoop aan iemand wat bona fide in die restaurant 'n gewone, daarin gekoopte maaltyd neem, of op die punt staan om dit te neem, en wel om by of onmiddellik voor of na die maaltyd gebruik te word, maar op geen ander tyd nie dan tus-sen twaalfuur middag en halfdrie-uur in die namiddag en tussen sesuur in die aand en halftwaalfuur in die nag of sodanige later tydstip as wat die Minister op aanvraag en op aanbeveling van die Nasionale Drank-raad skriftelik magtig: Met dien verstande dat geen drank na negenuur in die aand op Sondag, Kersdag, Goeie Vrydag, Hemelvaartdag of Geloftedag verkoop mag word nie;”.

GENERAL LAW AMENDMENT ACT, 1970.

Act No. 17, 1970

ACT

To amend the Liquor Act, 1928; the Magistrates' Courts Act, 1944; the Hotels Act, 1965, and the South-West Africa Constitution Act, 1968; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 3rd March, 1970.)*

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

1. Section 6 of the Liquor Act, 1928, is hereby amended by the insertion after paragraph (d)ter of subsection (1) of the following paragraph:
- “(d)quat any person who, under the authority of the Minister and subject to such conditions or restrictions as he may impose, sells liquor in a restaurant which is on premises controlled and maintained by the Postmaster-General, for consumption in such restaurant;”.
- Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964, section 1 of Act 98 of 1965, section 1 of Act 62 of 1966 and section 2 of Act 23 of 1969.

2. Section 75 of the Liquor Act, 1928, is hereby amended by the substitution for paragraph (e) of subsection (2) of the following paragraph:

“(e) the holder of a restaurant liquor licence may, notwithstanding anything in any other law contained, sell liquor on all days, including closed days, to any person bona fide taking or about to take an ordinary meal in the restaurant, which has been purchased thereat and for consumption with or immediately before or after such meal, but not at any other time than between twelve o'clock midday and half-past two o'clock in the afternoon and between six o'clock in the evening and half-past eleven o'clock at night or such later hour as the Minister may upon application and on the recommendation of the National Liquor Board authorize in writing: Provided that no liquor shall be sold after nine o'clock in the evening on any Sunday, Christmas Day, Good Friday, Ascension Day or the Day of the Covenant;”.

Amendment of section 75 of Act 30 of 1928, as substituted by section 58 of Act 88 of 1963 and amended by section 10 of Act 85 of 1964, section 4 of Act 70 of 1968 and section 21 of Act 23 of 1969.

Wet No. 17, 1970

ALGEMENE REGSWYSIGINGSWET, 1970.

Wysiging van artikel 76 van Wet 30 van 1928, soos gewysig deur artikel 59 van Wet 88 van 1963, artikel 11 van Wet 85 van 1964 en artikel 22 van Wet 23 van 1969.

3. Artikel 76 van die Drankwet, 1928, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Die hoeveelheid drank wat die houer van 'n groot-handelaarsdranklisensie ineens aan één klant, behalwe 'n licensiehouer of houer van 'n magtiging kragtens artikel 100bis of 100sex of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (d)*bis*, (d)*ter* of (d)*quat* bedoelde magtiging, mag verkoop of aflewer, mag nie minder bedra nie dan twee gallon (waarvan minstens een gallon van dieselfde soort, beskrywing en merk drank, behalwe bier, moet wees), of ineens aan één licensiehouer of houer van 'n magtiging kragtens artikel 100bis of 100sex of 'n persoon wat drank verkoop kragtens 'n in artikel 6 (1) (a), (b), (c), (d)*bis*, (d)*ter* of (d)*quat* bedoelde magtiging, mag verkoop of aflewer, mag nie minder bedra nie dan een kwart, in 'n houer of houers wat behoorlik en dig gekurk of geprop moet wees: Met dien verstande dat indien die hoeveelheid drank wat aldus aan een klant verkoop of afgelewer word nie minder nie dan een gallon tafelwyn insluit wat uitsluitend die produk is van die alkoholieuse gisting van die sap van vars druwe en wat nie meer alkohol bevat nie dan 14 persent van sy volume, daardie tafelwyn nie van dieselfde beskrywing of merk hoef te wees nie.”.

Wysiging van artikel 79*ter* van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 35 van 1956 en gewysig deur artikel 63 van Wet 88 van 1963, artikel 12 van Wet 85 van 1964 en artikel 26 van Wet 23 van 1969.

4. Artikel 79*ter* van die Drankwet, 1928, word hierby gewysig deur die tweede voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande voorts dat die houer van 'n groot-handelaarsdranklisensie geen drank by of vanuit daardie plek mag verkoop of aflewer aan iemand wat nie die gesagvoerder van 'n skip of sy verteenwoordiger is nie of wat nie 'n licensie vir die verkoop van drank ingevolge hierdie Wet of 'n in artikel 100bis of 100sex bedoelde magtiging hou nie of wat nie iemand is wat drank kragtens 'n in artikel 6 (1) (a), (b), (c), (d)*bis*, (d)*ter* of (d)*quat* bedoelde magtiging verkoop nie.”.

Wysiging van artikel 2 van Wet 32 van 1944, soos gewysig deur artikel 3 van Wet 40 van 1952 en artikel 37 van Wet 68 van 1957.

5. Artikel 2 van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) distrikte instel, die plaaslike grense van elke distrik wat uit verskillende nie-aangrensende gebiede kan bestaan, omskryf en die name waaronder die distrikte bekend sal staan, bepaal;”; en

(b) deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) die plaaslike grense van 'n distrik uitbrei of inperk;”.

Wysiging van artikel 33 van Wet 70 van 1965, soos gewysig deur artikel 59 van Wet 70 van 1968.

6. Artikel 33 van die Wet op Hotelle, 1965, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (2) (a) te voeg:

„Met dien verstande dat die voorafgaande bepalings van hierdie paragraaf nie van toepassing is nie—

(i) op 'n perseel ten opsigte waarvan 'n bevel kragtens die voorbehoudsbepaling by artikel 53 (3) van die Drankwysigingswet, 1963 (Wet No. 88 van 1963), uitgevaardig is, voor die verstryking van vier maande na die datum waarop daardie bevel ophou om van krag te wees of na die datum van uitreiking ten opsigte van bedoelde perseel van 'n klassifikasiesertifikaat kragtens artikel 71*bis* van die Drankwet, watter datum ook al die vroegste is;

GENERAL LAW AMENDMENT ACT, 1970.

Act No. 17, 1970

3. Section 76 of the Liquor Act, 1928, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The quantity of liquor to be sold or delivered by the holder of a wholesale liquor licence to any one customer other than a licensee or holder of an authority under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (d)*bis*, (d)*ter* or (d)*quat* at any one time shall not be less than two gallons (of which not less than one gallon shall be of the same kind, description and brand of liquor other than malt liquor), or to any one licensee or holder of an authority under section 100bis or 100sex or a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (d)*bis*, (d)*ter* or (d)*quat* at any one time, shall not be less than one quart, in a receptacle or receptacles properly and securely corked or stoppered: Provided that if the quantity of liquor so sold or delivered to any one customer includes not less than one gallon of table wine which is the product solely of the alcoholic fermentation of the juice of fresh grapes and containing no more than 14 per cent of alcohol by volume, such table wine need not be of the same description or brand.".

Amendment of
section 76 of Act
30 of 1928, as
amended by
section 59 of Act
88 of 1963, section
11 of Act 85 of
1964 and section
22 of Act 23 of
1969.

4. Section 79*ter* of the Liquor Act, 1928, is hereby amended by the substitution for the second proviso to subsection (2) of the following proviso:

"Provided further that the holder of a wholesale liquor licence shall not sell or deliver any liquor at or from such place to any person who is not the master of a ship or his agent or who does not hold a licence for the sale of liquor under this Act or an authority referred to in section 100bis or 100sex or who is not a person selling liquor under an authority referred to in section 6 (1) (a), (b), (c), (d)*bis*, (d)*ter* or (d)*quat*:".

Amendment of
section 79*ter* of
Act 30 of 1928, as
inserted by section
5 of Act 35 of
1956 and amended
by section 63 of
Act 88 of 1963,
section 12 of Act
85 of 1964 and
section 26 of Act
23 of 1969.

5. Section 2 of the Magistrates' Courts Act, 1944, is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

"(a) create districts, define the local limits of each district, which may consist of various non-contiguous areas, and declare the name by which any district shall be known;" ; and

(b) by the substitution for paragraph (b) of the following paragraph:

"(b) increase or decrease the local limits of any district;" .

Amendment of
section 2 of Act
32 of 1944, as
amended by
section 3 of Act
40 of 1952 and
section 37 of Act
68 of 1957.

6. Section 33 of the Hotels Act, 1965, is hereby amended by the addition to subsection (2) (a) of the following proviso:

"Provided that the foregoing provisions of this paragraph shall not apply—

(i) to any premises in respect of which a direction has been given under the proviso to section 53 (3) of the Liquor Amendment Act, 1963 (Act No. 88 of 1963), before the expiry of four months after the date on which such direction ceases to be in force or after the date of issue of a certificate of classification under section 71*bis* of the Liquor Act in respect of such premises, whichever is the earlier date;

Amendment of
section 33 of Act
70 of 1965, as
amended by
section 59 of Act
70 of 1968.

Wet No. 17, 1970

ALGEMENE REGSWYSIGINGSWET, 1970.

- (ii) op 'n artikel 53 (4) van die Drankwysigingswet, 1963, beoogde perseel, voor die eerste dag van Januarie 1975 of op so 'n perseel ten opsigte waarvan 'n bevel kragtens die voorbehoudsbepaling by bedoelde artikel uitgevaardig is, voor die verstryking van vier maande na die datum waarop daardie bevel ophou om van krag te wees of na die datum van uitreiking ten opsigte van bedoelde perseel van 'n klassifikasiesertifikaat kragtens artikel 71bis van die Drankwet, watter datum ook al die vroegste is;
- (iii) indien 'n skriftelike aansoek waarin gegrondte en voldoende redes aangetoon word, voor die eerste dag van April 1970 by die raad gedoen word, op die ander perseel wat die Minister op aanbeveling van die raad bepaal, vir die tydperk wat nie later as die dertigste dag van April 1971 verstryk nie en by nakoming van die voorwaardes wat die Minister in elke bepaalde geval gelas.”.

Invoeging van artikel 31A in Wet 39 van 1968.

7. (1) Die volgende artikel word hierby in die Wet op die Konstitusie van Suidwes-Afrika, 1968, na artikel 31 ingevoeg: „Skenkings. **31A.** Ondanks andersluidende bepalings van hierdie Wet, kan 'n beskikbaarstelling van die inkomstefonds voorsiening maak vir skenkings wat in die gebied of elders en ten opsigte van watter aangeleentheid ook al ooreenkomstig bedoelde beskikbaarstelling gedoen moet word.”.

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

Kort titel.

8. Hierdie Wet heet die Algemene Regswysigingswet, 1970.

GENERAL LAW AMENDMENT ACT, 1970.

Act No. 17, 1970

- (ii) to any premises contemplated in section 53 (4) of the Liquor Amendment Act, 1963, before the first day of January, 1975, or to any such premises in respect of which a direction has been given under the proviso to the said section, before the expiry of four months after the date on which such direction ceases to be in force or after the date of issue of a certificate of classification under section 71bis of the Liquor Act in respect of such premises, whichever is the earlier date;
- (iii) if an application in writing showing good and sufficient reasons is made to the board before the first day of April, 1970, to such other premises as the Minister on the recommendation of the board may determine, for such period expiring not later than the thirtieth day of April, 1971, and on compliance with such conditions as the Minister may in each particular case direct.”.

7. (1) The following section is hereby inserted in the South-West Africa Constitution Act, 1968, after section 31: Insertion of
section 31A in Act
39 of 1968.

“**Donations. 31A.** Notwithstanding anything to the contrary in this Act contained an appropriation of the revenue fund may provide for donations to be made in the territory or elsewhere and in respect of any matter whatsoever, in accordance with such appropriation.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

8. This Act shall be called the General Law Amendment Act, Short title. 1970.