

No. 44, 1962.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To consolidate the laws relating to the licensing of trades and occupations.

(English text signed by the State President.)
(Assented to 5th May, 1962.)

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

1. (1) The licence duties prescribed by this Act shall be payable in respect of the carrying on of the trades or occupations specified in the First and Second Schedules. Licence duties payable and licences required under this Act.
 - (2) The provisions of the said Schedules shall be read as one with this Act.
 - (3) No licence shall be required by any charitable, religious or educational institution of a public character for the purpose of carrying on any trade or occupation specified in the said Schedules.
 - (4) (a) Save as is provided in paragraph (b), any social, sporting or recreation club which supplies commodities to its members, whether by sale, barter, exchange or otherwise, shall be deemed to carry on a trade or business and shall be required to take out such of the licences specified in the Second Schedule as a person who carries on the trade or business so deemed to be carried on is required to take out.
 - (b) The provisions of paragraph (a) shall not apply to any such club which is a non-proprietary club and which restricts its trading activities to its members and to any of the following articles:
 - (i) *Toilet requisites*: Soap, hairdressings (including petroleum jelly), shaving creams and soaps, toothpaste, toothbrushes, combs, razor blades, shaving brushes.
 - (ii) *Refreshments*: Mineral waters, fruit squashes, tomato juice, cordials, milk and milk beverages, sugar, tea, coffee, soda fountain drinks, ice-creams.
 - (iii) *Confectionery and foodstuffs*: Sweets, biscuits, chocolates, bread, cakes, buns, salted peanuts, pastries.
 - (iv) *Smoker's requisites*: Cigarettes, tobacco, matches, pipes, cigars, snuff, pipe cleaners, flints, lighter fuel.
2. (1) In respect of every licence issued under this Act there shall be charged and payable the amount specified in the appropriate Item of the relative Schedule: Provided that where the liability to take out any licence commences after the thirtieth day of June in any year the amount payable shall, save as otherwise provided, be one-half of that amount. Amounts to be charged and place of issue of licences.
 - (2) Every licence shall be taken out in the district where the trade or occupation is carried on or in which the liability for the licence first arises and shall, save as otherwise provided, expire on the thirty-first day of December of the year of issue.
 - (3) Nothing in this section contained shall be deemed to relieve any person from liability to pay the licence duties and penalties properly payable under this Act as from the date upon which such liability was first incurred.
3. Save as otherwise provided— Scope of licences.
 - (a) the licences specified in the First Schedule shall be of full force and effect throughout the Republic wherever they may be issued;
 - (b) the licences specified in the Second Schedule shall be of force and effect only within the province in which they are issued.
4. Save as is specially provided in this Act— When separate licences required.
 - (a) every person who carries on in any shop or place of business any trade for which one of the licences specified in Part I of the Second Schedule is required, shall take out a separate licence at the rate prescribed in the appropriate Item of that Part in respect of

every shop or place of business in which that trade is carried on: Provided that only one licence shall be required in respect of any single trade which is carried on in adjoining portions of premises partitioned by means of walls;

- (b) every person who is liable to take out a licence under this Act in respect of any occupation mentioned in Part II of the Second Schedule, shall take out a separate licence in each province in which he exercises or carries on such occupation, whether or not he has a place of business therein.

5. (1) Any licence issued to a partnership shall contain the full names of each of the partners and the style under which and the address at which the trade or occupation is carried on. **Partnerships.**

(2) In the event of one or more of the partners retiring from a partnership or dying before the thirty-first day of December in any year in respect of which a licence was issued to such partnership, the remaining partner or partners may, on payment of a transfer fee of two rand, carry on the trade or occupation in respect of which such licence was issued for the unexpired term of such licence.

(3) Any licence issued to a partnership shall lapse when a new partner is admitted to that partnership.

6. In the event of the death of the holder of any licence, the widow or widower or executor of the deceased, and, failing the appointment of an executor, any *curator bonis* appointed for taking charge of the estate of the deceased, and in case of insolvency or assignment of the holder of any licence, the trustee or assignee of his estate, and in case of a company in liquidation, the liquidator, and in any case where the holder becomes subject to any legal disability, any *curator bonis* appointed under any order of court, may, on payment of a transfer fee of two rand, carry on the trade or occupation in respect of which such licence was issued for the unexpired term of such licence. **Transfer of licences.**

7. (1) No licence issued under or exemption provided for in this Act shall confer upon the holder of such licence or upon any person entitled to exemption the right to carry on any of the trades or occupations specified in the First or Second Schedules within the territory of Zululand unless he has obtained the written authority of the Administrator of the province of Natal but nothing herein contained shall be construed as affecting the powers of the Minister of Bantu Administration and Development under any law. **Restriction of licences in Zululand.**

(2) If the holder of a licence for any of the trades or occupations specified in either of the said Schedules carries on within the territory of Zululand the trade or occupation for which the licence was issued without having obtained written authority as provided in sub-section (1) he shall be deemed to be carrying on such trade or occupation without being in possession of a licence as required by this Act and shall be subject to the penalty provided by section *nine*.

(3) Any person entitled to exemption from holding a licence under this Act for any trade or occupation specified in either of the said Schedules who carries on such trade or occupation within the territory of Zululand without the written authority provided for in sub-section (1) having been obtained, shall be guilty of an offence and liable on conviction to the penalties prescribed in section *nine* as if a licence were required under this Act for the carrying on of such trade or occupation.

(4) Nothing in this section contained shall affect the operation of section *six* of Act No. 31 of 1905 of Natal in so far as that section relates to licences issued within the territory of Zululand.

8. Notwithstanding anything in this Act contained, the executive committee of any province may by resolution authorize the carrying on, without any licence prescribed by this Act, of any trade— **Authorized trading without a licence in municipal beer hall or market hall.**

- (a) upon premises in that province upon which Bantu beer is sold by an urban local authority and upon which the right to carry on such trade is restricted to Bantu persons or Asiatics; or

- (b) in a municipal market hall in that province in which the right to carry on such trade is so restricted:

Provided that no such resolution shall authorize the carrying on of such trade by any person without the permission of the local authority concerned.

9. Any person who carries on any trade or occupation without being in possession of a licence as required by this Act shall be guilty of an offence and liable on conviction to a fine not exceeding—

Penalty for failing to take out a licence.

- (a) fifty rand in any case where the amount obtained by multiplying by three the amount of the unpaid duty is less than fifty rand;
- (b) the amount so obtained in any case where that amount equals fifty rand or more,

or in either case to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

10 (1) Any person who fails to take out a licence as required by this Act within one month of the date on which he becomes liable to take out such licence or who pays an amount less than the duty payable under this Act for such licence shall, in addition to the licence duty specified in the appropriate Item of the relative Schedule, pay for each month or part of a month during which he is liable for the payment of the duty or during which any such duty remains short-paid a penalty calculated at the rate of ten per cent of the unpaid licence duty: Provided that such penalty shall not exceed the licence duty so specified or the duty so short-paid, as the case may be.

Penalty for delay in taking out licence or in paying full amount thereof.

(2) The payment of any sum under this section shall not relieve any person of any criminal liability arising from his failure to take out a licence nor shall the fact that any person has been criminally punished for such failure relieve him from liability to pay any amount under this section.

11. Any duty, penalty or other amount due under this Act, save a fine on conviction, shall be a debt due to the Government and may be recovered by the Commissioner for Inland Revenue by action in any competent court.

Recovery of duty and penalties.

12. All licence duties and penalties collected under this Act and all fines received for contraventions of this Act in respect of such duties and all bails estreated in connection with any such contravention shall be paid into the Consolidated Revenue Fund: Provided that any fines received or bails estreated in connection with any such contraventions in respect of duties which any municipal council, borough council or town council has undertaken to collect on behalf of the Government, shall be paid to such municipal council, borough council or town council.

Funds to be credited with licence duties, penalties and fines collected and bails estreated under this Act.

13. (1) Whenever any person who is the holder of a licence issued under this Act is convicted of the offence of theft or of receiving stolen property knowing it to have been stolen, committed in respect of goods belonging to any class of goods which he is entitled to sell under such licence, the court so convicting him may, whether the said offence was committed before or after the date on which such licence was issued, suspend such licence for such period as it may determine or cancel such licence and declare the person so convicted disqualified for such period as the court may determine from obtaining any licence of the same description as and in the place of the licence so cancelled.

Action in regard to licence where holder convicted of certain offences.

(2) Whenever in terms of sub-section (1) a licence has been suspended, the person to whom such licence was issued shall for all purposes be deemed not to be the holder of a licence, during the period of suspension, in respect of the business to which the suspended licence relates.

(3) Whenever in terms of sub-section (1) a licence has been suspended, or a licence has been cancelled and the person to whom it was issued has been declared to be disqualified from obtaining such a licence, no licence of the same description as the licence so suspended or cancelled shall, in respect of the period of such suspension or disqualification, be issued in the place of the licence so suspended or cancelled to the person to whom such licence was issued, and if such a licence is issued it shall be null and void.

14. The Commissioner for Inland Revenue shall be responsible for the carrying out of the provisions of this Act and may from time to time prescribe any forms or declarations required for the administration thereof. Administration of Act.

15. (1) The laws set out in the Third Schedule are, subject to the provisions of sub-section (2), hereby repealed to the extent set out in the third column of that Schedule. Repeal of laws and savings.

(2) Any liability incurred or any licence, prescription, authority or permission issued or granted or any other action taken or anything done under any provision of a law repealed by sub-section (1), shall be deemed to have been incurred, issued, granted, taken or done under the corresponding provision of this Act.

16. (1) Nothing in this Act contained shall affect the validity of the provisions of any law which is in force at the commencement of this Act in so far as such provisions govern only the granting of authority for the issue of licences or the regulation, inspection, registration and control of licences or the regulation and control of the trades or occupations concerned. Preservation of certain provisions relating to licences, trades and occupations.

(2) Any such provision which relates to a licence required under any law in respect of the carrying on of any trade or occupation or the doing of any act for which a licence is required under this Act shall be deemed to be applicable to the licence so required under this Act.

17. This Act shall be called the Licences Act, 1962. Short title.

First Schedule.

NATIONAL LICENCES.

Item 1—Agent of Foreign Firm.

(1) *Non-residents:*

- (a) For a yearly licence R40
- (b) For a quarterly licence, that is to say, for any period of three months from the date upon which liability commences R20

(2) *Residents:*

- (a) For a yearly licence R20
- (b) For a quarterly licence, that is to say, for any period of three months from the date upon which liability commences R10

A person shall be deemed to be a resident if he has been ordinarily resident in the Republic during the period of three years immediately preceding the date upon which his liability to take out a licence arises.

In the case of a company, the carrying on of business in the Republic shall be equivalent to ordinary residence in the Republic.

A firm or partnership shall not be deemed to be a resident unless every member of such firm or partnership is a resident.

(3) *Employee's licence.. .. . R10*

- (a) Any individual who is a *bona fide* employee, manager, partner or director of, and has been nominated for the purpose of this sub-item by any person, firm, partnership or company licensed under sub-item (1) or (2), may in his capacity as such act as agent of a foreign firm if he holds a licence under this sub-item.
- (b) The validity of any employee's licence shall not extend beyond the period of validity of the licence under sub-item (1) or (2) held by the person, firm, partnership or company which nominated the holder of such employee's licence, and shall terminate when its holder ceases to be an employee, manager, partner or director of the person, firm, partnership or company which nominated him.
- (c) Any holder of an employee's licence who acts in a manner described in sub-item (5) after the validity of his licence has terminated, shall be guilty of an offence and liable on conviction to the penalties prescribed in section *nine* of this Act.
- (d) If the holder of an employee's licence ceases to be an employee, manager, partner or director, as aforesaid, the person, firm, partnership or company which nominated him shall within thirty days thereafter give written notice thereof to the receiver of revenue who issued or transferred the licence.
- (e) Any person who fails to comply with the provisions of paragraph (d) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

(4) *Transfer Fee R2*

- (a) If during the currency of any licence under this Item the holder thereof is unable to make use of such licence, it may, for a period not extending beyond the period of its validity, on application to any receiver of revenue—

- (i) by the holder of the licence if it was issued under sub-item (1) or (2); or
 - (ii) by the person, firm, partnership or company which nominated the holder of the licence if it was issued under sub-item (3),
- and on payment of the above fee of R2 (which fee shall not be subject to any abatement or reduction), be transferred by the receiver of revenue to a transferee nominated by the said applicant if the transferee is qualified to hold such licence, and he shall thereupon become the holder of the licence as if it had been issued to him.
- (b) Whenever the licence duty paid by the transferor of any licence to be transferred is lower than the duty which would have been payable if the licence had been issued to the transferee on the date of transfer, the difference between the two duties shall on transfer be paid in addition to the transfer fee of R2.
 - (c) In every case the licence to be transferred shall be surrendered to the receiver of revenue on the issue of the transfer licence.
- (5) Subject to the provisions of paragraph (a) of sub-item (6), no person shall advertise or hold himself out as the representative, agent or sub-agent of any manufacturer or trader outside the Republic or invite, canvass or accept orders for the sale or supply of goods to be supplied by or on behalf of any such manufacturer or trader, unless he holds a licence under this Item.
- (6) *Exemptions:*
- (a) No licence under this Item shall be required by any person in respect of the purchase and resale in the ordinary course of his own business of goods produced or supplied by a manufacturer or trader outside the Republic.
 - (b) If a licence under this Item is taken out in the name of a firm, partnership or company, the name of any one manager, partner or director of such firm, partnership or company, nominated by it for this purpose, may at any time during the currency of such licence be inscribed by the receiver of revenue on the face of the licence as representing such firm, partnership or company, and the individual whose name is so inscribed on the licence shall thereupon be entitled to act thereunder, during the currency of the licence, without payment of further licence duty. No individual whose name is not so inscribed on the licence shall be entitled to act thereunder as representing such firm, partnership or company.
 - (c) If the individual whose name is inscribed as aforesaid, ceases to be a manager, partner or director of the firm, partnership or company in question, the provisions of paragraphs (c), (d) and (e) of sub-item (3) shall *mutatis mutandis* apply.

Item 2—Banker or Banking Institution.

In respect of each branch R40

Item 3—Commercial Traveller.

(1) Wholesale R20

This licence shall be required by every person who, as the representative, traveller, agent or employee of any manufacturing or trading establishment carrying on business in the Republic, or as the employee of such a representative, traveller, agent or employee, invites, canvasses, solicits or accepts orders from duly licensed traders for the sale or supply to them of goods by such manufacturing or trading establishment: Provided that such licence shall not be required—

- (a) within the province in which such manufacturing or trading establishment has a place of business;
- (b) for the acceptance of orders as aforesaid by the employee of a duly licensed commercial traveller at the office or place of business of such commercial traveller.

(2) Retail R10

This licence shall be required by every person who, as the representative, traveller, agent or employee of any manufacturing or trading establishment carrying on business in the Republic, or as the employee of such a representative, traveller, agent or employee, invites, canvasses, solicits or accepts orders from persons, other than duly licensed traders, for the sale or supply to them of goods by such manufacturing or trading establishment: Provided that such licence shall not be required—

- (a) for inviting, canvassing, soliciting or accepting orders as aforesaid within any magisterial district in which such manufacturing or trading establishment has a place of business;
- (b) for the acceptance of orders as aforesaid by the employee of a duly licensed commercial traveller at the office or place of business of such commercial traveller;
- (c) by any person licensed as a wholesale commercial traveller under sub-item (1);
- (d) by any representative, traveller, agent or employee of any religious institution of a public character for inviting, canvassing, soliciting or accepting orders for the sale or supply by such institution of Bibles or other religious books or pamphlets.

In the event of the holder of a commercial traveller's licence, whether wholesale or retail, who is a *bona fide* employee of the person or firm which he represents, being unable for any reason to make use of such licence, the licence may on application being made by the employer to any receiver of revenue and on payment of a fee of two rand be transferred for the remainder of the period for which it is current to another employee nominated by such employer.

Item 4—For the Sale of Fireworks.

In respect of each shop or place of business from which fireworks are sold R2
 This licence shall be issued only to a person licensed as a general dealer who produces a certificate from a police officer that the premises from which fireworks are to be sold are suitable and that the applicant is of good character.

Exemption:

Any person who is the holder of a licence to deal in arms and ammunition issued under the provisions of section *fifteen* of the Arms and Ammunition Act, 1937 (Act No. 28 of 1937).

Item 5—Newspaper Publisher.

- (1) For every daily newspaper published in the Republic. R20
 (2) For all other newspapers issued at intervals not exceeding seven days R10

Second Schedule.**PART I—TRADING LICENCES.***Item 1—Aerated or Mineral Water Manufacturer.*

Where the gross receipts derived from such manufacture during the twelve months immediately preceding the date upon which the liability to take out the licence arises—

- (a) exceed four thousand rand R20
 (b) do not exceed four thousand rand.. .. . R10

This licence shall be required in respect of each factory carried on by a manufacturer of aerated or mineral waters, ginger beer, hop beer or other beverages of a similar nature for the sale of which a licence is not required under any law relating to the sale of intoxicating liquor.

Item 2—Aerated or Mineral Water Dealer R6

This licence shall be required by every person, including any person licensed to sell wines, spirits or other intoxicating liquors by retail, who sells or supplies aerated or mineral waters for the manufacture of which an aerated or mineral water manufacturer's licence is required, or cordials, syrups and other non-intoxicating beverages of a like nature, whether in quantities for consumption off the premises or served in glasses or other receptacles either separately or mixed with any intoxicating liquor or non-intoxicating cordials, and shall authorise also the sale of matches, tobacco, cigars and cigarettes.

Exemptions:

- (1) Any person licensed as a general dealer under Item 11.
 (2) Any person licensed as a fresh produce dealer under Item 10 who sells at an open booth or stall without seating accommodation, for consumption thereat, cordials, syrups or other non-intoxicating beverages of a like nature, excluding aerated or mineral waters.

Item 3—Baker R10

(1) This licence shall be required by every person who carries on business as a baker but shall not be required by the holder of a general dealer's licence who carries on such business in his licensed premises.

For the purposes of this licence "baker" means any person who carries on the business of selling, whether by wholesale or by retail, bread, biscuits, cakes or pastry baked or made by him.

(2) A separate licence shall be required in respect of each shop or premises where such bread, biscuits, cakes or pastry are sold but any such licence shall also cover the sale at such shop or premises of sweets and other confectionery.

(3) A licence shall not be required in respect of the sale by any servant of a duly licensed baker from a delivery van or cart of any bread, biscuits, cakes or pastry baked or made by such baker.

Item 4—Boarding- and Lodging-house Keeper R10

This licence shall be required by every person who carries on the business of a hotel-keeper or boarding- or lodging-house keeper by supplying meals and lodgings to others for money or its equivalent or who carries on the business of letting residential flats or rooms.

Exemptions:

(1) Any person whose gross receipts from such business during the preceding calendar year did not exceed two thousand rand.

(2) Any person keeping or conducting a boarding- or lodging-house exclusively for school-going children, students or teachers.

(3) (a) The National Housing Commission established under section *six* of the Housing Act, 1957 (Act No. 10 of 1957).

(b) The Bantu Housing Board established under section *eight* of the Housing Act, 1957.

(c) Any local authority in respect of the letting of residential flats or rooms erected under an approved scheme in terms of the provisions of the Housing Act, 1957.

(d) Any utility company or other body in respect of a dwelling or scheme constructed or carried out wholly or partly by means of a housing loan made under section *forty-nine* of the Housing Act, 1957.

Item 5—Buchu Buyer R2

This licence shall be required by every person who for purposes of trade or profit purchases buchu from the picker, cutter or gatherer thereof or from the proprietor of the land upon which it has been picked, cut or gathered.

Item 6—Butcher.

- (1) Wholesale R150
 (a) This licence shall be required by every person who carries on the business of selling meat in wholesale quantities.

- (b) The holder of this licence may also carry on at the place where his wholesale business is conducted the business of a retail butcher without being licensed as a retail butcher.
- (c) The holder of this licence may buy and sell live slaughter-stock.

(2) Retail.

In any urban area	..	..	..	..	..	..	..	R15
Outside any urban area	..	..	..	..	..	..	..	R5

- (a) This licence shall be required by every person who carries on the business of offering or exposing meat for sale by retail in a shop or fixed place or of offering meat for sale for delivery from some other place. The holder of this licence may also sell thereunder sausages, polonies, tripe, ham, bacon, eggs, butter, poultry and salted, frozen or preserved meat or fish.
- (b) A separate licence shall be required in respect of each shop or place where such business is carried on.
- (c) For the purposes of this licence "urban area" means any area under the jurisdiction of a municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee.

Exemptions:

This licence shall not be required in respect of—

- (1) the sale of meat to travellers by the holder of any licence for the sale of wines or spirits or of any general dealer's licence in any place not being within an urban area, provided there is no duly licensed butcher at such place;
- (2) exposing or offering meat on any public or municipal market for sale by the market master or out of hand in accordance with the market regulations for the time being in force.

Item 7—Chemist and Druggist.. .. . R10

- (1) This licence shall be required by every person who sells or supplies any drug or medicine by retail or who compounds or dispenses prescriptions, and shall cover the sale of medical and surgical appliances, photographic apparatus, toilet requisites and such other articles of a like nature as are customarily sold by persons carrying on business of this nature.
- (2) This licence shall only be issued to a person who has obtained a certificate as a qualified chemist and druggist under the laws relating to chemists and druggists: Provided that, subject to the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), a licence may also be issued to a firm, partnership or company if a duly qualified and registered chemist and druggist is in charge of the place where such business is carried on and his name is endorsed on the licence issued in respect thereof.
- (3) This licence shall not be required by a medical practitioner in respect of the compounding and dispensing of his own prescriptions.

Item 8—Dealer or Speculator in Livestock or Produce.

- (a) Any such person as is mentioned in paragraph (1) except as provided in (b) R20
- (b) Any such person as is mentioned in paragraph (1) who buys hides and skins only and who satisfies the receiver of revenue by whom the licence is to be issued that his total purchases of hides and skins during the twelve months immediately preceding the date upon which the liability to take out the licence arises, did not exceed five hundred rand 50c

- (1) This licence shall be required by every person who carries on the trade or business of buying livestock or produce for the purpose of sale, consignment, barter or exchange whether by auction or out of hand and whether or not the person so dealing has a recognized place of business.
- (2) For the purposes of this licence—
 - (a) "livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and ostriches, but does not include poultry or other birds; and
 - (b) "produce" means all products of farming operations other than ostrich feathers.

Exemptions:

- (1) Any person in respect of the buying of livestock or produce in the course of any business for which he requires a licence to trade as a general dealer, fresh produce dealer, hawker or pedlar.
- (2) A farmer in respect of the buying of livestock or produce in the course of his ordinary farming operations.

Item 9—Eating-house Keeper.

- (1) In the Transkeian Native Territories and the district of Glen Grey R2
- (2) Elsewhere R10

This licence shall be required by every person who sells or supplies food or drink to persons other than Europeans in any building, structure or premises where food or drink is sold or supplied for consumption on the premises.

A separate licence shall be required in respect of each eating-house.

Item 10—Fresh Produce Dealer R4

- (1) This licence shall be required by every person who sells in a shop or other premises fruit, nuts, vegetables, flowers, plants, tobacco, cigars, cigarettes, matches, eggs, poultry, fresh fish, honey, bread, biscuits, cakes, pastry (provided such bread, biscuits, cakes and pastry have not been baked or made by himself), confectionery, sweets or dairy produce: Provided that (except in the case of fresh fish) the articles so sold are the produce or manufacture of the Republic.

(2) This licence shall entitle the holder—

- (a) to sell milk from delivery carts, either personally or through employees;
- (b) to sell tea, coffee and other non-intoxicating beverages (excluding aerated or mineral waters) at an open booth or stall without seating accommodation, for consumption thereat.

Exemptions:

- (1) A farmer or gardener in respect of the sale of produce raised or grown by himself.
- (2) Any person licensed as a general dealer under Item 11.

Item 11—General Dealer.

- (1) Where the average value of stock on hand does not exceed R4,000 R10
- (2) Where the average value of stock on hand exceeds R4,000, upon so much of such stock on hand—
 - (a) as does not exceed R4,000 R10;
 - (b) as exceeds R4,000 but does not exceed R10,000 R3 per R2,000 or part thereof;
 - (c) as exceeds R10,000 but does not exceed R20,000 R4 per R2,000 or part thereof;
 - (d) as exceeds R20,000 but does not exceed R40,000 R5 per R2,000 or part thereof;
 - (e) as exceeds R40,000 but does not exceed R60,000 R6 per R2,000 or part thereof;
 - (f) as exceeds R60,000 R7 per R2,000 or part thereof,
 subject to a maximum payment of R200

(3) This licence shall be required by every person who carries on a trade or business in any shop, store or place where goods, wares, merchandise, produce or livestock are sold, bartered or exchanged or offered or exposed for sale, barter or exchange, if the trade or business so carried on is not covered by any other licence issuable under this Act.

(4) The average value of the stock on hand shall be taken to be—

- (a) in the case of a business which was in existence immediately prior to the date upon which liability for the licence arises—
 - (i) the value of the stock on hand (including therein stock purchased and in bond or transit) at the date of stocktaking, as determined by the last stocktaking during the twelve months immediately preceding the date upon which such liability arises;
 - (ii) where there has been no stocktaking within the period prescribed in sub-paragraph (i), an estimate of the average value of the stock held during the preceding twelve months or such shorter period as the business may have been in existence;
- (b) in the case of a new business, such sum as the person having the control or management of the business to be carried on shall declare to be the estimated average value of the stock to be held in such business for the period to be licensed.

(5) A business shall be deemed to have been in existence notwithstanding that there may have been a change in proprietors or that it may have been removed from the place where it was carried on under the licence issued in respect of the last preceding year.

- (6) (a) Any person making application for a general dealer's licence shall furnish to the receiver of revenue of the district in which the business is to be carried on a declaration in such form as shall be prescribed setting out the value of his stock as determined in accordance with paragraph (4).
- (b) Where any person liable to take out such a licence fails to make application therefor or to furnish such declaration when making application, the receiver of revenue may estimate the average value of the stock at such figure as he may consider fair and reasonable and thereupon duty calculated in accordance with such estimate shall be payable.

(7) Any person who for the purpose of obtaining a licence makes a declaration declaring to less than the true value of the stock held or to be held by him, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury and shall in addition pay duty at three times the prescribed rate in respect of the amount under-declared.

(8) Any receiver of revenue may call for any book, invoice or document giving particulars with regard to the value of stock on hand and may enter or in writing authorize any person to enter the premises of any general dealer in order to satisfy himself as to the correctness of any declaration made in connection with the payment of the licence duty.

(9) Any person who fails to produce any book, invoice or document when called upon to do so or who hinders or obstructs any duly authorized person in the exercise of the powers conferred upon him under the preceding paragraph shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Exemptions:

(1) A market gardener in respect of the sale of produce raised or grown by himself and a farmer in respect of the sale of livestock bred or produce raised or grown by him or bought in the course of his ordinary farming operations.

(2) A manufacturer in respect of the sale of goods manufactured or produced by him within the Republic except in respect of the sale by such manufacturer of such goods by retail from a shop, store or fixed place.

“Manufacturer” means any person or association of persons or company engaged within the Republic in the production of a finished article from raw materials or from a combination of other materials.

“Sale by retail”, in relation to goods, means the sale and supply in any quantity of goods which have not been manufactured or produced to the order of any person and which are sold to any person for use or consumption by that person and not for resale.

(3) Any person licensed as a butcher, baker, chemist and druggist or fresh produce dealer, in so far as any dealings of that person are covered by any licence or licences held by him.

(4) Any person licensed to sell intoxicating liquors in respect of dealings covered by such licence.

(5) Any builder or contractor, artisan or any other person who supplies materials or fixtures in fulfilment of his contract to do any work or as part of work done or who sells to order only the product of his own skill and labour.

(6) Any person not otherwise specified above who being licensed under this Act to sell any particular articles or things sells only those particular articles or things.

Item 12—Hawker.

(1) To trade as a hawker within—

- (a) any area under the jurisdiction of a municipal council, borough council, town council, village council, town board, village management board, local board or health committee; or
- (b) any area under the jurisdiction of a divisional council and outside the area of any local authority specified in paragraph (a); or
- (c) any area constituting a magisterial district not under the jurisdiction of a divisional council, and outside the area of any local authority specified in paragraph (a):

For each such area in respect of each person engaged in selling in that area, whether as principal, agent or employee R10

(2) To trade as a hawker in any area mentioned in paragraph (1) in the following classes of products or manufactures of the Republic, provided no other trading is carried on at the same time—

- (a) bread, biscuits, cakes and confectionery;
- (b) non-intoxicating drinks and tobacco;
- (c) fruit and farm and garden produce;
- (d) fish and poultry;
- (e) dairy produce;
- (f) raw meat and offal;
- (g) newspapers (including any printed matter not being a bound volume):

For each such area in respect of each person engaged in selling in that area, whether as principal, agent or employee R2

(3) To trade as a hawker as provided in paragraph (2), but in one class only of the products or manufactures specified: For each such class 50c

(4) In addition to the duty payable in terms of paragraphs (1), (2) and (3) there shall be payable in respect of each vehicle, pack animal or carrier in excess of one used in the business of a hawker a duty of R2

(5) This licence shall be required by every person who, whether as principal, agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange any goods—

(a) at no fixed place, travelling about for that purpose from place to place with goods on any vehicle (other than a vehicle propelled by himself) or with a pack animal or carrier;

(b) on pavements or at other places accessible to the public, at an open stand or from a movable structure or stationary vehicle, unless such trade or business is covered by a licence under another Item of this Part.

(6) No licence to carry on the trade of a hawker within any area in which are situated any proclaimed public diggings shall be issued without the production of a certificate issued by the chief police officer of the district where the diggings are situate, certifying that the applicant for such licence is a fit and proper person to be the holder of such a licence.

Exemptions:

(1) Any person who trades as a hawker in the produce of land of which he is the owner, lessee or occupier, provided such trading is not carried on by such person through an agent other than an employee of such person.

(2) Any seller of coal, wood and salt only.

(3) Any Bantu person to whom the magistrate of the district in which such Bantu person resides has, under authority hereby conferred, granted permission to sell within any specified area goods grown, produced or manufactured in the Bantu territory or on the farm or in the urban Bantu residential area where such Bantu person resides.

(4) Any person who as the *bona fide* agent or employee of any religious institution of a public character trades as a hawker in Bibles or other religious books or pamphlets.

Item 13—Laundry.

Steam R20
Other R10

This licence shall be required by every person carrying on the business of a laundryman or dry cleaner: Provided that a licence shall not be required if the gross receipts of the business did not exceed one thousand rand in the previous calendar year or where the business is carried on by a charitable undertaking.

“Steam laundry” includes any laundry having machinery, appliances or apparatus electrically or mechanically driven or controlled.

Item 14—Miller.

For each mill from the use of which during the twelve months immediately preceding the date upon which liability to take out a licence arises gross receipts were derived which—

- (a) exceed five hundred rand R10
 (b) do not exceed five hundred rand R2

This licence shall be required by every occupier of a mill who makes use of such mill for milling sugar, grinding wheat, mealies, kaffircorn or other cereals, nuts, cotton or other seeds, bones and other animal substances into meal, flour or other products but shall not be required for a mill used exclusively for milling or grinding for the exclusive use of the occupier or his family, servants or livestock.

Item 15—Motor Garage R6

(1) This licence shall be required by every person who carries on the trade or business of repairing, receiving, storing or providing garaging facilities for motor cars, motor cycles or other mechanically propelled vehicles for payment or reward and shall be additional to any licence as a general dealer for which the licensee may be liable.

(2) The holder of this licence may sell thereunder petrol, oil, tyres and other motor accessories other than motor cars, motor cycles or other self-propelled vehicles.

Item 16—Ostrich Feather Buyer.

(1) For a yearly licence R20

(2) For a quarterly licence, that is to say, for a period of three months from the commencement of any calendar month .. R5

This licence shall be required by every person who as a principal, agent or employee buys raw ostrich feathers for purposes of trade, but shall not be required for the purchase of raw ostrich feathers at any public auction.

Item 17—Patent and Proprietary Medicines (To sell) R4

This licence shall be required by every person other than the holder of a licence as a chemist and druggist who sells patent or proprietary medicines, other than the so-called Dutch medicines, but shall only be issued to duly licensed general dealers.

“Patent and proprietary medicines” means any medicine—

- (a) protected in any province of the Republic under current letters patent; or
 (b) prepared or purporting or professed to have been prepared from some secret formula; or
 (c) prepared or purporting or professed to have been prepared by some secret or occult art whether or not the formula is or is professed to be secret; or
 (d) sold under a name or trade mark registered specially in regard thereto; or
 (e) sold under any description which implies or indicates proprietary rights.

Item 18—Pawnbroker R30

This licence shall be required by every person who carries on the business of a pawnbroker in taking or receiving goods or articles of value in pledge or as security for money lent or advanced.

Item 19—Pedlar.

(1) To trade as a pedlar within—

- (a) any area under the jurisdiction of a municipal council, borough council, town council, village council, town board, village management board, local board or health committee; or
 (b) any area under the jurisdiction of a divisional council and outside the area of any local authority specified in paragraph (a); or
 (c) any area constituting a magisterial district not under the jurisdiction of a divisional council and outside the area of any local authority specified in paragraph (a):

For each such area in respect of each person engaged in selling in that area, whether as principal, agent or employee R2

(2) To trade as a pedlar in any area mentioned in paragraph (1) in one only of the following classes of products or manufactures of the Republic—

- (a) bread, biscuits, cakes and confectionery;
 (b) non-intoxicating drinks and tobacco;
 (c) fruit and farm and garden produce;
 (d) fish and poultry;
 (e) dairy produce;
 (f) raw meat and offal:

For each such area in respect of each such class of product or manufacture and each person engaged in selling in that area, whether as principal, agent or employee 50c

(3) The provisions of Item 12 relating to the issue of a hawker's licence in any area in which proclaimed public diggings are situated, shall *mutatis mutandis* apply to the issue of licences under this Item.

(4) A pedlar's licence shall be required by every person who, whether as principal, agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels with his goods from place to place either on foot or with a vehicle propelled by himself.

Exemptions:

(1) Any street vendor of matches, bootlaces, flowers or newspapers (including any printed matter, not being a bound volume).

(2) Any Bantu person to whom the magistrate of the district in which such Bantu person resides has, under authority hereby conferred, granted permission to sell within any specified area goods grown, produced or manufactured in the Bantu territory or on the farm or in the urban Bantu residential area where such Bantu person resides.

(3) Any person who trades as a pedlar in the produce of land of which he is the owner, lessee or occupier, provided such trading is not carried on by such person through an agent other than an employee of such person.

(4) Any person who as the *bona fide* agent or employee of any religious institution of a public character trades as a pedlar in Bibles or other religious books or pamphlets.

Item 20—Restaurant, Refreshment- or Tea-room Keeper R10

This licence shall be required by every person who keeps a public restaurant, café or tea-room, whether indoors or in the open air, for the sale or supply of meals or refreshments (not being intoxicating liquors for the sale of which a liquor licence is required).

Exemption:

Any person licensed as a fresh produce dealer under Item 10 who sells at an open booth or stall without seating accommodation, for consumption thereof, tea, coffee or other non-intoxicating beverages, excluding aerated or mineral waters.

Item 21—Temporary or Special Licence.

For each day R1

Under this licence any person duly licensed under this Act to carry on any trade or occupation specified in this Schedule, may carry on the trade or occupation for which he is licensed at any exhibition or show anywhere in the Republic which is organized, conducted or controlled by any society or institution of a public character formed for the advancement of agriculture, commerce, industry, art or science.

PART II.—OCCUPATIONAL LICENCES.

Item 1—Advertising Agent or Advertising Contractor R10

This licence shall be required by every person who for money or other valuable consideration contracts for the exhibition or display in any public place of any advertisement of any description in any matter whatsoever.

Exemptions:

(1) Any agent acting on behalf of a duly licensed advertising agent or contractor.

(2) Any duly licensed general dealer in respect of advertisements displayed or exhibited on the premises in respect of which his licence as a general dealer is held.

Item 2—Appraiser or Assessor R10

This licence shall be required by every person who holds the appointment and carries on business as a sworn appraiser or who carries on the business of assessing damage or loss but, if the person to be licensed is not a duly appointed sworn appraiser, the licence shall be described and issued as an assessor's licence.

Exemption:

Any duly licensed auctioneer or practising attorney or law-agent in respect of appraisals or valuations made by him in the district where his office or place of business is situated.

Item 3—Auctioneer.

For a province R40

For a particular magisterial district only R20

(1) This licence shall be required by every person who sells any article or thing, including fixed property and livestock, at any public sale where the highest bidder, whether the bidding be by the rise or by the fall, becomes the purchaser.

(2) An auctioneer may be licensed—

(a) for any province, with the right to hold sales anywhere within such province only;

(b) for the magisterial district within which his office or place of business is situated, with the right to hold sales within such district only.

(3) This licence shall be issued in the name of one individual only and shall, save as is hereinafter provided, be required by any person who as the employee of a person carrying on business as an auctioneer, conducts sales on behalf of his employer.

(4) An auctioneer's licence shall not cover sales out of hand by an auctioneer or sales of new or unused goods or merchandise but shall cover sales of livestock or immovable property out of hand by a duly licensed auctioneer on the day such livestock or property is submitted to auction.

Exemptions:

(1) A messenger of a magistrate's court or his deputy or a sheriff or his deputy or any other duly authorized officer of the court and a market master or pound master, when acting in his capacity as such.

(2) Any person appointed to sell movable or immovable property for or on account of the Government or any provincial administration when acting under such appointment.

(3) Any person acting under an appointment to sell by auction on behalf of any association or society for the promotion of agriculture and the improvement of livestock, at any agricultural shows, fairs or markets held by such association or society: Provided that this exemption shall not apply in respect of sales conducted at more than four shows, fairs or markets held in any one year on behalf of any one association or society; provided further that any sale at any such fair or market shall not continue for more than two days.

(4) Any employee or other individual nominated by the holder of an auctioneer's licence to conduct sales on behalf of such licence holder during a period of temporary absence not connected with the conduct of sales in any other place, if the licence is endorsed with the name of the nominee and the period for which he is nominated: Provided that the individual so nominated shall not be permitted to conduct sales on behalf of the licence holder during any continuous period exceeding six months in any one year.

Item 4—Bagatelle Table Keeper.

For each table R8

This licence shall be required by every person who keeps a public bagatelle table whether a charge is made for the right to play or not.

Item 5—Billiard Table Keeper.

(1) On premises licensed for the sale of intoxicating liquor: For each table R24

(2) On premises not licensed for the sale of intoxicating liquor: For each table R10

This licence shall be required by every person who keeps a public billiard table whether a charge is made for the right to play or not.

No licence shall be granted unless a certificate is produced from a duly authorized police officer that the person to whom the licence is to be issued is of good character.

Item 6—Board of Executors or Trust Company.

(1) For the head office R100

(2) For each branch office R50

This licence shall be required by any board of executors or trust company or other company of like kind.

Item 7—Broker or Agent R10

This licence shall be required by every person who carries on the business—

- (a) of negotiating bargains or contracts between other persons in matters of trade, commerce or navigation, including sales or other dispositions of movable or immovable property, for a remuneration commonly called commission or brokerage; or
- (b) of undertaking or executing any agency including the letting of houses or other fixed property on commission; or
- (c) except in the case of a company, of undertaking the administration of deceased estates or the trusteeship in insolvent estates.

Exemptions:

(1) Any person duly licensed as a stock or share broker or a stock or share broker who is a member of a stock exchange licensed under the Stock Exchanges Control Act, 1947 (Act No. 7 of 1947).

(2) Agents of foreign firms and commercial travellers in respect of any activities carried on by them as such and referred to in Item 1 or Item 3, as the case may be, of the First Schedule.

(3) Any duly licensed board of executors or trust company.

(4) Market masters in respect of goods sold on a public market.

(5) Any practising attorney, law agent or registered accountant and auditor in respect of or in connection with the business of undertaking the administration of a deceased estate, the trusteeship in an insolvent estate or the judicial management or winding-up of a company.

(6) Any agent for the receipt or delivery in any shop or place of business of articles which are to be or have been laundered, dry-cleaned or dyed or for the conduct of transactions incidental to such receipt or delivery.

Item 8—Canvasser for Sale of Shares or Land R100

This licence shall be required by every person who travels from place to place selling or offering for sale or canvassing for the sale of shares in any company, registered or unregistered, or canvassing for subscriptions for the issue of shares in any such company, or selling, offering for sale or canvassing for the sale of immovable property.

Item 9—Speculator in Futures R50

This licence shall be required by every person who buys or obtains options on crops, harvests, ostrich feathers, wine, brandy, must, wool or mohair for the purpose of removing and selling the same when matured.

Item 10—Stock and Share Broker R20

This licence shall be required by every person who carries on the business of a stock or share broker or who engages in the business of negotiating, transacting or conducting any sale or purchase or other dealing in Government or other stocks, in scrip or shares (whether issued or not) in any company, association or body or in any marketable or negotiable security, for a remuneration commonly called brokerage or commission.

Exemption:

Any person who is a member of a stock exchange licensed under the Stock Exchanges Control Act, 1947.

Third Schedule.

LAWS REPEALED.

Year and No. of Law.	Title.	Extent of Repeal.
Act No. 32 of 1925.	Licences Consolidation Act, 1925 ..	The whole.
Act No. 44 of 1926.	Financia Adjustments Act, 1926 ..	Section <i>four</i> .
Act No. 26 of 1927.	Licences (Amendment) Act, 1927 ..	The whole.
Act No. 64 of 1934.	Finance Act, 1934	Sections <i>twelve</i> , <i>thirteen</i> and sub-section (4) of section <i>eighteen</i> .
Act No. 49 of 1935.	Finance Act, 1935	Sections <i>nine</i> to <i>twelve</i> inclusive and sub-section (7) of section <i>twenty-four</i> .
Act No. 50 of 1937.	Finance Act, 1937	Section <i>nine</i> .
Act No. 33 of 1939.	Finance Act, 1939	Sections <i>thirteen</i> and <i>fourteen</i> .
Act No. 46 of 1944.	Finance Act, 1944	Section <i>twenty-one</i> .
Act No. 38 of 1945.	Financial Relations Consolidation and Amendment Act, 1945.	Sections <i>twenty-nine</i> to <i>thirty-one</i> inclusive.
Act No. 31 of 1946.	Licences Amendment Act, 1946 ..	The whole.
Act No. 7 of 1947.	Stock Exchanges Control Act, 1947	Section <i>twenty-nine</i> .
Act No. 48 of 1947	Finance Act, 1947	Section <i>twenty-five</i> .
Act No. 28 of 1948.	Finance Act, 1948	Section <i>eight</i> .
Act No. 47 of 1949.	Finance Act, 1949	Sections <i>fourteen</i> to <i>sixteen</i> inclusive.
Act No. 62 of 1955.	General Law Amendment Act, 1955	Section <i>fourteen</i> .
Act No. 49 of 1956.	Licences Amendment Act, 1956 ..	The whole.
Act No. 81 of 1957.	Finance Act, 1957	Section <i>ten</i> .
Act No. 71 of 1961.	Revenue Laws Amendment Act, 1961	Sections <i>three</i> to <i>eight</i> inclusive.