

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE

OFFISIELLE KOERANT

UITGawe OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

1/-

Friday, 5th December, 1952.

WINDHOEK

Vrydag, 5 Desember 1952.

No. 1732.

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Goewermentskennisgewing.

Government Notice.

The following Government Notice is published for general information.

J. NESER,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. NESER,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 373.]

[5th December, 1952.

ORDINANCES, 1952: PROMULGATION OF.

The Administrator has been pleased to assent, in terms of section *thirty-two* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of section *thirty-four* of the said Act:—

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No. 41 of 1952.]

ORDINANCE

To apply a further sum not exceeding nine hundred and seventy-five thousand, one hundred and ten pounds towards the service of the Territory of South West Africa for the financial year ending on the thirty-first day of March, 1953.

(Assented to 8th November, 1952.)
(Afrikaans text signed by the Administrator.)

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

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of nine hundred and seventy-five thousand, one hundred and ten pounds on Revenue Account to meet certain expenditure over and above the amounts appropriated for the service of the financial year ending on the 31st March, 1953, as specified in Ordinance 15 of 1952.

2. The money appropriated by this Ordinance shall be applied to the services detailed in the Schedule hereto and more particularly specified in the Estimates of Additional Expenditure (S.W.A. 6—1952) as approved by the Legislative Assembly.

3. This Ordinance shall be called the Additional Appropriation 1952/53 Ordinance, 1952.

SCHEDULE.

Vote. No.	Designation of vote.	Amount.
On Revenue Account.		
6. Miscellaneous Services	221,610	
8. Works	2,000	
13. Pensions and Gratuities	1,500	
14. Posts, Telegraphs and Telephones	90,000	
19. Appropriation from Revenue Fund to other funds	660,000	
Total	£975,110	

No. 41 van 1952.]

ORDONNANSIE

Tot aanwending van 'n verdere geldbedrag van hoogstens negehonderd vyf-en-sewentigduisend eenhonderd-en-tien pond vir die diens van die Gebied Suidwest-Afrika vir die boekjaar wat op die een-en-dertigste dag van Maart 1953 eindig.

(Goedgekeur 8 November 1952.)
(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwest-Afrika VERORDEN:—

1. Die Administrasierekening van die Gebied Suidwest-Afrika word hiermee belas met die bedrag van negehonderd vyf-en-sewentigduisend eenhonderd-en-tien pond op die Inkosterekening tot dekking van sekere uitgawes bo en behalwe die bedrag beskikbaar gestel vir die diens van die boekjaar wat op 31 Maart 1953 eindig, soos in Ordonnansie 15 van 1952 vermeld is.

2. Die geld wat deur hierdie Ordonnansie beskikbaar gestel word, moet aangewend word vir die dienste in besonderhede vermeld in die Bylae tot hierdie Ordonnansie en omstandiger uiteengesit in die Begroting van Bykomende Uitgawe wat gedeck moet word uit Inkostefondse (S.W.A. 6—1952) soos deur die Wetgewende Vergadering goedgekeur.

3. Hierdie Ordonnansie heet die Addisionele Middele (1952/53) Ordonnansie 1952.

BYLAE.

No. van Begrotings- pos.	Benaming van Begrotingspos.	Bedrag.
Op Inkosterekening.		
6. Diverse Dienste	221,610	
8. Werke	2,000	
13. Pensioene en Gratifikasies	1,500	
14. Pos-, Telegraaf- en Telefoonwese	90,000	
19. Aanwending uit Inkostefonds na ander fondse	660,000	
Totaal	£975,110	

No. 42 of 1952.]

ORDINANCE

To amend the law relating to the regulation of the receipt, custody and issue of Public Money.

(Assented to 8th November, 1952.)
(English text signed by the Administrator.)

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

1. The following new section is hereby inserted after section *twenty-four* of the Finance and Audit Ordinance, 1926 (Ordinance 1 of 1926):—

"Rewards to informers in respect of precious metals and precious stones."

24 bis. (1) Notwithstanding anything in any law, any person (other than a person in the service of the Administration or of the Government of the Union of South Africa) upon whose information, any precious stone or precious metal or any money paid in respect of the illicit purchase of any precious stone or precious metal is seized under any law, may, at the discretion and under the written authority of the Commissioner of the South African Police be paid out of the revenues accruing to the Administration from the sale of such precious stone or metal or from the seizure of such money, a monetary reward not exceeding one third of the amount realized by such sale or of such money seized, as the case may be.

(2) Every such payment shall be made by the Accounting Officer of the Administration by way of refund from the revenue in question as paid into the Administration Account in terms of sub-section (3) of section *eleven*, as substituted by section 1 of Ordinance 8 of 1928."

2. This Ordinance shall be called the Finance and Audit Further Amendment Ordinance, 1952.

No. 42 van 1952.]

ORDONNANSIE

Ter wysiging van die wet tot reëling van die ontvangs, bewaring en uitgifte van Staatsgelde.

(Goedgekeur 8 November 1952.)
(Engelse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Die onderstaande nuwe artikel word hierby ingevoeg na artikel *vier-en-twintig* van die „Finansie en Ouditeur Ordonnansie 1926“ (Ordonnansie 1 van 1926):—

"Beloning van aangewers ten opsigte van edele metaal en edelgesteentes."

24 bis. (1) Andersluidende wetsbepalings ten spyt, kan enigiemand (uitgesonderd 'n werknemer van die Administrasie of van die Regering van die Unie van Suid-Afrika) weens wie se inligting daar ingevolge enige wet beslag gelê word op enige edelgesteente of edele metaal, of op geld betrokke by onwettige handel met enige edelgesteente of edele metaal, na goedvinde van die Kommissaris van die Suid-Afrikaanse Polisie en met sy skriftelike magtiging, geldelik beloon word uit die inkomste wat die Administrasie toekom uit die verkoop van sodanige edelgesteente of edele metaal, of uit die beslaglegging op sodanige geld, maar dan met hoogstens een-derde van die kooppeld, of van die geld waarop beslag gelê is, na gelang.

(2) Elke sodanige beloning betaal die Administrasie se Rekenpligtige Amptenaar asof dit 'n terugbetaling is uit die betrokke inkomste wat ooreenkomsdig sub-artikel (3) van artikel *elf*, soos vervang deur artikel 1 van Ordonnansie 8 van 1928, in die Administrasie-rekening gestort word."

2. Hierdie Ordonnansie heet die Verdere Wysigingsordonnansie op Finansie en Ouditering 1952.

No. 43 van 1952.]

ORDINANCE

To amend the law relating to public education.

(Assented to 8th November, 1952.)
(Afrikaans text signed by the Administrator.)

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

1. Section *eighty-five* of the Education Proclamation, 1926 (Proclamation 16 of 1926), is hereby amended by the addition of the following proviso at the end thereof:—

“Provided that in the case of private schools, the Director may authorise a departure from the provision determining that there shall be four school terms during every calendar year.”

2. This Ordinance shall be called the Education Further Amendment Ordinance, 1952.

No. 43 of 1952.]

ORDONNANSIE

Ter wysiging van die wet op openbare onderwys.

(Goedgekeur 8 November 1952.)
(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Artikel *vyf-en-tig* van die Onderwys Proklamasie 1926 (Proklamasie 16 van 1926) word hierby gewysig deur die byvoeging van die onderstaande voorbehoudsbeperking aan die slot daarvan:—

„Met dien verstande dat die Direkteur ten opsigte van private skole 'n afwyking kan magtig van die beperking dat elke kalenderjaar vier skoolkwartale moet inhou.”

2. Hierdie Ordonnansie heet die Verdere Wysigingsordonnansie op die Onderwys 1952.

No. 44 van 1952.]

No. 44 of 1952.]

ORDINANCE

To amend the law relating to fencing.

(Assented to 8th November, 1952.)
(Afrikaans text signed by the Administrator.)

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

1. The following section is hereby substituted for section eleven of the Second Schedule to the Fencing Proclamation (Proclamation 57 of 1921)—

“11. (1) The board shall have power to award to either owner or against the other owner the costs of, and incidental to, the determination of the matter, including the remuneration of and reasonable expenditure by the board.

(2) The Administrator shall from time to time fix the daily remuneration payable to a member of the board.”

2. This Ordinance shall be called the Fencing Amendment Ordinance, 1952.

ORDONNANSIE

Ter wysiging van die wet op omheining.

(Goedgekeur 8 November 1952.)
(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwest-Afrika VERORDEN:—

1. Die volgende artikel vervang hierby artikel elf van die tweede bylae van die „Omheinings Proklamatie” (Proklamasie 57 van 1921) —

„11. (1) Die raad is bevoeg om aan een eienaar teenoor die ander eienaar sowel die koste van die saak as die koste wat die uitwysing daarvan meebring, toe te ken, met inbegrip van die raad se besoldiging en sy redelike uitgawe.

(2) Die Administrateur bepaal van tyd tot tyd die daaglikske besoldiging wat aan 'n lid van die raad betaal moet word.”

2. Hierdie Ordonnansie heet die Wysigingsordonnansie op Omheining 1952.

No. 45 of 1952.]

ORDINANCE

To amend the law relating to the survey of land in the Territory.

(Assented to 8th November, 1952.)
(English text signed by the Administrator.)

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

1. In this Ordinance the expression “Principal Proclamation” means the Additional Land Survey Proclamation 1920, (Proclamation 78 of 1920), as amended by the Additional Land Survey Amendment Proclamation 1921 (Proclamation 45 of 1921), and by the Deeds Registry Proclamation 1939, (Proclamation 37 of 1939).

2. The following sub-section is hereby substituted for sub-section (1) of section two of the Principal Proclamation —

“2 (1) No diagram of a piece of land upon the original survey thereof shall be approved, unless there has been lodged with the Surveyor-General a document of admission, known as a Boundary Protocol, as far as is practicable in the form set forth in the schedule to this proclamation signed by or on behalf of all owners of land contiguous to the land surveyed and by two competent witnesses one of whom may be the land surveyor making the survey: Provided that in respect of any beacon which under this proclamation or any other law is a lawfully established beacon or when the several diagrams agree within the prescribed limit of error in respect of the position of the beacons represented thereon, no such document of admission shall be necessary. In respect of such a contiguous piece of land which is held by two or more owners in undivided shares it shall be sufficient if the document of admission be signed by the owners of a three-fourths part of or share in the land so held”.

3. Subsection (6) of section two of the Principal Proclamation is hereby repealed.

4. The following section is hereby substituted for section seven of the Principal Proclamation —

“7. The Surveyor-General shall approve a diagram, framed for the purpose of obtaining a consolidated title, which —

ORDONNANSIE

Ter wysiging van die wet betreffende die opmeting van grond in die Gebied.

(Goedgekeur 8 November 1952.)
(Engelse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwest-Afrika VERORDEN:—

1. In hierdie Ordonnansie dui die woord „hoofproklamasie” op die Additionele Landmeting Proklamatie 1920 (Proklamatie 78 van 1920) soos gewysig by die Additionele Landmeting Wysiging Proklamatie 1921 (Proklamatie 45 van 1921) en die Registrasie van Aktes Proklamasie 1939 (Proklamasie 37 van 1939).

2. Die volgende sub-artikel vervang hierby sub-artikel (1) van artikel twee van die hoofproklamasie —

„2. (1) Geen kaart van 'n stuk grond wat by die oorspronklike opmeting daarvan ontwerp is, word goedgekeur nie tensy daar 'n dokument van erkenning, genoem 'n grensprotokol, wat sover doenlik die formulier voorgeskryf in die bylae van hierdie Proklamasie navolgt en wat onderteken is deur of namens alle eienaars van grond grensende aan die opgemete grond, en deur twee bevoegde getuies, van wie die landmeter wat die opmeting verrig een kan wees, by die Landmeter-generaal ingelewer word: Met dien verstande dat waardit bakens betrek wat wettig ingevolge hierdie Proklamasie of enige ander wet gevvestig is, of bakens oor die ligging waarvan die verskillende kaarte binne die voorgeskrewe foutgrens ooreenkoms, geen sodanige dokument van erkenning vereis word nie. Ten opsigte van so 'n aangrensende stuk grond wat deur twee of meer eienaars in onverdeelde aandele besit word, is dit voldoende as die dokument van erkenning onderteken word deur die eienaars van 'n drie-kwarte deel van, of aandee in, daardie grond”.

3. Sub-artikel (6) van artikel twee van die hoofproklamasie word hierby herroep.

4. Die volgende artikel vervang hierby artikel sewe van die hoofproklamasie —

„7. Die Landmeter-generaal moet 'n kaart goedkeur wat opgestel is ten einde 'n gekonsolideerde titelbewyse te verkry,wanneer —

- (a) has been compiled, without any resurvey, from two or more diagrams representing several pieces of land, or
- (b) records numerical data obtained from the resurvey of two or more pieces of land, provided that the provisions of sub-section (1) of section nineteen shall *mutatis mutandis* apply.

5. The following section is hereby substituted for section nineteen of the Principal Proclamation —

"19. (1) If on the resurvey of any land or the survey of land for the purpose of division (in this section referred to as the resurvey), the numerical data derived from the resurvey are found to differ from those numerical data on the diagram of the land upon which any registration has been based, the Surveyor-General shall —

- (a) when the difference is beyond the prescribed limit of error, approve a diagram prepared in accordance with the resurvey as if the piece of land represented on the said diagram were a piece of land such as is referred to in sub-section (1) of section four: Provided that the provisions of section two and of sub-section (3) of section four have *mutatis mutandis* been complied with in regard thereto and to all matters in connection therewith: Provided further that any terminal beacon shall be deemed to be a corner beacon of the property under survey for the purposes of the document of admission referred to in sub-section (1) of section two;
- (b) when the difference is not beyond the prescribed limit of error and he is satisfied that the resurvey has been more accurately performed than the previous survey, and that the positions of the beacons and boundaries adopted in both surveys are identical, the Surveyor-General shall approve a new diagram of the land, or a diagram of any portion thereof, prepared in accordance with the resurvey;
- (c) when the difference is beyond the prescribed limit in respect of certain of the beacons and boundaries, while the numerical data of the remaining beacons and boundaries do not differ beyond the said limit, the Surveyor-General shall approve a new diagram of the land, or of any portion thereof, prepared in accordance with the resurvey, if the provisions referred to in paragraph (a) have been complied with in regard to those beacons and boundaries the data whereof differ beyond the prescribed limit of error, and the conditions referred to in paragraph (b) are present in regard to all other beacons and boundaries: Provided that, at his discretion, the Surveyor-General may approve the diagram without compliance with the provisions of sub-section (1) of section two in respect of any beacon or boundary in regard to which there is documentary evidence in his office proving that the position determined for such beacon or boundary is correct.

(2) If the Surveyor-General approves a diagram of the whole piece of land in terms of sub-section (1), he shall notify the Registrar of Deeds of such approval and thereafter no transfer, endorsement or any other act affecting the registration of such land or portion thereof or undivided share therein, shall be effected until the diagram has been lodged with the Registrar in order that he may make the necessary endorsement on the relative title deed in accordance with the law relating to the registration of deeds".

6. The following section is hereby substituted for section twenty of the Principal Proclamation —

"20. If the Surveyor-General is satisfied that the diagram of any piece of land entirely fails to represent such land or misrepresents it to such an extent that damage or loss may have or might result to any person who is or may become interested therein, he may give notice of such fact to the Registrar of Deeds and to the owner of such piece of land and thereafter no further registration of such piece of land or of any portion thereof or undivided share therein shall be effected in the deeds registry until a new diagram thereof has been approved and a certificate of amended title thereto has been issued or the title deed thereof has been endorsed, in accordance with such new diagram, under the law relating to the registration of deeds: Provided that if the Surveyor-General is unaware of the address of the owner of such piece of land, a publication of such notice in three consecutive issues of the *Official Gazette* and once

- (a) dit sonder 'n hermeting saamgestel is uit twee of meer kaarte wat verskeie stukke grond voorstel; of
- (b) dit getalsgegewens verstrek wat berus op die hermeting van twee of meer stukke grond: Met dien verstande dat die bepalings van sub-artikel (1) van artikel negentien, *mutatis mutandis* van toepassing is".

5. Die volgende artikel vervang hierby artikel negentien van die hoofproklamasie —

"19. (1) Wanneer by die hermeting of die opmeting van grond vir 'n verdeling (in hierdie artikel die hermeting genoem) blyk, dat daar 'n verskil bestaan tussen die getalsgegewens verkry uit die hermeting en daardie getalsgegewens op die kaart van bedoelde grond wat tot grondslag van 'n registrasie gestrek het, moet die Landmeter-generaal —

- (a) as die verskil die voorgeskrewe foutgrens oorskry, goedkeuring heg aan 'n kaart wat in ooreenstemming met die hermeting vervaardig is asof die stuk grond op bedoelde kaart voorgestel, 'n stuk grond is wat vermeld word in sub-artikel (1) van artikel vier: Met dien verstande dat die bepalings van artikel twee en van sub-artikel (3) van artikel vier met betrekking daar toe en tot alle desbetreffende aangeleenthede *mutatis mutandis* nagekom is: Met dien verstande voorts dat, enige eindbaken gehou word vir 'n hoekbaken van die grond wat opgemeet word, vir die doeleindes van die dokument van erkenning waarna in sub-artikel (1) van artikel twee verwys word;
- (b) as die verskil nie die voorgeskrewe foutgrens oorskry nie en die Landmeter-generaal oortuig is dat die hermeting sekuurder uitgevoer is as die vorige opmeting en dat die ligging van die bakens en grense in alwee daardie opmetings aangeneem, dieselfde is, moet hy goedkeuring heg aan 'n nuwe kaart van bedoelde grond, of aan 'n kaart van enige deel daarvan, wat in ooreenstemming met die hermeting vervaardig is;
- (c) as die verskil die voorgeskrewe foutgrens oorskry ten opsigte van slegs sekere van die bakens en grense, maar die getalsgegewens van die oorblywende bakens en grense of ooreenstem of nie gemelde foutgrens oorskry nie, moet die Landmeter-generaal goedkeuring heg aan 'n nuwe kaart van bedoelde grond, of aan 'n kaart van enige deel daarvan, wat in ooreenstemming met die hermeting vervaardig is, mits die bepalings vermeld in paragraaf (a) nagekom is ten opsigte van daardie bakens en grense waarvan die verskil in die gegevens die voorgeskrewe foutgrens oorskry, en al die ander bakens en grense aan die voorskrifte van paragraaf (b) voldoen: Met dien verstande dat die Landmeter-generaal na goeddunke die kaart sonder nakoming van die bepalings van sub-artikel (1) van artikel twee mag goedkeur ten opsigte van enige baken of grens in verband waarmee in sy kantoor dokumentêre bewys is wat bevestig dat die vasgestelde ligging van bedoelde baken of grens, juis is.

(2) As die Landmeter-generaal ingevolge sub-artikel (1) 'n kaart van die hele stuk grond goedkeur, moet hy die Registrateur van Aktes van sodanige goedkeuring verwittig, en daarna mag geen transport, aantekening of enige andere handeling wat die registrasie van sodanige grond of gedeelte daarvan of onverdeelde aandeel daarin raak, plaasvind nie voordat die kaart by die Registrateur ingedien is sodat hy die nodige aantekening ooreenkomsig die wet op die registrasie van aktes op die betrokke titelbewys kan maak".

6. Die volgende artikel vervang hierby artikel twintig van die hoofproklamasie —

"20. As die Landmeter-generaal oortuig is dat die kaart van 'n stuk grond daardie grond hoegenaamd nie voorstel nie of dit in dié mate verkeerd voorstel, dat iemand wat 'n belang daarin het of mag verkry, daardeur skade of verlies sou kan ly, mag hy daardie feit meedeel aan die Registrateur van Aktes en aan die eienaar van daardie stuk grond, en daarna mag geen verdere registrasie van daardie stuk grond of van 'n deel daarvan, of van 'n onverdeelde aandeel daarin in 'n registrasiekantoor plaasvind nie totdat 'n nuwe kaart daarvan goedgekeur is, en 'n sertifikaat van geamendeerde titel daarop uitgegee is, of 'n aantekening gemaak is op die titelbewys daarvan in ooreenstemming met daardie nuwe kaart, ingevolge die wet op die registrasie van aktes: Met dien verstande dat as die Landmeter-generaal die adres van die eienaar van daardie stuk grond nie ken nie, die bekendmaking van voormalde

every week during three consecutive weeks in a newspaper circulating in the district in which such piece of land is situate, shall be deemed to be sufficient notice to such owner for the purpose of this section".

meedeling in drie agtereenvolgende uitgawes van die *Offisiële Koerant* en eenkeer elke week gedurende drie agtereenvolgende weke in 'n nuusblad in omloop in die distrik waarin daardie stuk grond lê, beskou word as voldoende meedeling aan daardie eienaar vir die doelendes van hierdie artikel".

7. This Ordinance shall be called the Additional Land Survey Proclamation Amendment Ordinance, 1952.

7. Hierdie Ordonnansie heet die Addisionele Landmetingsproklamasie Wysigings-Ordonnansie 1952.

S C H E D U L E / B Y L A E.

BOUNDARY PROTOCOL / GRENS PROTOKOL.

Boundary Protocol relating to the beacons and boundaries of Grensprotokol met betrekking tot die bakens en grenslyne van in the in die under the provisions of sub-section (1) of section 2 of Proclamation No. 78 of 1920. ooreenkomsdig die bepalings van sub-artikel (1) van artikel 2 van Proklamasie No. 78 van 1920.

We, the undersigned,
Ons, die ondergetekendes,

1., owner of eienaar van
2., owner of eienaar van
3., owner of eienaar van
4., owner of eienaar van
hereby consent to the positions of the beacons and boundaries of our said properties as adopted in the survey of the piece stem hiermee in met die ligging van die bakens en grenslyne van ons genoemde eiendomme waarop die opmeting van situated in the of land designated genoom, berus, en geleë in die stuk grond,

South West Africa, by Mr. Surveyor
Suidwes-Afrika, deur Landmeter

and represented on the figure appearing on this document, en aangegee op die figuur wat op hierdie dokument ver- and we consent to a diagram being framed in accordance therewith.
skyn en ons stem toe tot die vervaardiging van 'n kaart in ooreenstemming daarmee.

Date. Datum.	Signature Handtekening	Beacons and Boundaries indicated on figure appearing on this docu- ment and hereby consented to. Bakens en grense aangegee op fi- guur op hierdie dokument waarmee partye instem.	Getuies by ondertekening. Witnesses to Signature.
1.			1.
2.			2.
3.			1.
4.			2.

Figure representing the land under survey and the common beacons and boundaries of contiguous properties.
Figuur van grond wat gemeet word en gemeenskaplike bakens en grense van aangrensende eiendomme.

Land Surveyor / Landmeter.

No. 47 of 1952.]

ORDINANCE

To amend the law relating to the sale of intoxicating liquor.

(Assented to 24th November, 1952.)
(English text signed by the Administrator.)

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

1. Section *three* of the Liquor Licensing Proclamation, 1920 (Proclamation 6 of 1920), as amended from time to time, (hereinafter called the principal Proclamation), is hereby amended by the addition of the following definition:

“sell” in addition to its ordinary meaning includes keeping, exposing, or delivering for sale, or authorising, directing or allowing sale, or bartering or exchanging, or possessing for purposes of sale.

2. Section *four* of the principal Proclamation is hereby amended by the insertion after the word “any” where it occurs for the second time, of the words “conditions or”.

3. Section *six* of the Principal Proclamation is hereby amended by the addition of the following item:—

“9. Special brewers wholesale depot licence.”

4. Section *seven* of the principal Proclamation is hereby amended —

- (a) by the deletion in sub-paragraph (a) of paragraph (2) of the words “or Christmas Day” and the substitution therefor of the words “or Ascension Day, or Day of the Covenant or Christmas Day”;
- (b) by the deletion in sub-paragraph (c) of paragraph (3) of the words “or Christmas Day” and the substitution therefor of the words “or Ascension Day, or Day of the Covenant or Christmas Day”;
- (c) by the insertion in paragraph (4) after the words “Good Friday” of the words “or Ascension Day or Day of the Covenant”;
- (d) by the deletion in paragraph (6) of the words “or Christmas Day” and the substitution therefor of the words “or Ascension Day, or Day of the Covenant, or Christmas Day”; and
- (e) by the addition of the following paragraphs:—

“(7) A special brewers wholesale depot licence shall authorise any brewer holding a Special Brewers Wholesale Licence under the “Brewers and Distillers Licences Duty Proclamation, 1924”, as amended, to sell or supply the product of his manufacture in quantities of not less than five gallons if in cask or two gallons if in bottle to the general public from any depot, but not for consumption on the premises. Such depot shall not be managed or controlled by any holder of a retail or light liquor licence under this Proclamation, or any amendment thereof, and such depot shall not be situated on any premises carrying a retail or light liquor licence under the said Proclamation. Subject to section *twenty-nine* of this Ordinance the provisions of sub-paragraphs (b), (c) and (d) of paragraph (3) of this section in regard to bottle licences shall *mutatis mutandis* apply to special brewers wholesale depot licences, and the further provisions

No. 47 van 1952.]

ORDONNANSIE

Ter wysiging van die wet op die verkoop van sterk drank.

(Goedgekeur 24 November 1952.)
(Engelse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Artikel *drie* van die „Drank Licentie Proklamatie, 1920” (Proklamasie 6 van 1920), soos van tyd tot tyd gewysig, (hierna genoem „die hoofproklamasie”), word hierby gewysig deur die onderstaande woordbepaling by te voeg:—

„Verkoop” benewens sy gewone betekenis ook aanhou, uitstal of aflewing ter verkoop, of magtiging, opdrag of verlof tot verkoop, of ruil of omruil, of besit ter verkoop.

2. Artikel *vier* van die hoofproklamasie word hierby gewysig deur na die woord „voorrechten” in die vierde reel daarvan die woorde „of voorwaarden” in te voeg.

3. Artikel *ses* van die hoofproklamasie word hierby gewysig deur die onderstaande hoof by te voeg:—

„9. Spesiale groothandel-dépôtlisensie vir bierbrouers.”

4. Artikel *sewe* van die Hoofproklamasie word hierby gewysig —

(a) deur die woord „Kerstmisdag” in subparagraph (a) van paragraaf (2) te skrap, en te vervang met die woorde „Hemelvaartdag, of Geloftedag, of Kersdag”;

(b) deur die woord „Kerstmisdag” in subparagraph (c) van paragraaf (3) te skrap, en te vervang met die woorde „Hemelvaartdag, of Geloftedag, of Kersdag”;

(c) deur die woorde „of Hemelvaartdag, of Geloftedag” in te voeg na die woorde „Goeie Vrydag” in paragraaf (4);

(d) deur die woord „Kersdag” in paragraaf (6) te skrap, en te vervang met die woorde „of Hemelvaartdag, of Geloftedag, of Kersdag”; en

(e) deur die onderstaande paragrawe by te voeg:—

„(7) 'n Spesiale groothandel-dépôtlisensie vir bierbrouers magtig enige bierbrouer wat 'n spesiale groot-handellisensie hou ingevolge die „Brouwers en Distilleerders Licentie Belasting Proklamatie 1924”, soos gewysig, om sy eie vervaardigde produk in hoeveelhede van minstens vyf gelling waar dit in 'n vat is, of minstens twee gelling waar dit in 'n bottel is, uit enige dépôt aan die algemene publiek te verkoop, maar nie ter verbruik op die perseel nie. Sodanige dépôt mag nie bestuur of beheer word deur 'n houer van 'n kleinhandel- of ligte dranklisensie ingevolge hierdie Proklamasie of 'n wysiging daarvan nie, en sodanige dépôt mag nie bestaan op 'n perseel wat 'n kleinhandel- of lichte dranklisensie ingevolge genoemde Proklamasie dra nie. Behoudens die bepalings van artikel *negen-en-twintig* van hierdie Ordonnansie is die bepalings van sub-paragrawe (b), (c) en (d) van paragraaf (3) van hierdie artikel ten opsigte van bottellisensies

of this Proclamation or any amendment thereof relating to sales under a bottle licence and all the obligations and disabilities of and penalties upon the holders of bottle licences shall apply in so far as they can be applied in respect of sales of liquor by the holder of a special brewers wholesale depot licence for consumption off the licensed premises authorised in terms of this paragraph and in respect of the licensee of such premises, and the licensing court may, in respect of such sales and licensee, exercise all such powers as it may exercise in respect of a bottle licence in so far as these powers can be exercised in relation to the product of the manufacture of a brewer of beer.

(8) Where the conditions of a retail or light liquor licence authorise the sale of liquor for consumption off the licensed premises, all the provisions of this Proclamation, as amended from time to time, relating to sales under a bottle licence and all the obligations and disabilities of and penalties upon the holders of bottle licences shall apply in respect of the said sales of liquor for consumption off the licensed premises, authorised as aforesaid and in respect of the licensee of such premises, and the licensing court may, in respect of such sales and licensee, exercise all such powers as it may exercise in respect of a bottle licence: Provided that notwithstanding anything in sub-paragraph (b) of paragraph (3) contained such sales of liquor for consumption off the licensed premises may take place from the same room or rooms as sales of liquor for consumption on the licensed premises unless the licensing court determine otherwise: Provided further that nothing therein contained shall be construed as imposing upon any holder of a retail or light liquor licence who is authorised by the conditions of his licence to sell liquor for consumption off the licensed premises, any liability for the payment of an annual licence fee which is payable in respect of a bottle licence."

5. The following sections are hereby substituted for section twenty-six of the principal Proclamation:—

26. (1) Courts for the consideration and determination of applications for or relating to the granting, renewal, transfer, removal, ratification of temporary transfers, ratification of removal of the following licences—

- (a) wholesale;
- (b) retail;
- (c) bottle;
- (d) club;
- (e) light liquor; and
- (f) special brewers wholesale depot,

and for the consideration and determination of applications for a conditional authority in terms of section *thirty-five bis*, are hereby constituted and shall be held in and for each district of the Territory: Provided that all such applications for or relating to retail or light liquor licences in respect of railway refreshment cars on any railway line between Usakos and Outjo, Tsumeb or Grootfontein, shall be considered by the licensing court for the district of Otjiwarongo, and all applications for such licences in respect of any other railway refreshment cars shall be considered by the licensing court for the district of Windhoek.

(2) Every court constituted under sub-section (1) shall consist of —

- (a) the magistrate, or in his absence the acting magistrate, or if one has not been appointed, the assistant magistrate; and
- (b) two other members to be appointed by the Administrator.

(3) The member of the court mentioned in paragraph (a) of sub-section (2) shall be the chairman of the court and preside at every meeting thereof.

Licensing
courts
constituted.

mutatis mutandis van toepassing op spesiale groot-handel-dépôtlisensies vir bierbrouers, en geld die verdere bepalings van hierdie Proklamasie of 'n wysiging daarvan met betrekking tot verkoop ingevolge 'n bottellisensie en al die verpligtings en onbevoegdhede van die houers van bottellisensies, en die strawwe waaraan hulle onderhewig is, vir sover moontlik die verkoop van drank deur die houer van 'n spesiale groothandel-dépôtlisensie vir bierbrouers ter verbruik buite die gelisensieerde perseel gemagtig ingevolge hierdie paragraaf en die houer van sodanige perseel, en die lisensiehof kan ten opsigte van sulke verkoop en lisensiehouer al die bevoegdhede wat hy ten opsigte van 'n bottellisensie besit, uitoefen vir sover hierdie bevoegdhede uitgeoefen kan word met betrekking tot die vervaardigde produk van 'n bierbrouer.

(8) Waar die voorwaardes van 'n kleinhandel- of ligte-dranklisensie die verkoop van drank ter buitenverbruik magtig, geld al die bepalings van hierdie proklamasie, soos van tyd tot tyd gewysig, betreffende verkoop ingevolge 'n bottellisensie, as ook al die verpligtings en onbevoegdhede en strawwe waaraan die houers van bottellisensies onderhewig is ten opsigte van die bedoelde drankverkoope ter buitenverbruik en die betrokke lisensiehouer wat soos voormalig gemagtig is, en die lisensiehof kan betreffende sodanige verkoope en lisensiehouer al die bevoegdhede uitoefen wat hy betreffende 'n bottellisensie kan uitgeoefen: Met dien verstande dat, die bepalings van sub-paragraaf (b) van paragraaf (3) ten spyte, sodanige drankverkoope ter buitenverbruik in dieselfde vertrek(-ke) kan geskied as drankverkoope ter verbruik op die perseel, tensy die lisensiehof egter anders besliss: Met dien verstande voorts dat geen bepaling daarvan enige houer van 'n kleinhandel- of ligte-dranklisensie wie se lisensie-voorwaardes hom magtig om drank ter buitenverbruik te verkoop, vir die jaarlikse lisensiegeld wat vir 'n bottellisensie betaalbaar is aanspreeklik maak nie."

5. Artikel *ses-en-twintig* van die hoofproklamasie word hereby vervang met die onderstaande artikels:—

„Instelling van
Lisensiehove.

26. (1) Howe ter oorweging van, en beslissing oor, aansoek om, of in verband met, die toekekening, hernuwing, oordrag, verplasing, bekratiging van tydelike oordrag, bekratiging van verplasing van die onderstaande lisensies—

- (a) groothandellisensies;
- (b) kleinhandellisensies;
- (c) bottellisensies;
- (d) klublisensies;
- (e) ligte-dranklisensies; en
- (f) spesiale groothandel-dépôtlisensies vir bierbrouers;

en ter oorweging van, en beslissing oor, aansoek om voorwaardelike magtiging ingevolge artikel *vijf-en-dertig bis*, word hereby ingestel en moet in, en vir elke distrik van die Gebied sitting hou: Met dien verstande dat elke sodanige aansoek om, of in verband met, kleinhandel- of ligte-dranklisensies vir spoorwegverversingswaens op enige spoorlyn tussen Usakos en Outjo, Tsumeb of Grootfontein, oorweeg moet word deur die lisensiehof vir die distrik Otjiwarongo, en dat elke aansoek om sodanige lisensies vir enige ander spoorwegverversingswaens oorweeg moet word deur die lisensiehof vir die distrik Windhoek.

(2) Elke hof wat ingevolge sub-artikel (1) hiervan saamgestel word, bestaan uit —

- (a) die magistraat, of by sy afwesigheid, die waarnemende magistraat, of as daar geen waarnemende magistraat aangestel is nie, die assistent-magistraat; en
- (b) nog twee lede wat deur die Administrateur aangestel word.

(3) Die lid van die hof wat in paragraaf (a) van sub-artikel (2) genoem word, is voorzitter van die hof, en sit by elke sitting daarvan voor.

(4) The members of the court appointed in terms of paragraph (b) of sub-section (2) shall receive such remuneration and allowances as may be determined by the Administrator.

Provision where new district constituted.

26bis. (1) In the event of the Administrator in the exercise of any power vested in him detaching any portion of a district for the purpose of creating a new district or to form part of another district, the licensing court of such first-mentioned district shall from the date of such detachment, cease to have jurisdiction in the detached portion of the first-mentioned district, but all licences issued, all conditions imposed and all things done under the authority of this Proclamation in such portion shall remain of force and effect as if no such detachment had taken place.

(2) In the event of the Administrator in the exercise of any power vested in him creating any new district, a licensing court for such district shall forthwith be constituted in manner provided in section *twenty-six*. The first members of such court appointed under paragraph (b) of sub-section (2) of section *twenty-six* shall hold office from the date of their appointment until the last day of December next ensuing.

General disqualification for membership of court.

26ter. (1) The following persons shall be disqualified for appointment or if appointed, from sitting as members of a licensing court:—

- (a) The holder of, or applicant for, any licence for the sale of intoxicating liquors;
 - (b) any brewer or distiller;
 - (c) any person engaged in making wine or spirits for sale;
 - (d) any spouse, partner, agent or employee of any person described in paragraph (a), (b) or (c);
 - (e) any officer or agent of any partnership or association of persons or society interested in the sale or the prevention of the sale of intoxicating liquor, and any person who holds, or during the preceding period of three years has held, an official position in an association or society having as its main object the suppression or promotion of the liquor trade;
 - (f) any person employed directly or indirectly as an agent for the purpose of making any application to a licensing court for any other person, or any partner of any person so employed as an agent;
 - (g) any person who is a director, agent, manager or employee of, or a partner in, any business, trade or calling carried on upon any licensed premises or the owner, lessor, or lessee of or the holder of any mortgage bond upon such premises, or upon any land in respect of which an application is made under section *thirty-five bis*;
 - (h) any un rehabilitated insolvent;
 - (i) any person who, within the Territory or elsewhere, has had a sentence of imprisonment without the option of a fine imposed upon him for the commission of some crime or offence not of a political character and has not received a free pardon therefor;
 - (j) the chairman or the member of a committee or an officer of any club in respect of which a liquor licence is held within the district in which the court has jurisdiction.
- (2) The fact that a person is a member of a club holding a club liquor licence shall not of itself disqualify him from being a member of a licensing court.

(3) No member of a court shall take his seat at any annual meeting thereof unless he has, not more than seven days previously, signed

Wanneer nuwe distrik gestig word.

(4) Die lede van die hof wat ingevolge paraaf (b) van sub-artikel (2) aangestell word, ontvang sodanige besoldiging en toelaes soos deur die Administrateur bepaal mag word.

26bis. (1) Wanneer die Administrateur by die uitoefening van sy bevoegdhede 'n deel van 'n distrik afsonder om 'n nuwe distrik te stig of om 'n deel van 'n ander distrik uit te maak, dan verval die bevoegdheid van die licensiehof van eersgenoemde distrik van die dag af waarop die afsondering geskied in die afgesonderte deel van eersgenoemde distrik, maar alle uitgereikte licensies, alle gestelde voorwaardes en alle verrigtinge kragtens hierdie Proklamasie in daardie deel, bly van krag asof die afsondering nie plaasgevind het nie.

(2) Wanneer die Administrateur by die uitoefening van sy bevoegdhede 'n nuwe distrik stig, moet daar onverwyd 'n licensiehof vir daardie distrik ingestel word soos artikel *ses-en-twintig* bepaal. Die eerste lede van 'n hof aangestell ingevolge paraaf (b) van sub-artikel (2) van artikel *ses-en-twintig* beklee hulle amp van die dag van hulle benoeming tot die laaste dag van die daarvolgende Desember.

Algemene onbevoegdheid om lid van hof te wees.

26ter. (1) Die volgende persone is onbevoegd om benoem te word of indien benoem, om sitting te neem as lede van 'n licensiehof —

- (a) die houer van, of aansoeker om, 'n licensie vir die verkoop van sterk drank;
- (b) 'n bierbrouer of drankstoker;
- (c) iemand wat die vervaardiging van wyn en spiritualieë ter verkoop beoefen;
- (d) 'n eggenoot, vennoot, agent of dienaar van iemand vermeld in paraaf (a), (b) of (c);
- (e) 'n beampie of agent van 'n vennootskap of vereniging van persone of genootskap wat belang het by die verkoop of by die verhindering van die verkoop van sterk drank, en iemand wat 'n offisiële betrekking beklee of gedurende die voorafgaande drie jaar beklee het in 'n vereniging of genootskap wat die onderdrukking of bevordering van die drankhandel as sy hoofdoel beskou;
- (f) iemand wat direk of indirek as agent opdrag ontvang het om by 'n licensiehof namens iemand anders enige aansoek in te dien of 'n vennoot van iemand wat aldus opdrag ontvang het;
- (g) iemand wat 'n direkteur, agent of bestuurder van, of in diens van, of 'n vennoot in, 'n besigheid, bedryf of beroep uitgeoefen in 'n gelisensieerde perseel, of die eienaar, verhuuder, huurder of wat verbandhouer is van so 'n perseel of van grond ten opsigte waarvan 'n aansoek kragtens artikel *vyf-en-dertig bis* gedoen is;
- (h) 'n ongerehabiliteerde bankroetier;
- (i) iemand wat in die Gebied of elders tot gevangenisstraf sonder die keuse van 'n boete veroordeel is weens een of ander oortreding van nie-politieke aard, en aan wie desweē geen gracie verleen is nie;
- (j) die voorsitter of 'n lid van die bestuur of 'n beampie van 'n klub ten opsigte waarvan 'n dranklisensie gehou word in die distrik waarin die hof bevoegdheid het.

(2) Niemand is bloot weens sy lidmaatskap van 'n klub wat 'n klubdranklisensie besit, onbevoeg om lid van 'n licensiehof te wees nie.

(3) Geen lid van 'n licensiehof mag op 'n jaarlikse vergadering daarvan sitting neem, ten-sy hy hoogstens sewe dae vantevore 'n verkla-

and handed to the chairman a declaration that to the best of his knowledge and belief he is not disqualified from sitting as a member of the licensing court by reason that he is a person, or one of a class of persons, described in sub-section (1).

Special disqualification of members of court in particular cases. 26^{quat}. No member of a licensing court shall take any part in the hearing or decision of any application for a licence under this Proclamation if he is —

- (a) an owner, mortgagee, lessor or lessee of the premises in respect of which the application is made;
- (b) a partner, agent or employee of the applicant or of any objector to the application; or
- (c) a director, manager or other officer, employee or agent of any company or association which would, if it were an individual, fall within paragraph (a) or (b).

Tenure of office of members of licensing court. 26^{quin}. (1) Every member of a licensing court appointed by the Administrator under this Proclamation shall hold office from the first day of January next ensuing after his appointment and continue therein until the last day of December in the same year: Provided that every member appointed in the year 1952 shall hold office from the date of his appointment until the last day of December, 1953.

(2) In the event of any member of a licensing court vacating his office by death, resignation, disqualification, or for any other cause whatever, the vacancy shall be filled by some person appointed by the Administrator.

Secretary to licensing court. 26^{sext}. The chairman of a licensing court may, with the approval of the Administrator, appoint as secretary thereof any member of the public service upon the staff of the magistrate of the district. If no such appointment is made, the clerk of the magistrate's court of the district shall be the secretary of the court.

Order of business. 26^{sept}. (1) The order of business at any licensing court meeting shall be as determined by the court: Provided that all applications for the renewal of licences shall be heard and disposed of before applications for the grant of new licences are considered.

(2) All meetings of a court shall be open to the public: Provided that if the court so determines, the deliberation and voting upon any matter shall be in private.

Decisions on matters of law. 26^{oct}. (1) Any matter of law arising for decision at any meeting of a licensing court, and any question arising at any such meeting as to whether a matter for decision is a matter of fact or a matter of law, shall be decided by the chairman, and no other member of the court shall have a voice in the decision of any such matter.

(2) The chairman may adjourn the argument upon any such matter as may arise in terms of sub-section (1) and may sit without any other member of the court for the hearing of such argument and the decision of such matter.

(3) Whenever the chairman shall give any decision in terms of sub-section (1), he shall state his reasons for that decision.

Decisions on matters of fact. 26^{nov}. (1) Upon all matters of fact (which shall be deemed to include any question as to the taking of evidence, or the calling of any witness, or the order of the court's proceedings, or the taking of its own motion of any objection in terms of section forty-one) the decision or opinion of the majority of the members present and qualified to vote shall be the decision or opinion of the court: Provided that in the

ring dat hy, vir sover hy weet, nie onbevoeg is om as lid van 'n licensiehof sitting te neem omdat hy iemand is, of behoort aan 'n klas persone, vermeld in sub-artikel (1), geteken en aan die voorsitter ingelewer het.

Spesiale onbevoegdheid van lede in beondere gevalle. 26^{quat}. Geen —

- (a) eienaar, verbandhouer, huurder of verhuurder van persele ten opsigte waarvan daar ingevolge hierdie Proklamasie om 'n licensie aansoek gedoen word; nòg
- (b) 'n vennoot, agent of dienaar van so 'n aansoeker of van 'n beswaarmaker teen so 'n licensie; nòg
- (c) 'n direkteur, bestuurder of ander beampete, dienaar of agent van 'n maatskappy of vereniging wat, as dit 'n persoon was, binne paragraaf (a) of (b) sou ressorteer — mag as lid van 'n licensiehof deelneem aan die verhoor of beslissing van so 'n aansoek om 'n licensie nie.

Ampduur van lede van licensiehof en die aanvulling van vakaturen.

26^{quin} (1) Elke lid van 'n licensiehof wat die Administrateur ingevolge hierdie Proklamasie aanstel, beklee sy amp van die eerste dag van die eerskomende Januarie na sy aanstelling tot op die laaste dag van Desember in dieselfde jaar: Met dien verstande dat elke lid wat in die jaar 1952 aangestel word, sy amp beklee van sy aanstellingsdag af tot op die laaste dag van Desember 1953.

(2) Waar 'n lid se amp in die licensiehof weens sy oorlyde, bedanking, onbevoegdheid of om 'n ander rede hoegenaamd, vakant raak, stel die Administrateur iemand anders in sy plek aan.

Sekretaris van die licensiehof.

26^{sext}. Met Administrateursgoedkeuring kan die voorsitter van 'n licensiehof 'n staatsanptenaar in die magistraatspersoneel van die distrik as sekretaris van so 'n licensiehof aanstel. Waar geen sodanige aanstelling geskied nie, is die klerk van die magistraatshof van die distrik die sekretaris.

Volgorde van werksaamhede.

26^{sept}. (1) Die volgorde van werksaamhede by 'n sitting van 'n licensiehof word deur die hof bepaal: Met dien verstande dat alle aansoeke om die vernuwing van licensies verhoor en afgehandel moet word voordat aansoeke om nuwe licensies aan die beurt kom.

(2) Die verrigtinge van 'n licensiehof is vir die publiek toeganklik: Met dien verstande dat waar die hof aldus besluit, die bespreking en stemming oor 'n saak privaat geskied.

Beslissing van regspunte.

26^{oct}. (1) Waar 'n regspunt by 'n sitting van 'n licensiehof ter beslissing kom, of waar die vraag ontstaan of 'n punt wat uitgemaak moet word, 'n regspunt dan wel 'n feitspunt is, beslis die voorsitter, en het geen ander lid van die hof seggingskap daarby nie.

(2) Die voorsitter mag die bepleiting van 'n punt waaroor sub-artikel (1) gaan, verdaag, en dan alleen sit ter verhoor en beslissing van die punt.

(3) Wanneer die voorsitter 'n beslissing ingevolge sub-artikel (1) gee, moet hy dit met redes omklee.

Beslissing van feite.

26^{nov}. (1) By elke vraag wat op feite berus (en dit omvat elke vraag oor die afneem van getuenis of die oproep van 'n getuie of die volgorde van die licensiehof se werksaamhede of die opper, uit eie beweging, van 'n beswaar uit hoofde van artikel een-en-veertig) is die beslissing of oordeel van die meerderheid van die aanwesige en stembevoegde lede die beslissing of oordeel van die hof:

event of an equality of votes the chairman in addition to his deliberative vote shall have a casting vote.

(2) It shall not be incumbent upon the court to give any reason for its decision upon any matter decided under sub-section (1).

Records of court's proceedings.

26dec. (1) A record of the proceedings in public of a licensing court at every meeting shall be kept and shall be filed in the office of the magistrate of the district, and the same may be inspected and copies thereof obtained upon like conditions and upon payment of the same fees as if they were civil records of a magistrate's court.

(2) A separate record shall be kept of the proceedings in private of a licensing court and such record shall not be disclosed to any person other than the Administrator save upon an order of the High Court of South West Africa.

6. The following section is substituted for section twenty-nine of the principal Proclamation:—

"List of persons to whom certificates granted and nature of restrictions, conditions and privileges to be sent to magistrates.

29. The magistrate, acting magistrate, or assistant magistrate, as the case may be, presiding at such court as in section twenty-six provided, shall within seven days of the date of its determination in respect of each licence for which application has been made, transmit to the magistrate of the district concerned a list signed by him specifying the names and places of residence of all persons to whom certificates have been granted by the court and the nature of, and restrictions and conditions imposed and privileges granted in respect of each licence granted or renewed."

7. The following section is substituted for section thirty of the principal Proclamation:—

"Power of licensing court to impose conditions and nature of conditions.

30. A licensing court, in granting or renewing any licence, or allowing an application for the removal of such licence, may impose such conditions it may deem fit in respect of—

- (a) any structural alteration or arrangement of, or addition or repairs to, the premises in respect of which the application is made; or
- (b) accommodation to be afforded thereon to the public, including facilities and amenities to be provided in bed and bathrooms; or
- (c) means of egress in case of fire, garage accommodation, proper drainage and sanitary arrangements and conveniences upon the premises; and
- (d) as to any other provision deemed by the court to be necessary in order to meet the reasonable requirements of the public or visitors upon such premises, or to facilitate supervision by the police, or in any other respect,

and may stipulate the period of time within which any such condition shall be complied with by the licensee, or may stipulate that a licence shall not be issued until the senior officer of police in charge of the district or the magistrate has certified in writing that the condition has been fulfilled."

8. The following sections are hereby inserted in the principal Proclamation after section thirty:—

"General suitability of premises.

30 bis. Before granting any application for the grant or renewal of a licence or for the removal of a licence to other premises, a licensing court, and in the case of removal any magistrate acting under section forty-eight, shall satisfy itself or himself that the premises in respect of which the application is made or to which the licence is to be removed afford suitable and satisfactory accommodation for all purposes to which they may lawfully, in

Met dien verstande dat by staking van stemme die voorsitter sowel 'n beslissende as 'n beraadslagende stem het.

(2) Die hof is nie verplig om sy beslissing van 'n vraag waaroor sub-artikel (1) gaan met redes te omklee nie.

Notule van hof se verrigtings.

26dec. (1) Die openbare verrigtings by elke licensiehofsitting moet genoteer word, en op kantoor van die magistraat van die distrik bewaar word, en insae daarin en afskrifte daarvan moet verkry kan word op dieselfde voorwaardes en teen betaling van dieselfde gelde asof dit siviele notule van 'n magistraatshof was.

(2) Die private verrigtings van 'n licensiehof moet afsonderlik genoteer word, en daardie notule mag aan niemand behalwe die Administrateur openbaar word nie, tensy die Hoë Hof van Suidwes-Afrika dit gelas.

6. Artikel negen-en-twintig van die hoofproklamasie word hierby vervang met die onderstaande artikel:—

"Lys van persone aan wie sertifikate toegestaan is, en aard van beperkings, voorwaardes en voorregte moet aan magistrate gestuur word.

29. Die magistraat, waarnemende magistraat of assistent-magistraat, na gelang, wat voorsit by sodanige licensiehof soos artikel ses-en-twintig bepaal, moet binne sewe dae na die datum van sy beslissing oor elke licensie waarom aansoek gedoen is, 'n lys, deur hom onderteken, aan die magistraat van die betrokke distrik deurstuur, waarop die name en woonplekke van al die persone aan wie die hof sertifikate toegestaan het, en die aard van, en die beperkings en voorwaardes opgelê, en die voorregte toegeken ten opsigte van elke toegestane of hernude licensie, aangegee word."

7. Artikel dertig van die hoofproklamasie word hierby vervang met die onderstaande artikel:—

"Mag van licensiehof om voorwaardes te stel, en aard van voorwaardes.

30. By die toekenning of hernuwing van 'n licensie, of by die goedkeuring van 'n aansoek om verplasing van sodanige licensie, kan die licensiehof na goeddunke voorwaardes stel ten opsigte van—

- (a) enige bouverandering of -reëling van, of byvoeging of herstel aan, die perseel in verband waarmee die aansoek gedoen is; of
- (b) die plaasruimte daarop wat aan die publiek verskaf moet word, met insluiting van fasiliteite en geriewe in slaap- en badkamers; of
- (c) brand - nooduitgange, motorhuisgeriewe, behoorlike dreinerings- en sanitasie-reëlings en -geriewe op die perseel; en
- (d) enige ander voorsiening wat die hof noodsaaklik ag vir die redelike behoeftes van die publiek of besoekers op sodanige perseel, of om toesig deur die polisie te vergemaklik, of in enige ander opsig,

en kan die hof vasstel binne watter tydperk die licensiehouer sodanige voorwaardes moet nakom, of kan hy neerla dat 'n licensie nie uitgereik mag word nie, voordat die senior bevelvoerende polisie-offisier van daardie distrik op skrif getuig het dat die voorwaarde nagekom is."

8. Die onderstaande artikels word hierby in die hoofproklamasie na artikel dertig ingevoeg:—

"Algemene geskiktheid van perseel.

30 bis. Voor goedkeuring van 'n aansoek om toekenning of hernuwing van 'n licensie, of om verplasing van 'n licensie na 'n ander perseel, moet 'n licensiehof, en in die geval van verplasing 'n magistraat wat ingevolge artikel agt-en-veertig optree, hom oortuig dat die perseel ten opsigte waarvan die aansoek gedoen is, of waarheen die licensie verplaas moet word, geskikte en voldoende plaasruimte verskaf vir alle doeleindes waarvoor dit wettig ingevoeg

terms of the licence, be put and are sufficiently complete to enable them to be occupied for the purposes of the licence, and to enable the proposed licensed business to be carried on in accordance with the law governing the same.

*emises in
pect of
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anted.*

30 ter. (1) No retail or light liquor licence in respect of an hotel shall be granted and after a period of two years from the commencement of this Ordinance, no such licence shall be renewed, unless the licensing court to which application for the grant or renewal is made is satisfied—

- (a) that the premises in respect of which the application is made afford reasonable residential accommodation for guests, including not less than ten bedrooms where the premises are situated within a municipality or five bedrooms where the premises are situated elsewhere;
- (b) that adequate and proper sanitary and bathroom arrangements are provided on the premises; and
- (c) that a *bona fide* hotel providing such accommodation is or will be conducted by the licensee upon the premises.

(2) For the purposes of this section no room shall be counted as a bedroom which is ordinarily occupied by the licensee or by any member of his family, or by any person employed upon the licensed premises.

(3) Whenever, by the constitution, or extension of the boundaries of any municipality, premises in respect of which a retail or light liquor licence in respect of an hotel is held which were previously situated outside a municipality become included in a municipality, the provisions of sub-section (1) requiring that such premises shall contain not less than ten bedrooms shall not apply until the expiration of two years from the date when the premises became so included."

9. Section *thirty-one* of the principal Proclamation is hereby amended by the insertion after the words "Good Friday" of the words "Ascension Day or Day of the Covenant".

10. Section *thirty-two* of the principal Proclamation hereby amended by the insertion after the words "Good Friday" of the words "Ascension Day or Day of the Covenant".

11. The following sections are hereby inserted after section *thirty-two* of the principal Proclamation:

32 bis. (1) Whenever in terms of section *thirty* a licensing court has, in respect of any premises on which is carried on a business for which a retail licence or light liquor licence is necessary, imposed a condition involving a structural alteration or repairs of or addition to such premises, the licensee upon whom such condition has been imposed may if he be a lessee of the premises, require the lessor thereof to comply with the requirements of the court within any period stated in the condition.

(2) If upon a reasonable and *bona fide* estimate the cost of effecting the alteration or repair of or addition to the premises will not exceed three hundred pounds, the licensee, if the lessor within the time stated in the condition or, if no time is stated, within three months of the receipt by him of any notice under sub-section (1) has not effected the alteration or repairs of or addition to the premises, may himself effect the same, and he may set off against any rent due or to become due by him to the lessor the sum which he has expended in complying with the condition.

*..Perseel ten
opsigte waarvan
'n kleinhandel-
of ligte-dranks-
lisensie vir
hotelle
uitkerelt mag
word.*

die licensie gebruik kan word, en dat dit genoegsaam voltooi is vir besetting ter uitvoering van die licensie en om die beoogde gelisensierte saak ooreenkomsdig die regsbepalings wat daarop betrekking het, te dryf.

30 ter. (1) Geen kleinhandel- of ligte-dranks-lenisie vir 'n hotel mag toegeken word nie, en na verloop van twee jaar vanaf die inverkingtreding van hierdie Ordonnansie, mag geen sodanige licensie herno word nie, tensy die licensiehof by wie aansoek om toekenning of hernowing gedaan is, oortuig is—

- (a) dat die perseel ten opsigte waarvan die aansoek gedaan is redelike woonplek vir gaste bied insluitende minstens tien slaapkamers waar die perseel geleë is binne 'n munisipaliteit, of vyf slaapkamers waar die perseel elders geleë is;
- (b) dat voldoende en behoorlike sanitasie en badkamergeriewe op die perseel verskaf word; en
- (c) dat die licensiehouer 'n *bona fide* hotel met sodanige beskikbare woonruimte en geriewe op daardie perseel dryf of sal dryf.

(2) By die toepassing van hierdie artikel tel geen kamer wat die licensiehouer of 'n lid van sy gesin, of iemand wat op die gelisensierte perseel in diens is, gewoonlik bewoon, as slaapkamer nie.

(3) Wanneer ook al 'n perseel ten opsigte waarvan 'n kleinhandel- of ligte-dranks-lenisie vir 'n hotel gehou word, en wat buite 'n munisipaliteit geleë is, deur instelling of uitbreiding van die grense van 'n munisipaliteit, in die munisipaliteit ingesluit word, geld die bepalings van sub-artikel (1) wat vereis dat sodanige perseel minstens tien slaapkamers moet bevat, nie voor afloop van twee jaar vanaf die datum waarop die perseel aldus ingesluit is nie."

9. Artikel *een-en-dertig* van die hoofproklamasie word hierby gewysig deur die woorde „Hemelvaartdag of Geloftedag“ in te voeg na die woorde „Kerstmisdag“.

10. Artikel *twee-en-dertig* van die hoofproklamasie word hierby gewysig deur die woorde „Hemelvaartdag of Geloftedag“ in te voeg na die woorde „Kerstmisdag“.

11. Die onderstaande artikels word hierby na artikel *twee-en-dertig* van die hoofproklamasie ingevoeg:—

*..Aanspreeklik-
heid van
verhuurder by
veranderings
of herstel
beveel deur
licensiehof.*

32 bis. (1) Wanneer ook al 'n licensiehof ingevolge artikel *dertig*, en ten opsigte van 'n perseel waarop 'n saak gedryf word, waarvoor daar 'n kleinhandel- of ligte-dranks-lenisie nodig is, 'n voorwaarde gestel het waarby 'n bouverandering of herstel van, of byvoeging tot sodanige perseel betrokke is, kan die licensiehouer op wie sodanige voorwaarde gelê is, en as hy die huurder van die perseel is, eis dat die verhuurder daarvan die bevel van die hof binne die tydperk in die voorwaarde vasgestel, moet nakom.

(2) As die koste van die verbouing of herstel van, of byvoeging aan, die perseel met 'n redelike en *bona fide* beraming op 'n bedrag (hoogstens driehonderd pond) gestel word, kan die licensiehouer, as die verhuurder binne die tydperk in die voorwaarde genoem, of, as daar geen tydperk aangegee is nie, binne drie maande nadat hy kennisgewing ingevolge sub-artikel (1) ontvang het, nog nie die verbouing of herstel van, of byvoeging aan, die perseel uitgevoer het nie, dit self doen, en kan hy die bedrag wat hy bestee het aan die nakoming van die voorwaarde, verreken teen enige huurgeld wat hy aan die verhuurder skuld of moontlik sal skuld.

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

"Addition to
rent where
premises altered
or added to
by lessor."

32 ter. Whenever in consequence of any condition imposed by a licensing court in terms of section *thirty* a lessor has altered or added to premises upon which is carried on a business for which a retail licence or a light liquor licence is necessary and the expenditure incurred has exceeded three hundred pounds, such lessor, notwithstanding any term of the lease may, as from the date of the completion of the alteration or addition, increase the rent of such premises by a sum not exceeding ten per cent. per annum of the amount of the expenditure incurred, and the rental so increased shall be deemed to be the rent due under the lease."

12. The following section is substituted for section *thirty-three* of the principal Proclamation:

"Evidence on
oath."

33. (1) When any licensing court deems it necessary to take evidence respecting any question to be determined by such court, such evidence shall be given on oath to be administered by the chairman and recorded.

(2) A licensing court may, by written notice under the hand of its chairman or secretary, require the attendance before it of any person who has made any of the applications mentioned in sub-section (1) of section *twenty-six* or in the case of the absence of the holder of any licence, of any person who in such absence is charged with the conduct of the business carried on under such licence, or of any other person who, in the opinion of the court, is able to testify as to any matter which the court has to determine; and may also by like notice require such applicant or person to produce any books or documents relevant to the matter before the court in his possession or under his control.

(3) Any person who —

- (a) refuses or fails without sufficient excuse to attend and give evidence before a licensing court at the time and place specified in a notice given under sub-section (2), or to produce any book, paper or document which he has been required by such notice to produce; or
- (b) knowing that he is disqualified from doing so, sits or votes as a member of a licensing court or takes any part in the hearing or decision of an application for a licence or wilfully makes a false declaration as to his qualification to be a member of the licensing court, shall be guilty of an offence.

13. The following section is substituted for section *34 bis* of the principal Proclamation:—

"Appeals."

34 bis. (1) An appeal shall lie to a licensing board of appeal (hereinafter called the board) constituted in accordance with the provisions of this section by—

- (a) any person who has made an application for a licence in terms of section *thirty-five* against any determination or decision of the licensing court under section *twenty-six* including any conditions imposed under section *thirty*;

(3) As die koste van die verbouing of herstel van, of byvoeging aan, die perseel met 'n redelike en *bona fide* beraming op meer as driehonderd pond gestel word, en die verhuurder nie binne die tydperk in die voorwaarde genoem, of as daar geen tydperk genoem is nie, binne ses maande vanaf ontvangs deur hom van 'n kennisgewing ingevolge sub-artikel (1) nog nie die vereistes van die voorwaarde nieteenstaande enige strydige ooreenkoms nagekom het nie, kan die lisensiehouer die huur onmiddellik en sonder kennisgewing beëindig.

"Byvoeging tot
huurgeld waar
verhuurder
perseel verbou
of aangebou
het."

32 ter. Wanneer ook al 'n verhuurder ten gevolge van 'n voorwaarde wat 'n lisensiehof ingevolge artikel *dertig* opgelê het, 'n perseel waarop daar 'n saak gedryf word, waarvoor daar 'n kleinhandel- of ligte-dranksensie nodig is, verbou het, of daaraan bygevoeg het, en die uitgawe daarvan is meer as driehonderd pond, kan sodanige verhuurder nieteenstaande enige voorwaarde van die huurkontrak, die huurgeld van sodanige perseel vanaf die datum waarop die verbouing of toevoeging voltooi is, verhoog met 'n bedrag van hoogstens tien persent per jaar van die bedrag van die uitgawe aangegaan, en die aldus verhoogde huurgeld word gehou vir die huurgeld betaalbaar ingevolge die huurkontrak."

12. Die onderstaande artikel vervang hierby artikel *drie-en-dertig* van die hoofproklamasie:

"Getuenis onder
eed."

33. (1) Wanneer 'n lisensiehof dit nodig ag om getuenis af te neem oor 'n vraag wat hy moet beslis, moet daardie getuenis afgelê word onder 'n eed wat die voorsitter ople, en moet die getuenis genootleer word.

(2) 'n Licensiehof mag iemand wat by hom aansoek gedoen het om 'n nuwe lisensie of om die hernuwing, oordrag of verplasing van 'n lisensie soos genoem in sub-artikel (1) van artikel *ses-en-twintig* (of, as sodanige lisensiehouer afwesig is, die persoon wat by sodanige afwesigheid belas is met die bestuur van die sake-onderneeming wat kragtens die lisensie gedryf word) of enigiemand anders wat, na die hof se oordeel, getuenis kan aflê oor enigiets wat die hof moet beslis, by skriftelike kennisgewing onder die hand van sy voorsitter of sekretaris, voor hom daag, en mag, by 'n dergelike kennisgewing, die gedaagde gelas om enige boeke, stukke of dokumente in sy besit of onder sy beheer, betreffende die saak voor die hof, aan die hof voor te lê.

(3) Elkeen wat —

- (a) weier, of sonder genoegsame verskoning verzuim, om voor 'n lisensiehof te verskyn en getuenis af te lê op die tyd en plek wat 'n kennisgewing ingevolge sub-artikel (2) aandui, of om 'n boek, stuk of dokument voor te lê nadat sodanige kennisgewing hom daartoe gelas het; of wat
- (b) as lid van 'n lisensiehof optree of stem of aan die verhoor of beslissing oor 'n aansoek om 'n lisensie deelneem terwyl hy weet dat hy onbevoeg is daartoe, of wat opsetlik 'n valse verklaring aflê oor sy bevoegdheid om lid van 'n lisensiehof te wees, is skuldig aan 'n oortreding.

13. Artikel *34bis* van die hoofproklamasie word hierby vervang deur die onderstaande artikel:—

"Appel."

34 bis. (1) Onderstaande persone kan in hoër beroep gaan na 'n lisensie-appèlraad (hierna genoem die raad) wat ooreenkomsdig die bepalings van hierdie artikel ingestel is—

- (a) enigeen wat ingevolge artikel *vijf-en-dertig* aansoek gedoen het om 'n lisensie, teen enige vasstelling of beslissing van die lisensiehof ingevolge artikel *ses-en-twintig* insluitende enige voorwaardes gestel ingevolge artikel *dertig*;

(b) any objector mentioned in section *thirty-nine*, who, if he is an objector to the granting of a licence on any of the grounds mentioned in section *forty*, or to the renewal of a licence in terms of section *forty-two*, or to the transfer or removal of a licence in terms of section *fifty-one* shall be limited on appeal to the grounds of his objection before the licensing court, against any determination or decision of the licensing court under section *twenty-six*,

on the grounds that such determination or decision is bad in law, or that the licensing court exceeded its powers, or refused to exercise powers which it was bound to exercise or exercised its powers in an arbitrary, *male fide* or grossly unreasonable manner.

(2) Every board so constituted shall consist of three persons, one being a magistrate designated by the Administrator as the chairman thereof. The other two members shall be an officer of the public service and a nominee of the Association of Chambers of Commerce of South West Africa.

(3) The Administrator may by writing under his hand constitute such board as circumstances may require.

(4) The members of the board shall be appointed by the Administrator in writing. Every such appointment shall be for such period (which may be until one or more specified appeals have been disposed of) as the Administrator may think fit.

(5) Every notice of appeal shall be in writing, shall set out the grounds of appeal, shall bear revenue stamps to the value of one pound, and shall be lodged with the licensing court concerned within twenty-one days after the decision of the licensing court. No such notice of appeal shall be of any force or effect whatsoever unless it has been lodged within the time prescribed by this sub-section and unless it has been duly stamped as in this sub-section required.

(6) At any such appeal the appellant shall be limited to the grounds stated in his notice of appeal.

(7) Within seven days after receipt of a notice of appeal the licensing court shall furnish to the Secretary for South West Africa reasons for its decision.

(8) At least fourteen days before the date fixed for the hearing of an appeal the Secretary for South West Africa or a person duly authorised by him shall send to the applicant for and objector to the licence concerned and to the magistrate who presided at the licensing court concerned a written notice of the time and place appointed for the hearing of such appeal.

(9) The hearing of an appeal may be adjourned by the board from time to time to any time and place that may seem convenient.

(10) The appellant, any objector to a licence or the transfer or renewal thereof, the licensing court or any person who is able to satisfy the board that he has a substantial interest in the result of the appeal may appear at the hearing of the appeal in person or by his counsel or attorney.

(11) The board shall, after considering any reasons given by the licensing court and representations made by or on behalf of the appellant or objector to a licence, the licensing court or any other person entitled to representation, confirm, set aside or vary the decision

(b) enige beswaarmaker genoem in artikel *negen-en-dertig*, wat, as hy beswaar maak teen die toekenning van 'n lisensie op enige gronde genoem in artikel *veertig*, of teen die hernuwing van 'n lisensie ingevolge artikel *twee-en-veertig*, of teen die oordrag of verplaas van 'n lisensie ingevolge artikel *een-en-vyftig*, by sy appèl beperk word tot die gronde van sy beswaar voor die lisensiehof, teen enige vasstelling of beslissing van die lisensiehof ingevolge artikel *ses-en-twintig*,

omdat sodanige vasstelling of beslissing regtens ongegrond is, of dat die lisensiehof sy bevoegdhede oorskry het, of geweier het om bevoegdhede uit te oefen wat hy moes uitgeoefen het, of sy bevoegdhede willekeurig, *male fide*, of erg onredelik uitgeoefen het.

(2) Elke raad wat aldus ingestel is, bestaan uit drie persone, een van wie 'n magistraat is wat die Administrateur tot voorsitter van die raad aanwys. Die ander twee lede is 'n staatsamptenaar en iemand wat die Vereniging van Handelskamers van Suidwes-Afrika benoem.

(3) Die Administrateur kan op skrif onder sy hand sodanige raad aanstel soos omstandighede vereis.

(4) Die lede van die raad word skriftelik deur die Administrateur aaangestel. Elke sodanige aanstelling geld vir 'n tydperk wat die Administrateur goed vind (en kan duur totdat een of meer spesifieke appelle afgehandel is).

(5) Elke kennisgewing van appèl moet op skrif wees, moet die gronde van die appèl uit-eensit, moet inkomsteseels ten bedrae van een pond dra, en moet binne een-en-twintig dae na die beslissing van die lisensiehof by die betrokke lisensiehof ingelewer word. Geen sodanige kennisgewing van appèl het enige krag of werking hoegenaamd nie, tensy dit binne die tydperk voorgeskrewe by hierdie sub-artikel ingelewer is nie, en tensy dit behoorlik ingevolge die vereistes van hierdie sub-artikel ge-frankeer is nie.

(6) By elke sodanige appèl moet die appellant hom beperk tot die gronde genoem in sy kennisgewing van appèl.

(7) Binne sewe dae na ontvangst van 'n kennisgewing van appèl moet die lisensiehof die Sekretaris van Suidwes-Afrika in kennis stel van die redes vir sy beslissing.

(8) Minstens veertien dae voor die datum wat vir die verhoor van die appèl vasgestel is, stuur die Sekretaris van Suidwes-Afrika, of iemand wat behoorlik deur hom gemagtig is, aan die applikant om, en die beswaarmaker teen, die betrokke lisensie sowel as aan die magistraat wat in die betrokke lisensiehof voorgesit het, 'n skriftelike kennisgewing van die tyd en plek wat vir die verhoor van sodanige appèl vasgestel is.

(9) Die raad kan die verhoor van die appèl van tyd tot tyd en tot enige tyd en plek verdaag soos hy gerieflik vind.

(10) Die appellant, enige beswaarmaker teen die lisensie of oordrag of hernuwing, die lisensiehof of enigeen wat die raad kan oortuig dat hy wesenlik belang het by die uitslag van die appèl, kan self, of middels sy advokaat of prokureur die verhoor van die appèl bywoon.

(11) Na oorweging van die redes aangevoer deur die lisensiehof en die vertoë gerig deur of namens die appellant of beswaarmaker teen 'n lisensie of die lisensiehof of enigmeland anders wat vertoë mag rig, moet die raad die beslissing van die lisensiehof bekratig, ver-

of the licensing court, or give such other decision as in its opinion the licensing court ought to have given, or make such order as it deems fit, including an order that the matter be referred back to the licensing court for rehearing, reconsideration and, if deemed necessary, further investigation thereof:

Provided that no decision shall be set aside—

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

(12) The board shall have power to award costs of the successful party according to the scale, in civil cases, of magistrates' courts. Any costs awarded as aforesaid shall be taxed by the Clerk of the Court of the Magistrate of the district in which the appeal was heard by the board, as if such costs were awarded by such court, and all rules applicable by law to the taxation and recovery of costs in magistrates' courts shall in such case *mutatis mutandis* apply.

Any costs awarded against the members of a licensing court in their official capacity shall be borne by the Administration.

(13) Any decision of the board shall be recorded by the chairman.

(14) Where the licensing court has refused to issue a licence in the case of an application for renewal in respect of an existing business and a notice of appeal has been lodged, such business may continue to operate, pending the decision of such appeal in terms of this section.

(15) The members of the board (other than those who are officers of the public service) shall receive such allowances as may be determined by the Administrator."

14. The following section is substituted for section *thirty-five* of the principal Proclamation:—

"Applications
for licences.

35. (1) Any person desiring to obtain at a licensing court meeting any licence for which a certificate of the licensing court is necessary, or—

- (a) the renewal of any such licence;
- (b) the removal of any such licence from the licensed premises to any other premises in the same district;
- (c) the transfer of a licence from the holder thereof to any other person;
- (d) the ratification of a temporary transfer granted in terms of section *forty-six*;
- (e) the ratification of the removal of a licence authorised in terms of section *forty-eight*,

shall make application in writing to the magistrate of the district, on or before the last day of January if the matter is to be heard at the annual licensing meeting or on or before the last day of July if the matter is to be heard at the September meeting: Provided that if a transfer or removal is effected after the last day of the months of January or July, the application shall be made to the following sitting of the licensing court.

(2) Every such application, other than an application relating to a retail or light liquor licence in respect of a railway refreshment car, shall set forth—

werp of wysig, of sodanige ander beslissing gee soos die licensiehof na sy mening moes gegee het, of sodanige bevel doen soos hy goed vind insluitende 'n bevel dat die saak terugverwys moet word na die licensiehof ter her-verhoor, her-oorweging en, as dit nodig geag word, ter nadere ondersoek daarvan:

Met dien verstande dat geen beslissing verwerp mag word nie—

- (a) bloot weens 'n formele of tegniese gebrek in enige deel van die prosedure, wat na die mening van die raad, nie wesenlike onreg ten gevolge gehad het nie; nòg
- (b) in enige ander geval nie, tensy die raad oortuig is dat enige bewese feite die appellant of enigiemand anders wesenlik benadeel het of sou kon benadeel het.

(12) Die raad het die mag om die koste van die geslaagde gedingvoerder volgens die skaal wat in magistraatshowe vir siviele sake geld, toe te ken. Koste wat soos voormeld toegeken word, moet deur die Klerk van die Hof van die Magistraat van die distrik waarin die appèl deur die raad verhoor is, getaksseer word asof sodanige koste deur sodanige hof toegeken was, en al die regstreëls op taksasie en verhaal van koste in magistraatshowe is by sodanige geval *mutatis mutandis* van toepassing.

Koste toegeken teen die lede van 'n licensiehof in hul amptelike hoedanigheid moet deur die Administrasie gedra word.

(13) Die voorstuur moet elke beslissing van die raad noteer.

(14) Waar die licensiehof op 'n aansoek om hernuwing ten opsigte van 'n bestaande handelsonderneming geweier het om 'n licensie uit te reik, en kennisgewing van appèl gegee is, kan sodanige handelsonderneming voortgaan hangende die beslissing van sodanige appèl ingevolge hierdie artikel.

(15) Die lede van die raad (buiten staatsamptenare) ontvang toelaes soos die Administrateur bepaal."

14. Artikel *vyf-en-dertig* van die hoofproklamasie word hereby met die onderstaande artikel vervang:—

"Aansoek om
licensies.

35. (1) Elkeen wat by 'n vergadering van die licensiehof 'n licensie wil verkry waarvoor 'n sertifikaat van die licensiehof nodig is, of—

- (a) die hernuwing van so 'n licensie;
- (b) die verplasing van so 'n licensie vanaf die gelicensieerde perseel na 'n ander perseel in dieselfde distrik;
- (c) die oordrag van 'n licensie van die houer daarvan na iemand anders;
- (d) die bekratiging van 'n tydelike oordrag toegeken ingevolge artikel *ses-en-veertig*;
- (e) die bekratiging van die verplasing van 'n licensie gemagtig ingevolge artikel *agt-en-veertig*;

moet by die magistraat van die distrik skriftelik aansoek doen, en wel op of voor die laaste dag van Januarie as die saak op die jaarvergadering van die licensiehof verhoor moet word, of op of voor die laaste dag van Julie as die saak op die vergadering in September verhoor moet word: Met dien verstande dat as 'n oordrag of verplasing na die laaste dag van die maande Januarie of Julie geskied, die aansoek gerig moet word aan die daaropvolgende vergadering van die licensiehof.

(2) Elke sodanige aansoek, buiten 'n aansoek betreffende 'n kleinhandel- of ligte-dranksensie vir 'n spoorwegverversingswa, moet die onderstaande uiteensit—

- (a) the full name and address of the applicant; and in the case of a transfer of a licence, or the ratification of a temporary transfer of a licence granted in terms of section *forty-six*, the full names and addresses of the transferor and transferee;
- (b) the name and address of any person who has, or to whom it is proposed to grant, any financial interest in the business conducted under the licence, and the nature and extent of such interest, or that no person has any financial interest, if such be the case;
- (c) the nature and description of the licence sought to be obtained, renewed, removed or transferred, including a description of all privileges granted to the holder of the licence sought to be renewed, removed or transferred, and if any privileges are sought in respect of the renewal, removal or transfer of such licence, full particulars of such privileges;
- (d) the situation of the premises where the business is intended to be carried on, including the number, or name (if any) of the building and of the street or road and the number or other designation of the lot or erf;
- (e) a description of the premises which shall be accompanied by a plan in duplicate drawn to scale clearly showing the dimensions and arrangements of the internal structure together with all doors, windows, and means of external and internal communication, and the streets and places to which such means of external communication lead: Provided that no plan shall be necessary in the case of any application mentioned in paragraphs (a), (c) or (d) of sub-section (1) if the applicant with his application submits an affidavit that since the last application for a licence, the premises have undergone no alteration;
- (f) particulars of any tie by which the applicant, or in the case of a transfer of a licence, the transferee is, or is proposed to be bound in respect of the business conducted under the licence;
- (g) in the case of a temporary transfer granted in terms of section *forty-six* or a removal authorised in terms of section *forty-eight*, the date when such temporary transfer was granted or such removal authorised.
- (3) Every application relating to a railway refreshment car shall set forth the nature or description of the licence sought to be obtained or renewed and the railway line on which business is intended to be or is being carried on.
- (4) Any person who submits to a licensing court or to a magistrate any written information, whether on affidavit or otherwise, which he knows to be false or does not know to be true, or is in any way a party to any such submission, shall be guilty of an offence."

15. Section *thirty-seven* of the principal Proclamation hereby amended by the insertion after the word "transfer" the words "the ratification of any temporary transfer removal or the issue of a conditional authority in terms section *thirty-five bis*."

- (a) die volle naam en adres van die applikant; en by die oordrag van 'n lisensie, of die bekragting van 'n tydelike oordrag van 'n lisensie toegeken ingevolge artikel *ses-en-veertig*, die volle name en adresse van die oordraer en die ontvanger;
- (b) die naam en adres van enige wat geldelike belang in die saak wat ingevolge die lisensie gedryf word, het, of aan wie daar beoog word om sodanige geldelike belang toe te staan, en die aard en omvang van sodanige belang, of andersins, as dit so is, dat niemand geldelike belang daarin het nie;
- (c) die aard en beskrywing van die lisensie waarom toekenning, hernuwing, verplasing of oordrag aangevra word, as ook 'n beskrywing van al die voorregte toegeken aan die houer van die lisensie waarom hernuwing, verplasing of oordrag aangevra word, en as daar om enige voorregte ten opsigte van die hernuwing, verplasing of oordrag van sodanige lisensie aangevra word, dan volledige besonderhede van sodanige voorregte.
- (d) die ligging van die perseel waar die saak na voorneme gedryf gaan word insluitende die nommer of moontlike naam van die gebou en van die straat of pad en die nommer of ander onderskeidingsnaam van die perseel of erf;
- (e) 'n beskrywing van die perseel wat ver gesel moet gaan van 'n plan in tweevoud en volgens skaal geteken wat die afmetings en inrigting van die binnegebou met alle deure, vensters en buite- en binneverbindingsmiddels aantoon, sowel as die strate en plekke waartoe sulke buiteverbindingsmiddels lei: Met dien verstande dat geen sodanige plan nodig sal wees nie in die geval van enige aansoek soos genoem in paragrawe (a), (c) of (d) van sub-artikel (1) as die applikant saam met sy aansoek 'n beëdigde verklaring verstrek dat die perseel sedert so onmiddellik voorafgaande aansoek om 'n lisensie geensins verander is nie.
- (f) besonderhede van enige koopverpligting waaraan die applikant, of by die oordrag van 'n lisensie, die ontvanger ten opsigte van die handelsonderneming wat ingevolge die lisensie gedryf word, gebonde is of voornemens is hom te bind;
- (g) by 'n tydelike oordrag toegeken ingevolge artikel *ses-en-veertig* of 'n verplasing gemagtig ingevolge artikel *agt-en-veertig*, die datum waarop sodanige tydelike oordrag toegeken is of sodanige verplasing gemagtig is.

(3) Elke aansoek betreffende 'n spoorwegerversingswa moet die aard en soort van die lisensie waarom toekenning of hernuwing aangevra word en die spoorlyn waarop die handelsonderneming na voorneme gedryf gaan word of reeds gedryf word, uiteensit.

(4) Elkeen wat aan 'n lisensiehor of 'n magistraat skriftelike inligting, hetsy beëdigd of andersins verstrek, wat na sy wete vals is of oor die waarheid waarvan hy nie oortuig is nie, of elkeen wat enigsins deelneem aan so 'n verstrekking van inligting, is skuldig aan 'n oortreding."

15. Artikel *sewen-en-dertig* van die hoofproklamasie word hierby gewysig deur die woorde „of om de bekragting van enige tijdelijke overdracht of verplaatsing, of de verlening van een 'voorwaardelike magtiging' overeenkomstig artikel *vyf-en-dertig bis*" in te voeg na die woorde „licentie".

16. Section *forty-three* of the principal Proclamation is hereby amended by the deletion of the words "subject to the provisions of section 29 hereof".

17. The following section is hereby substituted for section *fifty* of the principal Proclamation:—

^{"Ratification of temporary transfers or removals."} 50. Any person to whom a licence may be temporarily transferred in terms of section *forty-six* and any person who has been authorised to remove his licence in terms of section *forty-eight* shall apply at the next meeting of the licensing court for ratification of such temporary transfer or removal. If the next meeting of the licensing court is the September meeting and the application is allowed by the court an endorsement shall be made on the existing licence, which shall, subject to such endorsement, be of force during the unexpired term thereof. If the next meeting of the court is the annual licensing meeting and the application is allowed by the court the person to whom such licence has been temporarily transferred or the person who has been so authorised to remove his licence may also apply for a renewal of such licence. Every application in terms of this section shall be made in writing and shall set forth the particulars mentioned in sub-section (2) of section *thirty-five*."

18. Section *fifty-two* of the principal Proclamation is hereby amended by the addition of the following words:—

"In the case of a temporary transfer an application for the renewal of the licence by the transferee shall at the request of the transferor, be deemed and taken to be an application by the transferor for such renewal. In the case of a removal the applicant shall be deemed to have applied in due form for a renewal of the licence in respect of the premises originally licensed, provided that the court may postpone consideration of the application to a date fixed by it and order such publication and giving of notice by the applicant as it may deem fit."

19. Section *sixty bis* of the principal Proclamation is hereby amended by the insertion of the following words at the beginning of the section "Subject to the provisions of this Proclamation".

20. The following section is hereby inserted in the principal Proclamation after section *sixty-five*:—

^{"Records to be kept."} 65 bis. (1) Every holder of any liquor licence shall keep in the English or Afrikaans language such records in respect of any such licence as may be prescribed by regulation made by the Administrator.

(2) Any book, record or permit kept by any such licensee shall at all reasonable times be open to inspection by any member of the police."

21. Section *sixty-eight* of the principal Proclamation is hereby amended by the deletion in sub-section (2) of the words "any wagon or other vehicle in which it is being conveyed".

22. Section *sixty-nine* of the principal Proclamation is hereby amended by the addition of the following paragraph:—

"(12) fail to keep, or keep inadequately or improperly any record, book, or document, which by any provision of this Proclamation, or any regulation made thereunder, he is required to keep, or refuses or fails to allow any police inspection of any such record, book or document."

23. Section *seventy-two* of the principal Proclamation is hereby amended by the addition at the end thereof of the words "and liable to the penalties prescribed by section *seventy-one*" after the word "offence".

16. Artikel *drie-en-veertig* van die hoofproklamasie word hierby gewysig deur die woorde „onderhevig aan die voorzieningen van sectie 29 van deze Proklamatie“ te skrap.

17. Artikel *vyftig* van die hoofproklamasie word hierby vervang met die onderstaande artikel:—

^{"Bekragtiging van tydelike oordrage of verplasings."}

50. Elkeen aan wie 'n licensie ingevolge artikel *ses-en-veertig* tydelik oorgedra word, en elkeen wat gernagtig is om sy licensie ingevolge artikel *agt-en-veertig* te verplaas moet by die daaropvolgende vergadering van die licensiehof aansoek doen om bekragtiging van sodanige tydelike oordrag of verplasing. As die daaropvolgende sitting van die licensiehof die van September is, en die hof keur die aansoek goed, moet daar 'n aantekening op die bestaande licensie gemaak word, en dan is sodanige licensie, onderhewig aan die aantekening, van krag vir die onverstrekke termyn daarvan. As die daaropvolgende vergadering van die licensiehof sy jaarlikse sitting is en die hof keur die aansoek goed, kan die persoon aan wie sodanige licensie tydelik oorgedra is of die persoon wat aldus gernagtig is om sy licensie te verplaas, ook aansoek doen om 'n hernuwing van sodanige licensie. Elke aansoek ingevolge hierdie artikel moet op skrif geskied en moet die besonderhede genoem in sub-artikel (2) van artikel *vyf-en-dertig* uiteensit."

18. Artikel *twee-en-vyftig* van die hoofproklamasie word hierby gewysig deur die onderstaande woorde by te voeg:—

"By 'n tydelike oordrag word 'n aansoek deur die ontvanger om hernuwing van 'n licensie op versoek van die oordraer beskou as en gehou vir 'n aansoek om hernuwing deur die oordraer. By 'n verplasing word daar aangeneem dat die applikant behoorlik om hernuwing van die licensie ten opsigte van die oorspronklike gelisensieerde perseel aansoek gedoen het, met dien verstande dat die raad sy oorweging van die aansoek kan uitstel tot op 'n datum wat hy bepaal en beveel dat die applikant sodanige bekendmaking en kennisgewing soos die hof goed vind, laat geskied."

19. Artikel *sestig bis* van die hoofproklamasie word hierby gewysig deur die onderstaande woorde vooraan te voeg: „Behoudens die bepalings van hierdie Proklamasie:”

20. Die onderstaande artikel word hierby in die hoofproklamasie na artikel *vyf-en-sestig* ingevoeg:—

^{"Hou van aantekenings."}

65 bis. (1) Elke houer van 'n dranklisensie moet sodanige aantekenings in die Engelse of Afrikaanse taal ten opsigte van enige sodanige licensie aanhou soos die Administrateur by regulasie voorskryf.

(2) Elke boek, aantekening of permit wat so 'n lisensiehouer hou, moet te alle redelike tye ter inspeksie deur enige lid van die polisie beskikbaar wees."

21. Artikel *agt-en-sestig* van die hoofproklamasie word hierby gewysig deur in sub-artikel (2) die woorde „eenige wagen of ander voertuig waarin het vervoerd wordt“ te skrap.

22. Artikel *negen-en-sestig* van die hoofproklamasie word hierby gewysig deur die onderstaande paragraaf by te voeg:—

"(12) versuum om 'n aantekening, boek of dokument te hou, wat hy kragtens voorskrif van hierdie Proklamasie, of 'n regulasie daaringevalg, moet hou, of dit onvoldoende of onbehoorlik hou, of weier of versuum om aan die polisie insae van so 'n aantekening, boek of dokument te verleen."

23. Artikel *twee-en-sewentig* van die hoofproklamasie word hierby gewysig deur die woorde „en is onderhevig aan die straffen die artikel *een-en-sewentig* voorschrijf“ agteraan te voeg.

24. Section *eighty-nine* of the principal Proclamation is hereby amended by the deletion of the words "or a person lodging in the licensed house".

25. Section *ninety-five* of the principal Proclamation is hereby amended—

- (a) by the insertion after the word "house" of the words "hereinafter called a lodger"; and
- (b) by the addition of the following sub-sections, the existing section becoming sub-section (1):—

(2) No liquor intended for consumption on the licensed premises by the guest of any lodger shall be supplied to such lodger during any time when the licensee is not authorised by the licence to sell liquor unless the name and address of such guest and the name of the lodger have been written clearly and legibly in ink by such guest in a special register to be kept by the licensee for the purpose. Any licensee who supplies any such liquor contrary to the provisions of this sub-section shall be guilty of an offence.

(3) Any person who enters in a register referred to in sub-section (2) as his name or address, a name or address which is not his correct name or address, or enters as the name of a lodger whose guest he purports to be, a fictitious name or the name of a person who is not a lodger at the licensed premises in question or who has not invited him to be his *bona fide* guest, shall be guilty of an offence.

26. The following section is hereby inserted after section *one hundred and two* of the principal Proclamation:—

Report by police officer of licensee to carry out condition. 102 bis. (1) It shall be the duty of the senior police officer in charge of a district to ascertain and report to the magistrate whether any condition imposed by the licensing court upon any licensee as to any structural alteration or arrangement of, or addition to, the premises in respect of which any licence has been granted or renewed or as to the accommodation to be afforded in such premises to the public, or as to any other matter whatsoever has, within any period which may have been stipulated by the court, been complied with.

(2) If it appears to the magistrate receiving any such report that any condition referred to in sub-section (1) has not fully been complied with, he shall report that fact to the Administrator, who may, in terms of section *one hundred and two* authorise the holding of a special meeting of the licensing court concerned. At least fourteen days notice of such meeting shall be given by the magistrate to the licensee concerned.

(3) At any such meeting the licensing court shall have the power forthwith to cancel the licence, or to impose such prohibition, restriction or condition as it may have imposed at an annual licensing meeting."

27. The following section is hereby inserted after section *one hundred and three*:—

Forfeiture of seized liquor and vessels. 103 bis. (1) Any liquor or any vessel containing such liquor seized under the authority of this Proclamation or of the Criminal Procedure and Evidence Proclamation, 1935, or any amendment thereof, for the purposes of any prosecution against any person for a contravention of this Proclamation, whether a prosecution is subsequently instituted or not, shall be forfeited unless—

- (a) in the case where such liquor forms the subject of the prosecution of the person in whose possession it was seized, the court finds that the liquor was not possessed by him in contravention of any provision of this Proclamation; or

24. Artikel *negen-en-tagtig* van die hoofproklamasie word hierby gewysig deur die woorde „of niet een persoon is die in het gelicentieerde huis logeert” te skrap.

25. Artikel *vyf-en-negentig* van die hoofproklamasie word hierby gewysig—

- (a) deur die byvoeging na die woorde „logeert” van die woorde „(hierna heet hij een loseerder)”; en
- (b) deur die byvoeging van die onderstaande sub-artikels, sodat die bestaande artikel nou sub-artikel (1) word:

(2) Geen drank wat bedoel is om op die gelisensieerde perseel verbruik te word deur die gas van 'n loseerder mag oot op 'n tyd wanneer die lisensiehouer se lisensie dit nie veroorloof nie, aan sodanige loseerder verskaf word nie, tensy die naam en adres van sodanige gas, en die naam van sodanige loseerder duidelik leesbaar met ink in 'n spesiale register wat die lisensiehouer daarvoor aanhou, deur sodanige gas aangeteken is. Elke lisensiehouer wat enige sodanige drank strydig met die bepalings van hierdie sub-artikel verskaf, is skuldig aan 'n oortreding.

(3) Elkeen wat in 'n register genoem in sub-artikel (2) 'n naam of adres wat nie sy regte naam of adres is nie, of wat daarin 'n fiktiewe naam of die naam van iemand wat nie by die betrokke gelisensieerde persele loseer nie, of wat hom nie *bona fide* as gasheer uitgenodig het nie, inskryf as sou dit die naam van sy gasheer wees, is skuldig aan 'n oortreding.

26. Die onderstaande artikel word hierby na artikel *eenhonderd-en-twee* van die hoofproklamasie ingevoeg:—

Verslag deur polisie oor versuim van lisensiehouer om voorwaardes na te kom.

102 bis. (1) Dit is die plig van die senior bevelvoerende polisie-offisier in elke distrik om vas te stel of enige voorwaarde wat 'n lisensiehof 'n lisensiehouer opgelê het betreffende die verbouing of bou-reëling van, of byvoeging aan, 'n perseel waarvoor 'n lisensie toegeken of hernuwe is, of betreffende die plaasruimte wat sodanige perseel aan die publiek moet bied, of betreffende enige ander saak hoegegaan binne 'n tydperk wat die hof vasgestel het, nagekom is, en verslag daaroor aan die magistraat te doen.

(2) As dit vir die magistraat wat sodanige verslag ontvang, lyk asof 'n voorwaarde genoem in sub-artikel (1) nie ten volle nagekom is nie, moet hy verslag daaroor doen aan die Administrateur, wat ingevolge artikel *eenhonderd-en-twee* die hou van 'n spesiale vergadering van die betrokke lisensiehof kan magtig. Die magistraat moet die betrokke lisensiehouer minstens veertien dae kennis van so 'n sitting gee.

(3) By so 'n sitting kan die lisensiehof onmiddellik die lisensie intrek of sodanige verbod, beperking of voorwaarde ople soos hy moontlik op 'n jaarlike lisensie-vergadering sou opgelê het."

27. Die onderstaande artikel word hierby na artikel *eenhonderd-en-drie* ingevoeg:—

In beslag genome drank en hours word sodanige drank bevat, wat ingevolge hierdie Proklamasie of ingevolge die „Kriminele Procedere en Bewyslewering Proklamasie 1935” of enige wysiging daarvan in beslag geneem word ter vervolging van enigiemand weens 'n oortreding van hierdie Proklamasie, word verbeur

103 bis. (1) Enige drank en enige houer wat sodanige drank bevat, wat ingevolge hierdie Proklamasie of ingevolge die „Kriminele Procedere en Bewyslewering Proklamasie 1935” of enige wysiging daarvan in beslag geneem word ter vervolging van enigiemand weens 'n oortreding van hierdie Proklamasie, word verbeur (of daar later 'n vervolging ingestel word, al dan nie) tensy—

- (a) die hof (in gevalle waar sodanige drank die onderwerp is van die vervolging van die persoon in wie se besit dit in beslag geneem is) bevind dat sodanige drank geensins strydig met enige bepaling van hierdie Proklamasie besit is nie; of

(b) in any other case if the person from whom such liquor was taken proves within thirty days of the seizure to the satisfaction of the Administrator that the possession of it by himself or any other person was not unlawful.

(2) Any liquor or vessel so forfeited may be sold or destroyed, or dealt with in such other manner as the Administrator may direct."

28. Section *one* of the "Brewers and Distillers Licences Duty Proclamation, 1924" (Proclamation 3 of 1924), as amended, is hereby further amended—

- (a) by the deletion in sub-paragraph II of paragraph (a) of the words "but, except as hereinafter provided, not from any depot situated elsewhere";
- (b) by the repeal of both provisos to the said sub-paragraph II; and
- (c) by the deletion in the said sub-paragraph II of all the words after the word "Proclamation" where it occurs for the second time in the second proviso.

29. All licences issued under the provisions of sub-paragraph II of paragraph (a) of Section *one* of the "Brewers and Distillers Licences Duty Proclamation, 1924" (Proclamation 3 of 1924), as amended, providing for the holders of a Special Brewers Wholesale Licence to sell or supply the product of his manufacture from a depot, and in this Ordinance called a special brewers wholesale depot licence, which may not have expired at the commencement of this Ordinance, shall until their expiry on the 31st March, 1953 be dealt with and judged of in respect of the sales and dealings which they authorise and the rights and liabilities of the holders thereof and of all persons in relation to such sales and dealings as if the provisions of the said Proclamation as amended and repealed by section *twenty-eight* of this Ordinance still remained in force: Provided that nothing in this section contained shall be construed so as to affect the operation of the provisions of section *sixty-five bis* of the principal Proclamation as inserted by section *twenty* of this Ordinance: Provided further that notwithstanding anything in section *one* of "Brewers and Distillers Licences Duty Proclamation, 1924", as amended, contained, no sales from a depot by the holder of a Special Brewers Wholesale Licence shall be permitted on Day of the Covenant.

30. The Second Schedule to the principal Proclamation is hereby amended.—

- (a) by the insertion in paragraph (6) after the words "bottle licence" of the words "special brewers wholesale depot licence"; and
- (b) by the addition of the following paragraph:—
"(10) For a special brewers wholesale depot licence for one year . . . £10."

31. This Ordinance shall be called the Liquor Licensing Amendment Ordinance, 1952.

(b) in elke ander geval, tensy die persoon van wie sodanige drank geneem is, binnekortig dae na sodanige inbeslagneming ten genoeë van die Administrateur bewys lewer dat die besit van sodanige drank deur hom of deur enigiemand anders geensins wederregtelik was nie.

(2) Enige aldus verbeurde drank of houer kan verkoop of vernietig word, of daar kan andersins daaroor beskik word, al na die Administrateur beveel."

28. Artikel *een* van die „Brouwers en Distilleerders Licentie Belasting Proklamatie 1924” (Proklamasie 3 van 1924), soos gewysig, word hierby nogmaals gewysig—

- (a) deur in sub-paragraaf II van paragraaf (a) die woorde „doch, behalwe zoals hierna bepaal, niet vanaf enige dépôt op een andere plaats gelegen” te skrap;
- (b) deur beide voorbehoudsbepalings van genoemde sub-paragraaf II te herroep; en
- (c) deur in die genoemde sub-paragraaf II, al die woorde na die woorde „Proklamasie”, waar dit vir die tweede keer in die tweede voorbehoudsbepaling voorkom, te skrap.

29. Elke licensie uitgereik ingevolge die bepalings van sub-paragraaf II van paragraaf (a) van artikel *een* van die „Brouwers en Distilleerders Licentie Belasting Proklamatie 1924” (Proklamasie 3 van 1924), soos gewysig, wat die houers van 'n spesiale groothandellisensie vir bierbrouers toelaat om die produk van sy vervaardiging uit 'n dépôt te verkoop of te verskaf, wat in hierdie Ordonnansie 'n spesiale groothandel-depôtlisensie vir bierbrouers heet en wat moontlik by die inwerkingtreding van hierdie Ordonnansie nog nie verstryk het nie, moet ten opsigte van die verkope en transaksies wat so 'n licensie magtig, sowel as die regte en verpligte van die houers daarvan en van elke betrokkeen by sodanige verkope en transaksies, totdat dit op 31 Maart 1953 verstryk, behandel en bereg word asof die bepalings van die genoemde Proklamasie, wat by artikel *agt-en-twintig* van hierdie Ordonnansie gewysig en herroep word, steeds bly geld: Met dien verstande dat geen bepalings van hierdie artikel inbreuk maak op die werking van die bepalings van artikel *vyf-en-sestig bis* van die hoofproklamasie soos ingevoeg by artikel *twintig* van hierdie Ordonnansie nie: Met dien verstande voorts, dat die bepalings van artikel *een* van die „Brouwers en Distilleerders Licentie Belasting Proklamatie 1924”, soos gewysig, ten spyte, die houer van 'n spesiale groot-handellisensie vir bierbrouers op Geloftedag geen verkope vanuit 'n dépôt mag doen nie.

30. Die Tweede Bylae van die hoofproklamasie word hierby gewysig—

- (a) deur na die woorde „bottellicentie” in paragraaf (6) die woorde „of een spesiale groothandeldepôt licentie voor bierbrouers” in te voeg; en
- (b) deur die onderstaande paragraaf by te voeg:—
„(10) Vir 'n spesiale groothandeldepôtlisensie vir bierbrouers vir een jaar . . . £10.”

31. Hierdie Ordonnansie heet die Wysigingsordonnansie op Dranklisensies 1952.