

LIQUOR AMENDMENT ACT

PRESIDENT'S OFFICE

No. 1520. 4 October 1995

NO. 57 OF 1995: LIQUOR AMENDMENT ACT, 1995.

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

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Liquor Act, 1989, so as to adjust the introductory provisions; to insert certain definitions and to replace others; to adjust references to obsolete names and laws; to make the said Act also applicable to the former self-governing territories and TBVC statds; to abolish the existing Liquor Board and to establish a separate Liquor Board for each province; to assign certain powers of the chairperson of the Liquor Board to the provincial Liquor Boards; to allocate certain functions of the Minister of Trade and Industry in respect of a province to the Member of the Executive Council designated by the Premier concerned; to make further provision in connection with the meetings of a Liquor Board, and the consideration of applications; to further regulate the lodging of annual reports on the activities of Liquor Boards; to make further provision regarding the nature of the premises relating to hotel liquor licences; to extend the duty of a competent authority to furnish reasons for a decision; to abolish appeals to the said Minister; to provide for the designation of a recorder for each province; to convert and maintain the licences existing in the former self-governing territories and TBVC states; to repeal the liquor laws of the said territories and states; and to make provision for certain transitional measures; and to provide for incidental matters.

(Afrikaans text signed by the President.) (Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 27 of 1989, as amended by section 1 of Act 105 of 1993

1. Section 1 of the Liquor Act, 1989 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the substitution for the words following upon the expression "5." of the following words:

"Institution of Liquor Boards";

(b) by the insertion after the expression "6. Functions of Board" of the following expression:

"6A. Functions of Member of Executive Council";

(c) by the substitution for the words following upon the expression "124." of the following words:

"[**Minister**] Member of Executive Council may refer matters to Board";

(d) by the substitution for the words following upon the expression "125." of the following words:

"[**Minister's**] Member of Executive Council's powers after recommendations or reports by Board"; and

(e) by the deletion of the words following upon the expression "133."

Amendment of section 2 of Act 27 of 1989, as amended by section 32 of Act 60 of 1989 and section 2 of Act 105 of 1993

2. Section 2(1) of the principal Act is hereby amended-

(a) by the substitution for the definition of "Board" of the following definition:

" 'Board' means the Liquor Board [**referred to in**] of a province instituted by section 5";

(b) by the substitution for the definition of "chairman" of the following definition:

"'chairperson' means the chairperson of a Board, and also the deputy chairperson of a Board, or his or her alternate, when he or she is acting as chairperson;";

(c) by the deletion in the definition of "closed day" of paragraphs (c) and (d);

(d) by the insertion after paragraph (a) of the definition of "competent authority" of the following paragraphs:

"(aA) the Premier;

(aB) the Member of the Executive Council;";

(e) by the insertion after the definition of "magistrate" of the following definition:

"'Member of the Executive Council' means the Member of the Executive Council of a province designated by the Premier concerned to give effect to the provisions of this Act in that province;";

by the insertion after the definition of "person" of the following definition:

"'Premier' means the Premier of a province of the Republic of South Africa;"; and

(g) by the substitution for the definition of "recorder" of the following definition:

"recorder" means the recorder of a province designated under section 179;".

Amendment of section 3 of Act 27 of 1989, as amended by section 32 of Act 60 of 1989, section 35 of Act 44 of 1993 and section 3 of Act 105 of 1993

3. Section 3 of the principal Act is hereby amended-

(a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) the master of a ship or the commander of an aircraft of an air service licensed in terms of the **[Air Services Act, 1949 (Act No. 51 of 1949)]** Air Services Licensing Act, 1990 (Act No. 115 of 1990), to provide a scheduled air transport service, with regard to the sale of liquor to a passenger on board that ship while in a harbour in, or in the territorial waters of, the Republic during a voyage of not less than 100 kilometres, or to a passenger on board that aircraft while on a flight of not less than 100 kilometres from one airport in the Republic to another;"

(b) by the substitution for subparagraph (i) of paragraph (f) of subsection (1) of the following subparagraph:

"(i) to members of the South African National Defence Force on the premises of a trading institution contemplated in section 149 of the Defence Force Act, 1957 (Act No. 44 of 1957), for consumption off those premises;"

(c) by the substitution for subparagraph (iii) of paragraph (f) of subsection (1) of the following subparagraph:

"(iii) in connection with a base, camp, station or ship for any part of the South African National Defence Force;"

(d) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

"(g) a person selling liquor under the authority of the Minister concerned on premises under the control of the South African Police Service, of the Department of Correctional Services or the National Intelligence Service, to members of the institution concerned and their bona fide guests;" and

(e) by the addition of the following subsection:

"(4) From the commencement of the Liquor Amendment Act, 1995, this Act shall also apply in the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, as well as in the former self-governing territories of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa."

Amendment of section 4 of Act 27 of 1989, as amended by section 4 of Act 105 of 1993

4. Section 4 of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the words preceding paragraph

(a) of the following words:

"The **[chairman]** Board may, **[subject to the provisions of subsection (1A)]** on application and if **[in his opinion]** circumstances so warrant, declare that this Act, excluding such provisions as **[he]** it may determine, shall not apply to the sale, by a person named in the declaration, of liquor-";

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

(c) in a restaurant on premises occupied, controlled or maintained by the South African Broadcasting Corporation or any other provider of a public broadcasting service as defined in section 1(1) of the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993), to employees of the institution concerned and their bona fide guests, for consumption in that restaurant;"

(c) by the deletion of paragraphs (g) and (h) of subsection (1);

(d) by the substitution for subsection (1A) of the following subsection:

"(1A) The chairperson may, on application and if circumstances so warrant, declare that this Act, excluding such provisions as he or she may determine, shall not apply to the sale, by a person named in the declaration, of liquor-

(a) if that person is a collector of wine and that liquor consists of his or her collection of wine or any part thereof;

(b) if that person is a licensed auctioneer acting on behalf of a bona fide cultural or welfare organisation, an educational institution, an insurer or a person contemplated in section 3 (1) (b).";

(e) by the substitution for subsection (2) of the following subsection:

"(2) A declaration issued under subsection (1) or (1A) shall be subject to such conditions set out therein as the Board or the [chairman] chairperson, as the case may be, may in its or his or her discretion impose.";
and

(f) by the substitution for subsection (3) of the following subsection:

"(3) The [chairman] Board or the chairperson may at any time after the issue of a declaration under subsection (1) or (1A), by a notice delivered or tendered to the person named in the declaration concerned-

(a) in its or his or her discretion impose such conditions or further conditions as may be set out in the notice, to which the notice shall be subject;

(b) withdraw or amend any condition imposed by it or him or her under this section;

(c) withdraw or amend the declaration.".

Substitution of section 5 of Act 27 of 1989

5. (1) The following section is hereby substituted for section 5 of the principal Act:

"Institution of Liquor Boards

5. A separate Liquor Board is hereby instituted for each province of the Republic of South Africa."

(2) Notwithstanding the provisions of subsection (1), the Liquor Board, as it existed immediately before the commencement of this section, shall continue to exist for the purposes of the finalization of pending cases in accordance with section 57.

Amendment of section 6 of Act 27 of 1989, as amended by section 5 of Act 105 of 1993

6. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

(a) advise the **[Minister]** Member of the Executive Council or furnish a report or recommendation to the **[Minister]**Member of the Executive Council on any matter referred to the Board by the **[Minister]** Member of the Executive Council for consideration and arising from the application of this Act or relating to the distribution, or control over the distribution, of liquor;".

Insertion of section 6A in Act 27 of 1989

7. The following section is hereby inserted in the principal Act after section 6:

"Functions of Member of Executive Council

6A. The Member of the Executive Council shall-

(a) advise the Minister or the Premier, or furnish a report or recommendation to the Minister or the Premier, on any matter referred to him or her by the Minister or the Premier for consideration and arising from the application of this Act or relating to the distribution, or control over the distribution, of liquor; and

(b) perform such other functions as may be assigned to him or her in terms of this Act."

Substitution of section 7 of Act 27 of 1989

8. The following section is hereby substituted for section 7 of the principal Act-

"Constitution of Board

7. (1) A Board shall consist of-

(a) two persons in the employ of the State appointed by the Member of the Executive Council, one as chairperson and the other as deputy chairperson;

(b) a person nominated by the Provincial Commissioner of the South African Police Service; and

(c) two other members appointed by the Member of the Executive Council for a period of not more than two years.

(2) No person shall be appointed as chairperson or deputy chairperson under subsection (1) or as an alternate to the deputy chairperson under subsection (3) unless he or she possesses such qualification in law and such experience in the administration of justice as renders him or her suitable for appointment as such.

(3) The Member of the Executive Council may at any time appoint an officer in the public service as an alternate to the deputy chairperson to perform the functions of the deputy chairperson when he or she is not available to perform those functions.

(4) A person whose term of office as a member has expired, shall be eligible for reappointment.

(5) When a casual vacancy occurs in the ranks of the members appointed under subsection (1)(c), the Member of the Executive Council shall fill the vacancy by the appointment of another member for the unexpired part of the period for which his or her predecessor was appointed.

(6) If there are sound reasons for doing so, the Member of the Executive Council may at any time remove from office any member appointed under subsection (1)(c)."

Amendment of section 11 of Act 27 of 1989, as amended by section 6 of Act 105 of 1993

9. Section 11 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) any application **[referred to the Board under]** contemplated in section 4(1), 22(1) [(c)], 60(1), 114(1) or 121(1)[(c)];"

Amendment of section 13 of Act 27 of 1989

10. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Three members of the Board, of whom the **[chairman]** chairperson or deputy **[chairman]** chairperson and **[when the Board is considering a matter in connection with premises situated in an area for which members were appointed under section 7(1)(c)]** any one of **[those]** the members appointed in terms of section 7(1)(c) shall **[be one]** form part, shall be a quorum for a meeting of the Board."

Amendment of section 15 of Act 27 of 1989, as amended by section 7 of Act 105 of 1993

11. Section 15 of the principal Act is hereby amended-

(a) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

"(e) a matter contemplated in section 11(3)(g)-

(i) advise the **[Minister]** Member of the Executive Council in its discretion; or

(ii) furnish a report or recommendation to the **[Minister]** Member of the Executive Council;" and

(b) by the substitution for subsection (2) of the following subsection:

"(2) In the application of subsection (1)(e)(ii), the Board may furnish a recommendation to the **[Minister]** Member of the Executive Council that a licence (excluding a temporary liquor licence and an occasional licence) which is the subject of the reference concerned, or any right or privilege which is attached thereto, be suspended or withdrawn, or that the suspension thereof be rescinded."

Amendment of section 16 of Act 27 of 1989

12. Section 16 of the principal Act is hereby amended-

(a) by the substitution for subparagraph (i) of paragraph (b) of subsection

(2) of the following subparagraph:

"(i) the **[Minister]** Member of the Executive Council;" and

(b) by the substitution for item (aa) of subparagraph (iii) of paragraph (b) of subsection (2) of the following item:

"(aa) on the instruction of the **[Minister]** Member of the Executive Council; or"

Amendment of section 17 of Act 27 of 1989

13. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The staff required for the proper performance of the Board's functions and the administration of this Act shall be appointed in terms of the Public Service Act, **[1984] 1994 [Act]** (Proclamation No. [111] 103 of [1984] 1994).".

Substitution of section 18 of Act 27 of 1989

14. The following section is hereby substituted for section 18 of the principal Act:

"Annual reports

18. The Member of the Executive Council shall as soon as possible after 1 January in each year lodge a report on the Liquor Board's activities during the preceding year through the agency of the Premier with the Minister, who shall cause a report on all the Liquor Boards to be tabled in Parliament."

Amendment of section 22 of Act 27 of 1989, as amended by section 8 of Act 105 of 1993

15. Section 22 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) An application for a licence (excluding a temporary liquor licence and an occasional licence) shall be considered by the **[chairman] Board**, and **[he] it** may **[after consultation with not fewer than two other members of the Board (of whom one shall be a member appointed under section 7(1)(c) for the area in which the premises which are the subject of the application, are situated]**

(a) refuse the application; or

(b) **[where no objections have been made in connection with the application, or such objections have in fact been made but only amount to representations regarding the distribution or control over the distribution of liquor in general]**grant the application **[or**

(c) refer the application to the Board for consideration].";

(b) by the substitution in subsection (2) for the words preceding paragraph

(a) of the following words:

"The **[chairman or the] Board [as the case may be]** shall not grant an application **[referred to in] under** subsection (1) (b) of this section or **[in] section 15(1)(a)(iii)-"**;

(c) by the substitution for paragraphs (a), (b) and (c) of subsection (2) of the following paragraphs:

"(a) for a wine farmer's licence, unless **[he or it is satisfied that]** the premises in respect of which the application is made, are situated at a place other than the place where the liquor concerned is manufactured;

(b) for a special licence, unless **[in his or its opinion]** exceptional circumstances warrant the granting of the licence;

(c) for a producer's licence, unless **[he or it is satisfied that]** the premises in respect of which the application is made, are situated on or at the land, central cellar, factory or brewery where the liquor concerned is manufactured;"

(d) by the substitution for subparagraph (i) of paragraph (d) of subsection (2) of the following subparagraph:

"(i) unless **[he or it is satisfied that]**"; and

(e) by the substitution for subparagraph (ii) of paragraph (d) of subsection

(2) of the following subparagraph:

"(ii) if **[in his or its opinion]** the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof."

Amendment of section 24 of Act 27 of 1989, as amended by section 10 of Act 105 of 1993

16. Section 24 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) the **[chairman or the]** Board **[as the case may be]** may, subject to this Act and the said law, in **[his or]** its discretion grant the licence in favour of such an administrator, manager, curator or person."

Amendment of section 25 of Act 27 of 1989, as amended by section 11 of Act 105 of 1993

17. Section 25 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

(b) has in the preceding 10 years been convicted of an offence in terms of this Act, **[or the Liquor Act, 1977 (Act No. 87 of 1977), the Intoxicating Liquor Act, 1973 (Act No. 7 of 1973)(Lebowa), the Intoxicating Liquor Act, 1973 (Act No. 8 of 1973)(Gazankulu), the Liquor Act, 1977 (Act No. 87 of 1977)(KaNgwane), the Liquor Act, 1978 (Act No. 37 of 1978) (Transkei), the Liquor Act, 1980 (Act No. 7 of 1980)(KwaZulu), the Intoxicating Liquor Act, 1980 (Act No. 36 of 1980)(Bophuthatswana), the Liquor Act, 1981 (Act No. 6 of 1981)(Qwaqwa), the Intoxicating Liquor Act, 1982 (Act No. 6 of 1982)(KwaNdebele), the Liquor Act, 1983 (Act No. 13 of 1983)(Ciskei), and the Intoxicating Liquor Proclamation, 1991 (Proclamation No. 15 of 1991)(Venda),** irrespective of the sentence imposed, and was within five years after the conviction again convicted of an offence in terms of **[this Act or the Liquor Act, 1977]** any of the said laws, and was then sentenced therefore to a fine of not less than R200 or to imprisonment without the option of a fine, unless **[the competent authority considering the application concerned is of the opinion that]** the last-mentioned offence was of such a nature that it does not imply that such a person is unsuitable to hold the licence, or unless any one of the sentences has been set aside by a competent court or such a person has received a grant of amnesty or a free pardon in respect of any one of the sentences or the fine has been remitted;"

Amendment of section 32 of Act 27 of 1989, as amended by section 13 of Act 105 of 1993

18. Section 32 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

"(1) After the **[chairman or the]** Board **[as the case may be]** has granted an application under section 15(1)(a)(iii) or 22(1)(b), the **[chairman]** chairperson shall, subject to sections 33 and 35, issue the licence to a person named in the licence, to sell any liquor, or the kind of liquor provided for in this Act in respect of the kind of licence concerned, or in the case of a special licence, the kind of liquor determined by the **[chairman or the]** Board, on premises the plan of which has been approved by the **[chairman or the]** Board, but which premises shall not for the purposes of the licence include such place or places thereon as **[he or]** it has in **[his or]** its discretion specifically excluded therefrom.

(2) A licence issued under subsection (1) shall be subject to such conditions set out in the licence as the **[chairman or the]** Board **[as the case may be]** may in **[his or]** its discretion impose.

(3) The **[chairman or the]** Board **[as the case may be]** may, in respect of a sorghum beer licence, special licence or producer's licence, in addition to the imposition by **[him or]** it of any condition or further condition under this section, declare in the licence concerned or in a notice delivered or tendered to the holder of the licence that such provisions of this Act as do not in themselves relate to the licence concerned and as are set out in the licence or notice, shall mutatis mutandis apply to that licence."

Amendment of section 33 of Act 27 of 1989, as amended by section 15 of Act 105 of 1993

19. Section 33 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) If an application for a licence (excluding a temporary liquor licence and an occasional licence) is granted by **[the chairman or]** the Board in respect of premises not yet erected, or premises requiring any structural alteration, addition or reconstruction to be effected so as to make them suitable for the purposes for which they will be used under the licence, the **[chairman]** chairperson shall issue a notice to the applicant concerned in which he or she shall be ordered to comply with such conditions or requirements, referred to in the notice, with regard to those premises as the **[chairman]** chairperson may determine, within such period as may likewise be determined and referred to.";

(b) by the addition to subsection (2) of the following paragraph:

" (d) approve an amended plan in respect of the premises."; and

(c) by the substitution for paragraphs (a) and (b) of subsection (6) of the following paragraphs:

(a) the administrator of the deceased or insolvent estate, judicial manager or curator concerned or, if such an administrator, manager or curator has not yet been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorized thereto by the **[chairman]** Board shall, subject to the law regarding deceased estates, insolvency, judicial management or mental health, have all such rights as that applicant would have had if he or she had not died, become insolvent, been placed under judicial management or been declared so incapable; and

(b) the administrator, manager, curator or person contemplated in paragraph (a) of this subsection may do anything that he or she may by virtue of the notice be required to do so as to satisfy the **[chairman]** Board as to the matters contemplated in subsection (4).".

Amendment of section 41 of Act 27 of 1989, as amended by section 17 of Act 105 of 1993

20. Section 41 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

(a) the holder of an on-consumption licence may also sell or supply newspapers, light refreshments and smokers' requisites on the licensed premises, or conduct such other business thereon as **[the chairman or]** the Board, **[as the case may be]** on application, when granting the licence concerned or the **[chairman]** chairperson may, on application, at any time thereafter, approve subject to such conditions as **[he or it]** the Board or the chairperson, as the case may be, may think fit;"

Amendment of section 51 of Act 27 of 1989

21. Section 51 of the principal Act is hereby amended-

(a) by the substitution for subsection (2) of the following subsection:

"(2) The holder of a wholesale liquor licence, brewer's licence, sorghum beer brewer's licence or producer's licence may, notwithstanding subsection (1), also store his or her liquor in a place, determined by the **[chairman]** chairperson on application, in a district in the same province other than the district in which the licensed premises concerned are situated: Provided that, if such determination to store liquor in another province was granted to a licensee before the commencement of the Liquor Amendment Act, 1995, such determination shall continue to exist."; and

(b) by the deletion of paragraph (d) of subsection (5).

Amendment of section 53 of Act 27 of 1989

22. Section 53 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The holder of a hotel liquor licence shall at all times maintain on the licensed premises a bona fide hotel **[registered as such in terms of the Hotels Act, 1965 (Act No. 70 of 1965)]** at which accommodation and meals are regularly supplied to guests."; and

(b) by the deletion of subsection (2).

Amendment of section 60 of Act 27 of 1989, as amended by section 24 of Act 105 of 1993

23. Section 60 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

"(1) An approval may, on application, be granted by the Board-

(a) **[by the chairman or the Board, as the case may be]** when granting a wine-house licence; or

(b) **[by the chairman]** at any time after a wine-house licence was issued **[and after consultation with not fewer than two members of the Board (of whom one shall be a member under section 7(1)(c) for the area in which the premises which are the subject of the application, are situated)]**, to the holder of such wine-house licence to sell his or her liquor in such place on the licensed premises, to be set apart for that purpose, as the **[chairman or the]** Board may determine, for consumption off those premises.

(2) The **[chairman]** chairperson may issue an approval contemplated in subsection (1) subject to such conditions set out in the approval as **[he or]** the Board **[as the case may be]** may in **[his or]** its discretion impose.

(3) The **[chairman or the]** Board **[as the case may be]** may, in respect of an approval contemplated in subsection (1), in addition to the imposition by **[him or]** it of any condition or further condition under this section, declare in the approval concerned or in a notice delivered or tendered to the holder of the wine-house licence concerned that such provisions of this Act with regard to liquor store licences as do not in themselves relate to the first-mentioned licence concerned and as are set out in the approval or notice, shall mutatis mutandis apply to that licence."

Amendment of section 63 of Act 27 of 1989, as amended by section 26 of Act 105 of 1993

24. Section 63 of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the words preceding paragraph

(a) of the following words:

"The holder of a theatre liquor licence may, notwithstanding any law to the contrary, sell his or her liquor on those days, excluding closed days, on which dramatic performances, plays, concerts or films are presented or shown at the theatre concerned, and then between the times which **[the chairman or]** the Board **[as the case may be]** may, when granting the licence, in **[his or]** its discretion determine, but which shall not lie outside-"; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) The **[chairman]** Board may at any time, on application by the holder of such a licence, amend any determination made under subsection (1).".

Amendment of section 72 of Act 27 of 1989, as amended by section 28 of Act 105 of 1993

25. Section 72 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The holder of a sportsground liquor licence may, notwithstanding any law to the contrary, sell liquor on those days, excluding closed days, on which public sports meetings are held on the sportsground concerned, and then between the times which **[the Minister]** were before the repeal by this Act of the Liquor Act, 1977 (Act No. 87 of 1977), or before the repeal by the Liquor Amendment Act, 1995, of the Liquor Act, 1977 (Act No. 87 of 1977)(KaNgwane), and the Liquor Act, 1980 (Act No. 7 of 1980) (KwaZulu), as the case may be, determined in respect of the licence concerned.".

Amendment of section 76 of Act 27 of 1989

26. Section 76 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

(a) subject to the conditions or restrictions determined under section 136(1) of the Liquor Act, 1977 (Act No. 87 of 1977), or any provision of a law mentioned in Schedule 2 to the Liquor Amendment Act, 1995, to the holder of a wholesale liquor licence in respect of which a valid authority to deal directly with the public, issued under that section or such provision was held immediately before the commencement of this Act or the Liquor Amendment Act, 1995, as the case may be, to the extent of that authority;".

Amendment of section 78 of Act 27 of 1989, as amended by section 31 of Act 105 of 1993

27. Section 78 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) by the **[chairman or the]** Board **[as the case may be]** when granting a wholesale liquor licence; or".

Amendment of section 80 of Act 27 of 1989, as amended by section 32 of Act 105 of 1993

28. Section 80 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) by the **[chairman or the]** Board **[as the case may be]** when granting a brewer's licence; or".

Amendment of section 82 of Act 27 of 1989, as amended by section 34 of Act 105 of 1993

29. Section 82 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) by the **[chairman or the]** Board **[as the case may be]** when granting a brewer's licence; or".

Amendment of section 86 of Act 27 of 1989, as amended by section 38 of Act 105 of 1993

30. Section 86 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) by the **[chairman or the]** Board **[as the case may be]** when granting a liquor store licence; or".

Amendment of section 94 of Act 27 of 1989, as amended by section 44 of Act 105 of 1993

31. Section 94 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) by the **[chairman or the]** Board **[as the case may be]** when granting a wine farmer's licence; or".

Amendment of section 104 of Act 27 of 1989, as amended by section 47 of Act 105 of 1993

32. Section 104 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) by the **[chairman or the]** Board **[as the case may be]** when granting a producer's licence; or".

Amendment of section 108 of Act 27 of 1989

33. Section 108 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

(b) where the licence has lapsed under the circumstances contemplated in section 107(c), the decision by the competent authority under section 15(1)(b)(i) or 125 **[(c)]** **(b)** to withdraw that licence, is set aside by the court under section 132 or 134(3) **[or by the Minister under section 133]**, as the case may be; or".

Amendment of section 109 of Act 27 of 1989

34. Section 109 of the principal Act is hereby amended by the substitution for item (cc) of subparagraph (i) of paragraph (b) of the following item:

"(cc) as from the date on which the decision by the competent authority under section 15(1)(b)(i) or 125(b) to suspend the licence, is set aside by the court under section 132 or 134(3) **[or by the Minister under section 133]**, as the case may be; or".

Amendment of section 114 of Act 27 of 1989, as amended by section 49 of Act 105 of 1993

35. Section 114 of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the words preceding paragraph

(a) of the following words:

"The **[chairman]** Board shall consider each application for the transfer of a licence and may-"; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) The **[chairman]** Board shall not grant such an application-

(a) unless **[he is satisfied that]** the prospective holder concerned-

(i) ...

(ii) is of good character and is otherwise fit to be the holder of the licence;

(b) if **[in his opinion]** the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof. ".

Amendment of section 116 of Act 27 of 1989, as amended by section 50 of Act 105 of 1993

36. Section 116 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) After **[he]** the Board has granted an application for the transfer of a licence under section 114(1)(b), the **[chairman]** chairperson shall issue a certificate of transfer to a person named in the certificate."

Amendment of section 117 of Act 27 of 1989

37. Section 117 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs:

(a) the administrator of the deceased or insolvent estate, judicial manager or curator concerned or, if such an administrator, manager or curator has not yet been appointed or the holder of that office is unable or unwilling to act, any other person who has an interest in the application and is authorized thereto by the **[chairman]** Board, shall, subject to the law regarding deceased estates, insolvency, judicial management or mental health, have all such rights as the prospective holder would have had if he or she had not died, become insolvent, been placed under judicial management or been declared so incapable; and

(b) the **[chairman]** Board may, subject to this Act and the said law, in **[his]** its discretion grant the application in favour of the administrator, manager, curator or other person concerned."

Amendment of section 121 of Act 27 of 1989, as amended by section 51 of Act 105 of 1993

38. Section 121 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

" (1) The [**chairman**] Board shall consider each application for the removal of a licence and may [**after consultation with not fewer than two other members of the Board (of whom one shall be a member appointed under section 7(1)(c) for the area in which the premises which are the subject of the application, are situated)**]

(a) refuse the application; or

(b) grant the application [**or**

(c) refer the application to the Board for consideration].";

(b) by the substitution in subsection (2) for the words preceding paragraph

(a) of the following words:

"The [**chairman or the**] Board [**as the case may be**] shall not grant such an application-";

(c) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) if in the case of a wine farmer's licence, unless [**he or it is satisfied that**] the premises in respect of which the application is made, are situated at a place other than the place where the liquor concerned is manufactured;";

(d) by the substitution for subparagraph (i) of paragraph (b) of subsection

(2) of the following subparagraph:

"(i) unless [**he or it is satisfied that**]"; and

(e) by the substitution for subparagraph (ii) of paragraph (b) of subsection

(2) of the following subparagraph:

"(ii) if [**in his or its opinion**] the possibility exists that the granting of the application may cause a harmful monopolistic condition to arise or be aggravated in the liquor trade or a branch thereof. ".

Amendment of section 122 of Act 27 of 1989, as amended by section 52 of Act 105 of 1993

39. Section 122 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The [**chairman**] chairperson may, after [**he or**] the Board has granted an application for the removal of a licence under section 121(1)(b) or 15(1)(a)(iii), but subject to section 123, issue a certificate of removal to the holder of the licence concerned."

Amendment of section 123 of Act 27 of 1989

40. Section 123 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) If an application for the removal of a licence is granted by **[the chairman or]** the Board in respect of premises not yet erected, or premises requiring any structural alteration, addition or reconstruction to be effected so as to make them suitable for the purposes for which they will be used under the licence, the **[chairman]** chairperson shall issue a notice to the applicant concerned in which he or she shall be ordered to comply with such conditions or requirements, referred to in the notice, with regard to those premises as the **[chairman]** chairperson may determine, within such period as may likewise be determined and referred to."; and

(b) by the addition to subsection (2) of the following paragraph:

"(d) approve an amended plan in respect of the premises."

Substitution of section 124 of Act 27 of 1989

41. The following section is hereby substituted for section 124 of the principal Act:

"Member of Executive Council may refer matters to Board

124. The Member of the Executive Council may in his or her discretion refer any matter arising from the application of this Act or relating to the distribution, or control over the distribution, of liquor to the Board for consideration and request the Board to advise him or her, or to furnish him or her with a report or recommendation, on the matter concerned."

Substitution of section 125 of Act 27 of 1989

42. The following section is hereby substituted for section 125 of the principal Act:

"Member of Executive Council's powers after recommendations or reports by Board

125. If the Board furnishes the Member of the Executive Council with a recommendation contemplated in section 15(2), the Member of the Executive Council may, after consideration of the recommendation, the report by the Board (if any) and any other matter which ought to be taken into consideration-

(a) notwithstanding the recommendation, refuse to take the recommended steps;

(b) suspend for an indefinite time or for such period as he or she may determine, or withdraw from such date as he or she may determine, a licence which is the subject of the recommendation, or any right or privilege which is attached thereto;

(c) rescind the suspension of the licence concerned or of any right or privilege which is attached thereto, with immediate effect or from such date as he or she may determine, subject to such conditions as he or she may in his or her discretion impose; or

(d) declare the licence concerned to be subject to such conditions or further conditions as he or she may in his or her discretion impose. "

Amendment of section 128 of Act 27 of 1989

43. Section 128 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) If he or she is satisfied from information on oath that the fact that liquor is being sold on particular licensed premises gives rise to circumstances on or near those premises which probably warrant the suspension or withdrawal of the licence concerned or of any right or privilege attached thereto, the **[Minister]** Member of the Executive Council may, after consultation with the **[chairman]** chairperson and after having afforded the holder of the licence an opportunity to make representations with regard to the matter to him or her within a period of seven days, by a notice delivered or tendered to that holder, prohibit him or her from selling liquor until the Board has had the opportunity to consider the matter and has taken such steps under section 15 as shall or may be taken in the circumstances of the case."; and

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) may at any time before the Board considers the matter which is the subject of the notice, be withdrawn by the **[Minister]** Member of the Executive Council by a like notice;"

Amendment of section 130 of Act 27 of 1989

44. Section 130 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) A person who has made any application, objection or representations in terms of this Act and who feels aggrieved by a decision **[on a question of law]** made by the competent authority in connection with the application, objection or representations, may make application to the competent authority that the competent authority furnish reasons for that decision."; and

(b) by the deletion of subsection (3).

Repeal of section 133 of Act 27 of 1989

45. Section 133 of the principal Act is hereby repealed.

Amendment of section 137 of Act 27 of 1989

46. Section 137 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The **[Minister]** Member of the Executive Council may designate any person in the employ of the State as an inspector for the purposes of this Act.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) An inspector shall perform-

(a) such functions of a designated police officer as the **[Minister]** Member of the Executive Council may determine; and

(b) such other functions in connection with the administration of this Act as may be assigned to him or her by the **[Minister]** Member of the Executive Council."; and

(c) by the substitution for subsection (3) of the following subsection:

"(3) An inspector shall be provided with a certificate, signed by the **[Minister]** Member of the Executive Council, declaring that he or she has been designated as an inspector for the purposes of this Act. "

Substitution of section 139 of Act 27 of 1989, as substituted by section 55 of Act 105 of 1993

47. The following section is hereby substituted for section 139 of the principal Act:

"Designation of police officers for certain purposes

139. The Member of the Executive Council responsible for Safety and Security may designate any police officer of or above the rank of warrant officer to perform the functions of a designated police officer in terms of this Act."

Amendment of section 179 of Act 27 of 1989

48. Section 179 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The **[chairman]** chairperson may designate any person appointed in accordance with section 17(1) as the recorder of the province concerned for the purposes of this Act."; and

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) keep records of all licensed premises in the **[Republic]** province concerned, containing such information as the **[chairman]** chairperson may determine (including all information furnished by virtue of section 48);".

Amendment of section 181 of Act 27 of 1989

49. Section 181 of the principal Act is hereby amended-

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

"(a) the **[Minister]** Member of the Executive Council"; and

(b) by the substitution for subparagraph (i) of paragraph (c) of the following subparagraph:

"(i) on the instructions of the **[Minister]** Member of the Executive Council; or".

Amendment of section 183 of Act 27 of 1989, as amended by section 62 of Act 105 of 1993

50. Section 183 of the principal Act is hereby amended-

(a) by the deletion of subsection (1);

(b) by the substitution for subsection (2) of the following subsection:

"(2) The **[Minister of Law and Order]** Member of the Executive Council responsible for Safety and Security may, subject to such conditions as he or she may impose, delegate to any police officer which is a commissioned officer the power conferred on him or her by section 139.";

(c) by the substitution for subsection (3) of the following subsection:

"(3) The **[chairman]** chairperson may, subject to such conditions as he or she may impose, delegate to any person in the employ of the State any power conferred on him or her by this Act, excluding a power contemplated in sections **[4(1)(a) to (f), 4(2) (in so far as it relates to a power contemplated in section 4(1)(a) to (f)]** 9(1), 11, 12, 13, 14(2), **[22, 24(b), 32(2), (3) and (5)]** 32A, **[41(1)(a) (in so far as the power may be exercised on the granting of an on-consumption licence), 60(1) and (3), 63(1)]** 78(1)(b), 80(3)(b), 82(1)(b), 86(1)(b), 94(1) (b) and 104(1) (b) **[(in so far as the power may be exercised on the granting of the licence concerned) and 121]**."; and

(d) by the substitution for subsection (4) of the following subsection:

"(4) The **[Minister, the Minister of Law and Order]** Member of the Executive Council responsible for Safety and Security or the **[chairman]** chairperson shall not by the delegation of any power under this section be divested of a power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power."

Amendment of section 187 of Act 27 of 1989, as amended by section 63 of Act 105 of 1993

51. Section 187 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (2).

Conversion of certain authorities and licences

52. (1) Notwithstanding any law or contract to the contrary, an authority or licence of the kind referred to in the first column of Schedule 1, which is in force in the former Republic of Transkei, Bophuthatswana, Venda or Ciskei, or in the former self-governing territory of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa or Qwaqwa immediately before the date of commencement of this section shall as from that date be deemed to be a licence as defined in the principal Act of the kind mentioned against it in the second column of the said Schedule.

(2) In the application of subsection (1) the annual licence fees which have in terms of a law mentioned in Schedule 2 been paid in respect of a licence referred to in the first column of Schedule I for the year in which this section commences, shall be deemed to be the annual licence fees prescribed by virtue of section 182(1)(1) of the principal Act which have been paid for that year in respect of the licence mentioned against it in the second column of Schedule 1.

(3) A conditional authority issued in terms of a law mentioned in Schedule 2 in respect of an application for or the removal of a licence mentioned in the first column of Schedule 1 and which is in force immediately before the date of commencement of this section, shall as from that date be deemed to be a notice issued under section 33 or 123, as the case may be, of the principal Act in respect of an application for or the removal of a licence mentioned against it in the second column of Schedule 1.

Existing sorghum beer authorities

53. (1) Any person who immediately before the commencement of this section is authorized by or under any law mentioned in Schedule 2 to manufacture, sell or supply sorghum beer shall, notwithstanding the repeal of that law by section 56 of this Act, for a period of 12 months as from the date of such commencement continue to be entitled to manufacture, sell or supply sorghum beer under such an authority as if that law were not so repealed.

(2) An authority contemplated in subsection (1) shall lapse on the expiration of the said period of 12 months unless the person concerned applies for a licence mentioned in section 20(a)(vi) or (b)(vi) or (vii) of

the principal Act at least three months before such expiry, in which case the authority concerned shall lapse on the date immediately preceding the date of the issue of the licence concerned or on the date of the refusal of the application concerned, as the case may be.

Existing sportsground liquor licences

54. (1) A sportsground liquor licence in force immediately before the commencement of this section by virtue of the Liquor Act, 1977 (Act No. 87 of 1977) (KaNgwane), or the Liquor Act, 1980 (Act No. 7 of 1980) (KwaZulu), and any right, privilege, obligation or liability attached thereto and so in force, shall, subject to the provisions of the principal Act, remain in force.

(2) In the application of the principal Act, a sportsground liquor licence contemplated in subsection (1) shall be deemed to have been issued under the principal Act, and any provision of the said Liquor Act, 1977, or the said Liquor Act, 1980, which related to the facilities which the licensed premises shall afford, shall be deemed to be a condition imposed under the principal Act in respect of such a licence.

Existing grocers' wine and malt liquor licences and general dealers' liquor licences

55. (1) A grocer's wine and malt liquor licence and a general dealers liquor licence in force immediately before the commencement of this section by virtue of the Intoxicating Liquor Act, 1980 (Act No. 36 of 1980) (Bophuthatswana), or the Liquor Act, 1983 (Act No. 13 of 1983) (Ciskei), and any right, privilege, obligation or liability attached thereto and so in force, shall, subject to the provisions of the principal Act, including sections 87 to 90, remain in force for a period of 12 months as from the date of commencement of this Act.

(2) In the application of the principal Act, a grocer's wine and malt liquor licence and a general dealer's liquor licence contemplated in subsection (1) shall be deemed to have been issued under the principal Act, and any provision of the said Intoxicating Liquor Act, 1980, or Liquor Act, 1983, which related to the facilities which the licensed premises shall afford, shall be deemed to be a condition imposed under the principal Act in respect of such a licence.

(3) The holder of a licence referred to in subsection (1) shall not sell liquor other than table wine as defined in section 88(2), or beer as defined in section 2(1), of the principal Act, and the licence concerned shall not be transferred or removed.

Repeal of laws, and savings

56. (1) The laws mentioned in Schedule 2 are hereby repeated, to the extent set out in the third column of that Schedule.

(2) Subject to the provisions of subsection (3), anything done in terms of a provision of a law repealed by section (1) and which shall or may be done in terms of a provision of the principal Act shall be deemed to have been done in terms of the latter provision.

(3) (a) Any application in terms of any law repealed by subsection (1) on which a Liquor Board has made a recommendation of approval before the date of commencement of the repeal and which has not been disposed of by the Minister of Trade and Industry on that date, shall be deemed to have been approved by that Minister.

(b) Any application in terms of any law repealed by subsection (1) on which a Liquor Board has made a recommendation of refusal before the date of commencement of the repeal and which has not been disposed of by the Minister of Trade and Industry on that date, shall be deemed not to have been considered by that Liquor Board.

(4) Any application or other matter which has been submitted before the date of commencement of this Act by a competent authority of the former Republic of Transkei, Bophuthatswana, Venda or Ciskei, or of the former self-governing territory of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa or Qwaqwa and which has not been disposed of or is deemed not to have been disposed of on that date, shall be referred to the competent authority of the province in which the licensed or proposed premises are situated, for disposal in terms of the law under which the application was made as if such law had not been repealed by this Act.

Pending cases in terms of Act 27 of 1989

57. Any application or matter received by a competent authority in terms of the principal Act before the commencement of this Act and not disposed of at such commencement, may, by that competent authority-

(a) be disposed of in terms of the principal Act as it existed immediately before the commencement of this Act; or

(b) be referred to the competent authority in the province concerned for disposal in terms of the principal Act as amended by this Act.

Substitution of expressions in Act 27 of 1989

58. The principal Act is hereby amended by the substitution for the expressions "he", "him", "his" and "chairman", wherever they occur, of the expressions "he or she", "him or her", "his or her" and "chairperson", respectively.

Short title

59. This Act shall be called the Liquor Amendment Act, 1995.

SCHEDULE 1

LICENCES CONVERTED

(Section 52)

| | |
|---|---------------------------|
| immediately before the date of commencement of section 52 of this Act | force as from that date |
| (a) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1973 (Act No. 7 of 1973) (Lebowa): | |
| Club licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Hotel licence (within or outside an urban area) | Hotel liquor licence |
| Bantu beer licence | Sorghum beer licence |
| Bottle store licence | Liquor store licence |

| | |
|--|--------------------------------|
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Bantu beer brewer's licence | Sorghum beer brewer's licence |
| Wholesale liquor licence | Wholesale liquor licence |
| (b) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1973 (Act No. 8 of 1973)(Gazankulu): | |
| Club licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Employer's liquor licence | Special licence (employers) |
| Bar lounge licence | Special licence (eating house) |
| Hotel licence (within or outside an urban area) | Hotel liquor licence |
| Bottle store licence | Liquor store licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Sorghum beer brewer's licence | Sorghum beer brewer's licence |
| Wholesale liquor licence | Wholesale liquor licence |
| Sorghum beer licence | Sorghum beer licence |
| (c) The following licences or authorities which were issued in terms of the Liquor Act, 1928 (Act No. 30 of 1928), and the Liquor Act, 1977 (Act No. 87 of 1977) (KaNgwane): | |
| Liquor store licence | Liquor store licence |
| Brewer's licence | Brewer's licence |
| Foreign liquor licence | Wholesale liquor licence |
| Grocer's wine licence | Grocer's wine licence |
| Wholesale liquor licence | Wholesale liquor licence |
| Wine farmer's licence | Wine farmer's licence |
| Bar licence | Special licence (eating house) |
| Club liquor licence | Club liquor licence |

| | |
|--|-------------------------------|
| Hotel liquor licence | Hotel liquor licence |
| Meal time wine and malt licence | Restaurant liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Theatre liquor licence | Theatre liquor licence |
| Wine and malt licence | Restaurant liquor licence |
| Wine house licence | Wine house licence |
| An authority referred to in section 23 of the Liquor Act, 1977 (Act No. 87 of 1977), for the sale of liquor for consumption on the licensed premises. | Special licence |
| An authority referred to in section 23 of the Liquor Act, 1977 (Act No. 87 of 1977), for the sale of liquor for consumption off the licensed premises. | Liquor store licence |
| An authority referred to in section 24 of the Liquor Act, 1977 (Act No. 87 of 1977). | Producer's licence |
| An authority granted under section 87(1)(a) of the Liquor Act, 1977 (Act No. 87 of 1977), to the holder of a hotel liquor licence. | Liquor store licence |
| An authority granted under section 64(2) of the Liquor Act, 1928 (Act No. 30 of 1928), to the holder of a wine and malt licence. | Liquor store licence |
| An authority granted under section 64(2) of the Liquor Act, 1928 (Act No. 30 of 1928), to the holder of a bar licence. | Liquor store licence |
| (d) The following licences or authorities which were issued in terms of the Liquor Act, 1978 (Act No. 37 of 1978)(Transkei): | |
| Club licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Hotel licence | Hotel liquor licence |
| Bottle store licence | Liquor store licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Sorghum beer brewer's licence | Sorghum beer brewer's licence |
| Brewer's licence | Brewer's licence |
| Wholesale liquor licence | Wholesale liquor licence |
| (e) The following licences or authorities which were issued in terms of the Liquor Act, 1980 (Act No. 7 of 1980)(KwaZulu): | |
| Club liquor licence | Club liquor licence |

| | |
|--|-----------------------------------|
| Hotel liquor licence | Hotel liquor licence |
| Bar licence | Special licence (eating house) |
| Restaurant liquor licence | Restaurant liquor licence |
| Mealtime wine and malt licence | Restaurant liquor licence |
| Wine and malt liquor licence | Restaurant liquor licence |
| Theatre liquor licence | Theatre liquor licence |
| Liquor store licence | Liquor store licence |
| Special right to sell for off-consumption under a hotel liquor licence | Liquor store licence |
| Brewer's licence | Brewer's licence |
| Wholesale liquor licence | Wholesale liquor licence |
| (f) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1980 (Act No. 36 of 1980)(Bophuthatswana): | |
| Club liquor licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Employer's liquor licence | Special licence (employers) |
| Lounge liquor licence | Special licence (eating house) |
| Hotel licence (within or outside an urban area) | Hotel liquor licence |
| Sorghum beer licence | Sorghum beer licence |
| Bottle store licence | Liquor store licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Sorghum beer brewer's licence | Sorghum beer brewer's licence |
| Malt liquor brewer's licence | Brewer's licence |
| Distiller's licence | Wholesale liquor licence |
| Wholesale liquor licence | Wholesale liquor licence |

(g) The following licences or authorities which were issued in terms of the

Liquor Act, 1981 (Act No. 6 of 1981)(Qwaqwa):

| | |
|---|-----------------------------------|
| Bar licence | Special licence (eating house) |
| Club licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Hotel licence (within or outside an urban area) | Hotel liquor licence |
| Sorghum beer licence | Sorghum beer licence |
| Bottle store licence | Liquor store licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Sorghum beer brewer's licence | Sorghum beer brewer's licence |
| Wholesale liquor licence | Wholesale liquor licence |

(h) The following licences or authorities which were issued in terms of the Intoxicating Liquor Act, 1982 (Act No. 6 of 1982)(KwaNdebele):

| | |
|---|---------------------------------------|
| Club licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |
| Hotel licence (within or outside an urban area) | Hotel liquor licence |
| Special licence (on-consumption) | Special licence (eating house) |
| Bottle store licence | Liquor store licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Special licence (off-consumption) | Special licence (off- consumption) |
| Mabele brewer's licence | Sorghum beer brewer's licence |
| Wholesale liquor licence | Wholesale liquor licence |
| Mabele licence | Sorghum beer licence |

(i) The following licences or authorities which were issued in terms of the Liquor Act, 1983 (Act No. 13 of 1983)(Ciskei):

| | |
|---------------------------|------------------------------|
| Club licence | Club liquor licence |
| Restaurant liquor licence | Restaurant liquor licence |

| | |
|---|--------------------------------|
| Mealtime wine and malt liquor licence | Restaurant liquor licence |
| Tavern licence | Special licence (eating house) |
| Hotel licence | Hotel liquor licence |
| Bottle store licence (within or outside an urban area) | Liquor store licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Wholesale liquor licence | Wholesale liquor licence |
| Brewer's licence | Brewer's licence |
| (j) The following licences or authorities which were issued in terms of the Proclamation on Intoxicating Liquor, 1991 (Proclamation No. 15 of 1991)(Venda): | |
| Club licence | Club liquor licence |
| Hotel licence | Hotel liquor licence |
| Restaurant licence | Restaurant liquor licence |
| Bar lounge licence | Special licence (eating house) |
| Sorghum beer licence | Sorghum beer licence |
| Bottle store licence | Liquor store licence |
| Wholesale licence | Wholesale liquor licence |
| Special right to sell for off-consumption under a hotel licence | Liquor store licence |
| Sorghum beer brewer's licence | Sorghum beer brewer's licence |
| Grocer's wine licence | Grocer's wine licence |

SCHEDULE 2

LAWS REPEALED

(SECTION 56)

| Number and year of law | Short title of law | Extent of repeal |
|-------------------------|--|------------------|
| Act 7 of 1973 | Intoxicating Liquor Act, 1973 (Lebowa) | The whole |
| Act 8 of 1973 | Intoxicating Liquor Act, 1973 (Gazankulu) | The whole |
| Act 87 of 1977 | Liquor Act, 1977 (KaNgwane) | The whole |
| Act 37 of 1978 | Liquor Act, 1978 (Transkei) | The whole |
| Act 9 of 1979 | Sorghum Beer Act, 1979 (KwaZulu) | The whole |
| Act 7 of 1980 | Liquor Act, 1989 (KwaZulu) | The whole |
| Act 36 of 1980 | Intoxicating Liquor Act, 1980 (Bophuthatswana) | The whole |
| Act 6 of 1981 | Liquor Act, 1981 (Qwaqwa) | The whole |
| Act 6 of 1982 | Intoxicating Liquor Act, 1982 (KwaNdebele) | The whole |
| Act 13 of 1983 | Liquor Act, 1983 (Ciskei) | The whole |
| Proclamation 15 of 1991 | Intoxicating Liquor Proclamation, 1991 (Venda) | The whole |