

No. 98, 1965.]

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 amend sections *six, thirty-two bis, sixty-nine, eighty-four, one hundred sex, one hundred and fourteen ter, one hundred and forty-five* and *one hundred and sixty-six*, and to substitute sections *one hundred quin* and *one hundred and thirty-nine* of Act No. 30 of 1928, to amend section *three bis* of Act No. 53 of 1934, to insert a new section *twenty-one bis* in, and to amend section *thirty-three* of Act No. 43 of 1950, to substitute section *four* of Act No. 37 of 1958, to insert a new section *twenty-six bis* in Act No. 4 of 1962, to amend sections *twelve* and *seventeen* and repeal section *thirteen* of Act No. 42 of 1962, to amend section *sixteen* of Act No. 63 of 1962, and to provide for certain matters in regard to punishment and proof in the case of theft of certain goods.

(English text signed by the State President.)
(Assented to 18th June, 1965.)

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

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 and section 1 of Act 85 of 1964.

Amendment of section 32*bis* of Act 30 of 1928, as inserted by section 17 of Act 88 of 1963.

1. Section *six* of the Liquor Act, 1928 (hereinafter referred to as the Liquor Act), is hereby amended by the insertion after paragraph (d)*bis* of sub-section (1) of the following paragraph:

“(d)*ter* any person who on behalf of the National Parks Board of Trustees referred to in section *five* of the National Parks Act, 1962 (Act No. 42 of 1962), and in a park as defined in section *one* of the said Act, sells any liquor under authority granted by the Minister to the said Board, and subject to such conditions and restrictions as the Minister may impose;”.

2. Section *thirty-two bis* of the Liquor Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) Every such application shall be in the prescribed form, shall be accompanied by the prescribed documents and information and shall be lodged with the magistrate concerned.”;

(b) by the substitution for sub-section (3) of the following sub-section:

“(3) The magistrate shall during the month of December of each year on such date as may be determined by him, consider and determine applications lodged with him in terms of sub-section (2) during the immediately preceding month of October, and if any application for the grant of a licence referred to in sub-section (1) is lodged with the magistrate concerned in any other month, he may in his discretion, if he is satisfied that there are good and sufficient reasons for such application not having been lodged with him during the immediately preceding month of October

and that postponement of the making of the application until the immediately succeeding month of October would cause undue hardship, and shall, if the Minister so directs, consider and determine such application during the second month following upon the month during which such application was so lodged with him, and on such date as he may determine: Provided that a magistrate shall not determine more than one date for the consideration of applications by him in any particular month.”;

- (c) by the addition to sub-section (4) of the following proviso:

“Provided that no condition or restriction imposed by the Minister in granting any application for a wine farmer’s licence or for the renewal of such a licence under sub-section (7), shall, without his consent, be amended or deleted by any magistrate thereafter granting an application for the renewal of such licence.”; and

- (d) by the addition of the following sub-sections:

“(5) Any person aggrieved by the refusal of a magistrate to grant any application for a wine farmer’s licence or for the renewal of such a licence may, by notice delivered to such magistrate within a period of fourteen days of the date of such refusal, appeal to the Minister against such refusal.

(6) The magistrate shall, within seven days after the receipt by him of such notice, transmit the notice to the Minister, together with the application to which it relates, all relevant documents, information, objections, police reports and representations submitted to him under this Act in connection with such application and his reasons for refusing to grant the application.

(7) The Minister may in his discretion, after having obtained the recommendation of the National Liquor Board made after consideration of the application, all relevant documents, information, objections, police reports, representations and the reasons of the magistrate transmitted to the Minister in terms of sub-section (6), confirm, uphold or set aside the refusal by the magistrate to grant the application and, in the event of the refusal by the magistrate being set aside, grant the application for the licence or for the renewal of the licence, as the case may be, subject to such conditions and restrictions as he may deem fit to impose.

(8) The decision of the Minister on any application referred to in sub-section (7) shall be final.”.

Amendment of section 69 of Act 30 of 1928, as amended by section 49 of Act 88 of 1963 and section 7 of Act 85 of 1964.

3. Section *sixty-nine* of the Liquor Act is hereby amended by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

“(c) a brewer’s licence may be granted or renewed in respect of premises in which the licensee lawfully carries on the business of brewing any malt liquor, irrespective of whether or not he also brews therein any beer containing less than two per cent by volume of alcohol, provided it is done lawfully;”.

Amendment of section 84 of Act 30 of 1928, as amended by section 66 of Act 88 of 1963.

4. Section *eighty-four* of the Liquor Act is hereby amended by the deletion of sub-section (4).

Substitution of section 100^{quin} of Act 30 of 1928, as inserted by section 8 of Act 72 of 1961 and amended by section 4 of Act 89 of 1962 and section 77 of Act 88 of 1963.

5. The following section is hereby substituted for section *one hundred quin* of the Liquor Act:

100^{quin}. (1) The State President may, by proclamation in the *Gazette*, declare that within any area defined in such proclamation, no liquor or no liquor of a specified kind or no liquor other than liquor of a specified kind shall be sold or supplied to any member of any specified class of persons by the holder of an off-consumption licence or a licensee who has been granted a special right to off-sale in terms of section *sixty-four* or *seventy-one bis*.

(2) Notwithstanding the provisions of sub-section (1), the Minister may, after considering a police

report and such other evidence, whether verbal or in writing, as may be presented to him or any person appointed by him for the purpose, and after he has afforded the licensee concerned or his principal, if any, an opportunity to make representations to him within such period as he may determine, in writing prohibit any holder of an off-consumption licence or any holder of a licence who has been authorized under section *sixty-four* or *seventy-one bis* to sell liquor for consumption off the licensed premises, from selling any liquor, or any liquor of a specified kind, or any liquor other than liquor of a specified kind, or any liquor of any kind in excess of any specified quantity, to any member of any specified class of persons during such period, not exceeding twelve months at any time, as the Minister may determine, for consumption off the licensed premises.

(3) A decision of the Minister under sub-section (2), shall not be subject to appeal or review.”.

Amendment of section 100*sex* of Act 30 of 1928, as inserted by section 5 of Act 89 of 1962.

6. (1) Section *one hundred sex* of the Liquor Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) The Minister or any person acting under his directions may, subject to such conditions or restrictions whatsoever as he may deem fit to impose, grant written authority to the nominee of any association of coloured or Asiatic persons having not less than twenty shareholders or members, to sell liquor, or such kinds of liquor as he may determine, for consumption on or off such premises as may be described in such authority: Provided that no authority for the sale of liquor for consumption off the premises shall be granted unless such nominee is also the holder of an authority to sell liquor for consumption on the same premises.”; and

(b) by the substitution for sub-paragraph (i) of paragraph (b) of sub-section (9) of the following sub-paragraph:

“(i) holds more than twenty per cent. of the issued shares in such company or contributed more than twenty per cent. of the capital of such other association.”.

(2) The provisions of section *one hundred sex* of the Liquor Act, as they existed immediately before the commencement of sub-section (1) of this section, shall continue to apply in respect of any authority granted or renewed under the first-mentioned section before such commencement, or deemed to be an authority granted or renewed thereunder, in all respects as if the said sub-section had not been passed.

Amendment of section 114*ter* of Act 30 of 1928, as inserted by section 35 of Act 61 of 1956 and amended by section 7 of Act 58 of 1957 and section 88 of Act 88 of 1963.

7. (1) Section *one hundred and fourteen ter* of the Liquor Act is hereby amended by the substitution for the proviso to paragraph (a) of sub-section (1) of the following proviso:

“Provided that nothing contained in this paragraph shall be construed as prohibiting a licensing board or the chairman thereof from authorizing the transfer of any licence—

- (i) to a person who was on the fourth day of May, 1956, the lessor of the premises in respect of which the licence was then held and is on the date of the transfer the lessor of the premises in respect of which the licence is then held, or to the agent or nominee of such a person;
- (ii) from one agent or nominee of any person to another agent or nominee of the same person;
- (iii) to a producer or a manufacturer as defined in section *one hundred and fourteen bis*, or a brewer, or a person having a controlling interest (as so defined) in a company which is such a producer or manufacturer or a brewer, who has, with the consent of the Minister given under paragraph (v) of section *one hundred and sixty-six*, directly or indirectly acquired any financial interest in the business in respect of which the licence in question has been issued, or to the agent or nominee of any such producer, manufacturer, brewer or person; or

- (iv) to a person (other than a producer or manufacturer as defined in section *one hundred and fourteen bis*, or a brewer, or a person having a controlling interest, as so defined, in a company which is a producer or manufacturer, as so defined, or a brewer) who has, with the consent of the Minister given under paragraph (w) of section *one hundred and sixty-six*, directly or indirectly acquired any financial interest in the business or undertaking in respect of which the licence in question has been issued, or to the agent or nominee of such person.”

(2) Sub-section (1) shall be deemed to have come into operation on the sixteenth day of August, 1957.

Substitution of section 139 of Act 30 of 1928.

8. The following section is hereby substituted for section *one hundred and thirty-nine* of the Liquor Act:

“Rights of police in regard to search and seizure.

139. (1) Any member of the police holding a rank or post designated by the Minister from time to time by notice in the *Gazette*, may, in any area so designated, without any warrant—

- (a) during the hours when any premises licensed under this Act are open for the sale of liquor, enter and inspect every room or any other part of such premises and may take stock of all liquor found in or upon such premises;
- (b) at all times enter and search any premises, room or place, whether licensed under this Act or not, or any vehicle, or search any person or any receptacle of whatever nature, whether found in or upon such premises, room, place or vehicle or not, if—
- (i) there are reasonable grounds to suspect that any contravention of a provision of this Act is taking place in or upon such premises, room, place or vehicle or is being committed by such person or by means of such vehicle or receptacle;
- (ii) there are reasonable grounds to suspect that such person has in his possession any liquor or thing or that any liquor or thing is kept in or upon such premises, room, place, vehicle or receptacle in contravention of any provision of this Act; or
- (iii) there are reasonable grounds to believe that such person has in his possession or that there is in or upon such premises, room, place, vehicle or receptacle any liquor or thing intended to be used for the purpose of committing any offence under this Act;
- (c) enter any premises upon which liquor is being sold or supplied and demand the production of the licence authorizing such sale or supply.

(2) Any member of the police holding a rank or post so designated shall seize and remove anything in the possession of the person so searched or in or upon the premises, room, place, vehicle or receptacle so entered or searched if, in his opinion, the possession thereof by such person or the keeping or possession thereof in or upon such premises, room, place, vehicle or receptacle is unlawful or if he suspects that any offence has been committed in respect thereof, or if he has reason to believe that such thing is intended to be used for the purpose of committing any offence under this Act.”

Amendment of section 145 of Act 30 of 1928.

9. Section *one hundred and forty-five* of the Liquor Act is hereby amended—

- (a) by the addition at the end of paragraph (c) of the word “or”; and
- (b) by the insertion after the said paragraph of the following new paragraph:
- “(d) bought or acquired more liquor than was reasonably required for consumption by himself, his household and persons *bona fide* employed by him.”

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957, section 17 of Act 72 of 1961, section 20 of Act 63 of 1962, section 10 of Act 89 of 1962, section 106 of Act 88 of 1963 and section 18 of Act 85 of 1964.

10. (1) Section *one hundred and sixty-six* of the Liquor Act is hereby amended—

- (a) by the addition at the end of paragraph (ii) of the proviso to paragraph (v) of the word “or”; and
- (b) by the addition to the said proviso of the following paragraph:

“(iii) the acquisition or owning by a producer or manufacturer as defined in section *one hundred and fourteen bis*, other than a wholesale trader within the meaning of the said section, of any such financial interest in a business conducted under a wholesale liquor licence by a company, provided such financial interest comprises at least a controlling interest as so defined in such company.”.

(2) Sub-section (1) shall be deemed to have come into operation on the sixteenth day of August, 1957.

Amendment of section *3bis* of Act 53 of 1934, as inserted by section 3 of Act 55 of 1963 and amended by section 1 of Act 80 of 1964.

11. Section *three bis* of the Slums Act, 1934, is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) The Minister or, if authorized thereto by the Minister, the Secretary or any other officer in the Department of Community Development may, subject to the laws governing the public service, designate an officer in the said Department to act as the secretary of a slum clearance court.”.

Insertion of section *21bis* in Act 43 of 1950.

12. The following section is hereby inserted in the Rents Act, 1950, after section *twenty-one*:

“Restriction on rights of lessor of uncontrolled dwelling in certain circumstances. **21bis.** (1) A rent board or the Secretary for Community Development having decided to investigate whether a report in connection with a particular dwelling or particular dwellings should be submitted to the Minister for the purposes of sub-section (1)*bis* of section *thirty-three*, may in writing, by registered post, notify any lessor and lessee in question of the proposed investigation: Provided that the period of investigation shall not exceed three months from the date of such notice to the lessor and lessee.

(2) If a lessor and a lessee have been so notified the provisions of sections *twenty-one* and *twenty-four* shall *mutatis mutandis* apply in connection with the dwelling in question: Provided that if a lessor is convicted of an offence under this section, he shall be liable to a fine of not less than two hundred but not exceeding one thousand rand.

(3) The provisions of sub-section (2) shall cease to apply in connection with a dwelling—

(a) after the expiration of a period of three months after the lessor and lessee thereof were notified by the rent board or the said Secretary, as the case may be, that after investigation by it or him no action in terms of sub-section (1)*bis* of section *thirty-three* relating to the dwelling in question was being contemplated for the time being; or

(b) on the issue of a relevant proclamation under the said sub-section (1)*bis*:

Provided that the fact that such provisions cease so to apply, shall not exempt the lessor in question from any liability to which he would have been subject by reason of any notice given by him to the lessee to vacate the dwelling, if such provisions had continued to apply in connection therewith.

(4) The provisions of this section shall also apply to dwellings situate in an area for which no rent board has been constituted, and in such application to dwellings situate in such an area, any reference in this Act to the secretary or chairman of a rent board shall be construed as a reference to the Secretary for Community Development.”.

Amendment of section 33 of Act 43 of 1950, as amended by section 6 of Act 53 of 1951 and section 7 of Act 47 of 1964.

13. Section *thirty-three* of the Rents Act, 1950, is hereby amended by the substitution for paragraph (f) of sub-section (1) of the following paragraph:

“(f) to any dwelling or business premises not occupied, or to any garage or parking space not used as such, before the twenty-first day of October, 1949;”.

Substitution of section 4 of Act 37 of 1958.

14. (1) The following section is hereby substituted for section *four* of the Finance Act, 1958:

“Pension benefits for officers of Parliament and their widows and dependants. 4. The pension or gratuity to which an officer of Parliament or the widow or dependant of an officer of Parliament becomes entitled, as calculated under the provisions of any pension scheme for officers of Parliament adopted from time to time by the appropriate Committees of the Senate and the House of Assembly, shall be paid to the beneficiary out of moneys appropriated by Parliament for the purpose, and a certificate duly signed by the President of the Senate or the Speaker of the House of Assembly, as the case may be, stating that such an officer or his widow or dependant, as the case may be, has become entitled to be paid benefits under the relevant provisions of such scheme and containing particulars of such benefits and of the terms and conditions (if any) subject to which they are payable, shall constitute the requisite authority for the payment of such benefits.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1965.

Insertion of section 26*bis* in Act 4 of 1962.

15. The following section is hereby inserted in the Coloured Development Corporation Act, 1962, after section *twenty-six*:

“Powers of Corporation in South-West Africa. 26*bis*. The Corporation may in the territory of South-West Africa exercise such powers as may be conferred upon it by ordinance of the Legislative Assembly of that territory: Provided that funds acquired by the Corporation by virtue of its powers in the Republic shall not be used in connection with the exercise of its powers in the said territory.”.

Amendment of section 12 of Act 42 of 1962.

16. Section *twelve* of the National Parks Act, 1962, is hereby amended by the substitution for paragraph (f) of sub-section (1) of the following paragraph:

“(f) carry on any business or trade for the convenience of visitors to the park;”.

Repeal of section 13 of Act 42 of 1962.

17. Section *thirteen* of the National Parks Act, 1962, is hereby repealed.

Amendment of section 17 of Act 42 of 1962.

18. Section *seventeen* of the National Parks Act, 1962, is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) The board shall be exempt from the duty to obtain any licence in respect of the carrying on by it of any activity contemplated in Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), and from the payment of any licence duty or fee in respect of the carrying on by it of any such activity.”.

Amendment of section 16 of Act 63 of 1962, as amended by section 93 of Act 42 of 1964.

19. Section *sixteen* of the Bantu Beer Act, 1962, is hereby amended—

(a) by the insertion after paragraph (g) of the following paragraph:

“(g)*bis* subject to the provisions of sub-section (2), consumes Bantu beer in any street, road, lane or other public thoroughfare or in a public park, or on any vacant land adjoining any street, road, lane or other public thoroughfare or a public park, in any urban area (except where such Bantu beer has been sold or supplied on such land in terms of this Act);” and

(b) by the addition of the following sub-section, the existing section becoming sub-section(1):

“(2) The provisions of paragraph (g)*bis* of sub-section (1) shall not apply in relation to any entertainment provided on any vacant land referred to

in the said paragraph by any person who owns or lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof.”.

Jurisdiction of magistrate's court if accused is convicted of theft of a life-line, and presumption in regard to possession of certain life-lines.

20. (1) If any person is convicted in a magistrate's court of the theft of a line and it has been proved that such line was placed on or near the sea-shore for the purposes of being used for saving lives, such court may, notwithstanding anything to the contrary contained in any law, sentence such person to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) If in any prosecution for the theft of a line which was placed on or near the sea-shore for the purposes of being used for saving lives, it is proved that the accused was found in possession of a line of a kind defined by the Minister by notice in the *Gazette*, it shall be presumed, until the contrary has been proved, that such line is the line mentioned in the indictment, summons or charge.

Short title and commencement.

21. This Act shall be called the General Law Amendment Act, 1965, and sections *one* to *six*, inclusive, and sections *eight* and *nine* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and different dates may be so fixed in respect of each of those sections or the different provisions thereof.