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STAATSKOERANT

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 367. 6 Maart 1970.

No. 367. 6th March, 1970.

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

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

No. 17 van 1970: Algemene Regswysigingswet, 1970.

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

GENERAL LAW AMENDMENT ACT, 1970.

Act No. 17, 1970

ACT

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

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

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

1. Section 6 of the Liquor Act, 1928, is hereby amended by the insertion after paragraph (d)ter of subsection (1) of the following paragraph:

“(d)quat any person who, under the authority of the Minister and subject to such conditions or restrictions as he may impose, sells liquor in a restaurant which is on premises controlled and maintained by the Postmaster-General, for consumption in such restaurant;”.

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of Act 72 of 1961, section 1 of Act 89 of 1962, section 2 of Act 88 of 1963, section 1 of Act 85 of 1964, section 1 of Act 98 of 1965, section 1 of Act 62 of 1966 and section 2 of Act 23 of 1969.

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b) increase or decrease the local limits of any district;”

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

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

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

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

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

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

7. (1) The following section is hereby inserted in the South-West Africa Constitution Act, 1968, after section 31: Insertion of section 31A in Act 39 of 1968.
“Donations. 31A. Notwithstanding anything to the contrary in this Act contained an appropriation of the revenue fund may provide for donations to be made in the territory or elsewhere and in respect of any matter whatsoever, in accordance with such appropriation.”.
- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

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