



THE PROVINCE OF TRANSVAAL  
**Official Gazette**  
**Extraordinary**

(Registered at the Post Office as a Newspaper)



DIE PROVINSIE TRANSVAAL  
**Buitengewone**  
**Offisiële Koerant**

(As 'n Nuusblad by die Poskantoor Geregistreer)

PRICE: S.A. 10c OVERSEAS 15c

PRYS: S.A. 10c OORSEE 15c

VOL. 215

PRETORIA,

26 NOVEMBER,  
26 NOVEMBER

1973

3663

TRANSVAAL PROVINCIAL ADMINISTRATION.

NOTICE 489 OF 1973.

PUBLICATION OF LICENCES DRAFT ORDINANCE  
AND DRAFT REGULATIONS CONCERNING THE  
LICENSING OF TRADES AND OCCUPATIONS.

The following Draft Ordinance and Draft Regulations to be substituted for the Licences Act, 1962 (Act 44 of 1962), the Licences (Control) Ordinance, 1931 (Ordinance 3 of 1932) and the Hawkers and Pedlars Ordinance, 1959 (Ordinance 15 of 1959) are published hereunder for general information and comments:

- (a) The Licences Draft Ordinance.
- (b) The Draft Regulations Concerning the Licensing of Trades and Occupations.

Comments on the Draft Ordinance and Draft Regulations should be addressed in writing to the Provincial Secretary, Private Bag X64, Pretoria, and should reach his office not later than 31st December, 1973.

J. G. VAN DER MERWE,  
Provincial Secretary.

Pretoria, 14 November, 1973.

**A**  
**DRAFT ORDINANCE**

To provide for the licensing of trades and occupations; to amend or to repeal existing laws relating to licensing of trades and occupations; and to provide for matters incidental thereto.

Introduced by MR. DE HAAS, M.E.C.

**B**E IT ENACTED by the Provincial Council of Transvaal as follows: —

DIVISION OF ORDINANCE.

PRELIMINARY.

Number  
of  
section.

- 1. Definitions.
- 2. Purpose of Ordinance.

TRANSVAALSE PROVINSIALE ADMINISTRASIE.

KENNISGEWING 489 VAN 1973.

PUBLIKASIE VAN ONTWERPORDONNANSIE OP  
LISENSIES EN ONTWERPREGULASIES BETREFFENDE  
DIE LISENSIËRING VAN HANDELSBESIGHEDE EN BEROEPE.

Die volgende Ontwerpordonnansie en Ontwerpregulasies ter vervanging van die Wet op Lisensies, 1962 (Wet 44 van 1962), die Lisensie (Kontrole) Ordonnansie, 1931 (Ordonnansie 3 van 1932) en die Ordonnansie op Marskramers en Venters, 1959 (Ordonnansie 15 van 1959) word hieronder vir algemene inligting en kommentaar gepubliseer:

- (a) Die Ontwerpordonnansie op Lisensies.
- (b) Die Ontwerpregulasies Betreffende die Lisensiëring van Handelsbesighede en Beroepe.

Kommentaar op die Ontwerpordonnansie en Ontwerpregulasies moet skriftelik aan die Provinsiale Sekretaris, Privaatsak X64, Pretoria, gerig word en moet sy kantoor nie later nie as 31 Desember 1973 bereik.

J. G. VAN DER MERWE,  
Provinsiale Sekretaris.

Pretoria, 14 November 1973.

**'N**  
**ONTWERPORDONNANSIE**

Om voorsiening te maak vir die lisensiëring van handelsbesighede en beroepe; om bestaande wette betreffende lisensiëring van handelsbesighede en beroepe te wysig of te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Ingedien deur MNR. DE HAAS, L.U.K.

**D**IE Provinsiale Raad van Transvaal VERORDEN AS VOLG: —

INDELING VAN ORDONNANSIE.

INLEIDEND.

Nommer  
van  
artikel.

- 1. Woordomskrywing.
- 2. Doel van Ordonnansie.

## CHAPTER I. LICENSING BOARDS.

3. Establishment of licensing boards.
4. Staff of and office facilities for a licensing board.
5. Sittings and decisions of a licensing board.
6. Disqualifications to be a member of a licensing board.
7. Period of office and termination of membership of a member of a licensing board and filling of any vacancy.

## CHAPTER II.

### WHEN LICENCE REQUIRED AND FEES PAYABLE.

8. When a licence is required.
9. Validity of a licence.
10. Licence fees payable.

## CHAPTER III.

### ISSUING AUTHORITY.

11. Issuing authority in respect of a licence.

## CHAPTER IV.

### APPLICATION FOR A NEW LICENCE AND PROCEDURE IN CONNECTION THEREWITH.

12. Application for a new licence.
13. Notice of submission of an application for a new licence.
14. Duty of a secretary of a licensing board to obtain certain reports, information and recommendations.
15. Duty of an applicant for a new licence to submit a health report and power of a health officer in connection therewith.
16. Objection against an application for a new licence.
17. Date of hearing of an application for a new licence by a licensing board.
18. Proceedings of and evidence before a licensing board in connection with an application for a new licence.
19. Decision of a licensing board on an application for a new licence.
20. Issue of a control certificate and a licence.
21. Failure to take out a licence or to commence a business.
22. Record of proceedings of a licensing board.

## CHAPTER V.

### RENEWAL OF A LICENCE.

23. Application for the renewal of a licence.

## HOOFSTUK I.

### LISENSIERADE.

3. Instelling van lisensierade.
4. Personeel van en kantoorgebiede vir 'n lisensieraad.
5. Sittings en besluite van 'n lisensieraad.
6. Onbevoegdheid om 'n lid van 'n lisensieraad te wees.
7. Ampstermyn en beëindiging van lidmaatskap van 'n lid van 'n lisensieraad en die vulling van enige vakature.

## HOOFSTUK II.

### WANNEER LISENSIE VEREIS WORD EN GELDE BETAALBAAR.

8. Wanneer 'n lisensie vereis word.
9. Geldigheidsduur van 'n lisensie.
10. Lisensiegelde betaalbaar.

## HOOFSTUK III.

### UITREIKINGSOWERHEID.

11. Uitreikingsowerheid ten opsigte van 'n lisensie.

## HOOFSTUK IV.

### AANSOEK OM 'N NUWE LISENSIE EN PROSE- DURE IN VERBAND DAARMEE.

12. Aansoek om 'n nuwe lisensie.
13. Kennisgewing van indiening van 'n aansoek om 'n nuwe lisensie.
14. Plig van 'n sekretaris van 'n lisensieraad om sekere verslae, inligting en aanbevelings te verkry.
15. Plig van 'n aansoeker om 'n nuwe lisensie om 'n gesondheidsverslag in te dien en bevoegdheid van 'n gesondheidsbeampte in verband daarmee.
16. Beswaar teen 'n aansoek om 'n nuwe lisensie.
17. Datum van verhoor van 'n aansoek om 'n nuwe lisensie deur 'n lisensieraad.
18. Verrigtinge van en getuienis voor 'n lisensieraad in verband met 'n aansoek om 'n nuwe lisensie.
19. Besluit van 'n lisensieraad oor 'n aansoek om 'n nuwe lisensie.
20. Uitreiking van 'n kontrolesertifikaat en 'n lisensie.
21. Versuim om 'n lisensie uit te neem of om 'n besigheid te begin.
22. Oorkonde van 'n lisensieraad se verrigtinge.

## HOOFSTUK V.

### HERNUWING VAN 'N LISENSIE.

23. Aansoek om die hernuwing van 'n lisensie.

## CHAPTER VI.

### GENERAL MATTERS AFFECTING LICENCES.

24. Removal, alteration or substitution of an endorsement on a licence.
25. Removal of a business to other business premises.
26. Structural alterations to business premises.
27. Change of ownership of a business.
28. Transfer of a licence.

## CHAPTER VII.

### INFORMATION CONCERNING AND INSPECTION OF A BUSINESS AND BUSINESS PREMISES.

29. Holder of a licence to give notice of changes in connection with a business.
30. Powers of an authorized officer and a health officer.
31. Information which may be furnished to a licensing board.

## CHAPTER VIII.

### REVIEW OF A LICENCE.

32. Power of a licensing board to review a licence.
33. Submission of information by a chairman to a licensing board for the purpose of reviewing a licence.
34. Proceedings, evidence and record of the proceedings of a licensing board in connection with the review of a licence.
35. Suspension of a licence by a chairman of a licensing board.
36. Cancellation of a licence or other decision by a licensing board on review.
37. Surrender of a licence and issue of a new control certificate after the review of a licence.

## CHAPTER IX.

### LICENSING APPEAL BOARDS.

38. Establishment of licensing appeal boards.
39. Staff and office facilities for a licensing appeal board.
40. Sittings of a licensing appeal board.
41. Disqualifications to be a member of a licensing appeal board.
42. Period of office of a member of a licensing appeal board and the filling of any vacancy.
43. Right of appeal against a decision of a licensing board.
44. Hearing of an appeal.
45. Decision of a licensing appeal board.
46. Procedure after a decision of a licensing appeal board.
47. Record of proceedings of a licensing appeal board.

## HOOFSTUK VI.

### ALGEMENE AANGELEENTHEDE RAKENDE LISENSIES.

24. Verwydering, verandering of vervanging van 'n endossement op 'n lisensie.
25. Verplasing van 'n besigheid na 'n ander besigheidsperseel.
26. Strukturele veranderings aan 'n besigheidsperseel.
27. Verandering van eiendomsreg van 'n besigheid.
28. Oordrag van 'n lisensie.

## HOOFSTUK VII.

### INLIGTING BETREFFENDE EN INSPEKSIE VAN 'N BESIGHEID EN 'N BESIGHEIDSPERSEEL.

29. Houer van 'n lisensie gee kennis van veranderinge in verband met 'n besigheid.
30. Bevoegdheid van 'n gemagtigde beampte of 'n gesondheidsbeampte.
31. Inligting wat aan 'n lisensieraad verstrek kan word.

## HOOFSTUK VIII.

### HERSIENING VAN 'N LISENSIE.

32. Bevoegdheid van 'n lisensieraad om 'n lisensie te hersien.
33. Voorlegging van inligting aan 'n lisensieraad deur 'n voorsitter met die oog op hersiening van 'n lisensie.
34. Verrigtinge, getuienis en oorkonde van 'n lisensieraad in verband met die hersiening van 'n lisensie.
35. Opskorting van 'n lisensie deur 'n voorsitter van 'n lisensieraad.
36. Intrekking van 'n lisensie of ander beslissing deur 'n lisensieraad by hersiening.
37. Oorhandiging van 'n lisensie en uitreiking van 'n nuwe kontrolesertifikaat na hersiening van 'n lisensie.

## HOOFSTUK IX.

### LISENSIE-APPELRADE.

38. Instelling van lisensie-appelrade.
39. Personeel van en kantoorgeriewe vir 'n lisensie-appelraad.
40. Sittings van 'n lisensie-appelraad.
41. Onbevoegdheid om 'n lid van 'n lisensie-appelraad te wees.
42. Ampstermyn van 'n lid van 'n lisensie-appelraad en die vulling van enige vakature.
43. Reg van appel teen 'n beslissing van 'n lisensieraad.
44. Verhoor van 'n appel.
45. Beslissing van 'n lisensie-appelraad.
46. Prosedure na beslissing van 'n lisensie-appelraad.
47. Oorkonde van 'n lisensie-appelraad se verrigtinge.

## CHAPTER X.

## GENERAL.

48. Delegation of powers and duties by a licensing board and a chairman.
49. Disposal of goods seized.
50. Legal proceedings by or against a licensing board or a licensing appeal board.
51. Limitation of liability.
52. Vicarious liability of a holder of a licence.
53. Presumptions.
54. Service of documents.
55. Particular offences.
56. General penalty.
57. Allocation and recovery of moneys.
58. Manner in which expenditure defrayed.
59. Application of Ordinance and general exemptions.
60. Amendment of Schedule I by the Administrator.
61. Regulations.
62. Form of documents.
63. By-laws and regulations of a local authority.
64. Effect of this Ordinance on other ordinances and regulations.
65. Lapsing and renewal of existing licences and application for new licences for 1975.
66. Inspection by Provincial Auditor and authorized persons.
67. Repeal of laws.
68. Date of operation.
69. Short title.

## PRELIMINARY.

Definitions. 1. In this Ordinance, unless the context otherwise indicates —

- (i) "Administrator" means the officer appointed in terms of the provisions of section 66 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), acting on the advice and with the consent of the Executive Committee of the Province; (i)
- (ii) "appellant" means a party who has appealed in terms of the provisions of section 43(1); (ii)
- (iii) "area" in relation to a licensing board, means the area referred to in section 3(2); (viii)
- (iv) "authorized officer" means —
  - (a) a member of the South African Police;
  - (b) a provincial inspector in the service of the Transvaal Provincial Administration;

## HOOFSTUK X.

## ALGEMEEN.

48. Delegasie van bevoegdhede en pligte deur 'n lisensieraad en 'n voorsitter.
49. Beskikking oor goedere waarop beslag gelê is.
50. Regsgeding deur of teen 'n lisensieraad of 'n lisensie-appelraad.
51. Beperking van aanspreeklikheid.
52. Middellike aanspreeklikheid van 'n houer van 'n lisensie.
53. Vermoedens.
54. Betekening van dokumente.
55. Besondere misdrywe.
56. Algemene strafbepaling.
57. Toewysing en verhaal van gelde.
58. Wyse waarop uitgawes bestry word.
59. Toepassing van Ordonnansie en algemene vrystellings.
60. Wysiging van Bylae I deur die Administrateur.
61. Regulasies.
62. Vorm van dokumente.
63. Verordeninge of regulasies van 'n plaaslike bestuur.
64. Uitwerking van hierdie Ordonnansie op ander ordonnansies en regulasies.
65. Verval en hernuwing van bestaande lisensies en aansoek om nuwe lisensies vir 1975.
66. Inspeksie deur Provinsiale Ouditeur en gemagtigde persone.
67. Herroeping van wette.
68. Datum van inwerkingtreding.
69. Kort titel.

## INLEIDEND.

Woordomskrywing. 1. In hierdie Ordonnansie, tensy uit die samehang anders blyk, beteken —

- (i) "Administrateur" die amptenaar aangestel ingevolge die bepalings van artikel 66 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), handelende op die advies en met die toestemming van die Uitvoerende Komitee van die Provinsie; (i)
- (ii) "appellant" 'n party wat ingevolge die bepalings van artikel 43(1) ge-appelleer het; (ii)
- (iii) "beampte" die sekretaris of 'n ander lid van die personeel van 'n lisensieraad of 'n lisensie-appelraad, 'n lid van die personeel van 'n uitreikingsowerheid, 'n gemagtigde beampte of 'n gesondheidsbeampte; (xvii)
- (iv) "besigheid" 'n handelsbesigheid of beroep in artikel 2 genoem; (v)

- (c) a person authorized in terms of the provisions of section 66(2) to undertake an inspection; (ix)
- (v) "business" means a trade or occupation referred to in section 2; (iv)
- (vi) "business premises" means business premises referred to in section 8(2)(a); (v)
- (vii) "competent authority", in relation to the approval of any building plan of a building which is or will be situated —
  - (a) within a municipality, the local authority concerned; or
  - (b) outside a municipality, the Secretary for Health; (vi)
- (viii) "control certificate" means a control certificate as contemplated in section 20(1); (xii)
- (ix) "health officer" means, in relation to a business carried on or to be carried on —
  - (a) within a municipality, the "medical officer of health" or the "sanitary inspector" who has been appointed by the local authority concerned respectively in terms of the provisions of section 12 or 14 of the Public Health Act, 1919 (Act 36 of 1919) for its municipality or, if such an appointment has not been made, the Regional Director of State Health Services concerned or any person acting on his behalf; or
  - (b) outside a municipality, the Regional Director of State Health Services or any person acting on his behalf; (x)
- (x) "issuing authority" means the issuing authority contemplated in section 11(2); (xxii)
- (xi) "licence" means a licence contemplated in Schedule I; (xiv)
- (xii) "licensing appeal board" means a licensing appeal board established in terms of the provisions of section 38(1); (xv)
- (xiii) "licensing board" means a licensing board established in terms of the provisions of section 3(1); (xvi)
- (xiv) "local authority" means a city council, town council, village council or health committee established in terms of the provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) and includes the Transvaal Board for the Development of Peri-Urban Areas established in terms of the provisions of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance 20 of 1943); (xx)
- (xv) "magistrate" includes an additional magistrate and an assistant magistrate; (xiii)
- (xvi) "municipality" means the area under
  - (v) "besigheidspersceel" 'n besigheidspersceel in artikel 8(2)(a) genoem; (vi)
  - (vi) "bevoegde owerheid", met betrekking tot die goedkeuring van enige bouplan van 'n gebou wat —
    - (a) binne 'n munisipaliteit geleë is of sal wees, die betrokke plaaslike bestuur; of
    - (b) buite 'n munisipaliteit geleë is of sal wees, die Sekretaris van Gesondheid; (vii)
  - (vii) "dorpsbeplanningskema" 'n goedgekeurde skema soos in artikel 1 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie 25 van 1965), omskryf; (xxiii)
  - (viii) "gebied", met betrekking tot 'n lisensieraad, die gebied in artikel 3(2) genoem; (iii)
  - (ix) "gemagtigde beampte" —
    - (a) 'n Lid van die Suid-Afrikaanse Polisie;
    - (b) 'n provinsiale inspekteur in diens van die Transvaalse Provinsiale Administrasie; of
    - (c) 'n persoon wat ingevolge die bepaling van artikel 66(2) gemagtig is om 'n inspeksie uit te voer; (iv)
  - (x) "gesondheidsbeampte", met betrekking tot 'n besigheid wat gedryf word of gedryf sal word —
    - (a) binne 'n munisipaliteit, die "geneeskundige amptenaar van gezondheid" of die "inspekteur van gezondheid" wat deur die betrokke plaaslike bestuur onderskeidelik kragtens die bepaling van artikel 12 of 14 van die Volksgezondheidswet, 1919 (Wet 36 van 1919) vir sy munisipaliteit aangestel is of, indien geen sodanige aanstelling gemaak is nie, die betrokke Streekdirekteur van Staatsgesondheidsdienste of iemand wat namens hom optree; of
    - (b) buite 'n munisipaliteit die betrokke Streekdirekteur van Staatsgesondheidsdienste of iemand wat namens hom optree; (ix)
  - (xi) "hierdie Ordonnansie" ook enige regulasies daarkragtens gemaak; (xxii)
  - (xii) "kontrolesertifikaat" 'n kontrolesertifikaat soos in artikel 20(1) beoog; (viii)
  - (xiii) "landdros" ook 'n addisionele landdros en 'n assistent landdros; (xv)
  - (xiv) "lisensie" 'n lisensie soos in Bylae I beoog; (xi)
  - (xv) "lisensie-appelraad" 'n lisensie-appelraad ingevolge die bepaling van artikel 38(1) ingestel; (xii)
  - (xvi) "lisensieraad" 'n lisensieraad ingevolge die bepaling van artikel 3(1) ingestel; (xiii)

the control and jurisdiction of a city council, town council, village council, health committee or the Transvaal Board for the Development of Peri-Urban Areas referred to in the definition of "local authority" and includes an outside area as defined in section 2 of the Local Government Ordinance, 1939; (xvii)

(xvii) "officer" means the secretary or other member of the staff of a licensing board or a licensing appeal board, a member of the staff of an issuing authority, an authorized officer or a health officer; (iii)

(xviii) "party" in relation to a licensing board, means a party as contemplated in section 18(1) or 34(1) and, in relation to a licensing appeal board, means a party as contemplated in section 44(1); (xix)

(xix) "prescribed" or any similar word or words, means prescribed by regulation; (xxiii)

(xx) "record of proceedings" in relation to a licensing board, means the record of proceedings referred to in section 22(1) and in relation to a licensing appeal board means the record of proceedings referred to in section 47(1); (xviii)

(xxi) "secretary" in relation to a licensing board, means the secretary referred to in section 4(1)(a) and, in relation to a licensing appeal board, means the secretary referred to in section 38(7); (xxi)

(xxii) "this Ordinance" includes any regulation made in terms thereof; (xi)

(xxiii) "town-planning scheme" means an approved scheme as defined in section 1 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965). (vii)

Purpose of Ordinance.

2. The purpose of this Ordinance is to provide for the licensing of the trades and occupations specified in Schedule I and for matters incidental thereto.

## CHAPTER I.

### LICENSING BOARDS.

Establishment of licensing boards.

3.(1) The Administrator may, as hereinafter provided, from time to time by notice in the *Provincial Gazette*, establish as many licensing boards as he may deem necessary.

(2) A licensing board shall be established for such area as the Administrator may from time to time determine in such a manner that at least the whole municipality of one or more local authorities is included therein, and he may at any time alter such area.

(xvii) "munisipaliteit" die gebied onder die beheer en regsbevoegdheid van 'n grootstadsraad, stadsraad, dorpsraad, gesondheidskomitee of die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede in die omskrywing van "plaaslike bestuur" genoem en sluit 'n buitengebied in soos in artikel 2 van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), omskryf; (xvi)

(xviii) "oorkonde van verrigtinge" met betrekking tot 'n lisensieraad, die oorkonde van verrigtinge in artikel 22(1) genoem en met betrekking tot 'n lisensie-appelraad, die oorkonde van verrigtinge in artikel 47(1) genoem; (xx)

(xix) "party", met betrekking tot 'n lisensieraad, 'n party soos in artikel 18(1) of artikel 34(1) beoog en, met betrekking tot 'n lisensie-appelraad, 'n party soos in artikel 44(1) beoog; (xviii)

(xx) "plaaslike bestuur" 'n grootstadsraad, stadsraad, dorpsraad of gesondheidskomitee ingestel ingevolge die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939) en omvat die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede ingestel ingevolge die bepalings van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie 20 van 1943); (xiv)

(xxi) "sekretaris", met betrekking tot 'n lisensieraad, die sekretaris in artikel 4(1)(a) genoem en, met betrekking tot 'n lisensie-appelraad, die sekretaris in artikel 38(7) genoem; (xxi)

(xxii) "uitreikingsowerheid" 'n uitreikingsowerheid soos in artikel 11(2) beoog; (x)

(xxiii) "voorgeskryf" of enige dergelike woord of woorde, by regulasie voorgeskryf. (xix)

Doel van Ordonnansie.

2. Die doel van hierdie Ordonnansie is om voorsiening te maak vir die lisensiering van die handelsbesighede en beroepe in Bylae I gespesifiseer en vir aangeleenthede wat daarmee in verband staan.

## HOOFTUK I

### LISENSIERADE.

Instelling van lisensieraad.

3. (1) Die Administrateur kan soos hierna bepaal, van tyd tot tyd by kennisgewing in die *Provinciale Koerant* soveel lisensieraade instel as wat hy nodig ag.

(2) 'n Lisensieraad word vir sodanige gebied soos deur die Administrateur van tyd tot tyd bepaal, ingestel op so 'n wyse dat ten minste die hele munisipaliteit van een of meer plaaslike bestuure daarby ingesluit word en hy kan te eniger tyd sodanige gebied verander.

(3) The seat of each licensing board shall be situated within such municipality in the area of the licensing board concerned as the Administrator may determine: Provided that the seat of a licensing board whose area includes the municipality of the Transvaal Board for the Development of Peri-Urban Areas, shall be situated in Pretoria and for the purpose of this Ordinance such seat shall be deemed to be within such municipality.

(4) A licensing board shall consist of a chairman and not less than two and not more than four other members.

(5) The chairman of a licensing board shall be a magistrate or any other person who has the legal qualifications and experience as the Administrator deems suitable.

(6) Subject to the provisions of subsection (5), the Administrator shall appoint for every chairman who is not a magistrate, an alternate who shall take the place of such chairman and who shall perform his functions and exercise his duties when the office of chairman is vacant or the chairman is absent or unable to act.

(7) A member of a licensing board, excluding the chairman, shall, unless the Administrator considers it not possible to do so, be appointed on the ground of his knowledge of local government, commerce or industry, the needs and requirements of consumers or the needs and requirements of the farming community.

(8) A member of a licensing board who is not in the full-time service of the State, shall receive from the Provincial Revenue Fund the remuneration determined by the Administrator generally or in respect of a particular licensing board and every such member shall receive from such Fund travelling allowance likewise determined by the Administrator.

(9) The Administrator may by notice in the *Provincial Gazette*, subject to such directions as he may consider expedient in connection with the disposal of any pending matter, disestablish any licensing board.

(10) Where the Administrator, in terms of the provisions of subsection (2), changes the boundaries of a licensing board, any matter which is under consideration of the licensing board concerned, on the date of such change, shall be disposed of by that licensing board as if such change had not taken place.

Staff of and office facilities for a licensing board.

4.(1) The local authority in whose municipality the seat of a licensing board is or is deemed to be situated shall provide —

(a) from its staff a secretary for that board and such other staff as may be necessary to perform the administrative and clerical duties in connection with the activities of that board; and

(b) the necessary office facilities for that board and its staff.

(2) The secretary and other staff referred to in subsection (1) shall remain in the service of and be remunerated by the local authority concerned.

(3) Die setel van elke lisensieraad is geleë binne sodanige munisipaliteit in die betrokke lisensieraad se gebied soos deur die Administrateur bepaal: Met dien verstande dat 'n lisensieraad wie se gebied die munisipaliteit van die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede insluit, se setel in Pretoria geleë is en vir die toepassing van hierdie Ordonnansie word sodanige setel geag binne sodanige munisipaliteit te wees.

(4) 'n Lisensieraad bestaan uit 'n voorsitter en minstens twee en hoogstens vier ander lede.

(5) Die voorsitter van 'n lisensieraad moet 'n landdros wees of iemand anders wat die regskwalifikasies en ondervinding het wat die Administrateur geskik ag.

(6) Behoudens die bepalings van subartikel (5), stel die Administrateur vir elke voorsitter, wat nie 'n landdros is nie, 'n plaasvervanger aan wat die plek van sodanige voorsitter inneem en sy bevoegdhede uitoefen en sy pligte vervul wanneer die amp van voorsitter vakant is of die voorsitter afwesig is of nie in staat is om op te tree nie.

(7) 'n Lid van 'n lisensieraad, uitgenome die voorsitter, word, tensy die Administrateur dit nie moontlik ag nie, aangestel op grond van sy kennis van plaaslike bestuur, handel of nywerheid, die behoeftes en vereistes van verbruikers of die behoeftes en vereistes van die boeregemeenskap.

(8) 'n Lid van 'n lisensieraad wat nie in die voltydse diens van die Staat is nie, ontvang uit die Provinsiale Inkomstefonds die besoldiging wat die Administrateur in die algemeen of in die geval van 'n besondere lisensieraad bepaal en elke lid ontvang uit daardie Fonds sodanige reistoelae as wat die Administrateur insgelyks bepaal.

(9) Die Administrateur kan die instelling van enige lisensieraad, onderworpe aan sodanige opdragte as wat hy dienstig ag in verband met die afhandeling van enige hangende aangeleentheid, by kennisgewing in die *Provinsiale Koerant* intrek.

(10) Waar die Administrateur die grense van die gebied van 'n lisensieraad ingevolge die bepalings van subartikel (2) verander, word enige aangeleentheid wat op die datum van bedoelde verandering deur die betrokke lisensieraad onder ooreweging is, deur daardie lisensieraad afgehandel asof sodanige verandering nie plaasgevind het nie.

Personeel van en kantoorgeriewe vir 'n lisensieraad.

4. (1) Die plaaslike bestuur binne wie se munisipaliteit die setel van 'n lisensieraad geleë is of geag word geleë te wees, voorsien —

(a) uit sy personeel 'n sekretaris vir daardie raad en sodanige ander personeel wat nodig is om die administratiewe en klerklike pligte in verband met die werksaamhede van daardie raad te vervul; en

(b) die nodige kantoorgeriewe vir daardie raad en sy personeel.

(2) Die sekretaris en ander personeel in subartikel (1) genoem, bly in diens van en word besoldig deur die betrokke plaaslike bestuur.

Sittings and decisions of a licensing board.

5.(1) The first sitting of a licensing board shall take place on a day, at a time and place which shall be determined by the chairman of that board.

(2) An ordinary sitting of a licensing board shall be held every month on a day, at a time and place determined by the chairman of that board, unless there is no matter for the consideration or decision of such board.

(3) A special sitting of a licensing board may be convened at any time by the chairman of his own accord or at the request of an applicant for a licence, on a day, at a time and place determined by the chairman: Provided that such applicant shall pay such costs incurred in connection with such special sitting as may be prescribed.

(4) The secretary of a licensing board shall give at least twenty-four hours notice to every member of the board concerned of every sitting convened by the chairman.

(5) The chairman and two other members of a licensing board shall form a quorum for any sitting of such board.

(6) The decision of the majority of the members of a licensing board present at any sitting thereof shall be the decision of the board concerned: Provided that any point of law which may arise, and the question whether it is in fact a point of law, shall be decided by the chairman thereof alone.

(7) In the event of an equality of votes the chairman of a licensing board shall in addition to his deliberative vote, have a casting vote.

(8) A sitting of a licensing board may from time to time be adjourned by the chairman thereof to a day, time and place determined by him.

(9) A sitting of a licensing board shall be held in public, except when —

- (a) the board is deliberating or voting on a matter before it; or
- (b) the chairman has determined that the public or a section thereof shall be excluded from any such sitting.

Disqualifications to be a member of a licensing board.

6.(1) No person shall be appointed or continue as a member of a licensing board if —

- (a) he is under the age of 25 years;
- (b) he is a member or employee of a local authority;
- (c) he is an unrehabilitated insolvent;
- (d) a notice issued in terms of section 22(1) of the Agricultural Credit Act, 1966 (Act 28 of 1966) is applicable to him;
- (e) he is not a South African citizen;
- (f) he has at any time been convicted of an offence for which he has been sentenced to imprisonment without the option of a fine, unless he has been granted a free pardon or such imprisonment has expired at least three years before the date of his appointment;

Sittings en besluite van 'n lisensieraad.

5.(1) Die eerste sitting van 'n lisensieraad vind plaas op 'n dag, tyd en plek wat deur die voorsitter van daardie raad bepaal word.

(2) 'n Gewone sitting van 'n lisensieraad word elke maand gehou op 'n dag, tyd en plek deur die voorsitter van daardie raad bepaal, tensy daar geen aangeleentheid vir die oorweging of beslissing van sodanige raad is nie.

(3) 'n Spesiale sitting van 'n lisensieraad kan te eniger tyd deur die voorsitter uit eie beweging of op versoek van 'n aansoeker om 'n lisensie belê word op 'n dag, tyd en plek wat die voorsitter bepaal: Met dien verstande dat sodanige aansoeker sodanige koste aangegaan in verband met sodanige spesiale sitting as wat voorgeskryf word, betaal.

(4) Die sekretaris van 'n lisensieraad gee minstens vier-en-twintig uur kennis aan elke lid van die betrokke raad van elke sitting wat deur die voorsitter belê word.

(5) Die voorsitter en twee ander lede van 'n lisensieraad maak 'n kworum vir 'n sitting van sodanige raad uit.

(6) Die besluit van die meerderheid van die lede van 'n lisensieraad wat by 'n sitting daarvan aanwesig is, is die besluit van die betrokke raad: Met dien verstande dat enige regspunt wat ontstaan en die vraag of dit inderdaad 'n regspunt is, deur die voorsitter daarvan alleen beslis word.

(7) In die geval van 'n staking van stemme, het die voorsitter van 'n lisensieraad, benewens sy beraadslagende stem, 'n beslissende stem.

(8) 'n Sitting van 'n lisensieraad kan van tyd tot tyd deur die voorsitter daarvan verdaag word tot 'n dag, tyd en plek wat hy bepaal.

(9) 'n Sitting van 'n lisensieraad word in die openbaar gehou, behalwe wanneer —

- (a) sodanige raad beraadslaag of stem oor 'n aangeleentheid wat voor hom dien; of
- (b) die voorsitter bepaal het dat die publiek of deel daarvan uitgesluit moet word van sodanige sitting.

Onbevoegdhede om 'n lid van 'n lisensieraad te wees.

6. (1) Niemand kan as lid van 'n lisensieraad aangestel word of aanbly nie, indien —

- (a) hy onder die ouderdom van vyf-en-twintig jaar is;
- (b) hy 'n lid of werknemer van 'n plaaslike bestuur is;
- (c) hy 'n ongerehabiliteerde insolvente persoon is;
- (d) 'n kennisgewing uitgereik ingevolge artikel 22(1) van die Wet op Landboukrediet, 1966 (Wet 28 van 1966) op hom van toepassing is;
- (e) hy nie 'n Suid-Afrikaanse burger is nie;
- (f) hy te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy gevonnis is tot gevangenisstraf sonder die keuse van 'n boete, tensy volle gracie aan hom toegestaan is of sodanige gevangenisstraf minstens drie jaar voor die datum van sy aanstelling verstryk het;

- (g) he is subject to an order of court declaring him to be insane or mentally disordered or defective or if in terms of the Mental Health Act, 1973 (Act 18 of 1973), he is being detained as mentally disordered or defective; or
- (h) in the area of the licensing board concerned he carries on any business or if he is a director of any company or a partner in any partnership which carries on business in such area or is employed in any such business.

(2) No member of a licensing board shall take part in the proceedings of any such board in terms of the provisions of this Ordinance if he has any direct or indirect interest, whether pecuniary or otherwise, in any matter which is being considered by any such board.

(3) Any member of a licensing board who contravenes the provisions of subsection (2) shall be guilty of an offence.

Period of office and termination of membership of a member of a licensing board and filling of any vacancy.

7.(1) The period of office of a member of a licensing board shall be three years and he may be re-appointed: Provided that if the Administrator is of the opinion that a member has not performed his duties satisfactorily or that, in the public interest, the termination of his appointment is necessary or desirable, he may, at any time, terminate the appointment of such a member.

(2) A member of a licensing board shall cease to be a member if, without having obtained the prior consent of the chairman of the board concerned, he has been absent from three consecutive sittings of such board.

(3) When for any reason the office of any member of a licensing board becomes vacant, the Administrator shall, subject to the provisions of sections 3 and 6, appoint a successor for such member and such successor shall remain in office for the unexpired period of office of his predecessor: Provided that a notice as contemplated in section 3(1), shall not be necessary for such appointment.

## CHAPTER II.

### WHEN LICENCES REQUIRED AND FEES PAYABLE.

When a licence is required.

- 8.(1) No person shall carry on any business —
- (a) unless he is the holder of a licence for such business or is otherwise authorized thereto by or in terms of the provisions of this Ordinance; or
- (b) contrary to the provisions of any condition, restriction or requirement endorsed on the licence concerned.

(2) Subject to any provision to the contrary in this Ordinance contained, a separate licence shall be required for a business, in the area of a licensing board —

- (a) which is or will be carried on in, on or from fixed premises or a fixed place, in

Ampstermyn en beëindiging van lidmaatskap van 'n lisensieraad en die vulking van enige vakature.

- (g) hy onderworpe is aan 'n hofbevel wat hom as kranksinnig of as geestelik gekrenk of gebrekkig verklaar of ingevolge die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), aangehou word as geestelik gekrenk of gebrekkig; of
- (h) hy in die gebied van die betrokke lisensieraad 'n besigheid dryf of indien hy 'n direkteur is van 'n maatskappy of 'n vennoot is in enige besigheid, wat 'n besigheid dryf in sodanige gebied of by sodanige besigheid in diens is.

(2) Geen lid van 'n lisensieraad neem aan die verrigtinge van enige sodanige raad ingevolge die bepalings van hierdie Ordonnansie deel nie indien hy enige direkte of indirekte belang, hetsy geldelik of andersins, het by enige aangeleentheid wat deur enige sodanige raad oorweeg word.

(3) Enige lid van 'n lisensieraad wat die bepalings van subartikel (2) oortree, is aan 'n misdryf skuldig.

7. (1) 'n Lid van 'n lisensieraad se ampstermyn is drie jaar, en hy kan weer aangestel word: Met dien verstande dat die Administrateur, as hy van mening is dat 'n lid nie sy pligte bevredigend verrig het nie of dat die beëindiging van sy aanstelling in die openbare belang noodsaaklik of wenslik is, te eniger tyd die aanstelling van so 'n lid kan beëindig.

(2) 'n Lid van 'n lisensieraad hou op om lid te wees indien hy, sonder om verlof vooraf van die voorsitter van die betrokke raad te verkry, van drie agtereenvolgende sittings van enige sodanige raad afwesig was.

(3) Wanneer die amp van 'n lid van 'n lisensieraad om enige rede vakant raak, stel die Administrateur, behoudens die bepalings van artikels 3 en 6, 'n opvolger vir so 'n lid aan, en so 'n opvolger beklee sy amp vir die onverstreke ampstermyn van sy voorganger: Met dien verstande dat 'n kennisgewing soos in artikel 3(1) beoog, nie vir so 'n aanstelling nodig is nie.

## HOOFSTUK II.

### WANNEER LISENSIE VEREIS WORD EN GELDE BETAALBAAR.

Wanneer lisensie vereis word.

- 8.(1) Niemand mag enige besigheid dryf nie —
- (a) tensy hy die houer van 'n lisensie vir sodanige besigheid is of andersins by of ingevolge die bepalings van hierdie Ordonnansie daartoe gemagtig is; of
- (b) strydig met enige voorwaarde, beperking of vereiste wat op die betrokke lisensie gendosseer is.

(2) Behoudens enige andersluidende bepaling in hierdie Ordonnansie vervat, word, vir 'n besigheid in die gebied van 'n lisensieraad —

- (a) wat in, op of vanaf 'n vaste perseel of vaste plek gedryf word of sal word, 'n af-

respect of each such premises or place as well as in respect of any such premises or place where any goods with which such business is or will be carried on are kept or stored or will be kept or stored and such premises or place shall be known as business premises: Provided that only one licence shall be required in respect of any one business which is or will be carried on by the same person —

- (i) in adjoining portions of business premises which are divided by means of a wall; or
  - (ii) if the goods with which such business is or will be carried on, are or will be kept or stored at any other place within the same municipality as the place where the business is or will be carried on; and
- (b) which is not or will not be carried on, in, on or from fixed premises or a fixed place, for the carrying on of such business —
- (i) within each municipality; and
  - (ii) outside a municipality.

(3) Where a licence for a particular business authorizes the carrying on of any business activity other than that for which such licence is required, the holder of such licence shall, in respect of such other business activity, be exempt from the obligation to obtain any other licence therefor in terms of the provisions of this Ordinance.

(4) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Validity of licence.

9. Every licence, other than a licence issued upon a daily or weekly basis, shall be valid until the 31st day of December of each year for which it was issued.

Licence fees payable.

10.(1) The licence fee specified in each item of Schedule I shall be levied and be payable in respect of the licence to which such item relates: Provided that where the liability to take out a licence arises after the 30th day of June in any year, the licence fee, other than those which are calculated on a weekly or daily basis, shall be reduced by one-half for such year.

(2) Subject to any provision to the contrary in this Ordinance contained, any person who fails to take out a licence within one month after the date upon which he becomes liable to take out a licence in terms of the provisions of this Ordinance or who pays an amount which is less than the licence fee payable in terms of the provisions of this Ordinance for such licence, shall, in addition to the licence fee specified in the appropriate item of Schedule I, pay for each month or part of a month during which he is liable for the payment of the fee, or during

sonderlike lisensie ten opsigte van elke sodanige perseel of plek vereis asook ten opsigte van enige sodanige perseel of plek waar enige goedere waarmee 'n besigheid gedryf word of sal word, gehou of opgeberg word of sal word en sodanige perseel of plek staan bekend as 'n besigheidsperseel: Met dien verstande dat slegs een lisensie vereis word ten opsigte van 'n enkele besigheid wat deur dieselfde persoon gedryf word of sal word —

- (i) in aangrensende gedeeltes van 'n besigheidsperseel wat deur middel van 'n muur verdeel is; of
  - (ii) indien die goedere, waarmee sodanige besigheid gedryf word of sal word op 'n ander besigheidsperseel binne dieselfde munisipaliteit as die besigheidsperseel waar die besigheid gedryf word of sal word, gehou of opgeberg word of sal word; en
- (b) wat nie, in, op of vanaf 'n vaste perseel of vaste plek gedryf word of sal word nie, 'n afsonderlike lisensie vereis vir die dryf van sodanige besigheid —
- (i) binne elke munisipaliteit; en
  - (ii) buite 'n munisipaliteit.

(3) Waar 'n lisensie vir 'n bepaalde besigheid, die dryf van enige besigheidsbedrywigheid magtig ander as dié waarvoor sodanige lisensie vereis word, word die houer van sodanige lisensie, ten opsigte van sodanige ander besigheidsbedrywigheid vrygestel van die verpligting om enige ander lisensie ingevolge die bepalings van hierdie Ordonnansie daarvoor te verkry.

(4) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Geldigheidsduur van 'n lisensie.

9. Elke lisensie, uitgenome 'n lisensie wat op 'n daaglikse of weeklikse grondslag uitgereik is, is geldig tot die 31ste dag van Desember van elke jaar waarvoor dit uitgereik is.

Lisensie-gelde betaalbaar.

10.(1) Die lisensiegeld in elke item van Bylae I gespesifiseer, word gehef en is betaalbaar ten opsigte van die lisensie waarop elke sodanige item betrekking het: Met dien verstande dat waar aanspreeklikheid om 'n lisensie uit te neem na die 30ste dag van Junie in enige jaar ontstaan, die lisensiegeld, met uitsondering van dié wat op 'n daaglikse of weeklikse grondslag bereken word, vir sodanige jaar met die helfte verminder word.

(2) Behoudens enige andersluidende bepaling in hierdie Ordonnansie vervat, moet iemand wat versuim om binne een maand na die datum waarop hy aanspreeklik word om 'n lisensie ingevolge die bepalings van hierdie Ordonnansie uit te neem, of wat 'n bedrag betaal wat minder is as die lisensiegeld ingevolge hierdie Ordonnansie vir so 'n lisensie betaalbaar, benewens die lisensiegeld gespesifiseer in die toepaslike item van Bylae I, vir elke maand of deel van 'n maand waartydens hy vir betaling van die geld aanspreeklik is of waartydens sodanige geld te min betaal bly, 'n boete betaal bereken teen die

which such fee remains underpaid, a penalty calculated at the rate of 10 per cent of the unpaid licence fee: Provided that such penalty shall not exceed the licence fee so specified or the fee so underpaid, as the case may be.

(3) The payment of any amount in terms of subsection (2) 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 in terms of this section.

### CHAPTER III.

#### ISSUING AUTHORITY.

Issuing authority in respect of a licence.

11.(1) When an application for a new licence or for the renewal of a licence is, in terms of the provisions of this Ordinance granted to carry on any business, such licence shall be issued, if the business is or will be carried on —

- (a) within a municipality, by the local authority concerned;
- (b) outside a municipality, in any portion of the area of the licensing board concerned, by the local authority within whose area the seat of such board is;
- (c) in the whole area of a licensing board, by the local authority within whose municipality the seat of such board is; or
- (d) in the whole Province —
  - (i) if the business premises of such business are situated within a municipality, by the local authority concerned; or
  - (ii) if such business is or will not be carried on from business premises, by the local authority of Pretoria.

(2) Any local authority as contemplated in subsection (1) is hereinafter referred to as an issuing authority.

(3) Where any duty or function, other than a duty or function referred to in subsection (1), has in terms of the provisions of this Ordinance to be performed by an issuing authority, such duty shall be performed or function exercised by the issuing authority which is competent to issue a licence as contemplated in that subsection.

### CHAPTER IV.

#### APPLICATION FOR A NEW LICENCE AND PROCEDURE IN CONNECTION THEREWITH.

Application for a new licence.

12.(1) An application for a new licence for a business shall be submitted on the form determined by the Administrator to the secretary of the licensing board in whose area the business

koers van 10 persent van die onbetaalde lisensiegeld: Met dien verstande dat sodanige boete nie die aldus genoemde lisensiegeld of die geld wat aldus te min betaal is, na gelang van die geval, te bowe gaan nie.

(3) Die betaling van enige bedrag ingevolge subartikel (2) onthef niemand van strafregtelike aanspreeklikheid wat uit sy versuim om 'n lisensie uit te neem, voortspuit nie en ook onthef die feit dat niemand strafregtelik vir so 'n versuim gestraf is hom nie van aanspreeklikheid vir betaling van enige bedrag ingevolge hierdie artikel nie.

### HOOFSTUK III.

#### UITREIKINGSOWERHEID.

Uitreikingsowerheid ten opsigte van 'n lisensie.

11.(1) Wanneer 'n aansoek om 'n nuwe lisensie of om 'n hernuwing van 'n lisensie ingevolge die bepalings van hierdie Ordonnansie toegestaan word om enige besigheid te dryf, word sodanige lisensie uitgereik, indien die besigheid gedryf word of sal word —

- (a) binne 'n munisipaliteit, deur die betrokke plaaslike bestuur;
- (b) buite 'n munisipaliteit, in enige gedeelte van die gebied van die betrokke lisensieraad, deur die plaaslike bestuur wie se munisipaliteit die setel van sodanige raad is;
- (c) in die hele gebied van 'n lisensieraad, deur die plaaslike bestuur in wie se munisipaliteit die setel van sodanige raad is; of
- (d) in die hele Provinsie —
  - (i) as die besigheidspersoneel van sodanige besigheid binne 'n munisipaliteit geleë is, deur die betrokke plaaslike bestuur; of
  - (ii) as sodanige besigheid nie vanaf 'n besigheidspersoneel gedryf word of sal word nie, deur die plaaslike bestuur van Pretoria.

(2) Enige plaaslike bestuur soos in subartikel (1) beoog word hierna 'n uitreikingsowerheid genoem.

(3) Waar enige plig of funksie, anders as 'n plig of funksie in subartikel (1) genoem, ingevolge die bepalings van hierdie Ordonnansie deur 'n uitreikingsowerheid vervul of uitgeoefen moet word, word sodanige plig vervul of bevoegdheid uitgeoefen deur die uitreikingsowerheid wat bevoeg is om 'n lisensie soos in daardie subartikel beoog, uit te reik.

### HOOFSTUK IV.

#### AANSOEK OM 'N NUWE LISENSIE EN PROSEDURE IN VERBAND DAARMEE.

Aansoek om 'n nuwe lisensie.

12.(1) 'n Aansoek om 'n nuwe lisensie vir 'n besigheid word op die vorm soos deur die Administrateur bepaal by die sekretaris van die lisensieraad in wie se gebied so 'n besigheid

is or will be carried on: Provided that where such licence is valid for the whole Province such application shall be submitted to the secretary of the licensing board where the business premises of such business is or will be situated or if there is no such business premises, to the secretary of the licensing board in whose area the municipality of Pretoria is situated.

(2) Together with an application referred to in subsection (1) there shall be submitted —

- (a) such application fee as may be prescribed for the consideration of the application;
- (b) a plan approved by the competent authority of the building or part of the building in which the business is or will be carried on, or where the goods with which the business is or will be carried on are or will be kept or stored or, if the building has not yet been erected, or if erected and any addition or alteration is to be made thereto, as such building or part thereof will be after erection, addition or alteration, as the case may be, and on which such particulars as may be prescribed are clearly shown;
- (c) any authority whether by way of a licence, permit, certificate, registration or otherwise (or a certified copy thereof) which the applicant may require in terms of any other law to carry on the business concerned or to use or occupy the premises or place concerned for that purpose; and
- (d) such other documents and particulars as may be prescribed.

(3) The provisions of subsection (2)(b) shall not apply to any such business as the Administrator may prescribe.

Notice of submission of an application for new licence.

13.(1) After submission of an application as contemplated in section 12(1), the applicant concerned shall give such notice thereof as may be prescribed in respect of any particular licence or licences in general.

(2) If an applicant fails to give notice as contemplated in subsection (1), the chairman of the licensing board concerned may, at the request of such applicant, condone such failure if such chairman is of the opinion that no person, including the State or a local authority has been materially prejudiced thereby.

Duty of secretary of licensing board to obtain certain reports, information and recommendations.

14. Upon the receipt of an application for a new licence, the secretary of the licensing board concerned shall forthwith —

- (a) request the District Commandant of the South African Police for the area where the business is or will be carried on to furnish a report in which it is stated whether anything is known concerning the applicant and the person who is or will be in actual and effective control of the business, that should be brought to the notice of such licensing board;

gedryf word of sal word, ingedien: Met dien verstande dat waar sodanige lisensie vir die hele Provinsie geld, word sodanige aansoek by die sekretaris van die lisensieraad waar enige besigheidperseel van sodanige besigheid geleë is of sal wees, of waar daar geen sodanige besigheidperseel is nie, by die sekretaris van die lisensieraad in wie se gebied die munisipaliteit van Pretoria geleë is, ingedien.

(2) Saam met 'n aansoek in subartikel (1) genoem, word daar ingedien —

- (a) sodanige aansoek geld wat vir die oorweging van die aansoek voorgeskryf mag word;
- (b) 'n plan deur die bevoegde owerheid goedgekeur, van die gebou of gedeelte van die gebou waarin die besigheid gedryf word of sal word of waar die goedere waarmee die besigheid gedryf word of sal word, gehou of opgeberg word of sal word, of as die gebou nog nie opgerig is nie of indien die gebou opgerig is en enige aanbouing of verandering daaraan aangebring gaan word, soos sodanige gebou of gedeelte daarvan na oprigting, aanbouing of verandering sal wees, na gelang van die geval, en waarop sodanige besonderhede as wat voorgeskryf word, duidelik aangedui word;
- (c) enige magtiging, hetsy by wyse van 'n lisensie, permit, sertifikaat, registrasie of andersins of 'n gesertifiseerde afskrif daarvan, wat ingevolge enige ander wet wat deur die aansoeker benodig mag word om die betrokke besigheid te dryf of om die betrokke perseel of plek vir daardie doel te gebruik of te okkupeer; en
- (d) sodanige ander dokumente en besonderhede as wat voorgeskryf mag word.

(3) Die bepalinge van subartikel (2)(b) is nie van toepassing nie op enige sodanige besigheid as wat die Administrateur voorskryf.

Kennis-gewing van indiening van 'n aansoek om 'n nuwe lisensie.

13.(1) Na die indiening van 'n aansoek soos in artikel 12(1) beoog, gee die betrokke aansoeker sodanige kennis daarvan as wat voorgeskryf word ten opsigte van enige besondere lisensie of lisensies in die algemeen.

(2) Indien 'n aansoeker versuim om kennis, soos in subartikel (1) beoog, te gee, kan die voorsitter van die betrokke lisensieraad, op versoek van sodanige aansoeker, so 'n versuim verskoon indien sodanige voorsitter van mening is dat niemand, insluitende die Staat of 'n plaaslike bestuur, weselik daardeur benadeel is nie.

Plig van 'n sekretaris van 'n lisensieraad om sekere verslae, inligting en aanbevelings te verkry.

14. By ontvangs van 'n aansoek om 'n nuwe lisensie moet die sekretaris van die betrokke lisensieraad onverwyld —

- (a) die Distrikskommandant van die Suid-Afrikaanse Polisie vir die gebied waar die besigheid gedryf word of sal word, versoek om 'n verslag te verstrek waarin gemeld word of daar enigiets aangaande die aansoeker en die persoon wat in werklike en effektiewe beheer van sodanige besigheid is of sal wees, bekend is, wat onder die aandag van sodanige lisensieraad gebring behoort te word;

- (b) if the business is or will be carried on within a municipality, furnish the local authority concerned with a copy of the application and plan referred to in section 12(1) and (2)(b) respectively and shall request such local authority to furnish him with its recommendation and such information and reports, excluding the health report contemplated in section 15, on any matter referred to in section 19(2) and (3), and which is considered by the local authority concerned to be relevant to the application; and
- (c) if the business is to be carried on outside a municipality, furnish the Regional Director of State Health Services concerned with a copy of the application and plan referred to respectively in section 12(1) and (2)(b).

Duty of an applicant for a new licence to submit a health report and power of a health officer in connection therewith.

15.(1) Except where a business is or will be carried on, in, on or from business premises which is an office, an applicant shall, when submitting an application for a new licence to the secretary of a licensing board, submit, together with such application or as soon as possible thereafter, a health certificate from the health officer concerned relating to the suitability of the business premises, for the carrying on of the business concerned, with special reference to the provisions of section 19(2), and any other matter relating to public health which the health officer concerned considers to be relevant to the application.

(2) A health officer may, for the purpose of subsection (1), carry out an inspection of the business premises to which the application relates and the applicant shall be liable for any costs that the local authority or Department of Health may levy in this regard.

Objection against an application for a new licence.

16.(1) Any person, including the State or a local authority, may within such period and in such manner as may be prescribed, lodge a written objection with the secretary of the licensing board concerned against the application for a new licence.

(2) Any such objection shall comply with such requirements as may be prescribed.

(3) Subject to the provisions of subsection (4), an objection shall not be accepted for consideration by the licensing board concerned unless it complies with the requirements prescribed in terms of subsections (1) and (2) and where an objection does not comply with such requirements, the secretary of the licensing board concerned shall forthwith notify the objector thereof.

(4) Where any person who has lodged an objection with a licensing board, has failed to comply with the provisions of subsections (1) and (2), the chairman of the licensing board concerned may, at the request of such person, condone such failure if such chairman is of the opinion that no person, including the State or a local authority, will materially be prejudiced thereby.

(5) A copy of each objection referred to in subsection (1) shall within such period as may be prescribed, be served by the secretary of the licensing board concerned on the applicant.

- (b) indien die besigheid gedryf word of sal word binne 'n munisipaliteit, die betrokke plaaslike bestuur voorsien van 'n afskrif van die aansoek en plan onderskeidelik in artikel 12(1) en (2)(b) genoem, en sodanige plaaslike bestuur versoek om hom van sy aanbeveling en sodanige inligting en verslae, uitgenome die gesondheidsverslag soos in artikel 15 beoog, te voorsien oor enige aangeleentheid in artikel 19(2) en (3) genoem en wat deur die betrokke plaaslike bestuur geag word by die aansoek ter sake te wees; en
- (c) indien die besigheid gedryf sal word buite 'n munisipaliteit, die betrokke Streekdirekteur van Staatsgesondheidsdienste voorsien van 'n afskrif van die aansoek en plan onderskeidelik in artikel 12(1) en (2)(b) genoem.

Plig van 'n aansoeker om 'n nuwe lisensie om 'n gesondheidsverslag in te dien en bevoegdheid van 'n gesondheidsbeampte in verband daarmee.

15.(1) Behalwe wanneer 'n besigheid in, op, of Vanaf 'n besigheidspersoneel wat 'n kantoor is, gedryf word of sal word, verstrek 'n aansoeker, wanneer hy 'n aansoek om 'n nuwe lisensie by 'n sekretaris van 'n lisensieraad indien, tesame met sodanige aansoek of so spoedig moontlik daarna 'n gesondheidsverslag van die betrokke gesondheidsbeampte, betreffende die geskiktheid van die besigheidspersoneel vir die dryf van die betrokke besigheid, met spesiale verwysing na die bepaling van artikel 19(2), en enige ander aangeleentheid betreffende openbare gesondheid wat deur die betrokke gesondheidsbeampte geag word as ter sake by die aansoek te wees.

(2) 'n Gesondheidsbeampte kan, vir die toepassing van subartikel (1), 'n inspeksie van die besigheidspersoneel waarop die aansoek betrekking het, uitvoer en die aansoeker is verantwoordelik vir betaling van enige koste wat die betrokke plaaslike bestuur of die Departement van Gesondheid in dié verband mag hef.

Beswaar teen 'n aansoek om 'n nuwe lisensie.

16.(1) Enigiemand, insluitende die Staat of 'n plaaslike bestuur, kan binne sodanige tydperk en op sodanige wyse as wat voorgeskryf word, by die sekretaris van die betrokke lisensieraad 'n skriftelike beswaar teen 'n aansoek om 'n nuwe lisensie indien.

(2) Enige sodanige beswaar moet voldoen aan sodanige vereistes as wat voorgeskryf word.

(3) Behoudens die bepaling van subartikel (4), word 'n beswaar nie deur die betrokke lisensieraad vir oorweging aanvaar nie tensy dit aan die vereistes ingevolge subartikels (1) en (2) voldoen en waar 'n beswaar nie aan sodanige vereistes voldoen nie, stel die sekretaris van die betrokke lisensieraad die beswaarmaker onverwyld daarvan in kennis.

(4) Indien iemand wat 'n beswaar by 'n lisensieraad ingedien het, versuim het om aan die bepaling van subartikels (1) en (2) te voldoen, kan die voorsitter van die betrokke lisensieraad, op versoek van so iemand, so 'n versuim verskoon indien sodanige voorsitter van mening is dat niemand, insluitende die Staat of 'n plaaslike bestuur, wesenlik daardeur benadeel is nie.

(5) 'n Afskrif van elke beswaar in subartikel (1) genoem, word deur die sekretaris van die betrokke lisensieraad binne sodanige tydperk as wat voorgeskryf word aan die aansoeker beteken.

(6) A licensing board may of its own accord take notice of any matter or thing which in its opinion constitutes an objection to the granting of any application for a new licence, provided that the applicant be notified thereof and be afforded an opportunity to reply thereto.

Date of hearing of an application for a new licence by a licensing board.

17. After the expiry of the period for the lodging of an objection as contemplated in section 16(1), and after receipt of the reports referred to in sections 14 and 15, the chairman of the licensing board concerned shall fix the date, time and place for the hearing of the application, and thereupon the secretary of such board shall, at least 10 days before the date so fixed, notify the applicant and every person whose objection has in terms of section 16 been accepted for consideration, of such date.

Proceedings of and evidence before a licensing board in connection with an application for a new licence.

18.(1) At the hearing of an application for a new licence by a licensing board the applicant and every objector whose objection has in terms of section 16 been accepted for consideration, may appear before or submit a written argument to the licensing board concerned in connection with such application, and every person who so appears or who so submits such argument, shall be a party to such application.

(2) Every party to an application for a new licence may be represented by an advocate, an attorney or, in the case of the State or a local authority, also by a person who is in the service of the State or the local authority concerned, may give evidence and be heard either personally or through his representative, hand in any document, call any witness and cross-examine any witness called by any other party or by the licensing board.

(3) If a licensing board has reason to believe that any person has information or knowledge or is in possession of any book, document or object, relating to any matter pending before such board, that board may either at the request of any party or of its own motion, cause a summons in the form determined by the Administrator to be served on such person to appear before such board to give evidence and to produce such book, document or object.

(4) Before any person gives evidence before a licensing board, he shall take an oath or make an affirmation which shall be administered by the chairman of the licensing board concerned.

(5) In connection with the examination of any person by or before a licensing board or the giving of evidence or the production of a book, document or object to such board, the law relating to privilege as applicable to a person who has been summoned to give evidence or to produce any book, document or object before a court of law, shall apply.

(6) Any person who knowingly gives false evidence before a licensing board shall be guilty of an offence.

(7) Any person on whom a summons has been served in terms of the provisions of subsection (3) shall be guilty of an offence if he, without sufficient cause —

Datum van verhoor van 'n aansoek om 'n nuwe lisensie deur 'n lisensieraad.

(6) 'n Lisensieraad kan uit eie beweging kennis neem van enige saak of aangeleentheid wat na sy mening 'n beswaar teen die toestaan van 'n aansoek om 'n nuwe lisensie uitmaak mits die aansoeker daarvan verwittig word en 'n geleentheid gegun word om daarop te antwoord.

17. Na verstryking van die tydperk vir die indiening van enige beswaar soos in artikel 16(1) beoog, en na ontvangs van die verslae in artikels 14 en 15 genoem, stel die voorsitter van die betrokke lisensieraad die datum, tyd en plek vir die verhoor van die aansoek vas, en gee die sekretaris van sodanige raad minstens 10 dae voor die datum wat aldus vasgestel is, daarvan kennis aan die aansoeker en aan elke persoon wie se beswaar ingevolge artikel 16 vir oorweging aanvaar is.

Verrigtinge van en getuienis voor 'n lisensieraad in verband met 'n aansoek om 'n nuwe lisensie.

18.(1) By die verhoor van 'n aansoek om 'n nuwe lisensie deur 'n lisensieraad kan die aansoeker en elke beswaarmaker wie se beswaar ingevolge artikel 16 vir oorweging aanvaar is, voor die betrokke lisensieraad verskyn of 'n skriftelike betoog aan sodanige raad voorlê in verband met sodanige aansoek en elkeen wat aldus verskyn of aldus sodanige betoog voorlê is 'n party by sodanige aansoek.

(2) Elke party by 'n aansoek om 'n nuwe lisensie kan deur 'n advokaat, 'n prokureur of, in die geval van die Staat of 'n plaaslike bestuur, ook deur iemand wat in diens van die Staat of die betrokke plaaslike bestuur is, verteenwoordig word, kan getuienis lewer en of persoonlik of deur sy verteenwoordiger gehoor word, enige dokument inhandig, enige getuie roep en enige getuie wat deur enige ander party of deur die lisensieraad geroep word, kruisondervra.

(3) Indien 'n lisensieraad rede het om te glo dat iemand inligting of kennis het of in besit is van enige boek, dokument of voorwerp betreffende enige aangeleentheid wat voor sodanige raad dien, kan daardie raad op so iemand, hetsy op versoek van 'n party of uit eie beweging, 'n dagvaarding, in die vorm soos deur die Administrateur bepaal, laat beteken om voor sodanige raad te verskyn en getuienis af te lê en sodanige boek, dokument of voorwerp oor te lê.

(4) Voordat iemand getuienis voor 'n lisensieraad lewer, moet hy 'n eed aflê of 'n bevestiging maak wat deur die voorsitter van die betrokke lisensieraad afgeneem word.

(5) In verband met die ondervraging van iemand deur of voor 'n lisensieraad of die lewering van getuienis, of die oorlegging van 'n boek, dokument of voorwerp aan sodanige raad, is die regsreëls met betrekking tot privilegie, wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuienis af te lê of om 'n boek, dokument of voorwerp oor te lê, van toepassing.

(6) Iemand wat wetens valse getuienis voor 'n lisensieraad lewer, is aan 'n misdryf skuldig.

(7) Iemand aan wie 'n dagvaarding ingevolge die bepalings, van subartikel (3) beteken is, is aan 'n misdryf skuldig indien hy sonder afdoende rede —

- (a) fails to appear on the date and at the time and place specified in the summons or to remain in attendance until the conclusion of the proceedings of the licensing board concerned or until he is excused by the chairman of that licensing board;
- (b) refuses to take an oath or to make an affirmation in terms of the provisions of subsection (4);
- (c) refuses or fails to produce any book, document or object referred to in the summons; or
- (d) after having been sworn or having made an affirmation, refuses or fails to answer fully any question lawfully put to him.

Decision of a licensing board on an application for a new licence.

19.(1) Subject to the provisions of this Chapter, a licensing board may —

- (a) grant an application for a new licence unconditionally;
- (b) grant such application subject to any condition, restriction or requirement which it deems necessary, including any condition, restriction or requirement as may be necessary —
  - (i) to curtail the scope of the business activities authorized by a licence;
  - (ii) to ensure that the business will be carried on in accordance with the particulars furnished by the applicant in his application; or
  - (iii) to remove any ground upon which the application could otherwise have been refused;
- (c) grant an application on condition that the applicant shall within a fixed period after the licence has been issued or such further period as the chairman of the licensing board concerned may, on application, allow, comply with any requirement stipulated by such board to remove any ground upon which the application could otherwise have been refused;
- (d) grant an application on condition that the applicant shall within a fixed period and before the licence is issued to him, or such further period as the chairman of the licensing board concerned may, on application, allow, comply with any requirement stipulated by such board to remove any ground upon which the application could otherwise have been refused; or
- (e) postpone its consideration and decision in respect of an application for such period as it may deem fit —
  - (i) to enable any person to obtain the decision of any competent court in connection with any matter relating to such application;
  - (ii) in order to inspect the business premises or to have it inspected by an officer or to make or cause any further investigation to be made in relation thereto; or
  - (iii) for any other reason.

- (a) in gebreke bly om op die datum, tyd en plek in die dagvaarding vermeld, te verskyn of teenwoordig te bly tot na afloop van die verrigtinge van die betrokke lisensieraad of totdat hy deur die voorsitter van daardie raad verskoon is;
- (b) weier om 'n eed af te lê of 'n bevestiging te maak ingevolge die bepalings van subartikel (4);
- (c) weier of in gebreke bly om 'n boek, dokument of voorwerp in die dagvaarding genoem, oor te lê; of
- (d) nadat hy die eed afgelê of 'n bevestiging gemaak het, weier of in gebreke bly om enige vraag wat wettig aan hom gestel word, volledig te beantwoord.

Besluit van 'n lisensieraad oor 'n aansoek om 'n nuwe lisensie.

19.(1) Behoudens die bepalings van hierdie Hoofstuk kan 'n lisensieraad —

- (a) 'n aansoek om 'n nuwe lisensie onvoorwaardelik toestaan;
- (b) sodanige aansoek toestaan onderworpe aan enige voorwaarde, beperking of vereiste wat hy nodig ag, insluitende enige voorwaarde, beperking of vereiste wat nodig mag wees —
  - (i) om die omvang van die besigheidsbedrywighede wat deur 'n lisensie gemagtig word in te kort;
  - (ii) om te verseker dat die besigheid gedryf sal word in ooreenstemming met die besonderhede deur die aansoeker in sy aansoek verstrekk; of
  - (iii) om enige grond waarop die aansoek andersins geweier sou kon word, uit te skakel;
- (c) 'n aansoek toestaan op voorwaarde dat die aansoeker binne 'n bepaalde tydperk nadat die lisensie uitgereik is of sodanige verdere tydperk as wat die voorsitter van die betrokke lisensieraad op versoek toelaat, voldoen aan enige vereiste wat sodanige raad stel om enige grond waarop die aansoek andersins geweier sou kon word, uit te skakel;
- (d) 'n aansoek toestaan op voorwaarde dat die aansoeker binne 'n bepaalde tydperk en voordat die lisensie aan hom uitgereik word, of sodanige verdere tydperk as wat die voorsitter van die betrokke lisensieraad op versoek toelaat, voldoen aan enige vereiste wat sodanige raad stel om enige grond, waarop die aansoek andersins geweier sou kon word, uit te skakel; of
- (e) sy oorweging van en beslissing oor 'n aansoek vir die tydperk wat hy goed dink, uitstel —
  - (i) om iemand in staat te stel om die beslissing van 'n bevoegde hof te verkry in verband met enige aangeleentheid rakende sodanige aansoek;
  - (ii) om 'n besigheidsperseel te inspekteer of deur 'n beamppte te laat inspekteer of om enige verdere ondersoek met betrekking daartoe in te stel of te laat instel; of
  - (iii) om enige ander rede.

(2) Subject to the provisions of subsection (1) (b), (c), (d) and (e), a licensing board shall refuse an application for a new licence if it is satisfied that —

- (a) the applicant is not or will not be the owner of the business concerned: Provided that this provision shall not apply where in terms of the provisions of this Ordinance a licence is also required by an agent or employee of the holder of a licence;
- (b) the applicant or the person who is or will be in actual and effective control of the business, is not a suitable person to carry on the proposed business, whether by reason of his character, his previous conduct or the uncleanness of his habits or methods;
- (c) it is necessary that the person who is or will be in actual and effective control of the business should be able to speak, read and write at least one of the official languages and that such person is not able to do so;
- (d) it is necessary that a proper record of the business transactions of the applicant be kept as contemplated in section 134(2) of the Insolvency Act, 1936 (Act 24 of 1936) and that the applicant is not able to keep or cause such a record to be kept.
- (e) the business premises are not or will not be suitable for the purpose of the proposed business, whether in relation to any requirement of any law in connection with health, or in relation to its size, nature, construction, lighting, ventilation, accommodation or in any other respect, including the absence or inadequacy of provision for —
  - (i) protection against rodents, vermin and contamination by flies; or
  - (ii) to ensure in case of fire, the safety of the public and employees, by means of fire protection apparatus, emergency exits or otherwise;
- (f) no or inadequate provision has been made or will be made to ensure cleanliness and the compliance with health requirements and precautions, whether in respect of any person, premises, vehicle, container, vessel or in any other respect;
- (g) no or inadequate provision has been or will be made to prevent any nuisance which may arise as a result of smoke, dust, fumes, gas, smell, noise or vibration caused or likely to be caused by a business or to ensure the health and safety of the public and employees;
- (h) the locality and neighbourhood of the business premises is unsuitable for the nature of the proposed business on account of fire hazard or of conditions relating to traffic control or parking or the supply of water, electricity or sanitation; or

(2) Behoudens die bepalinge van subartikel (1)(b), (c), (d) en (e) moet 'n lisensieraad 'n aansoek om 'n nuwe lisensie weier as hy oortuig is dat —

- (a) die aansoeker nie die eienaar van die betrokke besigheid is of sal wees nie: Met dien verstande dat hierdie bepaling nie van toepassing is nie waar 'n lisensie ingevolge die bepalinge van hierdie Ordonnansie ook van 'n agent of werknemer van die houer van 'n lisensie vereis word;
- (b) die aansoeker of die persoon wat in werklike en effektiewe beheer van die betrokke besigheid sal wees, nie 'n geskikte persoon is om die voorgename besigheid te dryf nie, hetsy vanweë sy karakter, sy vorige gedrag of die onsindeleikheid van sy gewoontes of metodes;
- (c) dit nodig is dat die persoon wat in werklike en effektiewe beheer van die besigheid sal wees, in staat moet wees om ten minste een van die amptelike tale te praat, te lees en te skryf en dat hy nie in staat is om dit te doen nie;
- (d) dit nodig is dat 'n behoorlike rekord gehou word van die aansoeker se besigheidstransaksies soos by artikel 134(2) van die Insolvensiewet, 1936 (Wet 24 van 1936) beoog, en dat die aansoeker nie in staat is om so 'n rekord te hou of te laat hou nie;
- (e) die besigheidsperseel nie geskik is of sal wees nie vir die doel van die voorgename besigheid, hetsy met betrekking tot enige vereiste van enige wet ten opsigte van gesondheid of met betrekking tot die grootte, aard, konstruksie, beligting, ventilasie, akkommodasie of in enige ander opsig, insluitende die afwesigheid of ontoereikendheid van voorsiening vir —
  - (i) beskerming teen knaagdiere, ongedierte en vliegbesmetting; of
  - (ii) die versekering deur middel van vuurbestrydingstoerusting, nooduitgange of andersins van die veiligheid van die publiek en werknemers in geval van brand;
- (f) geen of ontoereikende voorsiening vir versekering van sindelikheid en die nakoming van gesondheidsvereistes en -voorsorge, hetsy met betrekking tot enige persoon, perseel, voertuig, houer, vat of in enige ander opsig, gemaak is, of sal wees nie;
- (g) geen of ontoereikende voorsiening gemaak is of sal wees nie om enige oorlas te voorkom, wat mag ontstaan as gevolg van rook, stof, damp, gas, reuk, geraas of trilling wat 'n besigheid veroorsaak of waarskynlik mag veroorsaak, of om die gesondheid en veiligheid van die publiek en werknemers te verseker;
- (h) die ligging of omgewing van die besigheidsperseel ongeskik is vir die aard van die voorgename besigheid as gevolg van brandgevaar, toestande wat in verband staan met verkeerbeheer of parkering of die voorsiening van water, elektrisiteit of sanitasie; of

- (i) the proposed business will be detrimental to the religious, educational, health, residential, commercial, cultural or other amenities of the neighbourhood.

(3) Subject to the provisions of subsection (1)(b), (c), (d) and (e), the licensing board concerned shall refuse an application for a new licence unless the applicant satisfies that board that —

- (a) the issue of the licence for the carrying on of the business concerned in, on or from the premises or the place concerned and the occupation or the use by the applicant of the premises or place concerned are not or will not be contrary to a restrictive condition or servitude registered against the title deed of the premises or place concerned or to a provision of a town-planning scheme; and
- (b) no authority, whether by way of a licence, permit, certificate, registration or otherwise, is required in terms of any law referred to hereinafter or any other law, to carry on such business, or to use or occupy the premises or place where such business is or will be carried on for such business or, if such authority is required, that he has in fact obtained it:

- (i) The Public Health Act, 1919 (Act 36 of 1919);
- (ii) the Medical Dental and Pharmacy Act, 1928 (Act 13 of 1928);
- (iii) the Liquor Act, 1928 (Act 30 of 1928);
- (iv) the Co-operative Societies Act, 1939 (Act 29 of 1939);
- (v) the Bantu (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);
- (vi) the Rural Coloured Areas Act, 1963 (Act 24 of 1963);
- (vii) the Hotels Act, 1965 (Act 70 of 1965);
- (viii) the Community Development Act, 1966 (Act 3 of 1966);
- (ix) the Group Areas Act, 1966 (Act 36 of 1966);
- (x) the Mining Rights Act, 1967 (Act 20 of 1967);
- (xi) the Physical Planning and Utilization of Resources Act, 1967 (Act 88 of 1967);
- (xii) the Marketing Act, 1968 (Act 59 of 1968); or
- (xiii) any law relating to town-planning.

(4) When considering an application for a new licence a licensing board shall not —

- (a) except in the case of an application for a licence for the business of a hawker, street photographer or such other business as may be prescribed, take into consideration the fact or possibility that there is already or will be within the particular neighbourhood or at the particular place where the applicant intends carrying on the business concerned, a sufficient number of persons carrying on business with one or more classes of goods in which such applicant intends to carry on business; or

- (i) die voorgename besigheid nadelig sal wees vir die godsdienstige, opvoedkundige, gesondheids-, woon-, handels-, kulturele of ander geriewe van die omgewing.

(3) Behoudens die bepalings van subartikel (1)(b), (c), (d) en (e) moet 'n lisensieraad 'n aansoek om 'n lisensie weier tensy die aansoeker daardie raad daarvan oortuig dat —

- (a) die uitreiking van die lisensie vir die dryf van die betrokke besigheid in, op of vanaf die betrokke perseel of plek of die okkupasie of gebruik deur die aansoeker van die betrokke perseel of plek nie strydig is nie of sal wees nie met 'n beperkende voorwaarde of serwituut wat teen die titelakte van die betrokke perseel of plek geregistreer is of 'n bepaling van 'n dorpsbeplanningskema; en
- (b) geen magtiging, hetsy by wyse van 'n lisensie, permit, sertifikaat, registrasie of andersins, ingevolge enige wet hierna genoem of enige ander wet benodig word nie om so 'n besigheid te dryf of om die perseel of plek waar sodanige besigheid gedryf word of sal word vir die dryf van sodanige besigheid te gebruik of te okkupeer of, indien so 'n magtiging benodig word, hy dit wel verkry het:

- (i) die Volksgezondheidswet, 1919 (Wet 36 van 1919);
- (ii) die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet 13 van 1928);
- (iii) die Drankwet, 1928 (Wet 30 van 1928);
- (iv) die Wet op Koöperatiewe Verenigings, 1939 (Wet 29 van 1939);
- (v) die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);
- (vi) die Wet op Landelike Kleurlinggebiede, 1963 (Wet 24 van 1963);
- (vii) die Wet op Hotelle, 1965 (Wet 70 van 1965);
- (viii) die Wet op Gemeenskapsontwikkeling, 1966 (Wet 3 van 1966);
- (ix) die Wet op Groepsgebiede, 1966 (Wet 36 van 1966);
- (x) die Wet op Mynregte, 1967 (Wet 20 van 1967);
- (xi) die Wet op Fisiese Beplanning en Benutting van Hulpbronne, 1967 (Wet 88 van 1967);
- (xii) die Bemarkingswet, 1968 (Wet 59 van 1968); of
- (xiii) enige wet met betrekking tot dorpsbeplanning.

(4) By die oorweging van 'n aansoek om 'n nuwe lisensie neem 'n lisensieraad —

- (a) behalwe in die geval van 'n aansoek om 'n lisensie vir die besigheid van 'n smous, 'n straatfotograaf of sodanige ander besigheid as wat voorgeskryf word, nie die feit of moontlikheid wat daar binne die besondere omgewing of op die besondere plek waar die aansoeker van voorneme is om die betrokke besigheid te dryf, reeds 'n voldoende aantal persone is of sal wees wat besigheid dryf met een of meer klasse goedere waarmee sodanige aansoeker van voorneme is om besigheid te dryf; of

(b) except in the case of an application for a licence for the business of a disinfectant, fumigator, or such other business as may be prescribed, take into consideration the lack of business qualifications, training or experience of the applicant, his employee or agent.

(5) When a licensing board has refused an application for a new licence, no further application by the same applicant for the same type of business and, where applicable, in respect of the same premises, shall, subject to the provisions of section 45(1)(c) be considered within a period of six months from the date of such refusal unless such applicant satisfies the chairman of such board that the reason for the refusal has in the meantime been removed and that there is a reasonable prospect that if a new application be made within the period as aforesaid, such application would probably be granted.

(6) As soon as practicable after the decision of a licensing board on an application for a new licence, the secretary of the board concerned shall in writing notify all parties of such decision and the date thereof.

(7) If any party to an application for a new licence applies in writing therefor, the licensing board concerned shall, as soon as practicable after the receipt of such request, furnish written reasons for its decision to the secretary of that board and a copy thereof, shall against payment of such fee as may be prescribed, forthwith be forwarded by such secretary to such party.

Issue of  
control cer-  
tificate and  
a licence.

20.(1) The secretary of the licensing board concerned shall furnish an applicant whose application has been granted, with a written notification in the form determined by the Administrator (hereinafter referred to as a control certificate) in which the issue of the licence concerned to the applicant is authorized and in which any condition, restriction or requirement, subject to which the application has, in terms of section 19(1) been granted, is specified, and shall send a copy of such certificate to the issuing authority concerned: Provided that such a certificate shall not be furnished in the case of an application which has been granted conditionally by that board or against which any objection has been received which has in terms of section 16(3) been accepted for consideration —

(a) prior to the expiry of the period which in terms of the provisions of section 43(1) is allowed for the lodging of an appeal, unless a written undertaking is given by the applicant and an objector (if any) to the secretary of the board that they will not appeal against the decision of such board; and

(b) if an appeal has been timeously noted, before the appeal has been decided.

(2) Upon submission to the issuing authority concerned of the control certificate concerned together with any other document required in

(b) behalwe in die geval van 'n aansoek om 'n lisensie vir die besigheid van 'n ontsmetter, beroker of sodanige ander besigheid as wat voorgeskryf word, nie die gebrek aan besigheidskwalifikasies, -opleiding of -ervaring van die aansoeker, of sy werknemer of agent, in ag nie.

(5) Wanneer 'n lisensieraad 'n aansoek om 'n nuwe lisensie geweier het, word, behoudens die bepalings van artikel 45(1)(c), geen verdere aansoek van dieselfde aansoeker vir dieselfde soort besigheid en, waar van toepassing, ten opsigte van dieselfde perseel binne 'n tydperk van 6 maande na die datum van sodanige weiering, oorweeg nie tensy sodanige aansoeker die voorsitter van sodanige raad oortuig dat die rede vir weiering in die tussentyd uit die weg geruim is en dat daar 'n redelike vooruitsig bestaan dat as 'n nuwe aansoek binne die voormelde tydperk gedoen word, dit waarskynlik toegestaan sal word.

(6) So gou doenlik na die beslissing van 'n lisensieraad oor 'n aansoek om 'n nuwe lisensie, stel die sekretaris van die betrokke raad alle partye skriftelik van sodanige beslissing en die datum daarvan in kennis.

(7) Indien enige party by 'n aansoek om 'n nuwe lisensie skriftelik daarom versoek, verstrek die betrokke lisensieraad so gou doenlik na ontvangens van so 'n versoek skriftelik redes vir sy beslissing aan die sekretaris van daardie raad en 'n afskrif daarvan moet teen betaling van sodanige geld as wat voorgeskryf word onverwyld deur sodanige sekretaris aan so 'n party gestuur word.

Uitreiking  
van 'n kon-  
trolesertifikaat en 'n  
lisensie.

20.(1) Die sekretaris van die betrokke lisensieraad voorsien 'n aansoeker wie se aansoek toegestaan is, van 'n skriftelike mededeling in die vorm soos deur die Administrateur bepaal (hierna 'n kontrolesertifikaat genoem) wat die uitreiking van die betrokke lisensie aan die aansoeker magtig en waarin enige voorwaarde, beperking of vereiste, onderworpe waaraan die aansoek ingevolge die bepalings van artikel 19(1) toegestaan is, gespesifiseer word, en hy stuur 'n afskrif van sodanige sertifikaat aan die betrokke uitreikingsowerheid: Met dien verstande dat so 'n sertifikaat in die geval van 'n aansoek wat voorwaardelik deur daardie raad toegestaan is of waarteen daar enige beswaar ontvang is wat ingevolge artikel 16(3) vir oorweging aanvaar is, nie voorsien word nie —

(a) voor die verstryking van die tydperk wat kragtens die bepalings van artikel 43(1) toegelaat is vir die indiening van 'n appél, tensy daar aan die sekretaris van daardie raad 'n skriftelike onderneming deur die aansoeker en enige beswaarmaker, as daar is, gegee is dat hulle nie teen die beslissing van sodanige raad gaan appelleer nie; en

(b) indien appél betyds aangeteken word, voor die appél beslis is nie.

(2) By voorlegging aan die betrokke uitreikingsowerheid van die betrokke kontrolesertifikaat, tesame met enige ander dokument wat in-

terms of the provisions of this Ordinance and after payment of the appropriate licence fee and any penalty contemplated in section 10(2), a licence in the form as determined by the Administrator, shall be issued by that authority to the applicant and any condition, restriction or requirement specified in the control certificate shall be endorsed thereon: Provided that if the control certificate specifies any condition of the nature referred to in section 19(1)(d), the licence shall not be issued unless the control certificate is accompanied by a statement by the secretary of the licensing board concerned that such condition has been complied with, in which case such condition shall not be endorsed on the licence.

(3) A copy of each licence shall be sent by the issuing authority concerned to the secretary of the licensing board concerned and to the Director of Statistics.

Failure to take out a licence or to commence a business.

21.(1) Subject to the provisions of subsection (2) —

(a) a control certificate shall lapse if the licence is not taken out within 90 days after the issue of such control certificate: Provided that a control certificate which specifies a condition imposed in terms of the provisions of section 19(1)(d), which has to be complied with within a fixed period, shall lapse if such condition is not complied with within such period, or, if such condition has in fact been complied with, if the licence is not taken out within 90 days of the expiry of such period; and

(b) a licence shall lapse if the business for which it has been granted is not commenced within 90 days after the issue thereof.

(2) The periods referred to in subsection (1) may, in the discretion of the chairman of the licensing board concerned, be extended, if application is made to such chairman before the expiry of such periods for such extension.

Record of proceedings of licensing board.

22.(1) The secretary of a licensing board shall keep or cause minutes of the proceedings of that board to be kept in respect of every matter, as well as a record of the evidence given before the board, and such minutes and record, together with every document which the licensing board has considered shall constitute the record of the proceedings of that licensing board.

(2) Such record of the proceedings shall be kept by the secretary of the licensing board concerned in his office in safe custody.

(3) The record of proceedings of a licensing board shall be open for inspection by any party or his representative at the office of the secretary of that board during office hours.

gevolge die bepalings van hierdie Ordonnansie vereis word en betaling van die toepaslike lisensiegeld en enige boete, soos beoog in artikel 10(2), word 'n lisensie in die vorm, soos deur die Administrateur bepaal, deur daardie owerheid aan die aansoeker uitgereik en word enige voorwaarde, beperking of vereiste wat in die kontrolesertifikaat gespesifiseer is, daarop geëndosseer: Met dien verstande dat indien die kontrolesertifikaat enige voorwaarde spesifiseer van die aard wat in artikel 19(1)(d) genoem word, die lisensie nie uitgereik word nie tensy die kontrolesertifikaat vergesel gaan van 'n verklaring deur die sekretaris van die betrokke lisensieraad dat daar aan sodanige voorwaarde voldoen is, in welke geval sodanige voorwaarde nie op die lisensie geëndosseer word nie.

(3) 'n Afskrif van elke lisensie word deur die betrokke uitreikingsowerheid aan die sekretaris van die betrokke lisensieraad en die Direkteur van Statistiek gestuur.

Versuim om 'n lisensie uit te neem of om 'n besigheid te begin.

21.(1) Behoudens die bepalings van subartikel (2) —

(a) vervál 'n kontrolesertifikaat indien die betrokke lisensie nie binne 90 dae na die uitreiking van sodanige kontrolesertifikaat uitgeneem word nie: Met dien verstande dat 'n kontrolesertifikaat wat 'n voorwaarde opgelê ingevolge die bepalings van artikel 19(1)(d), spesifiseer, waaraan binne 'n bepaalde tydperk voldoen moet word, vervál as daar nie binne sodanige tydperk aan sodanige voorwaarde voldoen word nie, of, as daar wel aan sodanige voorwaarde voldoen is, as die lisensie nie binne 90 dae na die verstryking van sodanige tydperk uitgeneem word nie en

(b) vervál 'n lisensie as daar nie binne 90 dae na die uitreiking daarvan, met die besigheid waarvoor dit toegestaan is, begin is nie.

(2) Die tydperke in subartikel (1) genoem, kan na goeddunke deur die voorsitter van die betrokke lisensieraad verleng word, indien daar by sodanige voorsitter voor die verstryking van genoemde tydperke vir sodanige verlenging aansoek gedoen word.

Oorkonde van 'n lisensieraad se verrigtinge.

22.(1) Die sekretaris van 'n lisensieraad hou of laat 'n notule hou, van die verrigtinge van daardie raad ten opsigte van elke aangeleentheid, asook 'n rekord van die getuents wat voor daardie raad afgelê word, en sodanige notule en rekord tesame met elke dokument wat die lisensieraad oorweeg het, maak die oorkonde van die verrigtinge van daardie raad uit.

(2) So 'n oorkonde van verrigtinge word deur die sekretaris van die betrokke lisensieraad in sy kantoor in veilige bewaring gehou.

(3) Die oorkonde van verrigtinge van 'n lisensieraad is by die sekretaris van daardie raad se kantoor gedurende kantoorure ter insae van enige party of sy verteenwoordiger.

## CHAPTER V.

## RENEWAL OF A LICENCE.

Application  
for re-  
newal  
of a  
licence.

23.(1) Unless otherwise provided for in this Ordinance, an application for the renewal of a licence may be made from the 1st day of November of the year for which it was issued in the manner as provided for in subsection (2).

(2) The holder of a licence who desires to renew it shall submit such licence together with the appropriate licence fee to the issuing authority concerned and such issuing authority shall, subject to the provisions of subsections (3) and (4), renew such licence.

(3) An issuing authority shall not renew a licence in conflict with any decision of a licensing board or with any condition, restriction or requirement endorsed on such licence.

(4) An issuing authority shall not renew a licence which expired on the 31st day of December of any year after the last day of February of the succeeding year.

(5) A copy of each renewed licence shall be sent by the issuing authority concerned to the secretary of the licensing board concerned and to the Director of Statistics.

## CHAPTER VI.

## GENERAL MATTERS AFFECTING LICENCES.

Removal al-  
teration  
or substi-  
tution of  
an endorse-  
ment on a  
licence.

24. If the holder of a licence desires that any condition, restriction or requirement endorsed on his licence shall be removed, altered or substituted he shall apply for a new licence: Provided that —

- (a) the chairman of the licensing board may dispense with the furnishing of any report, document or plan or the giving of any notice which is required in terms of the provisions of this Ordinance and which is in the circumstances considered by him be unnecessary;
- (b) a new control certificate shall not be issued in respect of the application concerned until the applicant has lodged for cancellation the licence to which the application relates with the secretary of the licensing board concerned;
- (c) a new licence shall not be issued until the cancelled licence together with the new control certificate is submitted to the issuing authority concerned; and
- (d) no licence fee shall be payable for such a new licence in respect of the unexpired period of the year for which the cancelled licence was issued except where the removal, alteration or substitution of a condition, restriction or requirement entails the duty to pay an additional licence fee in terms of the provisions of this Ordinance.

## HOOFSTUK V.

## HERNUWING VAN 'N LISENSIE.

Aansoek  
om die  
hernuwing  
van 'n  
lisensie.

23.(1) Tensy anders in hierdie Ordonnansie bepaal, kan 'n aansoek om die hernuwing van 'n lisensie vanaf die 1ste dag van November van die jaar waarvoor dit uitgereik is, gedoen word op die wyse in subartikel (2) bepaal.

(2) Die houer van 'n lisensie wat dit wil hernuwe, lê sodanige lisensie aan die betrokke uitreikingsowerheid, tesame met die toepaslike lisensiegeld, voor en sodanige uitreikingsowerheid hernuwe, behoudens die bepalings van subartikels (3) en (4), sodanige lisensie.

(3) 'n Uitreikingsowerheid hernuwe nie 'n lisensie nie strydig met enige besluit van 'n lisensieraad of met enige voorwaarde, beperking of vereiste wat op sodanige lisensie geëndosseer is.

(4) 'n Uitreikingsowerheid hernuwe nie 'n lisensie nie wat op die 31ste dag van Desember van enige jaar verval het na die laaste dag van Februarie van die daaropvolgende jaar.

(5) 'n Afskrif van elke hernude lisensie word deur die betrokke uitreikingsowerheid aan die sekretaris van die betrokke lisensieraad en die Direkteur van Statistiek gestuur.

## HOOFSTUK VI.

## ALGEMENE AANGELEENTHEDE RAKENDE LISENSIES.

Verwyde-  
ring, veran-  
dering of  
vervanging  
van 'n en-  
dossement  
op 'n  
lisensie.

24. Indien 'n houer van 'n lisensie verlang dat enige voorwaarde, beperking of vereiste wat op sy lisensie geëndosseer is, verwyder, verander of vervang word, doen hy aansoek om 'n nuwe lisensie: Met dien verstande dat —

- (a) die voorsitter van 'n lisensieraad kan afsien van die verskaffing van enige verslag, dokument of plan of die gee van enige kennis wat ingevolge die bepalings van hierdie Ordonnansie vereis word en wat deur hom in die omstandighede onnodig geag word;
- (b) 'n nuwe kontrolesertifikaat ten opsigte van die betrokke aansoek nie uitgereik word nie alvorens die aansoeker die lisensie waarop sodanige aansoek betrekking het, aan die sekretaris van die betrokke lisensieraad vir rojering, oorhandig het;
- (c) 'n nuwe lisensie nie uitgereik word nie alvorens die geroeide lisensie, tesame met die nuwe kontrolesertifikaat, aan die betrokke uitreikingsowerheid voorgelê word; en
- (d) geen lisensiegeld vir so 'n nuwe lisensie betaalbaar is nie ten opsigte van die onverstreke tydperk van die jaar waarvoor die geroeide lisensie uitgereik was, behalwe waar die verwydering, verandering of vervanging van 'n voorwaarde, beperking of vereiste, die plig meebring om bykomende lisensiegeld ingevolge die bepalings van hierdie Ordonnansie te betaal.

Removal of  
a business  
to other  
business  
premises.

25.(1) If the holder of a licence desires to remove his business to other business premises he shall make application for a new licence: Provided that —

- (a) the chairman of a licensing board may dispense with the report referred to in section 14(a); and
- (b) if the application is granted no licence fee shall be payable in respect of the unexpired period of the year for which the previous licence was issued.

(2)(a) If the chairman of a licensing board is satisfied that the removal of a business from the business premises to any other premises has become necessary as a result of *vis major*, disaster, emergency or other urgent circumstances beyond the control of the holder of the licence or in order to effect alterations to the business premises, he may by means of a permit for a period not exceeding four months and with due regard to the health and other requirements referred to in section 19(2) and subject to any condition which he may deem fit, authorize the temporary removal of the business to such other premises.

(b) As long as such other premises are used in terms of such permit the licence in respect of such business shall, subject to the provisions of this Ordinance, remain of full force and effect.

(c) The secretary of the licensing board concerned shall send a copy of the permit referred to in paragraph (a) to the issuing authority which issued the licence concerned.

(d) The holder of the licence concerned shall forthwith notify the licensing board and the issuing authority concerned as soon as the business is moved back to the business premises.

(3) The holder of a licence who contravenes or fails to comply with the provisions of subsection (2) shall be guilty of an offence.

Structural  
alterations  
to business  
premises.

26.(1) No person shall effect any structural alterations to any business premises in respect of which a licence is in force or extend the business carried on on such premises to adjoining premises without the prior approval in writing of the licensing board concerned.

(2) Within 30 days after completion of such structural alteration or extension the holder of the licence shall furnish the secretary of the licensing board concerned with a copy of the plan approved or document issued by the competent authority in terms of which the alteration or extension were effected.

(3) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

Verplasing  
van 'n  
besigheid  
na 'n ander  
besigheids-  
perseel.

25.(1) Indien 'n houer van 'n lisensie verlang om sy besigheid na 'n ander besigheidsperseel te verplaas, doen hy aansoek om 'n nuwe lisensie: Met dien verstande dat —

- (a) die voorsitter van 'n lisensieraad kan afsien van die verslag in artikel 14(a) genoem; en
- (b) indien die aansoek toegestaan word, geen lisensiegeld ten opsigte van die onverstreke tydperk van die jaar waarvoor die vorige lisensie uitgereik is, betaalbaar is nie.

(2)(a) Indien die voorsitter van 'n lisensieraad oortuig is dat die verplasing van 'n besigheid vanaf die besigheidsperseel na enige ander perseel nodig geword het as gevolg van oormag, 'n ramp, noodtoestand of ander dringende omstandighede buite die beheer van die houer van die lisensie of ten einde veranderinge aan die besigheidsperseel te bewerkstellig, kan hy, by wyse van 'n permit vir 'n tydperk wat nie 4 maande oorskry nie, of sodanige verdere tydperk as wat die voorsitter op versoek toelaat, met inagneming van die gesondheids- en ander vereistes in artikel 19(2) genoem en onderworpe aan enige voorwaarde wat hy goed dink, die tydelike verplasing van die besigheid na sodanige ander perseel magtig.

(b) Solank sodanige ander perseel ingevolge sodanige permit gebruik word, bly die lisensie ten opsigte van sodanige besigheid, behoudens die bepalings van hierdie Ordonnansie, ten volle van krag.

(c) Die sekretaris van die betrokke lisensieraad stuur 'n afskrif van die permit in paragraaf (a) genoem, aan die uitreikingsowerheid wat die betrokke lisensie uitgereik het.

(d) Die houer van die betrokke lisensie stel die betrokke lisensieraad en uitreikingsowerheid onverwyld in kennis sodra die besigheid na die besigheidsperseel terug verplaas word.

(3) Die houer van 'n lisensie wat die bepalings van subartikel (2) oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig.

Strukturele  
veranderinge  
aan 'n besigheids-  
perseel.

26.(1) Niemand mag enige strukturele veranderinge aan 'n besigheidsperseel ten opsigte waarvan 'n lisensie van krag is, aanbring nie of die besigheid wat op sodanige perseel gedryf word na 'n aangrensende perseel uitbrei nie behalwe met die voorafverkreë skriftelike goedkeuring van die betrokke lisensieraad.

(2) Binne 30 dae na die voltooiing van enige sodanige strukturele verandering of uitbreiding moet die houer van die lisensie die sekretaris van die betrokke lisensieraad voorsien van 'n afskrif van die plan wat deur die bevoegde owerheid goedgekeur is, of die dokument wat deur sodanige owerheid uitgereik is ingevolge waarvan die verandering of uitbreiding gedoen is.

(3) Iemand wat die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig.

*Amir  
hijwa*

Change of  
ownership  
of a busi-  
ness.

27.(1) Subject to the provisions of subsection (3), a licence shall lapse when the ownership of the business to which it relates, changes.

(2) If the new owner of a business contemplated in subsection (1) desires to continue such business, he shall apply for a new licence: Provided that except for the report relating to the applicant referred to in section 14(a), the chairman of the licensing board concerned may determine that the furnishing of any report, document or plan or the giving of any notice required in terms of the provisions of this Ordinance be dispensed with.

(3) The chairman of the licensing board concerned may, on the application of the new owner of the business concerned, authorize such owner by means of a permit to continue such business for a period not exceeding 4 months or such further period as such chairman may on application allow, and subject to any condition as he may deem fit, pending the decision of that licensing board in connection with his application for a licence.

(4) The chairman of the licensing board concerned, may, in his discretion, cancel a permit referred to in subsection (3).

(5) For the purposes of this section it shall be deemed that a change of ownership of the business has also taken place if —

(a) in the case where a partnership is the holder of the licence concerned, a new partner is admitted to such partnership; or

(b) in the case where a company is the holder of the licence concerned, the controlling interest in such company passes from one group to another group.

(6) In subsection (5), "company", "controlling interest" and "group" shall have respectively the meaning assigned thereto in section 1 of the Group Areas Act, 1966 (Act 36 of 1966).

Transfer of  
a licence.

28.(1) In the event of the death of the holder of a licence, the issuing authority concerned shall, on application of the *curator bonis* or executor of his estate, as the case may be, and on payment of the prescribed transfer fee grant authority in the manner prescribed for the transfer of such licence to the *curator bonis* or executor of the estate, as the case may be.

(2) In the event of the sequestration of the estate of the holder of a licence or where such holder is a company, of the liquidation of such holder, or where the holder of a licence is subject to any other form of legal disability, the issuing authority concerned shall, on the application of the trustee, *curator bonis* or liquidator, as the case may be, and on payment of the prescribed transfer fee, grant authority in the manner prescribed for the transfer of the licence to such trustee, *curator bonis* or liquidator.

Verande-  
ring van  
eiendoms-  
reg van  
'n besig-  
heid.

27.(1) Behoudens die bepalings van subartikel (3), vervel 'n lisensie wanneer die eiendomsreg van die besigheid waarop dit betrekking het, verander.

(2) Indien die nuwe eienaar van 'n besigheid in subartikel (1) beoog, sodanige besigheid wil voortsit, doen hy aansoek om 'n nuwe lisensie: Met dien verstande dat, behalwe vir die verslag betreffende die aansoeker in artikel 14(a) genoem, die voorsitter van die betrokke lisensieraad kan bepaal dat daar afgesien word van die verskaffing van enige verslag, dokument of plan of die gee van enige kennis wat kragtens die bepalings van hierdie Ordonnansie vereis word.

(3) Die voorsitter van die betrokke lisensieraad kan, op aansoek van die nuwe eienaar van die betrokke besigheid, sodanige eienaar by wyse van 'n permit magtig om sodanige besigheid voort te sit vir 'n tydperk, wat nie 4 maande oorskry nie, of vir sodanige verdere tydperk as wat sodanige voorsitter op versoek toelaat, en onderworpe aan enige voorwaarde wat hy goed dink, hangende die beslissing van daardie lisensieraad in verband met sy aansoek om 'n lisensie.

(4) Die voorsitter van die betrokke lisensieraad kan, 'n permit in subartikel (3) genoem, na goeddunke intrek.

(5) Vir die toepassing van hierdie artikel word daar geag dat daar 'n verandering in die eiendomsreg van die besigheid ook plaasvind indien —

(a) in die geval waar 'n vennootskap die houer van die betrokke lisensie is, 'n nuwe vennoot tot sodanige vennootskap toegelaat word; of

(b) in die geval waar 'n maatskappy die houer van die betrokke lisensie is, die beheersende belang in sodanige maatskappy van een groep na 'n ander groep oorgaan.

(6) In subartikel (5) het "beheersende belang", "groep" en "maatskappy" onderskeidelik die betekenis wat in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet 36 van 1966), daaraan geheg word.

Oordrag  
van 'n  
lisensie.

28.(1) In die geval van die afsterwe van die houer van 'n lisensie word, op aansoek van die *curator bonis* of eksekuteur van sy boedel, na gelang van die geval, en by betaling van die voorgeskrewe oordraggeld, magtiging, op die wyse soos voorgeskryf, deur die betrokke uitreikingsowerheid verleen vir die oordrag van sodanige lisensie aan die *curator bonis* of eksekuteur van die boedel, na gelang van die geval.

(2) In die geval van die sekwestrasie van die boedel van die houer van 'n lisensie of, waar sodanige houer 'n maatskappy is, die likwidasie van sodanige houer, of waar die houer van die lisensie onderworpe is aan enige ander vorm van regsonbevoegdheid, word op aansoek van die kurator, *curator bonis* of likwidateur, na gelang van die geval, en by betaling van die voorgeskrewe oordraggeld, magtiging deur die betrokke uitreikingsowerheid op die wyse soos voorgeskryf, verleen vir die oordrag van die betrokke lisensie aan sodanige kurator, *curator bonis* of likwidateur.

(3) In the event of the retirement or death of one or more partners in a partnership which is the holder of a licence, the issuing authority concerned shall, on application of the remaining partner or partners and subject to proof of his or their capacity to make the application and on payment of the prescribed transfer fee, grant authority in the manner prescribed for the transfer of such licence to the remaining partner or partners.

(4) A copy of the authority for the transfer of a licence as contemplated in subsections (1), (2) and (3) shall be sent by the issuing authority concerned to the secretary of the licensing board concerned.

## CHAPTER VII.

### INFORMATION CONCERNING AND INSPECTION OF BUSINESS AND BUSINESS PREMISES.

**Holder of a licence to give notice of changes in connection with a business.** 29.(1) The holder of a licence shall in writing forthwith notify the secretary of the licensing board concerned if —

- (a) the person in actual and effective control of the business concerned as contemplated in section 14(a) is replaced by another person;
- (b) the name under which the business is carried on has been changed; or
- (c) the nature of the business has been changed.

(2) In respect of any change referred to in subsection (1)(a), the secretary of the licensing board concerned shall take steps to obtain a report as contemplated in section 14(a).

(3) The secretary of the licensing board concerned shall submit the written notice referred to in subsection (1) together with the report referred to in subsection (2), to the chairman of the licensing board concerned.

(4) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

**Powers of an authorized officer or a health officer.** 30.(1) An authorized officer or health officer may —

- (a) at any time enter upon and inspect any premises, place, vehicle or movable structure which he suspects is being used for or in connection with the carrying on of a business;
- (b) require any person in or on such premises, place, vehicle or structure whom he suspects to have in his possession or custody or under his control any goods, book, record or other document used in connection with the carrying on of a business, to deliver such goods or document to him;
- (c) inspect or examine any such goods or document delivered to him or found by him in or on such premises, place, vehicle or structure, and may make extracts from any such document and require an explanation of any entries therein;

(3) In die geval van die uitrede of afsterwe van een of meer vennote in 'n vennootskap wat die houer van 'n lisensie is, word op aansoek van die oorblywende vennoot of vennote en onderworpe aan bewys van sy of hulle bevoegdheid om die aansoek te doen en by betaling van die voorgeskrewe oordraggeld, magtiging deur die betrokke uitreikingsowerheid op die wyse soos voorgeskryf, verleen vir die oordrag van sodanige lisensie aan die oorblywende vennoot of vennote.

(4) 'n Afskrif van die magtiging vir oordrag van 'n lisensie soos in subartikels (1), (2) en (3) beoog, word deur die betrokke uitreikingsowerheid aan die sekretaris van die betrokke lisensieraad gestuur.

## HOOFTUK VII.

### INLIGTING BETREFFENDE EN INSPEKSIE VAN BESIGHEID EN BESIGHEIDSPERSEEL.

**Houer van 'n lisensie gee kennis van veranderinge in verband met 'n besigheid.** 29.(1) Die houer van 'n lisensie stel die sekretaris van die betrokke lisensieraad onverwyld skriftelik in kennis indien —

- (a) die persoon wat in werklike en effektiewe beheer van die betrokke besigheid is, soos in artikel 14(a) beoog, deur iemand anders vervang word;
- (b) die naam waaronder die besigheid gedryf word verander het; of
- (c) die aard van die besigheid verander het.

(2) Ten opsigte van enige verandering in subartikel (1)(a) genoem, moet die sekretaris van die betrokke lisensieraad stappe doen om 'n verslag soos in artikel 14(a) beoog, te verkry.

(3) Die sekretaris van die betrokke lisensieraad lê die skriftelike kennisgewing in subartikel (1) genoem tesame met enige verslag in subartikel (2) genoem, aan die voorsitter van die betrokke lisensieraad voor.

(4) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

**Bevoegdhede van 'n gemagtigde beampte of 'n gesondheidsbeampte.** 30.(1) 'n Gemagtigde beampte of 'n gesondheidsbeampte kan —

- (a) te eniger tyd enige perseel, plek, voertuig of beweegbare struktuur wat na sy vermoede vir of in verband met die dryf van 'n besigheid gebruik word, betree en inspekteer;
- (b) van enigiemand op of in sodanige perseel, plek, voertuig of struktuur wat na sy vermoede die besit of bewaring van of beheer oor enige goedere, boek, rekord of ander dokument het wat in verband met die dryf van 'n besigheid gebruik word, eis dat hy sodanige goedere of dokument aan hom lewer;
- (c) enige sodanige goedere of dokument wat aan hom gelewer is of deur hom op of in sodanige perseel, plek, voertuig of struktuur gevind is, inspekteer of ondersoek en kan uittreksels maak uit enige sodanige dokument en 'n uitleg vorder van enige inskrywings daarin;

- (d) seize any vehicle, movable structure or any such goods or document which, in his opinion, could afford proof of a contravention or evasion of any provision of this Ordinance;
- (e) question any person whom he suspects to be in possession of information relating to the carrying on of a business;
- (f) require any person whom he suspects to be carrying on a business to furnish his name and address and to produce the licence, permit or authorization for the carrying on of such business;
- (g) require any person whom he suspects to be an employee or agent of any person who carries on a business to furnish his name and address and the name and address of his employer; and
- (h) require any person referred to in paragraphs (f) and (g) to produce his identification document.

(2) An authorized officer or health officer shall report any change or unsatisfactory condition found by him in respect of the business premises, any vehicle or container, the carrying on of the business or any person concerned with the carrying on of the business to the secretary of the licensing board concerned.

(3) An authorized officer or health officer who has seized any property in terms of subsection (1)(d) shall, if practicable, make identification marks thereon as soon as possible after seizure and shall bring such property without delay before a magistrate who may order it to be retained in such custody as he may determine.

Information which may be furnished to a licensing board.

31. Any person, including the State, may, in respect of any business, and a local authority may, in respect of a business within its municipality, furnish information in writing to a licensing board relating to any matter referred to in section 19(2) and (3) and the secretary of the licensing board concerned shall submit such information to the chairman of that licensing board.

## CHAPTER VIII.

### REVIEW OF LICENCE.

Power of a licensing board to review a licence.

32. Subject to the provisions of this Chapter, a licensing board may at any time review the licence of a business carried on in its area.

Submission of information by a chairman to a licensing board for the purpose of reviewing a licence.

33.(1) When the chairman of a licensing board, from information furnished to him in terms of the provisions of sections 30(2), 31 or otherwise, has reason to suspect that in respect of any business which is carried on within the area of the licensing board concerned —

- (a) any condition, restriction or requirement imposed in terms of section 19(1)(a) or (b), is not being complied with;

- (d) beslag lê op enige voertuig, beweegbare struktuur of enige sodanige goedere of dokument wat na sy mening, bewys kan lewer van 'n oortreding of ontduiking van enige bepaling van hierdie Ordonnansie;
- (e) enigiemand ondervra wat na sy vermoede in besit is van inligting betreffende die dryf van 'n besigheid;
- (f) iemand wat na sy vermoede 'n besigheid dryf, versoek om sy naam en adres te verstrek en die lisensie, magtiging of permit vir die dryf van so 'n besigheid te toon;
- (g) iemand wat na sy vermoede 'n werknemer of agent van iemand is wat 'n besigheid dryf, versoek om sy naam en adres en die naam en adres van sy werkgever te verstrek; en
- (h) om van enigiemand in paragrawe (f) en (g) genoem, te vereis dat hy sy identiteitsdokument aan hom toon.

(2) 'n Gemagtigde beampte of 'n gesondheids-beampte rapporteer enige verandering of onbevredigende toestand wat deur hom gevind word met betrekking tot die besigheidspersoneel, enige voertuig of houer, die dryf van die besigheid of enige persoon wat by die dryf van die besigheid betrokke is, aan die sekretaris van die betrokke lisensieraad.

(3) 'n Gemagtigde beampte of 'n gesondheids-beampte wat ingevolge subartikel (1)(d) enige goed in beslag geneem het, moet, indien doenlik, so gou as moontlik na die beslaglegging identifikasie-merke daarop aanbring en moet sodanige goed onverwyld voor 'n landdros bring wat kan gelas dat dit in sodanige bewaring gehou word as wat hy bepaal.

Inligting wat aan 'n lisensieraad verstrekkend kan word.

31. Enigiemand, insluitende die Staat, kan ten opsigte van enige besigheid, en 'n plaaslike bestuur kan, ten opsigte van 'n besigheid in sy munisipaliteit, skriftelik inligting aan 'n lisensieraad verstrekkend betreffende enige aangeleentheid in artikel 19(2) en (3) genoem, en die sekretaris van die betrokke lisensieraad lê sodanige inligting aan die voorsitter van daardie lisensieraad voor.

## HOOFSTUK VIII.

### HERSIENING VAN 'N LISENSIE.

Bevoegdheid van 'n lisensieraad om 'n lisensie te hersien.

32. Behoudens die bepalings van hierdie Hoofstuk, kan 'n lisensieraad te eniger tyd die lisensie van 'n besigheid wat in sy gebied gedryf word, hersien.

Voorlegging van inligting aan 'n lisensieraad deur 'n voorsitter met die oog op her-siening van 'n lisensie.

33.(1) Wanneer die voorsitter van 'n lisensieraad op inligting wat aan hom ingevolge die bepalings van artikels 30(2), 31 of andersins verstrekkend is, rede het om te vermoed dat ten opsigte van enige besigheid wat in die gebied van die betrokke lisensieraad gedryf word —

- (a) enige voorwaarde, beperking of vereiste wat ingevolge die bepalings van artikel 19(1)(a) of (b) opgelê is nie nagekom word nie;

- (b) circumstances exist which, if application for a new licence had been made for that business, the refusal of the application upon any of the grounds referred to in section 19(2)(a) to (h) or section 19(3) would have been justified; or
- (c) the continuation of such business constitutes a danger or threat to public health, the public interest or public safety.

he shall submit such information to the licensing board concerned to enable that board to review the licence.

(2) The chairman of the licensing board concerned shall fix the place, time and date of the review and notice thereof, stating the general purport of the grounds for the review shall not less than ten days before the date so fixed, be served by the secretary of that licensing board —

- (a) on the local authority in whose municipality the business is being carried on;
- (b) if the decision to have the licence reviewed was taken on information furnished to the board in a written communication or report, on the person, including the State, who furnished such communication or report; and
- (c) on the holder of the licence concerned.

(3) Any person may, during office hours, at the office of the secretary of the licensing board concerned, make an extract from or a copy of any written communication or report referred to in paragraph (b).

Proceedings, evidence and record of the proceedings of a licensing board in connection with the review of a licence.

34.(1) On the review of a licence by a licensing board, every person referred to in section 33(2) shall be entitled to appear before the licensing board concerned or to submit an argument in writing in connection with such review and any person who so appears or so submits an argument, shall be a party to such review.

(2) The provisions of section 18(2) to 18(7) inclusive, 19(6), 19(7) and section 22 shall apply *mutatis mutandis* to the review of a licence by a licensing board.

Suspension of a licence by a chairman of a licensing board.

35.(1) The chairman of a licensing board may, if he is satisfied that the continuation of a business will constitute a serious danger or threat to the public health, public interest or public safety, summarily suspend the licence of that business by means of a written order to be served on the holder of the licence or the person in actual or effective control of the business concerned, pending review by the licensing board concerned and such order shall hereinafter be referred to as a suspension order.

(2) The chairman of a licensing board shall in a suspension order state the general purport of the grounds for the suspension and shall afford the holder of the licence concerned the oppor-

(b) omstandighede bestaan wat, indien aansoek om 'n nuwe lisensie vir daardie besigheid gedoen was, die weiering van die aansoek op enige van die gronde in artikel 19(2)(a) tot (h) of artikel 19(3) geregtig sou gewees het; of

(c) die voortsetting van sodanige besigheid 'n gevaar of bedreiging vir openbare gesondheid, die openbare belang of openbare veiligheid inhou,

lê hy sodanige inligting aan die betrokke lisensieraad voor om daardie raad in staat te stel om die lisensie te hersien.

(2) Die voorsitter van die betrokke lisensieraad stel die plek, tyd en datum van die hersiening vas en kennis daarvan, met vermelding van die algemene strekking van die gronde vir die hersiening, word, nie minder nie as 10 dae voor die datum aldus vasgestel, deur die sekretaris van daardie lisensieraad beteken —

- (a) aan die plaaslike bestuur binne wie se munisipaliteit die besigheid gedryf word;
- (b) indien die besluit om die lisensie te laat hersien, geneem is op inligting wat in 'n skriftelik mededeling of verslag vervat is, aan die persoon, insluitende die Staat, wat sodanige mededeling of verslag verstrek het; en
- (c) aan die houer van die betrokke lisensie.

(3) Enigiemand kan gedurende kantoorure by die kantoor van die sekretaris van die betrokke lisensieraad 'n afskrif van of 'n uittreksel uit enige skriftelike mededeling of verslag in paragraaf (b) genoem maak.

Verrigtinge, getuienis en oorkonde van 'n lisensieraad in verband met die hersiening van 'n lisensie.

34.(1) By die hersiening van 'n lisensie deur 'n lisensieraad is elke persoon in artikel 33(2) genoem, geregtig om voor die betrokke lisensieraad te verskyn of om 'n skriftelike betoog aan daardie raad voor te lê in verband met sodanige hersiening en enigiemand wat aldus verskyn of wat aldus 'n betoog voorgelê het, is 'n party by sodanige hersiening.

(2) Die bepalings van artikels 18(2) tot en met 18(7), 19(6), 19(7) en artikel 22 is *mutatis mutandis* van toepassing by die hersiening van 'n lisensie deur 'n lisensieraad.

Opskorting van 'n lisensie deur 'n voorsitter van 'n lisensieraad.

35.(1) Die voorsitter van 'n lisensieraad kan, indien hy oortuig is dat die voortsetting van 'n besigheid 'n ernstige gevaar of bedreiging vir die openbare gesondheid, openbare belang of openbare veiligheid inhou, die lisensie van daardie besigheid by wyse van 'n skriftelike bevel wat aan die houer van die lisensie of die persoon in werklike en effektiewe beheer van die betrokke besigheid beteken word, hangende hersiening deur die betrokke lisensieraad, summier opskort en sodanige bevel word hierna 'n opskortingsbevel genoem.

(2) Die voorsitter van 'n lisensieraad meld in 'n opskortingsbevel die algemene strekking van die gronde vir die opskorting en bied aan die houer van die betrokke lisensie die geleentheid om binne 7 dae vanaf die datum van die beteke-

Hand

tunity within 7 days of the date of the service of such order to advance written reasons for the cancellation of the suspension order.

(3) The chairman of the licensing board concerned may, at any time before the review of the licence concerned, in his discretion, cancel the suspension order.

(4) After the service of a suspension order as contemplated in subsection (1), the carrying on of the business concerned shall be discontinued forthwith and may, subject to any other provision of this Ordinance, only be resumed —

- (a) if the chairman of the licensing board concerned cancels the suspension order; or
- (b) in terms of and in accordance with a decision of the licensing board concerned on review of the licence.

(5) For the purpose of reviewing a suspended licence and subject to the provisions of subsection (6) the provisions of section 33(2) shall apply *mutatis mutandis*.

(6) Unless an ordinary sitting of a licensing board will take place within 10 days after the service of the suspension order and such order has not been cancelled in terms of the provisions of subsection (3) by the chairman of the licensing board concerned, such chairman shall forthwith convene a special sitting of that board for the purpose of reviewing that licence.

(7) Any person who contravenes or fails to comply with the provisions of subsection (4) shall be guilty of an offence.

Cancellation of a licence or other decision by a licensing board on review.

36.(1) A licensing board may, on the review of a licence —

- (a) cancel such licence and order the holder of the licence forthwith to discontinue the business;
- (b) authorize the holder of the licence concerned to continue the business on condition that such holder shall within a fixed period or such further period as the chairman of the licensing board concerned may, on request allow, comply with any requirement stipulated by such board to remove any ground upon which, if the review of the licence concerned had been an application for a new licence, such application could have been refused in terms of the provisions of section 19(2)(a) to (h) inclusive or section 19(3);
- (c) (i) authorize the holder of the licence concerned to continue the business subject to any condition, restriction or requirement; or
- (ii) order such holder to discontinue, in whole or in part, the business authorized by that licence until such time as such holder satisfies the licensing board concerned that he has complied with any condition, restriction or requirement,

which such licensing board deems necessary to remove any ground upon which, if the

ning van sodanige bevel, skriftelike redes aan te voer vir die intrekking van die opskortingsbevel.

(3) Die voorsitter van die betrokke lisensieraad kan, na goeddunke, die opskortingsbevel te eniger tyd voor die hersiening van die betrokke lisensie intrek.

(4) Na betekening van 'n opskortingsbevel soos in subartikel (1) beoog, word die dryf van die betrokke besigheid onverwyld gestaak en kan, behoudens enige ander bepaling van hierdie Ordonnansie, slegs hervat word —

- (a) indien die voorsitter van die betrokke lisensieraad die opskortingsbevel intrek; of
- (b) ingevolge en ooreenkomstig 'n besluit van die betrokke lisensieraad by hersiening van die lisensie.

(5) Vir die doel om 'n opgeskorte lisensie te hersien en, behoudens die bepalings van subartikel (6), is die bepalings van artikel 33(2) *Mutatis mutandis* van toepassing.

(6) Tensy 'n gewone sitting van 'n lisensieraad binne 10 dae vanaf die betekening van die opskortingsbevel sal plaasvind en sodanige bevel nie deur die voorsitter van die betrokke lisensieraad ingevolge die bepalings van subartikel (3) ingetrek is nie, belê sodanige voorsitter onverwyld 'n spesiale sitting van daardie raad met die doel om daardie lisensie te hersien.

(7) Iemand wat die bepalings van subartikel (4) oortrec of versuim om daaraan te voldoen is aan 'n misdryf skuldig.

Intrekking van 'n lisensie of ander beslissing deur 'n lisensieraad by hersiening.

36.(1) 'n Lisensieraad kan, by hersiening van 'n lisensie —

- (a) sodanige lisensie intrek en die houer van die besigheid onverwyld te staak;
- (b) die houer van die betrokke lisensie magtig om die besigheid voort te sit op voorwaarde dat sodanige houer binne 'n bepaalde tydperk of sodanige verdere tydperk as wat die voorsitter van die betrokke lisensieraad op versoek toelaat, voldoen aan enige vereiste wat sodanige raad stel om enige grond uit te skakel waarop, as die hersiening van die betrokke lisensie 'n aansoek om 'n nuwe lisensie was, sodanige aansoek ingevolge die bepalings van artikel 19(2)(a) tot en met (h) of artikel 19(3) geweier sou kon word;
- (c) die houer van die betrokke lisensie —
  - (i) magtig om die besigheid voort te sit onderworpe aan enige voorwaarde, beperking of vereiste; of
  - (ii) gelas om die besigheid wat deur daardie lisensie gemagtig word geheel of gedeeltelik te staak tot tyd en wyl sodanige houer die betrokke lisensieraad oortuig dat hy voldoen het aan enige voorwaarde, beperking of vereiste,

wat sodanige lisensieraad nodig ag om enige grond uit te skakel waarop, as die hersiening

review of the licence concerned had been an application for a new licence, such application could have been refused in terms of section 19(2)(a) to (h) inclusive or section 19(3);

- (d) exercise *mutatis mutandis*, the powers conferred by section 19(1)(e); or
- (e) if the licence has been suspended, cancel such suspension unconditionally or exercise, *mutatis mutandis*, the powers referred to in paragraph (c).

(2) When a licensing board makes a decision in terms of the provisions of subsection (1)(a), (b), (c) or (e), it may order that such business shall, either in whole or in part, be discontinued pending the lodging of an appeal against any such decision, the result of such appeal or during the period of postponement, as the case may be.

(3) Any person who contravenes or fails to comply with the provisions of subsection (1)(a), (b), (c) or (e) or of subsection (2), shall be guilty of an offence.

Surrender of a licence and issue of a new control certificate after review of a licence.

37.(1) When a licensing board makes a decision in terms of the provisions of section 36(1)(a), (b), (c) or (e), the holder of the licence shall not later than the day following the day on which the period allowed for lodging an appeal expires, surrender his licence to the secretary of the licensing board concerned, unless an appeal has been lodged against the decision of that licensing board during such period.

(2) Upon the surrender of a licence in respect of which a licensing board has made a decision in terms of the provisions of section 36(1)(b), (c) or (e), the secretary of the licensing board concerned shall furnish the holder of the licence with a new control certificate in accordance with the decision of that licensing board and the provisions of section 20 shall, except that the licence shall be issued free of charge, apply *mutatis mutandis*.

(3) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

## CHAPTER IX.

### LICENSING APPEAL BOARDS.

Establishment of licensing appeal boards.

38.(1) The Administrator shall, as hereinafter provided, from time to time by notice in the *Provincial Gazette* establish as many licensing appeal boards as he may deem necessary to hear appeals against any decision of a licensing board.

(2) The area of jurisdiction and the seat of a licensing appeal board shall be as the Administrator may determine.

(3) A licensing appeal board shall consist of a chairman and 2 other members.

(4) The chairman of a licensing appeal board shall be a retired judge of the Supreme Court of the Republic or a person who has practised as

van die betrokke lisensie 'n aansoek om 'n nuwe lisensie was, sodanige aansoek ingevolge die bepalings van artikel 19(2)(a) tot en met (h) of artikel 19(3) geweier sou kon word;

- (d) die bevoegdhede by artikel 19(1)(e) verleen, *mutatis mutandis* uitoefen; of
- (e) indien die lisensie opgeskort is, die opskorting onvoorwaardelik intrek of die bevoegdhede in paragraaf (c) genoem, *mutatis mutandis* uitoefen.

(2) Wanneer 'n lisensieraad 'n beslissing ingevolge die bepalings van subartikel (1)(a), (b), (c) of (e) neem, kan hy gelas dat so 'n besigheid, hetsy in sy geheel of gedeeltelik, gestaak word hangende die indiening van 'n appèl teen sodanige beslissing, die uitslag van sodanige appèl, of gedurende die tydperk van uitstel, na gelang van die geval.

(3) Iemand wat die bepalings van subartikel (1)(a), (b), (c) of (e) of van subartikel (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Oorhandiging van 'n lisensie en uitreiking van 'n nuwe kontrolesertifikaat na hersiening van 'n lisensie.

37.(1) Wanneer 'n lisensieraad 'n beslissing ingevolge die bepalings van artikel 36(1)(a), (b), (c) of (e) neem, moet die houer van die lisensie sy lisensie nie later nie as die dag wat volg op die verstryking van die tydperk, wat vir die indiening van 'n appèl toegelaat is, aan die sekretaris van die betrokke lisensieraad oorhandig, tensy 'n appèl teen die beslissing van daardie lisensieraad gedurende sodanige tydperk ingedien is.

(2) By die oorhandiging van 'n lisensie ten opsigte waarvan 'n lisensieraad 'n beslissing ingevolge die bepalings van artikel 36(1)(b), (c) of (e) geneem het, voorsien die sekretaris van die betrokke lisensieraad die houer van die lisensie van 'n nuwe kontrolesertifikaat in ooreenstemming met die besluit van daardie lisensieraad en die bepalings van artikel 20 is, behalwe dat die lisensie kosteloos uitgereik word, *mutatis mutandis* van toepassing.

(3) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig.

## HOOFSTUK IX.

### LISENSIE-APPÈLRADE.

Instelling van 'n lisensie-appèlraade.

38.(1) Die Administrateur stel, soos hierna bepaal, van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* soveel lisensie-appèlraade in as wat hy nodig ag om appèlle teen enige beslissing van 'n lisensieraad aan te hoor.

(2) Die regsgebied en setel van 'n lisensie-appèlraad is soos deur die Administrateur bepaal.

(3) 'n Lisensie-appèlraad bestaan uit 'n voorsitter en 2 ander lede.

(4) Die voorsitter van 'n lisensie-appèlraad is 'n afgetrede regter van die Hooggeregshof van die Republiek of iemand wat minstens 10 jaar

an advocate for a period of at least 10 years or who is in possession of the legal qualifications and experience which the Administrator deems appropriate.

(5) Of the other 2 members of the licensing appeal board —

- (a) one shall be a person who, in the opinion of the Administrator, has knowledge and practical experience of commerce and industry; and
- (b) the other shall be a person who, in the opinion of the Administrator, has knowledge and practical experience of local government.

(6) The Administrator shall, having regard to the provisions of subsection (4) or (5), as the case may be, appoint an alternate for a member of the licensing appeal board who shall take the place of such member and exercise his powers and fulfil his duties whenever such member of such appeal board is for any reason not able to take part in the proceedings of such appeal board.

(7) A member of a licensing appeal board who is not in the full-time service of the State, shall receive from the Provincial Revenue Fund the remuneration which the Administrator has determined in general or in the case of a particular licensing appeal board and every member shall receive from that fund such travelling allowances as the Administrator may likewise determine.

(8) The Administrator may, by notice in the *Provincial Gazette*, disestablish any licensing appeal board subject to such directions as he may deem expedient in connection with the disposal of any pending matter.

Staff and office facilities for a licensing appeal board.

39.(1) Subject to the laws relating to the Public Service of the Republic, the Administrator shall appoint a secretary for a licensing appeal board and such other staff which may be necessary to perform the administrative and clerical duties in connection with the functions of a licensing appeal board.

(2) The Administrator shall provide the necessary office accommodation for the licensing appeal board and its staff.

Sittings of a licensing appeal board.

40.(1) A sitting of a licensing appeal board shall be held from time to time as the chairman thereof deems fit and such chairman shall determine the day, time and place of any such sitting.

(2) The provisions of section 5(4), (6), (8) and (9) shall apply *mutatis mutandis* to a licensing appeal board.

Disqualifications to be a member of a licensing appeal board.

41. The provisions of section 6 shall apply *mutatis mutandis* in respect of the appointment or the continuance of any person as a member of a licensing appeal board.

Period of office of a member of a licensing appeal board and the filling of any vacancy.

42.(1) The provisions of section 7(1) and (2) shall apply *mutatis mutandis* in respect of the period of office of a member of a licensing appeal board.

as 'n advokaat gepraktiseer het of wat die regs-kwalifikasies en ondervinding het wat die Administrateur geskik ag.

(5) Van die ander 2 lede van 'n lisensie-appelraad moet —

- (a) een 'n persoon wees wat, na die mening van die Administrateur, kennis en praktiese ondervinding van handel en nywerheid het; en
- (b) die ander persoon wat, na die mening van die Administrateur, kennis en praktiese ondervinding van plaaslike bestuur het.

(6) Die Administrateur stel, met inagneming van die bepalings van subartikel (4) of (5), na gelang van die geval, vir 'n lid van 'n lisensie-appelraad 'n plaasvervanger aan wat die plek van sodanige lid inneem en sy bevoegdhede uitoefen en sy pligte vervul wanneer sodanige lid van sodanige appelraad om enige rede nie in staat is om aan die verrigtinge van sodanige appelraad deel te neem nie.

(7) 'n Lid van 'n lisensie-appelraad wat nie in die voltydse diens van die Staat is nie, ontvang uit die Provinsiale Inkomstefonds die besoldiging wat die Administrateur in die algemeen of in die geval van 'n besondere lisensie-appelraad bepaal en elke lid ontvang uit daardie Fonds sodanige reistoelae as wat die Administrateur insgelyks bepaal.

(8) Die Administrateur kan enige lisensie-appelraad, onderworpe aan sodanige opdragte as wat hy dienstig ag in verband met die afhandeling van enige hangende aangeleentheid by kennisgewing in die *Provinsiale Koerant* ontbind.

Personeel van en kantoorgeriewe vir 'n lisensie-appelraad.

39.(1) Behoudens die wette betreffende die Staatsdiens van die Republiek, stel die Administrateur 'n sekretaris vir 'n lisensie-appelraad en sodanige ander personeel aan wat nodig is om die administratiewe en klerklike pligte in verband met die werksaamhede van 'n lisensie-appelraad te vervul.

(2) Die Administrateur voorsien die nodige kantoorgeriewe vir 'n lisensie-appelraad en sy personeel.

Sittings van 'n lisensie-appelraad.

40.(1) 'n Sitting van 'n lisensie-appelraad word van tyd tot tyd na goedgefinke van die voorsitter daarvan gehou en sodanige voorsitter bepaal die dag, tyd en plek van enige sodanige sitting.

(2) Die bepalings van artikel 5(4), (6), (8) en (9) is *mutatis mutandis* van toepassing met betrekking tot 'n lisensie-appelraad.

Onbevoegdhede om 'n lid van 'n lisensie-appelraad te wees.

41. Die bepalings van artikel 6 is *mutatis mutandis* van toepassing ten opsigte van die aanstelling of die aanbly van iemand as 'n lid van 'n lisensie-appelraad.

Ampstermyn van 'n lid van 'n lisensie-appelraad en die vulling van enige vakature.

42.(1) Die bepalings van artikel 7(1) en (2) is *mutatis mutandis* van toepassing ten opsigte van die ampstermyn van 'n lid van 'n lisensie-appelraad.

(2) If for any reason a vacancy occurs during the period of office of any member, the Administrator shall, subject to the provisions of section 38(4) and (5), appoint a successor for such member and such successor shall hold office for the unexpired period of office of his predecessor.

Right of appeal against a decision of a licensing board.

43.(1) Any party to the proceedings of a licensing board, other than a party who in terms of the provisions of section 20(1)(a) has undertaken not to appeal, may by a written notice to the secretary of the licensing board concerned, appeal against the decision of such licensing board to the licensing appeal board concerned within the period, in the manner and in accordance with the procedure as prescribed.

(2) The time, date and place for the hearing of an appeal shall be determined by the chairman of the licensing appeal board concerned and notice thereof shall be served at least 10 days before the date so determined by the secretary of that licensing appeal board, on the appellant and on every person to whom, as prescribed, a copy of a notice of appeal shall be served.

Hearing of an appeal.

44.(1) At the hearing of an appeal by a licensing appeal board the appellant and every person on whom, as prescribed, a copy of a notice of appeal shall be served, may appear before the licensing appeal board, or submit a written argument to such licensing appeal board and he shall, if he so appears or so submits a written argument, be a party to the appeal.

(2) The provisions of section 18(2) to (7) inclusive, shall apply *mutatis mutandis* in connection with the hearing of an appeal by a licensing appeal board: Provided that a party to an appeal, except with the permission of the licensing appeal board, shall not be entitled to give evidence or call witnesses at such hearing.

(3) The hearing of an appeal shall be confined to the grounds stated in the notice of appeal.

Decision of a licensing appeal board.

45.(1) A licensing appeal board shall have the powers conferred on a licensing board by sections 19 and 36(1) and may —

- (a) dismiss the appeal and confirm the decision of the licensing board;
- (b) uphold the appeal in whole or in part and substitute its decision for the decision of a licensing board or vary the decision of a licensing board;
- (c) remit the matter to the licensing board concerned with such direction as it may deem fit; or
- (d) postpone the consideration of the appeal to obtain further information from the licensing board concerned or for any other reason.

(2) A licensing appeal board shall, simultaneously with its decision or as soon as practicable thereafter, give written reasons for such decision.

(3) Any party to an appeal before a licensing appeal board shall on his request and upon pay-

(2) Indien 'n vakature om enige rede gedurende die ampstermyn van 'n lid ontstaan, stel die Administrateur, behoudens die bepalings van artikel 38(4) en (5), 'n opvolger vir so 'n lid aan en so 'n opvolger beklee sy amp vir die onverstreke ampstermyn van sy voorganger.

Reg van appèl teen 'n beslissing van 'n lisensieraad.

43.(1) Enige party by die verrigtinge van 'n lisensieraad, uitgenome 'n party wat ingevolge die bepalings van artikel 20(1)(a) onderneem het om nie te appelleer nie, kan, by skriftelike kennisgewing aan die sekretaris van die betrokke lisensieraad teen sodanige lisensieraad se beslissing appelleer, na die betrokke lisensie-appèlraad binne die tydperk, op die wyse en volgens die prosedure soos voorgeskryf.

(2) Die tyd, datum en plek vir die verhoor van 'n appèl word deur die voorsitter van die betrokke lisensie-appèlraad bepaal, en kennis daarvan word minstens 10 dae voor die aldus bepaalde datum deur die sekretaris van daardie lisensie-appèlraad beteken aan die appellant en elke persoon aan wie, soos voorgeskryf, 'n afskrif van 'n kennisgewing van appèl beteken moet word.

Verhoor van 'n appèl.

44.(1) By die verhoor van 'n appèl deur 'n lisensie-appèlraad kan die appellant en elke persoon aan wie, soos voorgeskryf, 'n afskrif van 'n kennisgewing van appèl beteken moet word, voor die lisensie-appèlraad verskyn of 'n skriftelike betoog aan sodanige lisensie-appèlraad voorlê, en is hy, indien hy aldus verskyn of aldus 'n betoog voorlê, 'n party by die appèl.

(2) Die bepalings van artikel 18(2) tot en met (7) is *mutatis mutandis* van toepassing in verband met die verhoor van 'n appèl deur 'n lisensie-appèlraad: Met dien verstande dat 'n party by 'n appèl, uitgenome met verlof van die lisensie-appèlraad, nie geregtig is om by sodanige verhoor getuienis af te lê of getuies te roep nie.

(3) Die verhoor van 'n appèl is beperk tot die gronde wat in die kennisgewing van appèl vermeld word.

Beslissing van 'n lisensie-appèlraad.

45.(1) 'n Lisensie-appèlraad het die bevoegdhede wat by artikels 19 en 36(1) aan 'n lisensieraad verleë word en kan —

- (a) die appèl van die hand wys en die beslissing van 'n lisensieraad bekrachtig;
- (b) die appèl in sy geheel of gedeeltelik handhaaf en die beslissing van 'n lisensieraad met sy beslissing vervang of 'n lisensieraad se beslissing verander;
- (c) die saak met enige opdrag wat hy goed dink, na die betrokke lisensieraad terugverwys; of
- (d) die oorweging van die appèl uitstel om verdere inligting van die betrokke lisensieraad te verkry of enige ander rede.

(2) 'n Lisensie-appèlraad gee gelyktydig met sy beslissing of so gou doenlik daarna, skriftelik redes vir sodanige beslissing.

(3) Enige party by 'n appèl voor 'n lisensie-appèlraad word op sy versoek en teen betaling

ment of such fees as may be prescribed, be furnished by the secretary of the licensing appeal board concerned, with a copy of the document in which the reasons contemplated in subsection (2) are contained.

(4) A licensing appeal board may order any party whose appeal or whose opposition to an appeal is, in the opinion of such appeal board, frivolous, malicious or vexatious, to pay such costs as that appeal board may determine to any other party and such payment shall be made in the manner determined by such appeal board.

Procedure after decision of a licensing appeal board.

46.(1) The secretary of a licensing appeal board shall forthwith convey in writing the decision of such appeal board to every party to the appeal and to the secretary of the licensing board concerned.

(2) If the appeal is against the decision of a licensing board on an application for a new licence, and the decision of a licensing appeal board is that the application shall be granted, the provisions of section 20 excluding the proviso to subsection (1) thereof, shall apply *mutatis mutandis*.

(3) If the appeal is against the decision of a licensing board on review of a licence, and a licensing appeal board has cancelled the licence or has imposed any condition or restriction or laid down any requirement, the holder of such licence shall, when requested to do so by the secretary of the licensing board concerned, forthwith surrender the licence to the secretary of such licensing board for cancellation.

(4) With reference to the issue of a control certificate for a new licence in the place of a licence which was cancelled as contemplated in subsection (3) because a licensing appeal board has imposed any condition or restriction or laid down any requirement, the provisions of section 20, excluding the proviso to subsection (1) thereof, and section 24(b), (c) and (d) shall apply *mutatis mutandis*.

(5) If a matter is in terms of the provisions of section 45(1)(c) remitted to a licensing board and the hearing of further evidence or a re-hearing is necessary, the time, date and place of the sitting of the licensing board concerned shall for that purpose be fixed by the chairman of that licensing board and every party to the appeal shall, not less than 10 days before the date so fixed, be notified of such time, date and place of such sitting.

(6) Any person who contravenes or fails to comply with the provisions of subsection (3) shall be guilty of an offence.

Record of proceedings of a licensing appeal board.

47.(1) The secretary of a licensing appeal board shall keep or cause minutes to be kept of the proceedings of that licensing appeal board in respect of each appeal heard by that appeal board, other than the private deliberations of the licensing appeal board and the record of any evidence given before the licensing appeal board and such minutes and record together with the relevant record of proceedings of the licensing board concerned as contemplated in section 22, the reasons for the decision of the licensing

van sodanige gelde as wat voorgeskryf word deur die sekretaris van die betrokke lisensie-appèlraad deur 'n afskrif van die dokument waarin die redes in subartikel (2) bedoel, vervat is, voorsien.

(4) 'n Lisensie-appèlraad kan beveel dat 'n party wie se appèl of bestryding van 'n appèl, na die mening van sodanige appèlraad, beuselagtig, kwaadwillig of kwelsugtig is, sodanige koste as wat daardie appèlraad bepaal aan enige ander party moet betaal en sodanige betaling geskied op die wyse deur sodanige appèlraad vasgestel.

Prosedure na beslissing van 'n lisensie-appèlraad.

46.(1) Die sekretaris van 'n lisensie-appèlraad dra onverwyld die besluit van sodanige appèlraad skriftelik aan elke party by die appèl en aan die sekretaris van die betrokke lisensieraad oor.

(2) Indien die appèl teen 'n lisensieraad se beslissing oor 'n aansoek om 'n nuwe lisensie is, en die beslissing van 'n lisensie-appèlraad is dat die aansoek toegestaan moet word, is die bepaling van artikel 20, uitgenome die voorbehoudsbepaling by subartikel (1) daarvan, *mutatis mutandis* van toepassing.

(3) Indien die appèl teen 'n lisensieraad se beslissing op hersiening van 'n lisensie is, en 'n lisensie-appèlraad die lisensie ingetrek het of enige voorwaarde of beperking opgelê of vereiste gestel het, oorhandig die houer van sodanige lisensie, wanneer hy deur die sekretaris van die betrokke lisensieraad daarom versoek word, die lisensie onverwyld aan die sekretaris van sodanige lisensieraad vir rojerding.

(4) Met betrekking tot die uitreiking van 'n kontrolesertifikaat vir 'n nuwe lisensie in die plek van 'n lisensie wat soos in subartikel (3) beoog, rojeer word omdat 'n lisensie-appèlraad enige voorwaarde of beperking opgelê of enige vereiste gestel het, is die bepaling van artikel 20, uitgenome die voorbehoudsbepaling by subartikel (1) daarvan, en artikel 24(b), (c) en (d), *mutatis mutandis* van toepassing.

(5) Indien 'n saak ingevolge die bepaling van artikel 45(1)(c) na 'n lisensieraad terugverwys is en die aanhoor van verdere getuienis of 'n herverhoor nodig is, word die tyd, datum en plek van die sitting van die betrokke lisensieraad vir daardie doel deur die voorsitter van daardie lisensieraad vasgestel en word elke party tot die appèl nie minder nie as 10 dae voor die datum wat aldus vasgestel is, van sodanige tyd, datum en plek van die sitting in kennis gestel.

(6) Iemand wat die bepaling van subartikel (3) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Oorkonde van 'n lisensie-appèlraad se verrigtinge.

47.(1) Die sekretaris van 'n lisensie-appèlraad hou of laat 'n notule hou van die verrigtinge van daardie lisensie-appèlraad ten opsigte van elke appèl wat deur daardie lisensie-appèlraad verhoor word, uitgenome die lisensie-appèlraad se private beraadslagings, en 'n rekord van enige getuienis wat voor die lisensie-appèlraad afgelê word, en sodanige notule en rekord tesame met die tersaaklike oorkonde van die betrokke lisensieraad, soos in artikel 22 beoog, die redes vir die lisensieraad se besluit soos in artikel 19(7) beoog en die kennis-

board as contemplated in section 19(7) and the notice of appeal as contemplated in section 43 and every document handed in at the licensing appeal board shall constitute the record of the proceedings of that licensing appeal board.

(2) Such record of the proceeding of the licensing appeal board shall be kept in safe custody by the secretary of that licensing appeal board in his office.

(3) The record of the proceedings of the licensing appeal board shall be available for inspection by any party or his representative at the office of the secretary of that appeal board during office hours.

## CHAPTER X.

### GENERAL.

Delegation of powers and duties by a licensing board and a chairman.

48.(1) A licensing board may, subject to any condition which it may from time to time impose, delegate any power or duty conferred or imposed on it in terms of the provisions of Chapters IV and VI of this Ordinance to the chairman, secretary or other member of the staff of that licensing board: Provided that —

(a) such chairman, secretary or other member of the staff of the licensing board concerned may only grant an application if —

(i) such application complies with all the requirements of this Ordinance and no reason exists which would justify or necessitate the refusal thereof;

(ii) no objection has been received against such application; and

(iii) the applicant has given his consent in writing in respect of any condition, restriction or requirement, if any, to which the grant of such application is made subject; and

(b) where such chairman, secretary or other member of the staff of the licensing board is of the opinion that an application should not be granted or is not in terms of the provisions of paragraph (a) empowered to grant it, the application shall be referred by him to the licensing board concerned for its consideration and decision:

Provided further that the licensing board concerned may review any application which in its opinion has been granted contrary to the provisions of this subsection and the provisions of Chapter VIII shall apply *mutatis mutandis*.

(2) The chairman of a licensing board may, subject to such conditions as such chairman may from time to time impose, delegate any power or duty conferred or imposed on such chairman by this Ordinance, other than any power referred to in sections 33(1), 35 and 65(2) and any power delegated by that board to such chairman, to the secretary or other member of the staff of such board.

gewing van appèl soos in artikel 43 beoog en elke dokument wat by die lisensie-appèlraad ingedien is, maak die oorkonde van die verrigtinge van daardie lisensie-appèlraad uit.

(2) So 'n oorkonde van die verrigtinge van die lisensie-appèlraad word deur die sekretaris van daardie lisensie-appèlraad in sy kantoor in bewaring gehou.

(3) Die oorkonde van die verrigtinge van die lisensie-appèlraad is by die sekretaris van daardie appèlraad se kantoor gedurende kantoorure ter insae van enige party of sy verteenwoordiger.

## HOOFTUK X.

### ALGEMEEN.

Delegasie van bevoegdheid en pligte deur 'n lisensieraad en 'n voorsitter.

48.(1) 'n Lisensieraad kan, behoudens enige voorwaarde wat hy van tyd tot tyd mag opleë, enige bevoegdheid of plig aan hom verleen of opgelê ingevolge die bepalings van Hoofstukke IV en VI van hierdie Ordonnansie aan die voorsitter, sekretaris of ander lid van daardie lisensieraad se personeel deleger: Met dien verstande dat —

(a) sodanige voorsitter, sekretaris of ander lid van die betrokke lisensieraad se personeel enige aansoek slegs mag toestaan as —

(i) sodanige aansoek aan al die vereistes van hierdie Ordonnansie voldoen en daar geen rede bestaan wat die weiering daarvan regverdig of noodsaak nie;

(ii) geen beswaar teen sodanige aansoek ontvang is nie; en

(iii) die aansoeker skriftelik toestemming gee het ten opsigte van enige voorwaarde, beperking of vereiste, indien daar is, waaraan die toestaan van sodanige aansoek onderworpe gestel word; en

(b) waar sodanige voorsitter, sekretaris of ander lid van die betrokke lisensieraad se personeel van mening is dat 'n aansoek nie toegestaan behoort te word nie of nie ingevolge die bepalings van paragraaf (a) gemagtig is nie om dit toe te staan, die betrokke aansoek deur hom na die betrokke lisensieraad vir oorweging en besluit verwys moet word:

Met dien verstande voorts dat die betrokke lisensieraad enige aansoek wat na sy mening strydig met die bepalings van hierdie subartikel toegestaan, is kan hersien en is die bepalings van Hoofstuk VIII *mutatis mutandis* van toepassing.

(2) Die voorsitter van 'n lisensieraad kan, behoudens sodanige voorwaardes as wat sodanige voorsitter van tyd tot tyd mag opleë, enige bevoegdheid of plig aan sodanige voorsitter by hierdie Ordonnansie verleen of opgelê uitgenome enige bevoegdheid in artikels 33(1), 35 en 65(2) genoem en enige bevoegdheid deur daardie raad aan sodanige voorsitter gedelegeer, aan die sekretaris of ander lid van sodanige raad se personeel deleger.

(3) A licensing board or chairman of a licensing board, as the case may be, may at any time revoke any delegation granted in terms of subsection (1) or (2).

(4) Where a licensing board does not make use of its power to delegate in terms of the provisions of subsection (1) and the Administrator is of the opinion that such delegation is desirable for the speedy disposal of applications, he may exercise such power on behalf of such licensing board.

(5) No delegation of any power or duty in terms of the provisions of this section shall prevent the exercise of that power or duty by a licensing board or the chairman of such licensing board.

Disposal of  
goods  
seized.

*Seizure must  
be lawful.*

49.(1) A magistrate who has jurisdiction in the area of the licensing board concerned may, at any time order the sale or destruction of any perishable goods seized in terms of the provisions of section 30(1)(d), and the proceeds of the goods at such a sale shall, less any expenses incurred in connection with the custody thereof, be paid over to —

- (a) the local authority in whose municipality the offence concerned was committed; or
- (b) the Transvaal Provincial Administration if the offence was committed outside a municipality,

and such proceeds shall, subject to the provisions of subsections (2), (3), (6) and (7) be retained by the local authority concerned or by such Provincial Administration, as the case may be.

(2) A court may, after the conclusion of any trial for a contravention of any provision of this Ordinance and subject to the provisions of subsection (3), make a special order as to the return to the person entitled thereto of the goods seized in terms of the provisions of section 30(1)(d), or of the proceeds of any perishable goods as contemplated in subsection (1), and if no such order is made, such goods or any proceeds as aforesaid, shall, on application and after payment of the expenses incurred in connection with the custody of such goods, be returned to the person from whose possession such goods were obtained, unless it was proved during the trial that he is not entitled to such goods: Provided that if within a period of 3 months after the conclusion of the trial no application is made in terms of the provisions of this section for the return of the goods or of any proceeds as aforesaid, or if the person applying is not entitled thereto or does not pay the expenses as aforesaid, the ownership in such goods or in any proceeds as aforesaid, shall vest —

- (a) in the local authority in whose municipality the offence concerned was committed; or
- (b) the Transvaal Provincial Administration, if the offence concerned was committed outside a municipality.

(3) 'n Lisensieraad of die voorsitter van 'n lisensieraad, na gelang van die geval, kan te eniger tyd 'n delegering wat kragtens subartikel (1) of (2) verleen is, intrek.

(4) Waar 'n lisensieraad nie van sy bevoegdheid om te deleger ingevolge die bepalings van subartikel (1) gebruik maak nie en die Administrateur van mening is dat sodanige delegering vir die spoedige afhandeling van aansoeke wenslik is, kan hy sodanige bevoegdheid namens sodanige lisensieraad uitoefen.

(5) Geen delegering van 'n bevoegdheid of plig ingevolge die bepalings van hierdie artikel belet die uitoefening van daardie bevoegdheid of plig deur 'n lisensieraad of die voorsitter van sodanige lisensieraad nie.

Beskikking  
oor goe-  
dere waarop  
beslag  
gelê is.

49.(1) 'n Landdros wat regsbevoegdheid het in die gebied van die betrokke lisensieraad kan te eniger tyd die verkoop of vernietiging magtig van enige bederfbare goedere waarop ingevolge die bepalings van artikel 30(1)(d) beslag gelê is, en word die opbrengs van die goedere by so 'n verkoping, min enige uitgawe wat in verband met die bewaring daarvan aangegaan is, aan —

- (a) die plaaslike bestuur, binne wie se munisipaliteit die betrokke misdryf gepleeg is; of
- (b) die Transvaalse Provinsiale Administrasie as die betrokke misdryf buite 'n munisipaliteit gepleeg is,

oorbetaal en word sodanige opbrengs, behoudens die bepalings van subartikels (2), (3), (6) en (7) deur die betrokke plaaslike bestuur of sodanige Provinsiale Administrasie, na gelang van die geval, behou.

(2) Na afloop van 'n verhoor vir die oortreding van enige bepaling van hierdie Ordonnansie kan 'n hof, behoudens die bepalings van subartikel (3), 'n spesiale bevel uitreik betreffende die teruggawe van enige goedere wat ingevolge die bepalings van artikel 30(1)(d) op beslag gelê is, of van die opbrengs van enige bederfbare goedere soos in subartikel (1) beoog, aan die persoon wat daarop geregtig is, en indien so 'n bevel nie uitgereik word nie, word sodanige goedere, of enige opbrengs soos voornoem, op aansoek en na betaling van die uitgawes in verband met die bewaring van sodanige goedere, aan die persoon uit wie se besit sodanige goedere verkry is, teruggegee, tensy dit gedurende die verhoor bewys is dat hy nie daarop geregtig is nie: Met dien verstande dat indien geen aansoek vir die teruggawe van die goedere of van enige opbrengs soos voornoem, binne 3 maande na afloop van die verhoor ingevolge hierdie artikel gedoen word nie, of indien die persoon wat aansoek doen nie daarop geregtig is nie of nie die genoemde uitgawes betaal nie, die eiendomsreg in die goedere of in enige opbrengs soos voornoem, oorgaan op —

- (a) die plaaslike bestuur binne wie se munisipaliteit die betrokke misdryf gepleeg is; of
- (b) die Transvaalse Provinsiale Administrasie as die betrokke misdryf buite 'n munisipaliteit gepleeg is.

(3) A court which convicts any person of an offence in terms of the provisions of this Ordinance may order any goods or any proceeds as aforesaid, and in respect of which goods such court is satisfied that it was used for or in connection with the commission of such offence, to be forfeited to —

- (a) the local authority within whose municipality the offence concerned was committed; or
- (b) the Transvaal Provincial Administration, if the offence concerned was committed outside a municipality:

Provided that such forfeiture order shall not affect the rights which any person other than the convicted person may have to the goods concerned or to any proceeds as aforesaid; if it is proved that he did not know that the goods were being used or would be used for the purpose of or in connection with the commission of such offence, or that he could not have prevented such use.

(4) The court which is holding or which held the trial may at any time after the making of the forfeiture order enquire into and determine any person's rights to the goods concerned or to any proceeds as aforesaid and may set aside or vary such order.

(5) The local authority concerned or the Transvaal Provincial Administration may, in its discretion, dispose of any goods ordered to be forfeited to it in terms of the provisions of subsection (3): Provided that no such goods, excluding perishable goods, shall be sold, destroyed or otherwise disposed of until a period of 30 days has expired from the date of the forfeiture order or while the decision of any court is pending in relation to such order or the conviction upon which such order followed.

(6) If any such forfeiture order is set aside or varied, after the sale, on behalf of the local authority concerned or the Transvaal Provincial Administration, of the goods ordered to be forfeited, the person whose rights were upheld, in whole or in part, by the setting aside or variation of the order, may claim from such local authority or the Transvaal Provincial Administration, as the case may be, an amount equal to the value of those rights but not exceeding the proceeds of the goods over which such rights are held less any expenses as contemplated in subsection (1).

(7) If no prosecution for a contravention of any provision of this Ordinance is instituted within 90 days after the goods concerned have been seized, such goods, or any proceeds, as contemplated in subsection (1), shall be returned to the person from whose possession such goods were taken.

Legal proceedings by or against a licensing board or licensing appeal board may be instituted in the name of such licensing board or appeal board: Provided that a licensing board

(3) 'n Hof wat iemand aan 'n misdryf ingevolge die bepalings van hierdie Ordonnansie skuldig bevind kan enige goedere of enige opbrengs, soos voornoem, en ten opsigte van welke goedere die hof oortuig is dat dit gebruik is vir die doel van of in verband met die pleging van sodanige misdryf, verbeurd verklaar ten gunste van —

- (a) die plaaslike bestuur binne wie se munisipaliteit die betrokke misdryf gepleeg is; of
- (b) die Transvaalse Provinsiale Administrasie, as die betrokke misdryf buite 'n munisipaliteit gepleeg is:

Met dien verstande dat so 'n verbeurdverklaringsstelsel geen afbreuk doen aan enige regte wat iemand anders as die veroordeelde op die betrokke goedere of op enige opbrengs soos voornoem, het nie, indien dit bewys word dat hy nie geweet het dat die goedere vir die doel of in verband met die pleging van sodanige misdryf gebruik was of gebruik sal word nie, of dat hy sodanige gebruik nie kon verhinder het nie.

(4) Die hof wat die saak verhoor of verhoor het kan te eniger tyd na so 'n verbeurdverklaringsbevel na enigiemand se regte op die betrokke goedere of op enige opbrengs soos voornoem, ondersoek instel en dit bepaal en sodanige bevel ter syde stel of wysig:

(5) Die betrokke plaaslike bestuur of die Transvaalse Provinsiale Administrasie kan na goeddunke, beskik oor enige goedere wat ten gunste van hom ingevolge die bepalings van subartikel (3) verbeurd verklaar is: Met dien verstande dat geen sodanige goedere, uitgenome bederfbare goedere, verkoop, vernietig of anders oor beskik word nie alvorens 30 dae vanaf die datum van so 'n verbeurdverklaringsbevel verstryk het of terwyl 'n beslissing van enige hof met betrekking tot sodanige bevel of die skuldigbevinding waarop sodanige bevel gevolg het, hangende is:

(6) Indien enige sodanige verbeurdverklaringsbevel ter syde gestel of gewysig word nadat die goedere, wat verbeurd verklaar is ten behoeve van die betrokke plaaslike bestuur of die Transvaalse Provinsiale Administrasie, verkoop is, kan die persoon wie se regte deur die tersydestelling of wysiging van die bevel in die geheel of gedeeltelik gehandhaaf is, 'n bedrag gelyk aan die waarde van daardie regte, maar hoogstens die opbrengs van die goedere waarvoor sodanige regte gehou word, min enige uitgawe soos in subartikel (1) beoog, van die betrokke plaaslike bestuur of die Transvaalse Provinsiale Administrasie, na gelang van die geval, vorder.

(7) Indien geen vervolging vir 'n oortreding van enige bepaling van hierdie Ordonnansie ingestel word nie binne 90 dae nadat op die betrokke goedere beslag gelê is, word sodanige goedere of enige opbrengs, soos in subartikel (1) beoog, teruggegee aan die persoon uit wie se besit sodanige goedere geneem is.

Regsgeding deur of teen 'n lisensieraad of 'n lisensie-appelraad.

50.(1) Enige regsgeding deur of teen 'n lisensieraad of 'n lisensie-appelraad kan in die naam van sodanige lisensieraad of appelraad ingestel word: Met dien verstande dat 'n lisensieraad of

or licensing appeal board shall not take any steps in such legal proceedings and shall not institute any legal proceedings except through the State Attorney.

(2) In any legal proceedings in which a licensing board or licensing appeal board is the defendant or respondent, the summons or notice by which the legal proceedings are instituted, may be served on the secretary of the licensing board or licensing appeal board concerned.

Limitation of liability.

51.(1) Subject to the provisions of sections 6(2) and 41, no member, officer or employee of a licensing board or licensing appeal board or any other person acting under direction of any such board shall be subject personally to any liability, claim or demand whatsoever where any act is done or omitted by such person in good faith and for the purpose of this Ordinance.

(2) Any expenses incurred by any person in the circumstances referred to in subsection (1) shall be defrayed from the Provincial Revenue Fund.

Vicarious liability of a holder of a licence.

52. When an agent or employee of a holder of a licence or a member of the household of such holder performs or fails to perform an act which would have been an offence in terms of the provisions of this Ordinance if such holder had performed or failed to perform such act, it shall in addition to the liability of such agent, employee or member, be deemed that such holder personally performed or failed to perform such act and he shall upon conviction be liable to the penalties provided in respect thereof by this Ordinance, unless he proves to the satisfaction of the court that —

- (a) such act was performed or such failure took place without his connivance or consent;
- (b) he took all reasonable steps to prevent such act or failure; Provided that the fact that he had given instructions to prohibit such act or failure shall not in itself be accepted as conclusive proof that he took all reasonable steps for the prevention thereof; and
- (c) it was not in terms of any condition or in any circumstances within the scope of the authority or in the course of the employment of such agent, employee or member to do or to omit to do any act, whether lawful or unlawful, of the character of the act or omission charged.

Presumptions.

53.(1) Whenever in any prosecution for an offence in terms of the provisions of this Ordinance it is alleged in an indictment, a summons or charge sheet that —

- (a) (i) any person is or is not a member of a particular class, category or group of persons;
- (ii) any goods with which a business is carried on or which are used in connection with a business are or are not of a particular kind, class, type or description;

lisensie-appèlraad geen stappe in sodanige regs-geding doen en geen regs-geding instel nie behalwe deur die Staatsprokureur.

(2) In enige regs-geding waarin 'n lisensieraad of 'n lisensie-appèlraad die verweerder of respondent is, kan die dagvaarding of kennisgewing waarby die regs-geding ingestel word aan die sekretaris van die betrokke lisensieraad of lisensie-appèlraad beteken word.

Beperking van aanspreeklikheid.

51.(1) Behoudens die bepalings van artikels 6(2) en 41, word geen lid, beampte of werknemer van 'n lisensieraad of lisensie-appèlraad of enige ander persoon wat in opdrag van enige sodanige raad handel, persoonlik blootgestel nie aan enige aanspreeklikheid, vordering of eis wat ook al, waar enige handeling deur sodanige persoon te goeder trou en vir die toepassing van hierdie Ordonnansie verrig of nie verrig is nie.

(2) Enige uitgawe aangegaan deur enige persoon in die omstandighede in subartikel (1) genoem, word uit die Provinsiale Inkomstefonds bestry.

Middellike aanspreeklikheid van 'n houer van 'n lisensie.

52. Wanneer 'n agent of werknemer van 'n houer van 'n lisensie of 'n lid van die gesin van sodanige houer 'n handeling verrig of versuim om te verrig wat ingevolge die bepalings van hierdie Ordonnansie 'n misdryf sou uitmaak indien sodanige houer dit verrig of versuim om te verrig, word dit geag dat, benewens die aanspreeklikheid van sodanige agent, werknemer of lid, sodanige houer self daardie handeling verrig het of versuim het om te verrig, en is hy by skuldigbevinding strafbaar met die strawwe in hierdie Ordonnansie ten opsigte daarvan bepaal, tensy hy tot bevrediging van die hof bewys dat —

- (a) sodanige handeling of versuim geskied het sonder sy oogluikende toelating of toestemming;
- (b) hy alle redelike stappe gedoen het om sodanige handeling of versuim te voorkom: Met dien verstande dat die feit dat hy opdragte uitgereik het om sodanige handeling of versuim te verbied, nie op sigself aanvaar word as afdoende bewys dat hy alle redelike stappe gedoen het om dit te voorkom nie; en
- (c) dit nie ingevolge enige voorwaarde of in enige omstandighede binne die bestek van die bevoegdheid of in die loop van die werk van sodanige agent, werknemer of lid was nie om enige handeling, hetsy wettig of onwettig, te verrig of te versuim om te verrig nie, wat van dieselfde aard is as die handeling of versuim waarvan hy aangekla word.

Vermoedens.

53.(1) Wanneer in enige vervolging weens 'n misdryf ingevolge die bepalings van hierdie Ordonnansie in 'n akte van beskuldiging, dagvaarding of klagstaat beweer word dat —

- (a)(i) iemand lid is van 'n bepaalde klas, kategorie of groep persone of nie lid daarvan is nie;
- (ii) enige goedere waarmee 'n besigheid gedryf word of wat in verband met 'n besigheid gebruik word, van 'n bepaalde soort, klas, tipe of beskrywing is of nie is nie;

- (iii) any place is or is not business premises;
- (iv) any business premises are or are not situated in a particular or defined area;
- (v) any particular kind, class, type or description of business is or is not carried on in, on or from or within a fixed distance from any particular business premises; or
- (vi) any person carries on a business without the licence, authority or permit required in terms of the provisions of this Ordinance,

such an allegation shall be presumed to be correct until the contrary is proved; and

- (b) any person who is not the holder of a licence, has carried on business in, on or from business premises in respect of which a particular licence has been issued, it shall be presumed, until the contrary is proved, that such person was the agent or employee of the holder of the licence when he so carried on business.

(2) Any vehicle, movable structure, animal, goods or thing used for the purpose of or in connection with the carrying on of the business of a hawker shall, until the contrary is proved, be presumed to have been so used with the authority and permission of the owner thereof.

(3) Any name displayed on a vehicle or movable structure used by a hawker for the purposes of or in connection with the carrying on of his business shall, unless the contrary is proved, be presumed to be the name of the owner, as prescribed, of such vehicle or structure: Provided that such presumption shall not apply in any prosecution for a failure to comply with a duty to display such name.

Service of documents.

54. When any notice, summons or other document is, in terms of this Ordinance, to be served on a person, it shall be effected —

- (a) by delivering it to him personally or by delivering it at his residence or place of business in the Republic to a person apparently over the age of 16 years;
- (b) by registered post addressed to his last known place of business or residence in the Republic;
- (c) if his address in the Republic is unknown but the name and address of his agent or representative is known, by service on such agent or representative in the manner provided for in paragraph (a) or (b); or
- (d) by publication in a newspaper in the prescribed manner, if it cannot be served in the manner set out in the foregoing paragraphs.

- (iii) enige plek 'n besigheidsperseel is of nie is nie;

- (iv) enige besigheidsperseel in 'n besondere of bepaalde gebied geleë is of nie geleë is nie;

- (v) enige besondere soort, klas, tipe of beskrywing van besigheid in, op of vanaf of binne 'n bepaalde afstand vanaf enige besondere besigheidsperseel gedryf word of nie gedryf word nie; of

- (vi) iemand 'n besigheid dryf sonder 'n lisensie, magtiging of permit, soos ingevolge die bepalings van hierdie Ordonnansie vereis;

word so 'n bewering as juis aangeneem totdat die teendeel bewys word; en

- (b) iemand wat nie die houer van 'n lisensie is nie, in, op of vanaf 'n besigheidsperseel ten opsigte waarvan 'n bepaalde lisensie uitge-reik is, besigheid gedryf het, word daar aangeneem dat sodanige persoon die agent of werknemer van die houer van die lisensie was toe hy aldus besigheid gedryf het, totdat die teendeel bewys word.

(2) Enige voertuig, beweegbare struktuur, dier, goedere of ding wat vir die doel van of in ver-band met die dryf van die besigheid van 'n smous-gebruik word, word, totdat die teendeel bewys word, vermoed aldus gebruik te gewees het met die magtiging en toestemming van die eienaar daarvan.

(3) Enige naam wat vertoon word op 'n voer-tuig of beweegbare struktuur wat deur 'n smous vir die doeleindes van of in verband met die dryf van sy besigheid gebruik word, word, totdat die teendeel bewys word, vermoed om die naam van die eienaar soos voorgeskryf, van so 'n voertuig of struktuur te wees. Met dien verstande dat so 'n vermoede nie van toepassing is nie in 'n vervolging om 'n versuim om 'n verpligting om so 'n naam te vertoon, na te kom.

Betekening van dokume-mente.

54. Wanneer enige kennisgewing, dagvaarding of ander dokument ingevolge hierdie Ordonnan-sie aan iemand beteken moet word, word dit ge-doen deur dit —

- (a) aan hom persoonlik te lewer of deur dit by sy woon- of besigheidsplek in die Republiek te lewer aan iemand wat oënskynlik bo die ouderdom van 16 jaar is;
- (b) per aangetekende pos te rig aan sy laasbe-kende besigheids- of woonadres in die Repu-bliek;
- (c) indien sy adres in die Republiek onbekend is maar die naam en adres van sy agent of verteenwoordiger bekend is, aan sodanige agent of verteenwoordiger op die wyse in paragrafe (a) of (b) bepaal, te beteken; of
- (d) op die voorgeskrewe wyse in 'n nuusblad te publiseer, indien dit nie op die wyse in die voorafgaande paragrafe uiteengesit, beteken kan word nie.

## Particular offences.

55.(1) Any person who knowingly makes a false statement in connection with any of the provisions of this Ordinance, shall be guilty of an offence.

(2) Any person who —

- (a) threatens, resists, hinders or obstructs any officer in the exercise of his powers or the performance of his duties in terms of the provisions of this Ordinance; or
- (b) by words, conduct or demeanour pretends to be an officer, shall be guilty of an offence.

(3) Any person who wilfully disturbs the proceedings of a licensing board or of a licensing appeal board or who wilfully threatens, hinders or obstructs a licensing board or licensing appeal board or any member thereof in the performance of its or his functions, shall be guilty of an offence.

## General penalty.

56. Any person convicted of an offence in terms of the provisions of this Ordinance shall be liable to a fine not exceeding R200 or, in default of payment, to imprisonment for a period not exceeding 6 months, or to both such fine and imprisonment.

## Allocation and recovery of moneys.

57.(1) Any fine imposed and bail which is estreated in respect of any offence in terms of the provisions of this Ordinance shall be paid to —

- (a) the local authority within whose municipality the offence was committed and shall form part of the revenue of such local authority; or
- (b) the Provincial Revenue Fund if the offence was committed outside a municipality.

(2) Any moneys which in terms of the provisions of this Ordinance are payable to a licensing board shall be collected by the local authority which provides the staff of such board and shall be retained and shall form part of the revenue of such local authority: Provided that in the case of the costs referred to in section 5(3) the amount of such costs shall be paid over to the Provincial Revenue Fund.

(3) Any licence, transfer or permit fees and the fees contemplated in section 10(2) received by a local authority as issuing authority in respect of a business which is or will be carried on within the municipality of that local authority and any fees contemplated in section 61(1)(e), received by a local authority as issuing authority, shall form part of the revenue of such local authority.

(4) Any licence, transfer and permit fees and the fees contemplated in section 10(2) received by a local authority as issuing authority shall be paid into the Provincial Revenue Fund if the moneys are received in respect of a business which is or will be carried on in terms of a licence which is valid —

- (a) outside a municipality;
- (b) within as well as outside a municipality; and
- (c) in the whole Province;

## Besondere misdrywe.

55.(1) Iemand wat wetens 'n valse verklaring maak in verband met enige bepaling van hierdie Ordonnansie is aan 'n misdryf skuldig.

(2) Iemand wat —

- (a) 'n beampte in die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge die bepalings van hierdie Ordonnansie dreig, weerstaan, hinder of dwarsboom; of
- (b) hom deur woord, daad of gedrag as 'n beampte voordoen, is aan 'n misdryf skuldig.

(3) Iemand wat die verrigtinge van 'n lisensieraad of lisensie-appelraad opsetlik steur of 'n lisensieraad of lisensie-appelraad of 'n lid daarvan by die verrigting van sy werksaamhede opsetlik dreig, hinder of dwarsboom, is aan 'n misdryf skuldig.

## Algemene strafbepaling.

56. Iemand wat aan 'n misdryf ingevolge die bepalings van hierdie Ordonnansie skuldig bevind word, is strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens 6 maande of met beide sodanige boete en gevangenisstraf.

## Toewysing en verhaal van gelde.

57.(1) Enige boete wat opgelê en borggeld wat verbeur word ten opsigte van enige misdryf ingevolge die bepalings van hierdie Ordonnansie, word oorbetaal aan —

- (a) die plaaslike bestuur binne wie se munisipaliteit die misdryf gepleeg is en maak deel uit van die inkomste van sodanige plaaslike bestuur; of
- (b) die Provinsiale Inkomstefonds as die misdryf buite 'n munisipaliteit gepleeg is.

(2) Enige gelde wat kragtens die bepalings van hierdie Ordonnansie aan 'n lisensieraad betaalbaar is, word deur die plaaslike bestuur wat sodanige lisensieraad se personeel voorsien, ingevorder en behou en maak deel uit van sodanige plaaslike bestuur se inkomste: Met dien verstande dat in die geval van die koste in artikel 5(3) genoem, die bedrag van sodanige koste aan die Provinsiale Inkomstefonds oorbetaal word.

(3) Enige lisensie-, oordrag- en permitgelde en die gelde in artikel 10(2) beoog wat deur 'n plaaslike bestuur as 'n uitreikingsowerheid ontvang word, ten opsigte van 'n besigheid, wat gedryf word of gedryf staan te word binne daardie plaaslike bestuur se munisipaliteit en enige gelde in artikel 61(1)(e) beoog wat deur 'n plaaslike bestuur as uitreikingsowerheid ontvang word, maak deel uit van die inkomste van sodanige plaaslike bestuur.

(4) Enige lisensie-, oordrag- en permitgelde en die gelde in artikel 10(2) beoog, wat deur 'n plaaslike bestuur as uitreikingsowerheid ontvang word, word aan die Provinsiale Inkomstefonds betaal, indien die gelde ontvang is ten opsigte van 'n besigheid wat gedryf word of sal word ingevolge 'n lisensie wat —

- (a) buite 'n munisipaliteit;
- (b) binne sowel as buite 'n munisipaliteit; en
- (c) vir die hele Provinsie geldig is;

Provided that if such fees are received in respect of a business of an auctioneer, undertaker, dealer or speculator in livestock or produce, disinfectant or fumigator, passenger transport undertaking, a mail order business or such other business as may be prescribed, whose business premises are situated within a municipality, such fees shall be retained by the local authority concerned and shall form part of the revenue of such local authority.

(5) An amount due by a person in terms of the provisions of this Ordinance which is, in terms of this section payable to a local authority or the Transvaal Provincial Administration, except a fine upon conviction, is a debt payable to such local authority or the Administration and may be recovered by such local authority or the Administration or by the issuing authority charged with the collection thereof, on behalf of such local authority or Administration, by action in a competent court.

Manner in which expenditure defrayed.

58. All expenditure incurred by the Transvaal Provincial Administration in terms of the provisions of this Ordinance shall be defrayed from moneys appropriated by the Provincial Council for that purpose.

Application of Ordinance and general exemptions.

59.(1) Subject to the provisions of subsection (2)(e), it shall be deemed that a social, sport or recreation club which supplies goods to its members whether by sale, exchange or otherwise, carries on a business and such club shall take out the appropriate licence which is required for such business.

(2) The provisions of this Ordinance shall not apply in respect of a business which is carried on —

- (a) in any area referred to in section 25(1) of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21(1) of the Bantu Trust and Land Act, 1936 (Act 18 of 1936) in respect of which the State President in terms of the said Acts by proclamation in the *Government Gazette* has made laws for the licensing of businesses or in any Bantu area for which the State President has in terms of section 1 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971) established a legislative assembly;
- (b) by the State;
- (c) by a local authority;
- (d) by a charitable, religious or educational institution of a public nature;
- (e) by a social, sport or recreation club which is a non-proprietary club and restricts its business activities to the supply to its members of the following:
  - (i) Refreshments, only for consumption on the business premises:

Aerated or mineral water, fruit squash, tomato juice, cordials, milk, milk

Met dien verstande dat indien sodanige gelde ontvang is ten opsigte van 'n besigheid van 'n afslaer, begrafnisondernemer, handelaar of spekulant in lewende hawe of produkte, ontsmetter of beroker, passasiersvervoeronderneming, posbestellingsonderneming, of sodanige ander besigheid as wat voorgeskryf word, wie se besigheidsperseel binne 'n munisipaliteit geleë is, sodanige gelde deur die betrokke plaaslike bestuur behou word en deel uitmaak van die inkomste van sodanige plaaslike bestuur.

(5) 'n Bedrag wat deur iemand ingevolge die bepalings van hierdie Ordonnansie verskuldig is en wat ingevolge hierdie artikel aan 'n plaaslike bestuur of die Transvaalse Provinsiale Administrasie betaal moet word, uitgenome 'n boete by skuldigbevinding, is 'n skuld wat aan sodanige plaaslike bestuur of die Administrasie betaalbaar is en kan deur sodanige plaaslike bestuur of Administrasie of deur die uitreikingsowerheid belas met die invordering daarvan namens sodanige plaaslike bestuur of Administrasie, by wyse van 'n aksie in 'n bevoegde hof verhaal word.

Wyse waarop uitgawes bestry word.

58. Alle uitgawes wat deur die Transvaalse Provinsiale Administrasie ingevolge die bepalings van hierdie Ordonnansie aangegaan word, word bestry uit gelde deur die Provinsiale Raad vir daardie doel bewillig.

Toepassing van Ordonnansie en algemene vrystellings.

59.(1) Behoudens die bepalings van subartikel (2)(e), word dit geag dat 'n sosiale, sport- of ontspanningsklub wat goedere aan sy lede verskaf, hetsy deur verkoop, ruil of andersins, 'n besigheid dryf en moet so 'n klub die toepaslike lisensie uitneem wat vir sodanige besigheid vereis word.

(2) Die bepalings van hierdie Ordonnansie is nie van toepassing nie ten opsigte van 'n besigheid wat gedryf word —

- (a) in enige gebied genoem in artikel 25(1) van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21(1) van die Bantoe-trust en -grond Wet, 1936 (Wet 18 van 1936) ten opsigte waarvan die Staatspresident kragtens genoemde Wette, by proklamasie in die *Staatskoerant*, wette uitgevaardig het vir die lisensiering van besighede of in enige Bantoegebied waarvoor die Staatspresident kragtens artikel 1 van die Grondwet van die Bantoe-tuislande, 1971 (Wet 21 van 1971), 'n wetgewende vergadering ingestel het;
- (b) deur die Staat;
- (c) deur 'n plaaslike bestuur;
- (d) deur 'n liefdadigheids-, godsdienstige of opvoedkundige instelling van 'n openbare aard;
- (e) deur 'n sosiale, sport- of ontspanningsklub wat 'n nie-eiendomsklub is en sy besigheidsbedrywighede beperk tot die verskaffing aan sy lede van die volgende:
  - (i) Verversings, alleenlik vir gebruik op die besigheidsperseel:

Spuut- of mineraalwater, vrugtemoes, tamatiesap, verfrissende drank, melk,

shakes, tea, coffee, sugar, ice-cream, bread, rolls, rusks, biscuits, pastry, cake, sweets, potato chips, confectionery, chocolates and peanuts.

(ii) *Toilet requisites:*

Soap, hair dressings (including petroleum jelly), shaving cream and shaving soap, toothpaste, toothbrushes, combs, razor blades and shaving brushes.

(iii) *Smokers' requisites:*

Cigarettes, tobacco, matches, pipes, cigars, snuff, pipe cleaners, flints and fuel for lighters.

(iv) *Miscellaneous:*

Newspapers, the club magazine, the club diary and playing cards; or

(f) by the Public Resorts Board, established by section 5 of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969), in an area of a public resort defined in Schedule I of the said Ordinance.

(3) A local authority may grant authority for the carrying on of a business without a licence—

(a) on premises where Bantu beer is sold by a local authority and upon which the right to carry on such business is restricted to Bantu persons and Asians; or

(b) in a municipal market hall where the right to carry on such business is similarly restricted.

(4)(a) Except where otherwise provided, the provisions of this Ordinance shall not apply to a manufacturer in respect of —

(i) the sale of goods manufactured or produced by him in the Republic except in respect of the sale by such manufacturer of such goods by retail; or

(ii) the purchase of raw materials (including livestock and other agricultural products) for his own manufacturing purposes.

(b) For the purpose of this subsection —

(i) "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 articles and materials; and

(ii) "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 a person who is not a manufacturer, for his own use or consumption and not for resale.

melkdranke, tee, koffie, suiker, roomys, brood, bolletjies, beskuit, beskuitjies, pasteigebak, koek, lekkers, ertappelskyfies, suikergoed, sjokolade en grondboontjies.

(ii) *Toiletbenodigdhede:*

Seep, haarmiddels (insluitende petroleumjellie), skeerroom en -seep, tandepasta, tandeborsels, kamme, skeerlemmetjies en skeerkwaste.

(iii) *Rokersbenodigdhede:*

Sigarette, tabak, vuurhoutjies, pype, sigare, snuif, pypskoonmakers, vuurstene, brandstof en aanstekers.

(iv) *Diverse:*

Nuusblaaie, die klubtydskrif, die klubdagboek en speelkaarte; of

(f) deur die Raad vir Openbare Oorde, by artikel 5 van die Ordonnansie op Openbare Oorde, 1969 (Ordonnansie 18 van 1969) ingestel, in 'n gebied van 'n openbare oord in Bylae I van genoemde Ordonnansie omskryf.

(3) 'n Plaaslike bestuur kan magtiging verleen vir die dryf, sonder 'n lisensie, van 'n besigheid —

(a) op 'n perseel waarop Bantoebier deur 'n plaaslike bestuur verkoop word en waarop die reg om bedoelde besigheid te dryf, tot Bantoeperone of Asiërs beperk is; of

(b) in 'n munisipale marksaal waarin die reg om bedoelde besigheid te dryf aldus beperk is.

(4)(a) Uitgenome waar anders bepaal, is die bepalings van hierdie Ordonnansie nie van toepassing nie op 'n fabrikant ten opsigte van —

(i) die verkoop van goedere deur hom in die Republiek vervaardig of geproduseer behalwe ten opsigte van die verkoop deur sodanige fabrikant van sodanige goedere by die kleinmaat; of

(ii) die koop van grondstowwe (insluitende lewende hawe en ander landbouprodukte) vir sy eie vervaardigingsdoeleindes.

(b) Vir die toepassing van hierdie subartikel beteken —

(i) "fabrikant" enige persoon of vereniging van persone of maatskappy wat hom in die Republiek toelê op die produksie van 'n afgewerkte artikel uit grondstowwe of uit 'n samestelling van ander artikels en stowwe; en

(ii) "verkoop by die kleinmaat", met betrekking tot goedere, die verkoop en verskaffing in enige hoeveelheid van goedere wat nie op die bestelling van iemand vervaardig of geproduseer is nie en wat aan iemand, wat nie 'n fabrikant is nie, vir sy eie gebruik of verbruik en nie vir herverkoop nie, verkoop word.

Amendment  
of Schedule  
I by the  
Admini-  
strator.

60.(1) The Administrator may at any time by notice in the *Provincial Gazette* and with effect from a date to be specified therein, amend Schedule I to this Ordinance by amending or deleting any of the items set out therein or by the addition thereto of further items.

(2) A copy of the notice referred to in subsection (1) shall be tabled in the Provincial Council within 7 days after promulgation of such notice in the *Provincial Gazette* if the Provincial Council is then sitting or, if the Provincial Council is not then sitting, within 7 days of the commencement of its next ensuing sitting.

Regula-  
tions.

61.(1) The Administrator may make regulations, not inconsistent with the provisions of this Ordinance, in respect of any of the following matters:

- (a) The procedure at any sitting of a licensing board or a licensing appeal board;
- (b) any application form, notice, licence, permit, certificate, receipt, register, record or any other document necessary for the purpose of this Ordinance and the manner in which any such document shall be kept in safe custody;
- (c) the manner in which the minutes of the proceedings of and record of evidence given before a licensing board or a licensing appeal board shall be kept;
- (d) the fees payable for any application, transfer or permit;
- (e) the issue of any duplicate of any licence, permit, certificate or any other document and the fees payable therefor;
- (f) the procedure to be followed by a party who wishes to peruse and to make an extract from or a copy of a document or record of the proceedings of a licensing board or a licensing appeal board and the fees payable therefor;
- (g) the payment from the Provincial Revenue Fund of witness' fees to a person who has been summoned by a licensing board or licensing appeal board;
- (h) the issue of any receipt for the purposes of this Ordinance;
- (i) the duties and powers of the secretary and staff of a licensing board or a licensing appeal board;
- (j) the remuneration and allowances of members of a licensing board or licensing appeal board;
- (k) the prohibition, restriction, regulation and control of the carrying of the business of a hawker outside a municipality;
- (l) the requirements and conditions for the issue to an employee or agent of a holder of a hawker's licence, of a permit to hawk on his behalf and the fees payable therefor; and

Wysigings  
van Bylae  
I deur die  
Admini-  
strateur.

60.(1) Die Administrateur kan te eniger tyd by kennisgewing in die *Provinsiale Koerant* en met ingang van 'n datum wat daarin gespesifiseer word, Bylae I by hierdie Ordonnansie wysig deur enige van die items wat daarin uiteengesit word, te verander of te skrap of deur verdere items toe te voeg.

(2) 'n Afskrif van 'n kennisgewing in subartikel (1) genoem, word in die Provinsiale Raad ter tafel gelê binne 7 dae na afkondiging van sodanige kennisgewing in die *Provinsiale Koerant*, indien die Provinsiale Raad dan sit of, indien die Provinsiale Raad dan nie sit nie, binne 7 dae na die aanvang van sy eersvolgende sitting.

Regulasies.

61.(1) Die Administrateur kan regulasies, wat nie met hierdie Ordonnansie onbestaanbaar is nie, maak ten opsigte van enige van die volgende aangeleenthede:

- (a) Die prosedure by enige sitting van 'n lisensieraad en 'n lisensie-appèlraad;
- (b) enige aansoekvorm, kennisgewing, lisensie, permit, sertifikaat, kwitansie, register, rekord of enige ander dokument wat vir die toepassing van hierdie Ordonnansie nodig is en die wyse waarop enige sodanige dokument in veilige bewaring gehou moet word;
- (c) die wyse waarop die notule van die verrigtinge van en die verslag van die getuienis voor 'n lisensieraad en 'n lisensie-appèlraad gehou moet word;
- (d) die gelde wat vir enige aansoek, oordrag of permit betaalbaar is;
- (e) die uitreiking van 'n duplikaat van enige lisensie, permit, sertifikaat of ander dokument en die gelde daarvoor betaalbaar;
- (f) die prosedure wat gevolg moet word deur 'n party wat wens insae te kry in en 'n uittreksel uit of 'n afskrif wens te maak van 'n dokument of die oorkonde van die verrigtinge van 'n lisensieraad of 'n lisensie-appèlraad en die gelde daarvoor betaalbaar;
- (g) die betaling uit die Provinsiale Inkomstefonds van getuiegeld aan 'n persoon wat deur 'n lisensieraad of 'n lisensie-appèlraad gedagvaar word;
- (h) die uitreiking van enige kwitansie vir die doeleindes van hierdie Ordonnansie;
- (i) die pligte en bevoegdhede van die sekretaris en personeel van 'n lisensieraad of lisensie-appèlraad;
- (j) die besoldiging en toelaes van lede van 'n lisensieraad of 'n lisensie-appèlraad;
- (k) die verbod, beperking, reëling en beheer van die dryf van die besigheid van smous buite 'n munisipaliteit;
- (l) die vereistes en voorwaardes vir die uitreiking aan 'n werknemer of agent van 'n houer van 'n smouslisensie van 'n permit om namens hom te smous en die gelde daarvoor betaalbaar; en

(m) any other matter which he considers necessary or expedient for achieving the objects and purposes of this Ordinance, the generality of this paragraph not being limited to matters expressly referred to in this subsection.

(2) Any regulation made in terms of the provisions of subsection (1) may provide for a penalty for any contravention thereof, but no penalty shall exceed a fine of R200 or imprisonment for a period of 6 months or both such fine and imprisonment.

Form of documents.

62. Subject to the provisions of this Ordinance, the Administrator may determine the form and contents of any document referred to in section 61(1)(b).

By-laws and regulations of a local authority.

63.(1) Subject to the provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) and the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance 20 of 1943), in respect of the procedure which shall be followed in the making, approval and promulgation of any by-law or regulation, by-laws and regulations which are not inconsistent with the provisions of this Ordinance may be made by or for any local authority in respect of any of the following matters:

- (a) The control and inspection of and supervision over any business required to be licensed in terms of the provisions of this Ordinance or exempted from being licensed; and
- (b) the prohibition, restriction, regulation and control of the carrying on of the business of a hawker within a municipality.

(2) Any by-law or regulation made in terms of the provisions of this section may provide a penalty for any contravention thereof but no penalty shall exceed a fine of R200 or imprisonment for a period of 6 months or both such fine and imprisonment.

Effect of this Ordinance on other ordinances and regulations.

64.(1) Subject to the provisions of subsections (2) and (3), the provisions of this Ordinance shall not affect the provisions of any other ordinance or any by-law or regulation made in terms of such ordinance, in so far as such other ordinance, by-law or regulation relates to the control and supervision over or the regulation and inspection of a business.

(2) Any power granted to a local authority by any other ordinance, by-law or regulation made in terms of such an ordinance to licence trades and occupations or to levy and collect inspection, supervision, registration or regulating fees in respect thereof, shall lapse from the date referred to in section 68(1). Provided that the provisions of this subsection shall not affect the provisions of sections 80(99), 132(8), 132(9), 132(9)bis and 132(9)ter of the Local Government Ordinance, 1939.

(m) enige ander aangeleentheid wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie Ordonnansie te bereik, die algemeenheid van hierdie paragraaf nie beperk te word tot aangeleenthede uitdruklik in hierdie subartikel genoem nie.

(2) Enige regulasie kragtens die bepalings van subartikel (1) gemaak, kan 'n straf bepaal vir enige oortreding daarvan, maar geen straf mag 'n boete van R200 of gevangenisstraf vir 'n tydperk van 6 maande of sodanige boete sowel as sodanige gevangenisstraf oorskry nie.

Vorm van dokumente.

62. Behoudens die bepalings van hierdie Ordonnansie kan die Administrateur die vorm en inhoud van enige dokument, in artikel 61(1)(b) genoem, bepaal.

Verordeninge of regulasies van 'n plaaslike bestuur.

63.(1) Behoudens die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), en die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie 20 van 1943), ten opsigte van die prosedure wat gevolg moet word by die opstel, goedkeuring en afkondiging van enige verordening of regulasie, kan enige verordening of regulasie wat nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie, deur of vir enige plaaslike bestuur ten opsigte van enige van die volgende aangeleenthede opgestel word:

- (a) Die beheer en inspeksie van en toesig oor enige besigheid wat ingevolge die bepalings van hierdie Ordonnansie gelisensieer moet word of van lisensieëring vrygestel is; en
- (b) die verbod, beperking, reëling en beheer van die dryf van die besigheid van 'n smous binne 'n munisipaliteit.

(2) Enige verordening of regulasie kragtens die bepalings van subartikel (1) opgestel kan 'n straf bepaal vir enige oortreding daarvan, maar geen straf mag 'n boete van R200 of gevangenisstraf vir 'n tydperk van 6 maande of sodanige boete sowel as sodanige gevangenisstraf oorskry nie.

Uitwerking van hierdie Ordonnansie op ander ordonnansies en regulasies.

64.(1) Behoudens die bepalings van subartikels (2) en (3), doen die bepalings van hierdie Ordonnansie geen afbreuk nie aan die bepalings van enige ander ordonnansie of enige verordening of regulasie kragtens so 'n ordonnansie gemaak, vir sover sodanige ander ordonnansie, verordening of regulasie op die beheer en toesig oor of reëling en inspeksie van 'n besigheid betrekking het.

(2) Enige bevoegdheid aan 'n plaaslike bestuur verleen by enige ander ordonnansie, verordening of regulasie kragtens so 'n ordonnansie gemaak om handelsbesighede en beroepe te lisensieer of om 'n inspeksie-, toesig-, registrasie- of reguleringsgelde ten opsigte daarvan te hef of te vorder, vervel vanaf die datum in artikel 68(1) genoem: Met dien verstande dat die bepalings van hierdie subartikel nie die bepalings van artikels 80(99), 132(8), 132(9), bis en 132(9)ter van die Ordonnansie op Plaaslike Bestuur, 1939, raak nie.

(3) If the provisions of any other ordinance or by-law or regulation made in terms of such ordinance are in conflict with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Lapsing and renewal of existing licences and application for new licences for 1975.

65.(1) Any licence issued —

- (a) in terms of the provisions of the Licences Act, 1962 (Act 44 of 1962); or
- (b) by a local authority in terms of a power granted to it by the Local Government Ordinance, 1939 (Ordinance 17 of 1939),

shall, subject to the provisions of subsection (2), be deemed to have been issued in terms of the provisions of this Ordinance and shall lapse on the 31st December, 1974.

(2) The provisions of section 23 shall apply *mutatis mutandis* in connection with the renewal of a licence contemplated in subsection (1) if the licence which is applied for will grant substantially the same authority to trade as the licence which has lapsed: Provided that if a dispute arises in this connection between the holder of the licence which has lapsed and the issuing authority concerned, the chairman of the licensing board concerned shall settle such dispute.

(3) An application for a new licence for a business which will be carried on during 1975 may from the 1st November, 1974, be submitted to the licensing board concerned for disposal in terms of the provisions of Chapter IV.

(4) Where in terms of the provisions of this Ordinance a new licence for an existing business is required and an application for such licence —

- (a) has on the 31st December, 1974, not yet been disposed of; or
- (b) has been disposed of prior to that date but a licence has not been issued in terms of the provisions of section 20(1),

the applicant may, unless the chairman of the licensing board concerned determines otherwise, continue to carry on the business until a decision has been given in connection therewith or until the licence concerned has been issued, as the case may be.

Inspection by Provincial Auditor and authorized persons.

66.(1) The Provincial Auditor may at any time cause an inspection to be made of the records of and the revenue collected by a local authority on behalf of a licensing board or as an issuing authority in terms of the provisions of this Ordinance and for that purpose the provisions of sections 59, 60 and 61 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), shall apply *mutatis mutandis*.

(2) The Provincial Secretary or a local authority may authorize any person to conduct any inspection which the Provincial Secretary or local authority deems necessary for the purpose of ensuring that the provisions of this Ordinance are observed.

Verval van hernuwing van bestaande lisensies en aansoek om nuwe lisensies vir 1975.

65.(1) Enige lisensie wat uitgereik is —

- (a) ingevolge die bepalinge van die Wet op Lisensies, 1962 (Wet 44 van 1962); of
- (b) deur 'n plaaslike bestuur ingevolge 'n bevoegdheid aan hom verleen by die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939),

word, behoudens die bepalinge van subartikel (2), geag ingevolge die bepalinge van hierdie Ordonnansie uitgereik te gewees het en verval op die 31ste Desember 1974.

(2) Die bepalinge van artikel 23 is *mutatis mutandis* van toepassing in verband met die hernuwing van 'n lisensie in subartikel (1) beoog indien die lisensie waarom aansoek gedoen word, wesenlik dieselfde magtiging om 'n besigheid te dryf sal verleen as die lisensie wat verval het: Met dien verstande dat indien daar 'n geskil in hierdie verband ontstaan tussen die houër van die lisensie wat verval het en die betrokke uitreikingsowerheid, die voorsitter van die betrokke lisensieraad sodanige geskil besleg.

(3) 'n Aansoek om 'n nuwe lisensie vir 'n besigheid wat gedurende 1975 gedryf sal word, kan vanaf die 1ste November 1974 by die betrokke lisensieraad ingedien word vir afhandeling ingevolge die bepalinge van Hoofstuk IV.

(4) Waar ingevolge die bepalinge van hierdie Ordonnansie 'n nuwe lisensie vir 'n bestaande besigheid vereis word en die aansoek vir sodanige lisensie —

- (a) nie op die 31ste Desember 1974 afgehandel is nie; of
- (b) voor daardie datum afgehandel is maar ingevolge die bepalinge van artikel 20(1), 'n lisensie nog nie uitgereik is nie,

kan die aansoeker, tensy die voorsitter van die betrokke lisensieraad anders bepaal, voortgaan om die besigheid te dryf totdat 'n beslissing daaroor gegee is of totdat die betrokke lisensie uitgereik word, na gelang van die geval.

Inspeksie deur Provinsiale Ouditeur en gemagtigde persone.

66.(1) Die Provinsiale Ouditeur kan te eniger tyd 'n inspeksie laat uitvoer van die rekords van en die inkomste ingevorder deur 'n plaaslike bestuur namens 'n lisensieraad of as 'n uitreikingsowerheid ingevolge die bepalinge van hierdie Ordonnansie en vir daardie doel is die bepalinge van artikels 59, 60 en 61 van die Ordonnansie op Plaaslike Bestuur, 1939, (Ordonnansie 17 van 1939), *mutatis mutandis* van toepassing.

(2) Die Provinsiale Sekretaris of 'n plaaslike bestuur kan enige persoon magtig om enige inspeksie uit te voer wat die Provinsiale Sekretaris of sodanige plaaslike bestuur nodig ag vir die doel om te verseker dat die bepalinge van hierdie Ordonnansie nagekom word.

Repeal of laws.

67.(1) The Licences Act, 1962 (Act 44 of 1962), is hereby repealed in respect of its application in the Province of Transvaal.

(2) The Ordinances referred to in Schedule II of this Ordinance are hereby repealed.

Date of operation.

68.(1) This Ordinance shall, subject to the provisions of subsection (2), come into operation on the 1st January, 1975.

(2) In so far as it may be necessary for the submission, dealing with, hearing, consideration or disposal of any application for a new licence or for the renewal of a licence in terms of the provisions of section 65 and the issue of a licence in respect of such application granted by a licensing board, this Ordinance shall come into operation on the 1st November, 1974.

Short title.

69. This Ordinance shall be called the Licences Ordinance, 1974.

Herroeping van wette.

67.(1) Die Wet op Lisensies, 1962 (Wet 44 van 1962), word hierby herroep ten opsigte van die toepassing daarvan in die Provinsie Transvaal.

(2) Die Ordonnansies in Bylae II van hierdie Ordonnansie vermeld, word hierby herroep.

Datum van inwerking-treding.

68.(1) Hierdie Ordonnansie tree, behoudens die bepalings van subartikel (2), op die 1ste Januarie 1975 in werking.

(2) Vir sover dit nodig is vir die indiening, behandeling, verhoor, oorweging of afhandeling van enige aansoek om 'n nuwe lisensie of om die hernuwing van 'n lisensie ingevolge die bepalings van artikel 65 en die uitreiking van 'n lisensie ten opsigte van sodanige aansoek wat deur 'n lisensieraad toegestaan word, tree hierdie Ordonnansie op die 1ste November 1974 in werking.

Kort titel.

69. Hierdie Ordonnansie heet die Ordonnansie op Lisensies, 1974.

SCHEDULE I.

INDEX.

| <i>Business or trade</i>                              | <i>Item</i> |
|-------------------------------------------------------|-------------|
| Accommodation establishment                           | 46          |
| Auctioneer                                            | 2           |
| Baker                                                 | 5           |
| Barber or hairdresser                                 | 6           |
| Butcher                                               | 41          |
| Café keeper                                           | 20          |
| Caterer                                               | 44          |
| Chemist                                               | 4           |
| Cobbler                                               | 39          |
| Commercial traveller                                  | 17          |
| Crèche or nursery school                              | 21          |
| Cycle dealer                                          | 10          |
| Dairy farm                                            | 25          |
| Dairy-shop                                            | 26          |
| Dealer in aerated or mineral water                    | 15          |
| Dealer in bones and used goods                        | 11          |
| Dealer in fireworks                                   | 16          |
| Dealer in household, patent and proprietary medicines | 12          |
| Dealer in motor vehicles                              | 13          |
| Dealer or speculator in livestock or produce          | 14          |
| Debt collector                                        | 40          |
| Disinfector or fumigator                              | 30          |
| Eating-house keeper                                   | 8           |
| Estate agency                                         | 9           |
| Fishmonger and fish frier                             | 51          |
| Food manufacturer                                     | 52          |
| Fruit, vegetable and plant dealer                     | 53          |
| Funeral undertaker                                    | 7           |
| General dealer                                        | 3           |
| Hawker                                                | 42          |
| Hiring service                                        | 47          |
| Kennels or pets' boarding establishment               | 18          |
| Laundry or dry-cleaner                                | 54          |
| Laundry or dry-cleaning receiving depot               | 55          |
| Livery stable or riding-school keeper                 | 19          |
| Mail-order business                                   | 37          |
| Market agent                                          | 23          |
| Milk depot                                            | 24          |
| Miller                                                | 27          |
| Motor garage                                          | 28          |
| Motor vehicle attendant                               | 29          |
| Offensive trades                                      | 1           |
| Parkade                                               | 34          |
| Passenger transport undertaking                       | 35          |
| Pawnbroker                                            | 33          |
| Physical culture or health centre                     | 22          |
| Place of entertainment                                | 50          |
| Poultry farming                                       | 36          |
| Recreation ground                                     | 31          |
| Restaurant keeper                                     | 38          |
| Salesman                                              | 48          |
| Special licence                                       | 43          |
| Street photographer                                   | 45          |
| Vending machine keeper                                | 49          |
| Warehouse                                             | 32          |
| Workshop                                              | 56          |

BYLAE I.

INHOUDSOPGAWE.

| <i>Besigheid of beroep</i>                               | <i>Item</i> |
|----------------------------------------------------------|-------------|
| Aanstootlike bedrywe                                     | 1           |
| Afslaer                                                  | 2           |
| Algemene handelaar                                       | 3           |
| Apteker                                                  | 4           |
| Bakker                                                   | 5           |
| Barbier of haarkapper                                    | 6           |
| Begrafnisondernemer                                      | 7           |
| Eethuisher                                               | 8           |
| Eiendomsagentskap                                        | 9           |
| Fietshandelaar                                           | 10          |
| Handelaar in bene en gebruikte goedere                   | 11          |
| Handelaar in huishoudelike, patent- en eiendoms medisyne | 12          |
| Handelaar in motorvoertuie                               | 13          |
| Handelaar of spekulant in lewende hawe of produkte       | 14          |
| Handelaar in spuit- of mineraalwater                     | 15          |
| Handelaar in vuurwerk                                    | 16          |
| Handelsreisiger                                          | 17          |
| Hondehokke of troeteldierlosiesinrigting                 | 18          |
| Huurstal- of ryskoolhouer                                | 19          |
| Kafeehouer                                               | 20          |
| Kinderbewaarpark of kleuterskool                         | 21          |
| Liggaamsontwikkeling- of gesondheidsentrum               | 22          |
| Markagent                                                | 23          |
| Melkdepot                                                | 24          |
| Melkplaas                                                | 25          |
| Melkwinkel                                               | 26          |
| Meulenaar                                                | 27          |
| Motorgarage                                              | 28          |
| Motorvoertuigoppasser                                    | 29          |
| Ontsmetter of beroker                                    | 30          |
| Ontspanningsterrein                                      | 31          |
| Pakhuis                                                  | 32          |
| Pandjieshouer                                            | 33          |
| Parkade                                                  | 34          |
| Passasiersvervoeronderneming                             | 35          |
| Pluimveeboerdery                                         | 36          |
| Posbestellingsonderneming                                | 37          |
| Restauranthouer                                          | 38          |
| Skoenmaker                                               | 39          |
| Skuldinvorderaar                                         | 40          |
| Slagter                                                  | 41          |
| Smous                                                    | 42          |
| Spesiale lisensie                                        | 43          |
| Spysenier                                                | 44          |
| Straatfotograaf                                          | 45          |
| Verblyfsonderneming                                      | 46          |
| Verhuurdiens                                             | 47          |
| Verkoopsman                                              | 48          |
| Verkoopsoutomaathouer                                    | 49          |
| Vermaaklikheidsplek                                      | 50          |
| Vishandelaar en -bakker                                  | 51          |
| Voedselvervaardiger                                      | 52          |
| Vrugte-, groente- en plantehandelaar                     | 53          |
| Wassery of droogskoonmakery                              | 54          |
| Wassery- of droogskoonmakery-ontvangsdepot               | 55          |
| Werkswinkel                                              | 56          |

## SCHEDULE I.

*Item 1: Offensive trades.*

- (1) The fee for this licence shall be R30 per year.
- (2) A separate licence shall be required by a person who carries on any one of the following businesses:
- (a) Boiling or drying bones or blood, sterilizing animal hair, manufacturing gum or glue, extracting fat by boiling or melting fat or tallow or grinding bones or other animal substances into meal;
  - (b) scraping cleaning or boiling intestines or offal;
  - (c) burning charcoal, coke or lime;
  - (d) dressing or tanning leather or curing hides or skins;
  - (e) manufacturing malt;
  - (f) selling or offering or exposing for sale the raw meat of any equine;
  - (g) manufacturing soap or candles;
  - (h) making bricks or excavating, dressing or crushing stone;
  - (i) manufacturing yeast; or
  - (j) manufacturing flock or down.

(3) The holder of a licence in respect of any business referred to in paragraph (2) may also in terms thereof buy the raw materials and animal products necessary for the carrying on of his business and sell or exchange the manufactured or processed product.

*Exemption.*

Any person in respect of the carrying on by him of the businesses referred to in paragraphs (2)(a), (b) or (d) on the premises of an abattoir as defined in the Animal Slaughter, Meat and Animal Products Hygiene Act 1967 (Act 87 of 1967).

*Item 2: Auctioneer.*

- (1) The fee for this licence shall be R30 per year.
- (2) This licence shall be required by a person who carries on business by selling any goods, including livestock, live poultry and immovable property, by public auction where the highest bidder whether bidding by the rise or by the fall becomes the purchaser.
- (3) A holder of this licence may also in terms thereof sell livestock, live poultry and immovable property, out of hand on the day on which it is offered by public auction.
- (4) This licence shall be valid for the whole Province.
- (5) This licence shall only be issued to an individual and issued in his name and shall also be required by any person who as employee of a holder of this licence, holds sales by public auction on behalf of his employer.
- (6) This licence shall not authorize the sale by public auction of new or unused goods, except when such sale takes place on behalf of and on the business premises of the holder of a licence in terms of which such holder is entitled to sell such goods.
- (7) For the purpose of paragraph (6), the expression "new or unused goods" shall mean any goods which have not been in use previously or which have not been possessed for his own account by any person other than the manufacturer or producer thereof or any person dealing therewith in the course of business.

## BYLAE I.

*Item 1: Aanstootlike bedrywe.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) 'n Afsonderlike lisensie word vereis van iemand wat enigeen van die volgende besighede dryf:
- (a) Bene of bloed kook of droogmaak, dierehare steriliseer, gom of lym vervaardig, vet uitkook of vet of talk smelt of bene of ander dierlike bestanddele tot meel maal;
  - (b) derms of afval skraap, skoonmaak of kook;
  - (c) houtskool, kooks of kalk brand;
  - (d) leer, brei of looi of huide of velle insout;
  - (e) mout vervaardig;
  - (f) rou vleis van lede van die perdefamilie verkoop of te koop aanbied of vir verkoop uitstal;
  - (g) seep of kerse vervaardig;
  - (h) stene maak, klip uitgrawe, bewerk of vergruis;
  - (i) suurdeeg vervaardig; of
  - (j) vlok of dons vervaardig.

(3) Die houer van 'n lisensie ten opsigte van enige besigheid in paragraaf (2) genoem, kan daarkragtens ook die grondstowwe en dierlike produkte wat vir die dryf van sy besigheid nodig is, koop en die vervaardigde of verwerkte produk verkoop of verruil.

*Vrystelling.*

Iemand ten opsigte van die dryf deur hom van die besighede in paragrawe (2)(a), (b) of (d) genoem op die perseel van 'n abattoir soos omskryf in die Wet op Hygiëne by Dierslag, Vleis en Dierlike Produkte, 1967 (Wet 87 van 1967).

*Item 2: Afslaer.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur enige goedere, met inbegrip van lewende hawe, lewende pluimvee en onroerende eiendom, per openbare veiling te verkoop waar die hoogste bieder, hetsy daar by wyse van styging of by wyse van daling gebie word, die koper word.
- (3) 'n Houer van hierdie lisensie kan daarkragtens ook lewende hawe, lewende pluimvee en onroerende eiendom uit die hand verkoop op die dag waarop dit per openbare veiling aangebied word.
- (4) Hierdie lisensie is geldig vir die hele Provinsie.
- (5) Hierdie lisensie word alleenlik aan 'n individu toegestaan en in sy naam uitgereik, en word ook vereis van iemand wat as werknemer van 'n houer van hierdie lisensie, verkopings per openbare veiling ten behoeve van sy werkgewer hou.
- (6) Hierdie lisensie magtig nie die verkoop per openbare veiling van nuwe of ongebruikte goedere nie, uitgenome waar sodanige verkoop plaasvind ten behoeve en op die besigheidsperseel van 'n houer van 'n lisensie waarkragtens sodanige houer geregtig is om sodanige goedere te verkoop.
- (7) Vir die toepassing van paragraaf (6), beteken die uitdrukking "nuwe of ongebruikte goedere" enige goedere wat nog nie in gebruik was nie of wat nog nie te eniger tyd vir sy eie rekening besit was nie deur enigiemand anders as die vervaardiger of produsent daarvan of iemand wat in die loop van besigheid daarmee handel.

*Exemptions.*

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

(B) Any person appointed to sell movable or immovable property for or on behalf of the State or a local authority, when acting in terms of such appointment.

(C) Any person acting in terms of an appointment to sell by auction on behalf of a society or an association for the promotion of agriculture or the improvement of livestock or poultry at an agricultural show or a market held by such society or association: Provided that this exemption shall not apply in respect of sales at more than 4 shows or markets held in any one year in the Province on behalf of any one society or association: Provided further that any sale at any such show or market shall not continue for more than 4 days.

(D) The holder of a licence of dealer or speculator in livestock or produce, in respect of sales by him by public auction in the course of business done by him in terms of the said licence.

*Item 3: General dealer.*

(1) The fee for this licence shall be as follows:

- (a) Where the average value of stock on hand does not exceed R5 000 .... R30 per year.
- (b) Where the average value of stock on hand exceeds R5 000, on that portion of such value —
  - (i) which does not exceed R5 000 R30 per year;
  - (ii) which exceeds R5 000 —
    - for every R5 000 or portion thereof .... R10 per year but shall not exceed a maximum payment of R1 000 per year.

(2) This licence shall be required by a person who carries on business by selling, exchanging or offering or exposing for sale or exchange goods, wares, foodstuffs, produce or live animals in, on or from business premises, if any other licence is not required in terms of the provisions of this Ordinance for the carrying on of such business or from a person who sells or supplies by wholesale any medicine, drug or poison.

(3) The holder of this licence may also in terms thereof, buy, exchange, sell or offer or expose for sale the following:

- (a) Aerated or mineral water, cordial, syrup or other beverages of a like nature for consumption off the business premises;
- (b) fresh fruit, fresh vegetables, flowers and plants;
- (c) milk, cream, separated milk, skimmed milk, butter-milk, sour milk, curds or yoghurt in sealed containers in which it is supplied by a dairy farm, milk depot or dairy-shop licensed in terms of the provisions of this Ordinance or any other law;
- (d) a poison or a preparation containing poison, by retail, in respect of which he has been issued with a certificate in terms of section 51 of the Medical, Dental and Pharmacy Act, 1928 (Act 13 of 1928);

*Vrystellings.*

(A) 'n Geregsbode of sy adjunk of 'n Balju of sy adjunk of enige ander behoorlik gemagtigde beampte van die hof en 'n markmeester of skutmeester, wanneer hy in sy hoedanigheid as sodanig optree.

(B) Iemand wat aangestel is om roerende of onroerende eiendom vir of ten behoeve van die Staat of 'n plaaslike bestuur te verkoop, wanneer hy ingevolge so 'n aanstelling optree.

(C) Iemand wat optree ingevolge 'n aanstelling om ten behoeve van 'n genootskap of vereniging vir die bevordering van die landbou en die verbetering van lewende hawe of pluimvee by 'n landboutentoonstelling of 'n mark wat deur sodanige genootskap of vereniging gehou word, by veiling te verkoop: Met dien verstande dat hierdie vrystelling nie van toepassing is nie ten opsigte van verkopings, by meer as 4 tentoonstellings of markte wat in een jaar ten behoeve van een genootskap of vereniging in die Provinsie gehou word: Met dien verstande voorts dat 'n verkoping by so 'n tentoonstelling of mark nie langer as 4 dae duur nie.

(D) Die houer van 'n lisensie van handelaar of spekulant in lewende hawe of produkte, ten opsigte van verkope deur hom per openbare veiling in die loop van die besigheid wat hy ingevolge genoemde lisensie doen.

*Item 3: Algemene handelaar.*

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Waar die gemiddelde waarde van die voorraad voorhande hoogstens R5 000 is: R30 per jaar;
- (b) Waar die gemiddelde waarde van die voorraad voorhande R5 000 te bowe gaan, op dié gedeelte van sodanige waarde —
  - (i) wat nie R5 000 te bowe gaan nie: R30 per jaar;
  - (ii) wat R5 000 te bowe gaan —
    - vir elke R5 000 of gedeelte daarvan: R10 per jaar, maar oorskry nie 'n maksimum betaling van R1 000 per jaar nie.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in, op of vanaf 'n besigheidspersoneel goedere, ware, voedsel, produkte of lewende diere te verkoop of te verruil, of te koop of te ruil aan te bied of uit te stal, indien daar nie 'n ander lisensie ingevolge die bepalings van hierdie Ordonnansie vir die dryf van sodanige besigheid vereis word nie of van iemand wat in die groothandel enige medisyne, verdowingsmiddel of vergif verkoop of verskaf.

(3) Die houer van hierdie lisensie kan daarkragtens ook die volgende koop, verruil, verkoop of te koop aanbied of uitstal:

- (a) Suiet- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard, vir gebruik weg van die besigheidspersoneel;
- (b) vars vrugte, vars groente, blomme en plante;
- (c) melk, room, afgeskeide melk, afgeroomde melk, karingmelk, suurmilk, dikmelk of yoghurt in verseelde houers waarin dit verskaf is deur 'n melkplaas, 'n melkdepot of 'n melkwinkel wat ingevolge die bepalings van hierdie Ordonnansie of enige ander wet gelisensieer is;
- (d) 'n vergif of vergifhoudende preparaat in die kleinhandel ten opsigte waarvan aan hom 'n sertifikaat ingevolge artikel 51 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet 13 van 1928), verleen is;

- (e) hides and skins;
- (f) cycles as defined in paragraph (4) of Item 10, as well as cycle spares and accessories if his business premises are situated outside a municipality; and
- (g) raw fish or poultry meat which was supplied in a frozen ready-packed or wrapped or processed form by a food manufacturer, produce or butcher.

(4) The average value of the stock on hand shall be determined as follows:

- (a) In the case of a business which was in existence immediately prior to the date upon which liability for the licence arose —
  - (i) the value of the stock on hand (including the stock purchased and in bond or transit) at the date of stocktaking, as determined at the last stocktaking during the twelve months immediately preceding the date upon which such liability arose;
  - (ii) where there has been no stocktaking within the period prescribed in subparagraph (i), an estimate of the average value of the stock held during the preceding twelve months or such shorter period as the business has been in existence; and
- (b) in the case of a new business, the amount which the person having the control or management of the business to be carried on declares 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 ownership or that it may have been removed from the place where it was carried on in terms of a licence issued in respect of the last preceding year.

(6)(a) When a licence is taken out in terms of the provisions of this Item, there shall be furnished to the issuing authority concerned an affidavit by the holder of the licence or by the person who is in actual and effective control of the business or a statement certified by an auditor or accountant, in the form as determined, wherein the value of the stock on hand, calculated in accordance with the provisions of paragraph (4), is specified.

(b) If any person who is required to hold a general dealer's licence carries on or has carried on business without such licence, an authorized officer may estimate the average value of the stock at such amount as he may consider fair and reasonable and thereupon the licence fee calculated in accordance with such estimate shall be payable.

#### *Exemptions.*

(A) A grower of fruit, vegetables, plants or flowers, in respect of the sale of such produce cultivated or grown by himself, and a farmer in respect of the sale of livestock, live poultry or produce bred, cultivated, grown or bought by him in the course of his ordinary farming operations, provided such sale does not take place in, on or from business premises away from the land where the grower grows or cultivates his produce or where the farmer carries on his ordinary farming operations.

(e) huide en velle;

- (f) fietse soos omskryf in paragraaf (4) van Item 10 en ook fietsonderdele en -toebehore indien sy besigheidsperseel buite 'n munisipaliteit geleë is; en
- (g) rou vis of pluimveevleis wat in 'n bevrore klaar verpakte, toegedraaide of geprosesseerde vorm deur 'n voedselvervaardiger of produsent of slagter voorsien is.

(4) Die gemiddelde waarde van die voorraad voorhande word as volg bepaal:

- (a) In die geval van 'n besigheid wat onmiddellik voor die datum waarop aanspreeklikheid vir die lisensie ontstaan, bestaan het —
  - (i) die waarde van die voorraad voorhande (daarby inbegrepe voorraad gekoop en in entrepot of onderweg) op die datum van voorraadopname, soos bepaal by die laaste voorraadopname gedurende die twaalf maande wat die datum onmiddellik voorafgaan waarop sodanige aanspreeklikheid ontstaan; en
  - (ii) waar daar geen voorraadopname gedurende die in subparagraaf (i) voorgeskrewe tydperk was nie, 'n skatting van die gemiddelde waarde van die voorraad gehou gedurende die voorafgaande twaalf maande of sodanige korter tydperk wat die besigheid bestaan het; en
- (b) in die geval van 'n nuwe besigheid, die bedrag wat die persoon wat die besigheid wat gedryf sal word, beheer of bestuur, as die geskatte gemiddelde waarde verklaar van die voorraad wat vir die lisensie-tydperk in sodanige besigheid gehou sal word.

(5) 'n Besigheid word geag te bestaan het nieteenstaande daar 'n verandering van die eiendomsreg was of dat dit verplaas is vanaf die plek waar daar ingevolge 'n lisensie ten opsigte van die onmiddellik voorafgaande jaar uitgereik, besigheid gedryf was.

(6)(a) Wanneer 'n lisensie ingevolge die bepalings van hierdie Item uitgeneem word, word 'n beëdigde verklaring deur die houer van die lisensie of deur die persoon wat in werklike en effektiewe beheer van die betrokke besigheid is of 'n staat gesertifiseer deur 'n rekenmeester of ouditeur, in die vorm soos bepaal, waarin die waarde van die voorraad voorhande, bereken ooreenkomstig die bepalings van paragraaf (4), aangegee word, aan die betrokke uitreikingsowerheid verstrekk.

(b) Indien iemand van wie 'n algemene handelaarslisensie vereis word sonder so 'n lisensie besigheid dryf of gedryf het, kan 'n gemagtigde beampte die gemiddelde waarde van die voorraad op sodanige bedrag skat as wat hy billik en redelik ag en daarna is die lisensiegeld bereken ooreenkomstig sodanige skatting betaalbaar.

#### *Vrystellings.*

(A) 'n Kweker van vrugte, groente, plante of blomme, ten opsigte van die verkoop van sodanige produkte deur hom gekweek of verbou en 'n boer ten opsigte van die verkoop van lewende hawe, lewende pluimvee of produkte deur hom geteel, gekweek, of verbou of gekoop in die loop van sy gewone boerderybedrywighede, mits sodanige verkoop nie plaasvind nie in, op of vanaf 'n besigheidsperseel weg van die grond waar die kweker sy produkte kweek of verbou of waar die boer sy gewone boerderybedrywighede beoefen.

(B) A builder or contractor, artisan or other person in respect of the supply by him of materials or fixtures in fulfilment of his contract to do any work or as part of work done by him or the sale by him, to order, of the product of his own skill or labour.

*Item 4: Chemist.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying medicines, drugs or poisons by retail or by compounding, dispensing or making up medicines or drugs according to prescription.

(3) This licence shall only be granted to —

(a) an individual entitled to practice as a chemist and druggist in terms of the Medical, Dental and Pharmacy Act, 1928 (Act 13 of 1928); or

(b) a corporate body entitled in terms of the said Act to carry on the business of a chemist and druggist.

(4) A holder of this licence may in terms thereof also sell, offer or expose for sale medical, surgical, orthopaedic and photographic appliances, apparatus and requirements, toilet requisites and such other articles of a like nature as are customarily dealt in by a chemist or druggist.

*Item 5: Baker.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by baking or making bread, rusks, biscuits, cake, rolls, tart, pastry or other flour confectionery.

(3) A holder of this licence may also in terms thereof —

(a) sell or offer or expose his products for sale by wholesale or retail on the business premises where it is baked or made; and

(b) sell his products from a vehicle of which he is the owner.

*Item 6: Barber or hairdresser.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by —

(a) cutting, shaving, washing, waving, straightening or otherwise treating the hair or beard of any other person or giving beauty treatment to the skin or nails of any other person; or

(b) giving beauty treatment to domestic animals by clipping, washing or brushing or by caring for their nails or teeth.

(3) A holder of this licence may also in terms thereof sell wigs, toilet and smokers' requisites.

*Item 7: Funeral undertaker.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by attending to corpses (with or without embalment thereof) and undertaking or arranging the burial, cremation or exhumation thereof or rendering other services in this connection.

(B) 'n Bouer of kontrakteur, ambagsman of ander persoon ten opsigte van die verskaffing deur hom van materiaal of vaste toebehoorsels in die uitvoering van sy kontrak om werk te doen of as deel van werk deur hom gedoen of die verkoop deur hom op bestelling van die produk van sy eie vaardigheid en arbeid.

*Item 4: Apteker.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur medisyne, verdowingsmiddels of vergifte in die kleinhandel te verkoop of te verskaf of deur medisyne of verdowingsmiddels volgens voorskrif te berei, te resepteer of op te maak.

(3) Hierdie lisensie word slegs toegestaan aan —

(a) 'n indiividu wat ingevolge die Wet op Geneesher, Tandartse en Aptekers, 1928 (Wet 13 van 1928) geregtig is om as apteker te praktiseer; of

(b) 'n regspersoon wat ingevolge genoemde Wet geregtig is om 'n aptekersbesigheid te dryf.

(4) 'n Houer van hierdie lisensie, kan daarkragtens ook mediese, chirurgiese, ortopediese en fotografiese toestelle, apparaat en benodigdhede, toiletbenodigdhede en ander artikels van 'n soortgelyke aard waarin volgens gebruik 'n apteker besigheid dryf, verkoop, te koop aanbied of uitstal.

*Item 5: Bakker.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur brood, beskuit, beskuitjies, koek, rolletjies, tert, pastei of ander meelgebak te bak of te maak.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook —

(a) sy produkte in die groothandel of die kleinhandel op die besigheidspersoneel waar dit gebak of gemaak word, verkoop, vir verkoop aanbied of uitstal; en

(b) sy produkte verkoop vanaf 'n voertuig wat aan hom behoort.

*Item 6: Barbier of haarkapper.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

(a) iemand anders se hare of baard, te sny, te skeer, te was, te krul, reguit te maak of andersins te behandel of skoonheidsbehandeling vir iemand anders se vel of naels te gee; of

(b) skoonheidsbehandeling vir huisdiere te gee deur hulle te skeer, te was, te borsel of hulle naels of tande te versorg.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook pruike, toilet- en rokersbenodigdhede verkoop.

*Item 7: Begrafnisondernemer.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur lyke te versorg (met of sonder die verbalseming daarvan) en die teraardebestelling, verassing of opgraving daarvan te onderneem, of te reël en ander dienste in dié verband te lewer.

(3) A holder of this licence may also in terms thereof sell or supply tombstones; coffins, flowers, wreaths, vases and other articles of a like nature which are customarily supplied by persons carrying on a business of the nature referred to in paragraph (2).

(4) This licence shall be valid for the whole Province but a separate licence shall be required for each business premises.

*Item 8: Eating-house keeper.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying meals or refreshments to a person other than a white in a building or structure or in the open air outside such building or structure for consumption on the business premises.

(3) A holder of this licence may also in terms thereof sell or supply tobacco in any form; matches, aerated or mineral water, cordial, syrup or other beverages of a like nature for consumption on or off the business premises in question.

(4) For the purpose of paragraph (2), "white" means a white as defined in section 1 of the Population Registration Act, 1950 (Act 30 of 1950).

*Item 9: Estate agency.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by—

- (a) selling immovable property or canvassing a buyer therefor;
- (b) acting or negotiating on behalf of any other person for the purchase, sale, hire or lease of immovable property or any business undertaking or offering to do so; or
- (c) canvassing a purchaser or a lessee for, or a seller or lessor of immovable property or any business undertaking on behalf of another or offering to do so.

(3) This licence shall be valid for the whole Province irrespective of whether the business is carried on in, on or from business premises in this Province or not, but a separate licence shall be required in respect of every such business premises.

*Exemptions.*

(A) A person attending to the administration of a deceased estate, the curatorship of an insolvent estate or the judicial management or liquidation of a company in respect of the performance of his duties and the exercise of his powers in that connection.

(B) A *bona fide* employee, manager or director of, or a *bona fide* partner in a licensed estate agency.

*Item 10: Cycle dealer.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by—

- (a) manufacturing, constructing or assembling cycles and selling all or some of them by retail;
- (b) selling by retail cycles which have not been manufactured, constructed or assembled by him;

(3) 'n Houer van hierdie lisensie kan daarkragtens ook grafstene, kiste, blomme, kranse, blompotte en ander artikels van 'n soortgelyke aard wat volgens gebruik voorsien word deur persone wat besigheid dryf van die aard in paragraaf (2) genoem, verkoop of verskaf.

(4) Hierdie lisensie is geldig vir die hele Provinsie maar 'n afsonderlike lisensie word vir elke besigheidsperseel vereis.

*Item 8: Eethuisher.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in 'n gebou of 'n struktuur of in die opelug buite sodanige gebou of struktuur maaltye of verversings aan iemand anders as 'n blanke vir verbruik op die besigheidsperseel te verkoop of te verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook tabak in enige vorm, vuurhoutjies, spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelyke aard vir verbruik op of weg van die betrokke besigheidsperseel verkoop of verskaf.

(4) Vir die toepassing van paragraaf (2), beteken "blanke" 'n blanke soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950).

*Item 9: Eiendomsagentskap.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur—

- (a) onroerende eiendom te verkoop of 'n koper daarvoor te werf;
- (b) namens iemand anders die koop, verkoop, huur of verhuur van onroerende eiendom of enige besigheidsonderneming waar te neem, of daarvoor te onderhandel of aan te bied om dit te doen; of
- (c) 'n koper of 'n huurder vir, of 'n verkoper of 'n verhuurder van onroerende eiendom of enige besigheidsonderneming namens iemand anders te werf of aan te bied om dit te doen.

(3) Hierdie lisensie is geldig vir die hele Provinsie ongeag of die besigheid in, op of vanaf 'n besigheidsperseel in die Provinsie gedryf word, al dan nie, maar 'n afsonderlike lisensie word ten opsigte van elke besigheidsperseel vereis.

*Vrystellings.*

(A) Iemand wat die administrasie van 'n bestorwe boedel, die kuratorskap van 'n insolvente boedel of die geregtelike bestuur of likwidasie van 'n maatskappy waarneem, ten opsigte van die uitvoering van sy pligte en die uitoefening van sy bevoegdhede in dié verband.

(B) 'n *Bona fide*-werknemer, -bestuurder of -direkteur van, of 'n *bona fide*-vennoot in 'n gelisensieerde eiendomsagentskap.

*Item 10: Fietshandelaar.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur—

- (a) fietse te vervaardig, op te bou of te monteer en hulpe, of sommige daarvan, in die kleinhandel te verkoop;
- (b) fietse nie deur hom vervaardig, opgebou of gemonter nie in die kleinhandel te verkoop;

- (c) buying or selling used cycles or parts thereof; or
- (d) repairing cycles.

(3) A holder of this licence may also in terms thereof sell cycle spares and accessories.

(4) For the purpose of this Item "cycle" means a bicycle or tricycle which is not a self-propelled vehicle.

*Item 11: Dealer in bones and used goods.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by buying, selling or exchanging bones or any of the following used goods:

Clothing, footwear, timber, building bricks or blocks, building material or accessories, worn out machinery, drums, tins, bottles, packing-cases, boxes, crates or other containers, metal, rags, bags, paper or waste material.

*Item 12: Dealer in household, patent and proprietary medicines.*

(1) The fee for this licence shall be R10 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying herbal medicines, household medicines or patent and proprietary medicines by retail, provided that such medicines contain no substance which in terms of the Medical, Dental and Pharmacy Act, 1928 (Act 13 of 1928), is a poison, a habit-forming drug or a potentially harmful drug.

(3) This licence shall be issued only to the holder of a general dealer's licence.

(4) For the purpose of paragraph (2) —

(a) "household medicine" means any medicine or medicinal product or preparation which is not a herbal medicine or medicine contemplated in subparagraph (b) and which is manufactured and sold under a recognised or well-known name; and

(b) "patent and proprietary medicine" means any medicine —

- (i) protected in any province of the Republic under current letters patent;
- (ii) prepared or purporting or professed to have been prepared from some secret formula;
- (iii) prepared or purporting or professed to have been prepared by some secret or occult skill, whether or not the formula is or is professed to be secret;
- (iv) sold under a name or trade-mark specially registered in respect thereof; or
- (v) sold under any description which implies or indicates proprietary rights.

*Exemption.*

The holder of a chemist's licence.

*Item 13: Dealer in motor vehicles.*

(1) The fee for this licence shall be as follows:

- (a) Where the average value of the stock on hand does not exceed R5 000 .... R30 per year.
- (b) Where the average value of the stock on hand exceeds R5000, upon such part of such value —

(c) gebruikte fietse of dele daarvan te koop of te verkoop; of

(d) fietse te herstel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook fietsonderdele en -toebehore verkoop.

(4) Vir die toepassing van hierdie Item beteken "fiets" 'n tweewiel- of driewiel-fiets wat nie 'n selfgedrewe voertuig is nie.

*Item 11: Handelaar in bene en gebruikte goedere.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur bene of enige van die volgende gebruikte goedere te koop, te verkoop of te ruil:

Klerasie, skoeisel, timmerhout, boustene of -blokke, boumateriaal of -toebehore, uitgediende masjinerie, dromme, blikke, bottels, pakkiste, dose, kratte of ander houters, metaal, vodde, sakke, papier of afvalmateriaal.

*Item 12: Handelaar in huishoudelike, patent- en eiendomsmedisyne.*

(1) Die geld vir hierdie lisensie is R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur kruiemedsyne, huishoudelike medisyne of patent- en eiendomsmedisyne in die kleinhandel te verkoop of te verskaf, mits sodanige medisyne nie enige stof bevat wat ingevolge die bepalinge van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet 13 van 1928), 'n vergif, 'n gewoontevormende medisyne of 'n moontlike nadelige medisyne is nie.

(3) Hierdie lisensie word slegs uitgereik aan iemand wat die houer van 'n algemene handelaarslisensie is.

(4) Vir die toepassing van paragraaf (2) beteken —

(a) "huishoudelike medisyne" enige medisyne of geneeskragtige produk of preparaat wat nie kruiemedsyne of enige medisyne, soos in subparagraaf (b) bedoel, is nie en wat onder 'n erkende of welbekende naam vervaardig en verkoop word; en

(b) "patent- en eiendomsmedisyne" enige medisyne —

- (i) wat in 'n provinsie van die Republiek ingevolge 'n bestaande patentbrief beskerm word;
- (ii) wat berei is of wat heet of voorgegee word berei te gewees het volgens een of ander geheime formule;
- (iii) wat berei is of wat heet of voorgegee word berei te gewees het volgens 'n geheime of verborge kuns hetsy die formule geheim is of voorgegee word geheim te wees al dan nie;
- (iv) wat verkoop word onder 'n naam of handelsmerk wat spesiaal ten opsigte daarvan geregistreer is; of
- (v) wat verkoop word onder enige beskrywing waarvan eiendomsregte afgelei kan word of wat dit aandui.

*Vrystelling.*

Die houer van 'n aptekerslisensie.

*Item 13: Handelaar in motorvoertuie.*

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Waar die gemiddelde waarde van die voorraad voorhande hoogstens R5 000 is: R30 per jaar.
- (b) Waar die gemiddelde waarde van die voorraad voorhande R5 000 te bowe gaan, op die gedeelte van sodanige waarde —

- (i) as does not exceed R5 000 .... R30 per year;  
 (ii) as exceeds R5 000 —  
 for each R5 000 or part thereof R10 per year,  
 subject to a maximum of  
 R1 000 per year.

(c) Where motor vehicles are hired  
 out — per motor vehicle .... R10 per year.

(2) This licence shall be required by a person who carries on business by buying, selling, exchanging or hiring out motor vehicles whether new or used.

(3) The holder of this licence may also in terms thereof buy, sell or exchange caravans, trailers, tractors, agricultural implements and irrigation machinery, whether new or used.

(4) For the purpose of this Item —

(a) "motor vehicle" means any self-propelled vehicle which is not a tractor;

(b) "trailer" means a vehicle which is not self-propelled and which has been designed or adapted to be drawn by a motor vehicle and to carry goods.

and the provisions of paragraphs (4), (5) and (6) of Item 3 (general dealer) shall *mutatis mutandis* apply.

#### Item 14: Dealer or speculator in livestock or produce.

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by buying livestock or produce for the purpose of sale (whether by public auction or out of hand), consignment or exchange whether or not such business is carried on on business premises.

(3) This licence shall be valid for the whole Province: Provided that a separate licence shall be required for every business premises in the Province.

(4) This licence shall only be issued to an individual and shall be issued in his name and shall also be required by any person who as employee of a dealer or speculator in livestock and produce carries on business on behalf of his employer.

(5) For the purpose of this Item —

(a) "livestock" means cattle, horses, mules, donkeys, sheep, goats, pigs, poultry and ostriches; and

(b) "produce" means all products, including hides and skins, produced by a farmer.

(6) This licence shall not authorize the carrying on of business as a general dealer, café-keeper, fruit, vegetable and plant dealer or hawker.

#### Exemptions.

(A) A holder of a general dealer's licence, café-keeper's licence, fruit, vegetable and plant dealer's licence or a hawker's licence in respect of the buying of livestock or produce in the course of his business.

(B) A farmer in respect of the buying or selling of livestock or produce in the course of his farming operations.

#### Item 15: Dealer in aerated or mineral water.

(1) The fee for this licence shall be R15 per year.

(i) wat nie R5 000 te bowe gaan nie: R30 per jaar;

(ii) wat R5 000 te bowe gaan —  
 vir elke R5 000 of gedeelte daarvan: R10 per jaar, maar oorskry nie 'n maksimum betaling van R1 000 per jaar nie.

(c) Waar motorvoertuie verhuur word per motorvoertuig: R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur motorvoertuie, hetsy nuut of gebruik te koop, te verkoop, te verruil of te verhuur.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook woonwaens, sleepwaens, trekkers, landbou-implemente en besproeiingsmasjinerie, hetsy nuut of gebruik, koop, verkoop of verruil.

(4) Vir die toepassing van hierdie Item beteken —

(a) "motorvoertuig" enige selfgedrewe voertuig wat nie 'n trekker is nie; en

(b) "sleepwa" 'n voertuig wat nie selfgedrewe is nie en wat ontwerp of ingerig is om deur 'n motorvoertuig getrek te word en goedere te vervoer,

en is die bepalinge van paragrawe (4), (5) en (6) van Item 3 (algemene handelaar) *mutatis mutandis* van toepassing.

#### Item 14: Handelaar of spekulant in lewende hawe of produkte.

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur lewende hawe of produkte te koop vir doeleindes van verkoop (hetsy per openbare veiling of uit die hand), versending of ruil, ongeag of sodanige besigheid op 'n besigheidsperseel gedryf word of nie.

(3) Hierdie lisensie is geldig vir die hele Provinsie: Met dien verstande dat 'n afsonderlike lisensie vir elke besigheidsperseel in die Provinsie vereis word.

(4) Hierdie lisensie word slegs aan 'n individu toegestaan en in sy naam uitgereik, en word ook vereis van iemand wat as werknemer van 'n handelaar of spekulant in lewende hawe of produkte namens sy werkgever besigheid dryf.

(5) Vir die toepassing van hierdie Item beteken —

(a) "lewende hawe" beeste, perde, muile, donkies, skaape, bokke, varke, pluimvee en volstruise; en

(b) "produkte" alle produkte wat deur 'n boer geproduseer word met inbegrip van huide en velle.

(6) Hierdie lisensie magtig nie die dryf van besigheid as algemene handelaar, kafeehouer, vrugte-, groente- en plantehandelaar of smous nie.

#### Vrystellings.

(A) 'n Houer van 'n algemene handelaarslisensie, kafeelisensie, 'n vrugte-, groente- en plantehandelaarslisensie of 'n smouslisensie, ten opsigte van die koop van lewende hawe of produkte in die loop van sy besigheid.

(B) 'n Boer ten opsigte van die koop of verkoop van lewende hawe of produkte in die loop van sy boerderybedrywighede.

#### Item 15: Handelaar in spuit- of mineraalwater.

(1) Die geld vir hierdie lisensie is R15 per jaar.

(2) This licence shall be required by a person, including a person licensed to sell intoxicating liquor, who carries on business by selling or supplying, on business premises, aerated or mineral water, cordial, syrup or other beverages of a like nature, whether mixed or unmixed with any other beverage and whether for consumption on or off the business premises.

(3) A holder of this licence may also in terms thereof sell tobacco in any form and matches.

**Item 16: Dealer in fireworks.**

(1) The fee for this licence shall be R10 per year.

(2) This licence shall be required by a person who carries on business by selling fireworks.

(3) This licence shall be issued only to a person who carries on another business in, on or from business premises.

**Exemption.**

A holder of a licence to trade in arms and ammunition issued in terms of section 19 of the Arms and Ammunition Act, 1969 (Act 75 of 1969).

**Item 17: Commercial traveller.**

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by travelling or going about and, as a representative, agent or employee of any other person (hereinafter referred to as the principal) or as an employee of such representative, agent or employee, solicits, canvasses or accepts orders from any other person not licensed in terms of this Ordinance and not running a factory, for the sale or supply of goods by such principal.

(3) This licence shall be valid for the whole Province.

(4) This licence shall not authorize the delivery by a commercial traveller of goods for which he has accepted an order.

(5) For the purpose of this Item "factory" shall have the meaning assigned thereto in section 3 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941).

**Item 18: Kennel or pet's boarding establishment.**

(1) The fee for this licence shall be R15 per year.

(2) This licence shall be required by a person who carries on business by —

(a) keeping two or more bitches for the purposes of breeding and selling dogs or offering dogs for sale;

(b) keeping dogs for the purpose of training them or hiring them out as watchdogs; or

(c) providing board for dogs and pets.

**Exemptions.**

(A) An association for the prevention of cruelty to and the promotion of the welfare of animals, registered in terms of the National Welfare Act, 1965 (Act 79 of 1965), as a welfare organization.

(B) Any organization whose only or main object is to keep or breed dogs for the purpose of training such dogs as guide-dogs for blind persons.

(2) Hierdie lisensie word vereis van iemand, met inbegrip van iemand wat gelisensieer is om sterk drank te verkoop, wat besigheid dryf deur op 'n besigheidsperseel spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard te verkoop of te verskaf, hetsy gemeng of ongemeng, met enige ander drank en hetsy vir verbruik op of weg van die besigheidsperseel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook tabak in enige vorm en vuurhoutjies verkoop.

**Item 16: Handelaar in vuurwerk.**

(1) Die geld vir hierdie lisensie is R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur vuurwerk te verkoop.

(3) Hierdie lisensie word slegs uitgereik aan iemand wat 'n ander besigheid in, op of vanaf 'n besigheidsperseel dryf.

**Vrystelling.**

'n Houer van 'n lisensie om in wapens en ammunisie handel te dryf, uitgereik ingevolge artikel 19 van die Wet op Wapens en Ammunisie, 1969 (Wet 75 van 1969).

**Item 17: Handelsreisiger.**

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur rond te reis of rond te gaan en as 'n verteenwoordiger, agent of werknemer van iemand anders (hierna die prinsipaal genoem) of as werknemer van so 'n verteenwoordiger, agent of werknemer, van iemand anders wat nie ingevolge hierdie Ordonnansie gelisensieer is en nie 'n fabriek dryf nie, bestellings vir die verkoop of verskaffing van goedere deur sodanige prinsipaal versoek, werf of aanneem.

(3) Hierdie lisensie is geldig in die hele Provinsie.

(4) Hierdie lisensie magtig nie die lewering nie deur 'n handelsreisiger van goedere waarvoor hy 'n bestelling aangeneem het.

(5) Vir die toepassing van hierdie Item het "fabriek" die betekenis wat in artikel 3 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), daaraan geheg is.

**Item 18: Houdehok of troeteldierloosiesinrigting.**

(1) Die geld vir hierdie lisensie is R15 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

(a) twee of meer teefhonde aan te hou met die doel om honde te teel en te verkoop of te koop aan te bied;

(b) honde aan te hou vir die doel om hulle af te rig of uit te verhuur as waghonde; of

(c) losies te verskaf vir honde en troeteldiere.

**Vrystellings.**

(A) 'n Vereniging vir die voorkoming van mishandeling en die bevordering van die welsyn van diere, wat kragtens die Nasionale Welsynswet, 1965 (Wet 79 van 1965), as 'n welsynsorganisasie geregistreer is.

(B) Enige organisasie, waarvan die enigste of hoofdoelstelling, die afrigting of opleiding van honde is om as gidshonde vir blinde persone te dien.

*Item 19: Livery stable or riding-school keeper.*

(1) The fee for this licence shall be R10 per year.

(2) This licence shall be required by a person who carries on business by keeping horses or any other equines for the purpose of —

- (a) hiring them out for riding or any other work; or
- (b) using them to give riding lessons for reward.

*Item 20: Café keeper.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying meals or refreshments for consumption on or off the business premises.

(3) A holder of this licence may also in terms thereof sell or supply the following goods for consumption on or off the business premises:

- (a) Fresh fruit, fresh vegetables, flowers or plants;
- (b) bread, rusks, cakes, rolls, tart, pastry or other flour confectionery not baked or made by himself;
- (c) cooked meat (including cooked poultry meat), or cooked fish, biltong, polony, sausage, bacon, eggs, butter, cheese, honey, frozen suckers or ice-cream;
- (d) milk, cream, separated milk, skimmed milk, butter-milk, sour milk, curds or yoghurt in sealed containers in which it is supplied by a dairy farm, milk depot or dairy-shop licensed in terms of the provisions of this Ordinance or any other law;
- (e) sweets, candy, nuts, dried fruit, glazed or crystallized fruit, biscuits, potato chips or confectionery;
- (f) tobacco in any form and matches;
- (g) newspapers, magazines, postcards and paperback books;
- (h) aerated or mineral water, cordial, syrup or other beverages of a similar nature; and
- (i) raw fish or poultry meat which was received in a frozen ready packed, wrapped or processed form from a food manufacturer, butcher or producer.

*Item 21: Crèche or nursery school.*

(1) The fee for this licence shall be R10 per year.

(2) This licence shall be required by a person who carries on business by maintaining a place or school where more than 6 White children under the age of 7 years are temporarily or partly looked after or cared for or where they are given instruction on a level below that of the curriculum for the primary school course provided by the Education Department of the Province, irrespective of whether or not such place or school is subject to registration in terms of the Children's Act, 1960 (Act 33 of 1960).

*Exemption.*

Any person who maintains a nursery school which is subject to registration as a nursery school in terms of the Education Ordinance, 1953 (Ordinance 29 of 1953).

*Item 19: Huurstal- of ryskoolhouer.*

(1) Die geld vir hierdie lisensie is R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur perde of lede van die perdefamilie aan te hou vir die doel om —

- (a) hulle vir ry of ander werk uit te huur; of
- (b) hulle te gebruik om teen beloning rylesse te gee.

*Item 20: Kafeehouer.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur maaltye of verversings vir verbruik op of weg van die besigheidsperseel te verkoop of te verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook die volgende goedere vir verbruik op of weg van die besigheidsperseel verkoop of verskaf:

- (a) Vars vrugte, vars groente, blomme of plante;
- (b) brood, beskuit, koek, rolletjies, tert, pastei of ander meelgebak wat nie deur homself gebak of gemaak is nie;
- (c) gaar vleis met inbegrip van gaar pluimveevleis of gaar vis, biltong, polonie, wors, spek, eiers, botter, kaas, heuning, yslekkers of roomys;
- (d) melk, room, afgeskeide melk, afgeroomde melk, karingmelk, suurmilk, dikmelk of yoghurt in verseelde houers waarin dit verskaf is deur 'n melkplaas, 'n melkdepot of 'n melkwinkel, wat ingevolge die bepalinge van hierdie Ordonnansie of enige ander wet gelisensieer is;
- (e) lekkers, suikergoed, neute, droë vrugte, glasuur- of suikervrugte, beskuitjies, ertappelskyfies of banketware;
- (f) tabak in enige vorm en vuurhoutjies;
- (g) nuusblaai, tydskrifte, poskaarte en sagtebandboeke;
- (h) spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard; en
- (i) rou vis of pluimveevleis wat in 'n bevrore, klaarverpakte of toegedraaide of geprosesseerde vorm ontvang is van 'n voedselvervaardiger of slagter of produsent.

*Item 21: Kinderbewaarpark of kleuterskool.*

(1) Die geld vir hierdie lisensie is R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n plek of 'n skool in stand te hou waar meer as 6 Blanke kinders onder die ouderdom van 7 jaar tydelik of gedeeltelik opgepas of versorg word of waar aan hulle onderrig op 'n vlak benede die van die leerplanne vir die laerskoolkursus van die Departement van Onderwys van die Provinsie verskaf word, ongeag of sodanige plek of skool ingevolge die Kinderwet, 1960 (Wet 33 van 1960) aan registrasie onderworpe is al dan nie.

*Vrystelling.*

Iemand wat 'n kleuterskool in stand hou wat ingevolge die Onderwysordonnansie, 1953 (Ordonnansie 29 van 1953) as 'n kleuterskool aan registrasie onderworpe is.

*Item 22: Physical culture or health centre.*

- (1) The fee for this licence shall be R30 per year.
- (2) This licence shall be required by a person who carries on business by maintaining a place where—
  - (a) facilities for, or instruction or guidance in physical culture or fitness or figure improvement are provided;
  - (b) Turkish, sauna or other health baths are provided; or
  - (c) massage or infra-red treatment is provided.

*Exemption.*

A private hospital registered in terms of section 70 of the Hospitals Ordinance, 1958 (Ordinance 14 of 1958).

*Item 23: Market agent.*

- (1) The fee for this licence shall be R30 per year.
- (2) This licence shall be required by a person who carries on business by selling or offering goods, including livestock and live poultry, for sale on commission at a public market on behalf of another person.

*Item 24: Milk depot.*

- (1) The fee for this licence shall be R30 per year.
- (2) This licence shall be required by a person who carries on business by receiving and collecting milk from a dairy farm licensed in terms of the provisions of this Ordinance or any other law and—
  - (a) sterilising or pasteurising it or subjecting it to any other form of heat treatment or cooling it;
  - (b) processing it into any milk product; or
  - (c) placing such milk or milk product in containers by means of mechanical appliances,
 for the purpose of selling, distributing or delivering it.
- (3) A holder of this licence may also in terms thereof sell milk and any milk product, referred to in paragraph (2), fruit juice and, on the business premises, sell eggs, butter, cheese, ice-cream and honey.
- (4) For the purpose of this Item "milk product" means cream, separated milk, skimmed milk, buttermilk, sour milk, curds or yoghurt.

*Exemption.*

A person keeping a milk depot as defined in the Dairy Industry Act, 1961 (Act 30 of 1961).

*Item 25: Dairy farm.*

- (1) The fee for this licence shall be R15 per year.
- (2) This licence shall be required by a person who produces milk and carries on business by—
  - (a) selling, distributing or delivering such milk or any milk product made therefrom by him in a municipality; or
  - (b) selling, distributing or delivering such milk or milk product made therefrom by him by retail in, or from any place where such milk is produced.

*Item 22: Liggaamsontwikkeling- of gesondheidsentrum.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n plek in stand te hou waar—
  - (a) fasiliteite vir of onderrig- of voorligting in liggaamsontwikkeling of -fiksheid of postuuroepknapping verskaf word;
  - (b) Turkse baddens, sauna of ander gesondheidsbaddens verskaf word; of
  - (c) masseer- of infra-rooibehandeling verskaf word.

*Vrystelling.*

'n Private hospitaal wat ingevolge artikel 70 van die Ordonnansie op Hospitale, 1958 (Ordonnansie 14 van 1958) geregistreer is.

*Item 23: Markagent.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur namens iemand anders goederen met inbegrip van lewendende hawe of lewendende pluimvee teen kommissie op 'n openbare mark te verkoop of te koop aan te bied.

*Item 24: Melkdepot.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur melk van 'n melkplaas wat ingevolge die bepalinge van hierdie Ordonnansie of enige ander wet gelisensieer is, te ontvang en te versamel, en—
  - (a) dit te steriliseer, te pasteuriseer of aan enige ander vorm van hittebehandeling te onderwerp of te verkoel;
  - (b) dit in enige melkprodukt te verwerk; of
  - (c) sodanige melk of melkprodukt deur middel van meganiese toestelle in houe te plaas, met die doel om dit te verkoop, te versprei of te lewer.
- (3) 'n Houer van hierdie lisensie kan daarkragtens ook melk en enige melkprodukt, in paragraaf (2) genoem, vrugtesap en op die besigheidsperseel, eiers, botter, kaas, roomys en heuning verkoop.
- (4) Vir die toepassing van hierdie Item, beteken "melkprodukt" room, afgeskeide melk, afgeroomde melk, karingmelk, suurmilk, dikmelk of yoghurt.

*Vrystelling.*

Iemand wat 'n melkdepot soos omskryf in die Wet op die Suiwelnwywerheid, 1961 (Wet 30 van 1961) hou.

*Item 25: Melkplaas.*

- (1) Die geld vir hierdie lisensie is R15 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat melk produseer en besigheid dryf deur—
  - (a) sodanige melk of enige melkprodukt daarvan deur hom gemaak binne 'n munisipaliteit te verkoop, te versprei of te lewer; of
  - (b) sodanige melk of enige melkprodukt daarvan deur hom gemaak, in, op of vanaf enige plek waar sodanige melk geproduseer word in die kleinhandel te verkoop, te versprei of te lewer.

(3) For the purpose of this Item "milk product" shall mean cream, separated milk, skimmed milk, buttermilk, sour milk, curds or yoghurt.

(4) For the purpose of paragraph (2)(a) the business premises concerned shall, if not situated in the municipality concerned, be deemed to be situated within such municipality.

(5) The holder of this licence may also in terms thereof —

- (a) on his business premises pasteurise, sterilise or subject to any other form of heat treatment or cool or place in containers by means of a mechanical appliance any milk produced by him;
- (b) sell, distribute or deliver any milk or milk product made by him within the municipality of a local authority other than the local authority in respect of whose municipality he is licensed in terms of the provisions of paragraph (2)(a), provided such other local authority has in writing authorized him so to do; and
- (c) deal with any milk or milk product, which has been supplied to him by any other dairy farm licensed in terms of the provisions of this Ordinance or any other law, in accordance with the provisions of subparagraph (a) or (b) and sell, distribute or deliver such milk or milk product.

#### Exemption.

A person in respect of milk or cream supplied by him to a factory, depot or plant referred to in section 3 of the Dairy Industry Act, 1961 (Act 30 of 1961).

#### Item 26: Dairy-shop.

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by selling, distributing or delivering milk or any milk product supplied to him by any holder of a dairy farm or milk depot licensed in terms of the provisions of this Ordinance or any other law.

(3) A holder of this licence may also in terms thereof sell fruit juice and, on his business premises, butter, eggs, cheese, ice-cream and honey.

(4) For the purpose of this Item "milk product" means cream, separated milk, skimmed milk, buttermilk, sour milk, curds or yoghurt.

#### Item 27: Miller.

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by using a mill for the milling of wheat, kaffircorn, maize or any other cereal, sugar, nuts, cotton, flax or other seeds to meal, flour or other products.

(3) The holder of this licence may also in terms thereof sell on his business premises any meal or product contemplated in paragraph (2).

#### Exemption.

A person using a mill only for the purpose of milling any of the abovementioned goods for the exclusive use by himself, his household, his employees or his livestock and poultry.

(3) Vir die toepassing van hierdie Item beteken "melk-produk" room, afgeskeide melk, afgeroomde melk, karingmelk, suurmilk, dikmelk of yoghurt.

(4) Vir die toepassing van paragraaf (2)(a) word geag dat die betrokke besigheidspersoneel, indien dit nie binne die betrokke munisipaliteit geleë is nie, binne sodanige munisipaliteit geleë te wees.

(5) Die houer van hierdie lisensie kan daarkragtens ook —

- (a) op sy besigheidspersoneel enige melk of melkprodukt wat deur hom geproduseer is, pasteuriseer, steriliseer of aan enige ander vorm van hitte behandeling onderwerp of dit verkoel of in houters plaas deur middel van 'n meganiese toestel;
- (b) enige melk of melkprodukt deur hom gemaak binne die munisipaliteit van 'n ander plaaslike bestuur dan die plaaslike bestuur ten opsigte van wie se munisipaliteit hy ingevolge die bepalings van paragraaf (2)(a) gelisensieer is, verkoop, versprei of lewer, mits sodanige ander plaaslike bestuur hom skriftelik daartoe gemagtig het; en
- (c) met enige melk of melkprodukt wat deur enige ander melkplaas, wat ingevolge die bepalings van hierdie Ordonnansie of enige ander wet gelisensieer is, aan hom voorsien is, handel ooreenkomstig die bepalings van subparagrafe (a) of (b), en sodanige melk of melkprodukt verkoop, versprei of lewer.

#### Verystelling.

Iemand ten opsigte van melk of room wat hy lewer aan 'n fabriek, depot of inrigting in artikel 3 van die Wet op die Suiwelnywerheid, 1961 (Wet 30 van 1961), genoem.

#### Item 26: Melkwinkel.

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur melk of enige melkprodukt wat deur 'n melkplaas of melkdepot wat ingevolge die bepalings van hierdie Ordonnansie of enige ander wet gelisensieer is, aan hom voorsien is, te verkoop, te versprei of te lewer.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook vrugtesap en op sy besigheidspersoneel, botter, eiers, kaas, roomys en heuning verkoop.

(4) Vir die toepassing van hierdie Item beteken "melk-produkt" room, afgeskeide melk, afgeroomde melk, karingmelk, suurmilk, dikmelk of yoghurt.

#### Item 27: Meulenaar.

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n meul te gebruik vir die maal van koring, kafferkoring, mielies of enige ander graansoort, suiker, neute, katoenvlas- of ander saad tot meel, fynmeel of ander produkte.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook op sy besigheidspersoneel enige meel of produk in paragraaf (2) bedoel, verkoop.

#### Verystelling.

Iemand wat 'n meul gebruik slegs vir die doel om enige van bogenoemde goedere te maal vir die uitsluitlike gebruik deur homself, sy gesin, sy werknemers of sy lewende hawe en pluimvee.

**Item 28: Motor garage.**

(1) The fee for this licence shall be as follows:

- (a) For the activities referred to in paragraphs (2) and (3)(a) .... R30 per year;
- (b) for the activities referred to in paragraph (3)(b), in respect of every R5 000 or portion thereof of the average value of the stock on hand, ..... an additional R10 per year, subject to a maximum of R1 000 per year;
- (c) for the activities referred to in paragraph (3)(c) ..... an additional R15 per year.

(2) This licence shall be required by a person who carries on business by repairing, renovating, servicing, dismantling, washing or cleaning motor vehicles or spares thereof.

(3) The holder of this licence may also in terms thereof —

- (a) provide garaging for or hire out motor vehicles;
- (b) buy, sell or exchange new and used motor vehicles, tractors, caravans, trailers, agricultural implements and irrigation machinery;
- (c) sell petrol, paraffin, oil, tyres, tubes, non-power tools, and new or used spares and accessories for motor vehicles, tractors, caravans, trailers, agricultural implements and irrigation machinery;
- (d) manufacture, repair, renovate, service or clean tractors, caravans, trailers, agricultural implements and irrigation machinery or spares and accessories thereof; and
- (e) carry out panel beating and spray painting.

(4) For the purpose of this Item —

- (a) "motor vehicle" means any self-propelled vehicle; and
- (b) "trailer" means a vehicle not self-propelled and which has been designed or adapted to be drawn by a motor vehicle,

and the provisions of paragraphs (4), (5) and (6) of Item 3 (general dealer) shall *mutatis mutandis* apply.

**Exemption.**

An upholsterer in respect of upholstery work on motor vehicles.

**Item 29: Motor vehicle attendant.**

(1) The fee for this licence shall be R5 per year.

(2) This licence shall be required by a person who carries on business in a street or other public place by allocating a parking place to a motor vehicle or by undertaking or offering to attend to or to take care of a parked motor vehicle.

**Exemption.**

The holder of a parkade licence and his employees in respect of allocating a parking place to a motor vehicle and for attending to and taking care of a motor vehicle in any parking space provided by him.

**Item 28: Motorgarage.**

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Vir die bedrywighede in paragrawe (2) en (3)(a), (3)(c) en (3)(d) genoem ..... R30 per jaar;
- (b) vir die bedrywighede in paragraaf (3)(b) genoem, ten opsigte van elke R5 000 of gedeelte daarvan van die gemiddelde waarde van die voorraad voorhande ..... 'n bykomende R10 per jaar behoudens 'n maksimum van R1 000 per jaar;
- (c) vir die bedrywighede in paragraaf (3)(e) genoem ..... 'n bykomende R15 per jaar.

(2) Hierdie lisensie word vereis van 'n persoon wat besigheid dryf deur motorvoertuie of onderdele daarvan te herstel, op te knap, te versien, onttakel, te was of skoon te maak.

(3) Die houers van hierdie lisensie kan daarkragtens ook —

- (a) motorvoertuie stal of verhuur;
- (b) nuwe en gebruikte motorvoertuie, trekkers, woonwaens, sleepwaens, landbou-implemente en besproeiingsmasjinerie koop, verkoop of verruil;
- (c) petrol, paraffien, olie, bande, binnebande, handgereedskap, en nuwe of gebruikte onderdele en toebehore vir motorvoertuie, trekkers, woonwaens, sleepwaens, landbou-implemente en besproeiingsmasjinerie verkoop;
- (d) trekkers, woonwaens, sleepwaens, landbou-implemente en besproeiingsmasjinerie of onderdele en toebehore daarvan vervaardig, herstel, opknap, versien of skoonmaak; en
- (e) duikklopwerk en spuitverfwerk doen.

(4) Vir die toepassing van hierdie Item beteken —

- (a) "motorvoertuig" enige selfgedrewe voertuig; en
- (b) "sleepwa" 'n voertuig wat nie selfgedrewe is nie en wat ontwerp of ingerig is om deur 'n motorvoertuig getrek te word,

en is die bepalings van paragrawe (4), (5) en (6) van Item 3 (algemene handelaar) *mutatis mutandis* van toepassing.

**Vrystelling.**

'n Stoffeerder ten opsigte van stoffeerwerk aan motorvoertuie.

**Item 29: Motorvoertuigoppasser.**

(1) Die geld vir hierdie lisensie is R5 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf in 'n staat of ander openbare plek deur 'n parkeerplek vir 'n motorvoertuig aan te wys of deur te onderneem of aan te bied om 'n geparkeerde motorvoertuig op te pas of toesig daarvoor te hou.

**Vrystelling.**

Die houer van 'n parkadelisensie en sy werknemers, ten opsigte van die aanwys van 'n parkeerplek vir, die oppas van en toesig hou oor 'n motorvoertuig op enige parkeer-ruimte wat deur hom verskaf word.

*Item 30: Disinfectant or fumigator.*

(1) The fee for this licence shall be R15 per year.

(2) This licence shall be required by a person who carries on business by disinfecting or fumigating with hydro-cyanic acid gas or any other substance which may endanger human life or health.

(3) This licence shall only be granted to an individual and issued in his name and shall not confer the right on any other person to act on behalf of the holder of the licence unless such holder is present and exercises personal supervision.

(4) This licence shall be valid for the whole area of a licensing board.

*Item 31: Recreation ground.*

(1) The fee for this licence shall be as follows:

- (a) For the activities referred to in paragraph (2) ..... R20 per year;  
 (b) for the activities referred to in paragraph (3) ..... an additional R10 per year.

(2) This licence shall be required by a person who carries on business by keeping a site where people are allowed to camp, whether in tents, caravans or otherwise, to picnic, to go mountaineering, to swim, to fish, to go boating, to ski or to watch game in their natural state.

(3) A holder of this licence may also in terms thereof —

- (a) let or provide any hut, rondavel or bungalow on the recreation ground; and  
 (b) keep a skittle-alley, a miniature golf course, a putt-putt course, a golf-driving range or a skating rink.

(4) The holder of this licence shall not be exempt from the provisions of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969).

*Item 32: Warehouse.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by storing goods on behalf of others for a rental or other reward.

*Item 33: Pawnbroker.*

(1) The fee for this licence shall be R100 per year.

(2) This licence shall be required by a person who carries on business by taking or receiving goods of value in pledge or as security for money lent or advanced.

(3) This licence shall not authorize the sale of any goods.

(4) A bill of exchange, promissory note, share certificate or any other document of value shall for the purpose of this Item not be regarded as "goods of value".

*Exemption.*

Any banking institution which takes or receives goods of value in pledge or as security for money lent or advanced.

*Item 34: Parkade.*

(1) The fee for this licence shall be R30 per year.

*Item 30: Ontsmetter of beroker.*

(1) Die geld vir hierdie lisensie is R15 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur ontsmettings- of berokingswerk te verrig met sjaanwaterstofgas of enige ander stof wat die lewe of gesondheid van 'n mens in gevaar kan stel.

(3) Hierdie lisensie word slegs aan 'n individu toegestaan en in sy naam uitgereik, en dit verleen geen reg aan iemand anders om namens die lisensiehouer op te tree nie tensy sodanige lisensiehouer teenwoordig is en persoonlik toesig hou.

(4) Hierdie lisensie is vir die hele gebied van 'n lisensieraad geldig.

*Item 31: Ontspanningsterrein.*

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Vir die bedrywighede in paragraaf (2) ..... R20 per jaar;  
 (b) vir die bedrywighede in paragraaf (3) ..... 'n bykomstige R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur 'n terrein aan te hou waar mense toegelaat word om te kampeer, hetsy in tente, woonwaens of andersins, piekniek te hou, berg te klim, te swem, vis te vang, boot te vaar, te ski of wild in hulle natuurlike staat te besigtig.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook —

- (a) enige hut, rondawel of huthuis op die ontspannings-terrein verhuur of verskaf; en  
 (b) 'n kegelbaan, 'n miniatuurgholfbaan, 'n putt-puttbaan en 'n gholfdryfbaan of 'n skaatsbaan hou.

(4) 'n Houer van hierdie lisensie is nie onthef van die bepalings van die Ordonnansie op Openbare Oorde, 1969 (Ordonnansie 18 van 1969) nie.

*Item 32: Pakhuis.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur goedere namens andere teen 'n huurgeld of ander vergoeding op te berg.

*Item 33: Pandjieshouer.*

(1) Die geld vir hierdie lisensie is R100 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur goedere van waarde in pand of as sekuriteit te neem of te ontvang vir geld geleen of voorgesket.

(3) Hierdie lisensie magtig nie die verkoop van enige goedere nie.

(4) 'n Wissel, 'n skuldbewys, 'n aandeesertifikaat of enige ander dokument van waarde word vir die toepassing van hierdie Item nie as "goedere van waarde" beskou nie.

*Vrystelling.*

Enige bankinstelling wat goedere van waarde in pand of as sekuriteit neem of ontvang vir geld geleen of voorgesket.

*Item 34: Parkade.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) This licence shall be required by a person who carries on business by providing parking for motor vehicles in any building or structure or in the open air at a rental or for some other consideration.

#### Exemptions.

(A) An employer in respect of the provision of parking exclusively for his employees.

(B) The lessor of any building in respect of the garaging of, or the provision of parking space in such building or on the premises thereof, exclusively for motor vehicles belonging to the occupiers of such building.

#### Item 35: Passenger transport undertaking.

(1) The fee for this licence shall be as follows:

- (a) For each motor tricycle: R15 per year;
- (b) For each motor car: R20 per year;
- (c) for each bus: R30 per year.

(2) This licence shall be required by a person who carries on business by conveying passengers by bus, motor tricycle or motor car for hire or reward.

(3) For the purpose of this Item "bus", "motor tricycle" and "motor car" shall have the meaning assigned thereto in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966), but shall not include any such vehicle used exclusively as an ambulance or for the conveyance of scholars.

(4) For the purpose of this Item the main stand or depot of the vehicle concerned shall be deemed to be the business premises of such an undertaking in respect of that vehicle.

(5) Subject to the provisions of the Motor Carrier Transportation Act, 1930 (Act 39 of 1930), this licence shall confer the right to convey passengers within the Province.

#### Item 36: Poultry farming.

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who at any time carries on business by farming with more than 3 000 head of poultry over the age of three weeks.

(3) For the purpose of this Item "poultry" means fowls, ducks, geese, Muscovy ducks or turkeys.

#### Item 37: Mail-order undertaking.

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by soliciting or canvassing orders by mail for the sale or supply of goods or services (including instruction, health, physical culture, slimming or similar courses) by himself or by any other person.

(3) This licence shall be valid in the whole Province and shall confer the right to solicit, canvass or accept orders by mail anywhere in the Province.

#### Exemptions.

(A) The holder of a licence in terms of any other provision of this Ordinance which already authorizes him to sell or supply such goods or services.

(B) A registered correspondence college as defined in the Correspondence Colleges Act, 1965 (Act 59 of 1965).

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in 'n gebou of 'n struktuur of in die ope-lug parkeerruimte vir motorvoertuie teen 'n huurgeld of ander vergoeding te verskaf.

#### Vrystellings.

(A) 'n Werkgewer ten opsigte van die verskaffing van parkeerruimte uitsluitlik aan sy werknemers.

(B) Die verhuurder van 'n gebou ten opsigte van die stalling van of die verskaffing van parkeerruimte in sodanige gebou of op die perseel daarvan uitsluitlik vir motorvoertuie wat aan okkuperders van sodanige gebou behoort.

#### Item 35: Passasiersvervoeronderneming.

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Vir elke motordriewiel ..... R15 per jaar;
- (b) vir elke motorkar ..... R20 per jaar;
- (c) vir elke bus ..... R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur passasiers per bus, motordriewiel of motorkar teen huur of beloning te vervoer.

(3) Vir die toepassing van hierdie Item, het "bus" "motordriewiel" en "motorkar" die betekenis wat daaraan geheg word in die Ordonnansie op Padverkeer, 1966 (Ordonnansie 21 van 1966), maar omvat nie enige sodanige voertuig wat uitsluitlik as 'n ambulans of vir die vervoer van skoliere gebruik word nie.

(4) Vir die toepassing van hierdie Item word geag dat die hoofstaanplek of depot van die betrokke voertuig die besigheidperseel van so 'n onderneming ten opsigte van daardie voertuig is.

(5) Behoudens die bepalings van die Motortransportwet, 1930 (Wet 39 van 1930) verleen hierdie lisensie die reg om passasiers binne die Provinsie te vervoer.

#### Item 36: Pluimveeboerdery.

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur te eniger tyd met meer as 3 000 pluimvee wat bo die ouderdom van drie weke is, te boer.

(3) Vir die toepassing van hierdie Item, beteken "pluimvee" hoenders, eende, ganse, makoue of kalkoen.

#### Item 37: Posbestellingsonderneming.

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur bestellings per pos vir die verkoop of verskaffing van goedere of dienste (met inbegrip van onderrig-, gesondheids-, liggaamsonwikkeling-, verslankings- of soortgelyke kursusse) deur hom of deur iemand anders te versoek of te werf.

(3) Hierdie lisensie is geldig in die hele Provinsie en verleen die reg om per pos bestellings op enige plek in die Provinsie te versoek, te werf of aan te neem.

#### Vrystellings.

(A) Die houër van 'n lisensie ingevolge enige ander bepaling van hierdie Ordonnansie wat hom reeds magtig om sodanige goedere of dienste te verkoop of te verskaf.

(B) 'n Geregistreerde korrespondensiekollege soos in die Wet op Korrespondensiekolleges, 1965 (Wet 59 van 1965) omskryf.

*Item 38: Restaurant keeper.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by selling or supplying in a building, structure or in the open air, outside such building or structure meals or refreshments for consumption on the business premises.

(3) A holder of this licence may also in terms thereof sell or supply tobacco in any form, matches, aerated or mineral water, cordial, syrup or other beverages of a like nature for consumption on or off the business premises.

*Exemption.*

Any person who in a private dwelling sells or supplies one or more meals per day to not more than four persons.

*Item 39: Cobbler.*

(1) The fee for this licence shall be R10 per year.

(2) This licence shall be required by a person who carries on business by making or repairing footwear.

(3) A holder of this licence may also in terms thereof sell footwear made by him.

*Exemption.*

Any such business carried on outside a municipality or which is carried on within a municipality in an area which is zoned in terms of a town-planning scheme for the carrying on of that type of business.

*Item 40: Debt collector.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by —

- (a) collecting money owing to a creditor on his behalf or undertaking to do so;
- (b) receiving money from a debtor with the undertaking to pay it to the creditor concerned; or
- (c) settling the debts of a debtor or undertaking to do so upon an undertaking by such debtor that he will pay the settled amount to the debt collector.

*Exemptions.*

(A) A financial institution as defined in the Financial Institutions (Investment of Funds) Act, 1964 (Act 56 of 1964).

(B) A person undertaking the administration of a deceased estate, the curatorship of an insolvent estate or the judicial management or liquidation of a company in respect of the performance of his duties in that connection.

*Item 41: Butcher.*

(1) The fee for this licence shall be as follows:

A butcher selling meat to another butcher (irrespective of whether he also supplies meat to a consumer) .... R200 per year.  
Any other butcher ... R 30 per year.

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

*Item 38: Restauranthouer.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur in 'n gebou, in 'n struktuur of in die opelug buite sodanige gebou of struktuur maaltye of verserings vir verbruik op die besigheidsperseel te verkoop of te verskaf.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook tabak in enige vorm, vuurhoutjies, spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard vir verbruik op of weg van die besigheidsperseel verkoop of verskaf.

*Vrystelling.*

Iemand wat in 'n privaatwoning een of meer maaltye per dag verskaf aan hoogstens vier persone.

*Item 39: Skoenmaker.*

(1) Die geld vir hierdie lisensie is R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur skoeisel te maak of te herstel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook skoeisel deur hom gemaak, verkoop.

*Vrystelling.*

Enige sodanige besigheid wat buite 'n munisipaliteit gedryf word of wat binne 'n munisipaliteit gedryf word in 'n gebied wat ingevolge 'n dorpsbeplanningskema vir die dryf van daardie klas van besigheid gesoneer is.

*Item 40: Skuldinvorderaar.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

- (a) geld aan 'n skuldeiser verskuldig namens hom in te vorder of te onderneem om dit te doen;
- (b) geld van 'n skuldenaar te ontvang met die onderneeming om dit aan die betrokke skuldeiser te betaal; of
- (c) 'n skuldenaar se skuld te vereffen of te onderneem om dit te doen, op 'n onderneming van sodanige skuldenaar dat hy die vereffende bedrag aan die skuldinvorderaar sal betaal.

*Vrystellings.*

(A) 'n Finansiële Instelling soos in die Wet op Finansiële Instellings (Belogging van Fondse), 1964 (Wet 56 van 1964), omskryf.

(B) Iemand wat die administrasie van 'n bestorwe boedel, die kuratorskap in 'n insolvente boedel of die geregtelike bestuur of likwidasië van 'n maatskappy waarneem, ten opsigte van die uitvoering van sy pligte in dié verband.

*Item 41: Slagter.*

(1) Die geld vir hierdie lisensie is soos volg:

'n Slagter wat vleis aan 'n ander slagter verkoop (ongeach of hy ook vleis aan 'n verbruiker verskaf) .... R200 per jaar.  
Enige ander slagter ... R 30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur —

- (a) selling, offering or exposing for sale raw meat in, on or from business premises; or
- (b) taking any order for the delivery of raw meat from his business premises.

(3) A holder of this licence may also in terms thereof —

- (a) make sausages, brawn, polony and biltong;
- (b) sell, offer or expose for sale and take orders for delivery from his business premises of sausages, brawn, polony, biltong, offal, ham, bacon, eggs, butter, cheese, fresh fish, and salted, frozen or preserved meat or fish;
- (c) render fat from animals slaughtered by him or from carcasses purchased by him;
- (d) buy and sell live slaughter-stock and poultry in the course of his business; and
- (e) cure the hide and skins of animals slaughtered by him.

(4) For the purpose of this Item "meat" includes the meat of poultry, but not the meat of the equine family.

#### Exemption.

The sale of raw game meat or poultry meat at a public market by a market master or out of hand in accordance with the relevant market regulations, or the offering or exposing of meat on such market for the said purpose.

#### Item 42: Hawker.

(1) The fee for this licence shall be as follows:

- (a) For the carrying-on of business in food and drink and other goods .... R30 per year;
- (b) for the carrying-on of business solely in food and drink or both ... R25 per year;
- (c) for the carrying-on of business solely in goods other than food and drink R20 per year;
- (d) for the carrying-on of business solely in ice-cream and frozen suckers or both ... R15 per year;
- (e) for the carrying-on of business solely in one or more of the following goods:  
Newspapers, magazines and flowers R10 per year;
- (f) for the carrying-on of business by a producer of agricultural produce solely in produce produced by him, provided he submits to the issuing authority a statement in writing by the secretary of a farmers' association or by the officer in charge of police in the area where the produce is produced, stating that he is a producer of the kinds of fruit, vegetables, or other agricultural produce referred to in the control certificate issued to him ... R5 per year.

(2) This licence shall, subject to the provisions of paragraph (5), be required by any person who as a principal, agent or employee carries on business by selling, exchanging or offering or exposing for sale or exchange goods —

- (a) in, op of vanaf 'n besigheidsperseel rou vleis te verkoop of te koop aan te bied of uit te stal; of
- (b) enige bestelling te neem vir rou vleis vir aflewering vanaf sy besigheidsperseel.

(3) 'n Houer van hierdie lisensie kan daarkragtens ook —

- (a) wors, sult, polonie en biltong maak;
- (b) wors, sult, polonie, biltong, afval, ham, spek, eiers, botter, kaas, vars vis en gesoute, bevrore of ingemaakte vleis of vis verkoop, te koop aanbied of uitstal, en bestellings daarvoor neem vir aflewering vanaf sy besigheidsperseel;
- (c) vet uitsmelt van diere wat deur hom geslag word of van karkasse wat deur hom aangekoop word;
- (d) lewende slagvee en pluimvee koop en verkoop in die loop van sy besigheid; en
- (e) huide en velle van vee, wat deur hom geslag word, insout.

(4) Vir die toepassing van hierdie Item omvat die woord "vleis" ook die vleis van pluimvee, maar nie die vleis van lede van die perdefamilie nie.

#### Vrystelling.

Die verkoop van rou wild- of pluimveevleis op 'n openbare mark deur 'n markmeester of uit die hand ooreenkomstig die toepaslike markregulasies of die aanbod of uitstal van sodanige vleis op sodanige mark vir genoemde doel.

#### Item 42: Smous.

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Vir die dryf van besigheid in eet- of drinkware en ander goedere .... R30 per jaar;
- (b) vir die dryf van besigheid slegs in eet- of drinkware of albei .... R25 per jaar;
- (c) vir die dryf van besigheid slegs in ander goedere as eet- en drinkware R20 per jaar;
- (d) vir die dryf van besigheid slegs in roomys of yslekkers of albei .... R15 per jaar;
- (e) vir die dryf van besigheid slegs in een of meer van die volgende goedere:  
Nuusblaai, tydskrifte en blomme .... R10 per jaar;
- (f) vir die dryf van besigheid deur 'n produsent van landbouprodukte slegs in sodanige produkte deur hom geproduseer, mits hy 'n skriftelike verklaring van die sekretaris van 'n boerevereniging of van die bevelvoerder van die polisie in die gebied waar die produkte geproduseer word, aan die uitreikingsowerheid voorlê waarin verklaar word dat hy 'n produsent is van die soorte vrugte, groente of ander landbouprodukte wat genoem word in die kontrolesertifikaat aan hom uitgereik .... R 5 per jaar.

(2) Hierdie lisensie word, behoudens die bepalings van paragraaf (5), vereis van iemand wat as prinsipaal, agent of werknemer besigheid dryf deur goedere —

- (a) which he conveys from place to place, whether by vehicle or otherwise;
- (b) in any street or at any other place accessible to the public, at any open stand or in, on or from any movable structure or stationary vehicle; or
- (c) at any place away from any business premises in respect of which another licence is held by such person.

(3) A separate licence shall be required for the carrying on of a business as contemplated in paragraph (2) —

- (a) within a municipality; and
- (b) outside a municipality, within the area of a licensing board.

(4) For the purpose of this Item "place" includes a building and a part of, or a room in a building.

(5) Instead of an agent or employee of a holder of this licence, who is a principal, taking out a licence in terms of paragraph (2), such holder may in his name take out so many licences in respect of the number of agents or employees as the licensing board may approve, and any such agent or employee may in terms of any such licence carry on business on behalf of such holder if he is in possession of a permit to hawk issued to such agent or employee by the issuing authority concerned after compliance with such requirements, including the payment of any fee, as may be prescribed.

(6)(a) If the chairman of the licensing board concerned is satisfied that an agent or employee has failed to comply with any legal provision concerning health requirements or health precautions he may cancel the permit of such an agent or employee by serving a notice on the holder of the licence.

(b) The secretary of the licensing board concerned shall send a copy of the notice referred to in paragraph (a) to the issuing authority concerned.

#### *Exemptions from licensing.*

(A) A producer of agricultural produce in respect of the carrying-on of business by him or his employee in such produce (excluding poultry meat, meat, meat-products and dairy products) on land where it was produced by him and which is situated outside a municipality.

(B) The holder of a dairy farm licence in respect of the carrying-on of business by him outside a municipality in milk produced by him or in milk products made by him from such milk.

#### *Exemption from licensing fee.*

Subject to the provisions relating to the exemption from licensing in terms of the provisions of this Item, a producer of agricultural produce in respect of the carrying on of business in such produce produced by him, provided such business is carried on —

- (a) outside a municipality; or
- (b) within a municipality on the land where such producer produces such produce,

and provided he submits to the issuing authority concerned a statement in writing by the secretary of a farmers' association or the officer in charge of the police

(a) wat hy van plek tot plek vervoer, hetsy per voertuig of andersins;

(b) in enige straat of op enige ander vir die publiek toeganklike plek, by enige oop staanplek of in, op of vanaf enige beweegbare struktuur of stilstaande voertuig; of

(c) op enige plek weg van 'n besigheidsperseel ten opsigte waarvan 'n ander lisensie deur so iemand gehou word, te verkoop of te verruil, of vir verkoop of ruil aan te bied of uit te stal.

(3) 'n Afsonderlike lisensie word vereis vir die dryf van 'n besigheid soos in paragraaf (2) beoog —

- (a) binne 'n munisipaliteit; en
- (b) buite 'n munisipaliteit, binne 'n lisensieraad se gebied.

(4) Vir die toepassing van hierdie Item omvat "plek" ook 'n gebou en 'n deel van of 'n kamer in 'n gebou.

(5) In stede dat 'n agent of werknemer van 'n houer van hierdie lisensie, wat 'n prinsipaal is, 'n lisensie ingevolge paragraaf (2) moet uitneem, kan sodanige houer in sy naam soveel lisensies uitneem ten opsigte van die aantal agente of werknemers as wat deur die lisensieraad goedgekeur word en enige sodanige agent of werknemer kan ingevolge enige sodanige lisensie namens sodanige houer besigheid dryf indien hy in besit is van 'n permit om te smous aan sodanige agent of werknemer deur die betrokke uitreikingsowerheid uitgereik na voldoening aan sodanige vereistes, insluitende die betaling van enige geld, soos voorgeskryf mag word.

(6)(a) Indien die voorsitter van die betrokke lisensieraad oortuig is dat daar deur of ten opsigte van 'n agent of werknemer nie aan enige wetsbepaling betreffende gesondheidsvereistes of -voorsorge voldoen is nie, kan hy die permit van so 'n agent of werknemer intrek deur 'n kennisgewing aan die houer van die lisensie te beteken.

(b) Die sekretaris van die betrokke lisensieraad stuur 'n afskrif van die kennisgewing in subparagraaf (a) genoem aan die betrokke uitreikingsowerheid.

#### *Vrystellings van lisensiering.*

(A) 'n Producent van landbouprodukte ten opsigte van die dryf van besigheid deur hom of sy werknemer in sodanige produkte (uitgenome pluimveevleis, vleis, vleisprodukte en suiwelprodukte) op grond waar dit deur hom geproduseer is en wat buite 'n munisipaliteit geleë is.

(B) Die houer van 'n melkplaaslisensie ten opsigte van die dryf van besigheid buite 'n munisipaliteit deur hom in melk wat deur hom gepubliseer is of melkprodukte daarvan deur hom gemaak.

#### *Vrystelling van lisensiegeld.*

Behoudens die bepalinge betreffende die vrystelling van lisensiering ingevolge die bepalinge van hierdie Item, 'n produsent van landbouprodukte ten opsigte van die dryf van besigheid in sodanige produkte deur hom geproduseer, mits sodanige besigheid gedryf word —

- (a) buite 'n munisipaliteit; of
- (b) binne 'n munisipaliteit op die grond waar sodanige produsent sodanige produkte produseer,

en mits hy 'n skriftelike verklaring van die sekretaris van 'n boerevereniging of van die bevelvoerder van die polisie in die gebied waar die produkte geproduseer.

in the area where the produce is produced in which it is stated that he is a producer of the types of fruit, vegetables and other agricultural produce referred to in the control certificate issued to him.

*Item 43: Special licence.*

(1) The fee for this licence is R5 per day.

(2) This licence shall be required from any person who, whether or not he is the holder of a licence in terms of the provisions of this Ordinance, carries on a business in respect of which a licence would otherwise be required in terms of the provisions of this Ordinance —

(a) at an exhibition, a show or an international sport gathering organised, conducted or controlled by a society or institution of a public character formed for the advancement of agriculture, commerce, industry, art, science or sport; or

(b) by selling or supplying eatables or drinkables at any public gathering.

(3) For the purpose of paragraphs (2) the entire ground on which an exhibition, show or gathering is held shall be deemed to be one business premises.

*Exemption.*

A holder of a caterer's licence in respect of the business which he may carry on in terms thereof.

*Item 44: Caterer.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by preparing food and supplying such food, with or without drinkables, at any function, reception, entertainment, party or other gathering of people.

(3) A holder of this licence may also in terms thereof supply aerated or mineral water, cordial, syrup or other beverages of a like nature for consumption at a gathering referred to in paragraph (2).

(4) This licence shall not authorize the carrying-on of business in a manner contemplated in paragraph (2) of Item 42.

*Exemption.*

The holder of a licence of eating-house keeper, café keeper, restaurant keeper or an accommodation establishment, providing one or more meals per day, in respect of the carrying-on of business in the manner set out in paragraph (2) on the business premises in respect of which such licence is valid.

*Item 45: Street Photographer.*

(1) The fee for this licence shall be R10 per year.

(2) This licence shall be required by a person who, as a principal or as an employee or agent of a principal, carries on business by taking photographs of people in any public street or other public place and soliciting such people to buy photographs which have been so taken or will be so taken.

(3) The holder of this licence may also in terms thereof sell the photographs contemplated in paragraph (2).

word, aan die betrokke uitreikingsowerheid voorlê waarin verklaar word dat hy 'n produsent is van die soorte vrugte, groente of ander landboupprodukte wat genoem word in die kontrolesertifikaat aan hom uitgereik.

*Item 43: Spesiale lisensie.*

(1) Die geld vir hierdie lisensie is R5 per dag.

(2) Hierdie lisensie word vereis van iemand wat, hetsy hy ingevolge die bepalings van hierdie Ordonnansie die houer is van enige lisensie, al dan nie, 'n besigheid dryf ten opsigte waarvan 'n lisensie andersins ingevolge die bepalings van hierdie Ordonnansie vereis sou word —

(a) by 'n vertoning, of tentoonstelling of internasionale sportbyeenkoms georganiseer, bestuur of beheer deur 'n vereniging of instelling van 'n openbare aard wat vir die bevordering van landbou, handel, nywerheid, kuns, wetenskap of sport gestig is; of

(b) by enige openbare byeenkoms deur eet- of drinkware te verkoop of te verskaf.

(3) By die toepassing van paragraaf (2) word die hele terrein waarop 'n vertoning, tentoonstelling of byeenkoms gehou word, geag een besigheidspersoneel te wees.

*Vrystelling.*

Die houer van 'n spysenierslisensie, ten opsigte van die besigheid wat hy daarkragtens kan dryf.

*Item 44: Spysenier.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur voedsel voor te berei en sodanige voedsel, met of sonder drinkware, by enige funksie, onthaal, vermaaklikheid, partytjie of ander byeenkoms van mense te verskaf.

(3) Die houer van hierdie lisensie kan daarkragtens ook spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard vir verbruik by 'n byeenkoms in paragraaf (2) genoem, verskaf.

(4) Hierdie lisensie magtig nie die dryf van besigheid nie op 'n wyse soos in paragraaf (2) van Item 42 beoog.

*Vrystelling.*

Die houer van 'n lisensie van eethuishouer, kafeehouer, restauranthouer of 'n verblyfsonderneming wat een of meer etes per dag verskaf, ten opsigte van die dryf van besigheid op die wyse in paragraaf (2) uiteengesit op die besigheidspersoneel ten opsigte waarvan sodanige lisensie geldig is.

*Item 45: Straatfotograaf.*

(1) Die geld vir hierdie lisensie is R10 per jaar.

(2) Hierdie lisensie word vereis van iemand wat as prinsipaal of as werknemer of agent van 'n prinsipaal besigheid dryf deur in 'n openbare straat of ander openbare plek foto's van persone te neem en sodanige persone nitnooi om foto's wat aldus geneem is of geneem gaan word, te koop.

(3) Die houer van hierdie lisensie kan daarkragtens ook die foto's in paragraaf (2) bedoel, verkoop.

*Item 46: Accommodation establishment.*

(1) The fee for this licence shall be as follows:

- (a) If accommodation with one or more meals per day is provided and the number of beds available for occupation —

does not exceed 50 ... R30 per year;  
exceeds 50 —

for the first 50 beds ... R30 per year,

for each bed in excess of 50 up to a total of 100 beds ... an additional 30c per year

and for each bed in excess of 100 ... an additional 20c per year:

Provided that in calculating the number of beds, a bed which as a rule is intended for occupation by two persons shall be regarded as two beds.

- (b) If accommodation without meals is provided in rooms and the number of rooms let or intended for letting—

does not exceed 10 ... R10 per year;  
exceeds 10 —

for the first ten rooms ... R10 per year;

and for each additional 10 rooms or portion thereof ... an additional R5 per year.

- (c) If accommodation without meals is provided in flats and the number of flats let or intended for letting—

does not exceed 10 ... R15 per year;  
exceeds 10 —

for the first 10 flats ... R15 per year;

and for each additional 10 flats or part thereof ... an additional R5 per year.

(2) This licence shall be required by a person who carries on business by providing accommodation or accommodation with one or more meals per day for reward.

(3) For the purpose of this Item —

- (a) "accommodation" means —

(i) sleeping or lodging facilities provided in an hotel, motel, hotel or boarding house; or

(ii) flats or rooms which are let furnished or unfurnished;

- (b) "room" any room, hut, bungalow or rondavel without a kitchen; and

- (c) "flat" any room, hut, bungalow or rondavel with a kitchen.

(4) A holder of this licence may also in terms thereof provide parking space on the business premises exclusively for the vehicles of residents, employees of the accommodation establishment or visitors.

(5) A holder of this licence in respect of an accommodation established providing one or more meals per day may also in terms thereof —

- (a) wash or dry-clean linen, carpets, floor rugs, blankets, curtains or any domestic fabrics of such accommodation establishment and the clothing of its residents and employees; and

*Item 46: Verblyfsonderneming.*

(1) Die geld vir hierdie lisensie is soos volg:

- (a) Waar huisvesting met een of meer

etes per dag verskaf word, en die getal beddens vir besetting beskikbaar —

hoogstens 50 is ... R30 per jaar;  
meer as 50 is —

vir die eerste 50 beddens ... R30 per jaar,

vir elke bed bo 50 tot en met 'n totaal van 100 beddens ... 'n addisionele 30c per jaar,

en vir elke bed bo 100 ... 'n addisionele 20c per jaar:

Met dien verstande dat vir die berekening van die aantal beddens 'n bed wat in die reël bedoel is vir besetting deur twee persone, as twee beddens gereken word.

- (b) Waar huisvesting sonder etes verskaf word in kamers en die getal kamers wat verhuur word of vir verhuur bedoel is —

hoogstens 10 is ... R10 per jaar;

meer as 10 is

vir die eerste 10 kamers ... R10 per jaar;

en vir elke addisionele 10 kamers of deel daarvan ... 'n addisionele R 5 per jaar.

- (c) Waar huisvesting sonder etes verskaf word in woonstelle en die getal woonstelle wat verhuur word of vir verhuur bedoel is —

hoogstens 10 is ... R15 per jaar;

meer as 10 is —

vir die eerste 10 woonstelle ... R15 per jaar;

en vir elke addisionele 10 woonstelle of gedeelte daarvan ... 'n addisionele R 5 per jaar.

- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur huisvesting of huisvesting met een of meer etes per dag teen vergoeding te verskaf.

(3) Vir die toepassing van hierdie Item, beteken —

- (a) "huisvesting" —

(i) slaap- of inwoningsgeriewe wat in 'n hotel, motel, hotel of losieshuis verskaf word; of

(ii) woonstelle of kamers wat gemeubileerd of ongemeubileerd verhuur word;

- (b) "kamer" enige kamer, hut, huthuis of rondawel sonder kombuis; en

- (c) "woonstel" enige kamer, hut, huthuis of rondawel met 'n kombuis.

(4) 'n Houer van hierdie lisensie kan daarkragtig ook parkeerruimte op die besigheidspersoneel uitsluitlik vir voertuie van inwoners, werknemers van die verblyfsonderneming of besoekers verskaf.

(5) 'n Houer van hierdie lisensie ten opsigte van 'n verblyfsonderneming wat een of meer etes per dag verskaf, kan daarkragtig ook —

- (a) sodanige verblyfsonderneming se linne, tapyte, vloermatte, komberse, gordyne of enige huishoudelike weefstof en sy inwoners en werknemers se klere was of droogskoonmaak; en

(b) bake or make bread, rusks, biscuits, rolls, tart, cake and pastry or any other flour confectionery for consumption on the business premises.

(6) A holder of this licence in respect of an accommodation establishment carried on as a boarding house or which is registered as an hotel in terms of the Hotels Act, 1965 (Act 70 of 1965), may also in terms thereof —

(a) sell or supply aerated or mineral water, cordial, syrup or other beverages of a like nature, for consumption on the business premises, tobacco in any form, matches and newspapers;

(b) conduct a restaurant as an integral part of the accommodation establishment; and

(c) keep one or more halls without fixed seating, and one or more billiard tables, on the business premises.

#### *Exemption from licence fee.*

A utility company or other body as defined in the Housing Act, 1966 (Act 4 of 1966).

#### *Exemptions from licensing.*

(A) The manager of a home for the aged registered in terms of the Aged Persons Act, 1967 (Act 81 of 1967).

(B) A person providing accommodation with one or more meals and having not more than 5 beds available for occupation.

(C) A person providing accommodation in rooms without meals and having not more than 3 rooms available for letting.

(D) A person providing accommodation in one flat only without meals.

(E) The National Housing Commission and Bantu Housing Board referred to in sections 5 and 7 respectively of the Housing Act, 1966 (Act 4 of 1966).

#### *Item 47: Hiring Service.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by hiring out films, records, tapes, cassettes, building equipment and requisites, clothing, bedding, tableware, crockery or kitchen utensils.

#### *Exemption.*

The holder of a licence in terms of which he may sell, offer or expose for sale the goods referred to in paragraph (2) in respect of the hiring out of such goods.

#### *Item 48: Salesman.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by any person who keeps samples only of goods and who carries on business as principal by travelling or going about and who, at any place away from business premises solicits, canvasses or accepts orders from another person who is not licensed in terms of the provisions of this Ordinance and who does not operate a factory for the sale or supply of such goods by him.

(3) This licence shall be valid for the whole Province and shall entitle the holder thereof to deliver the goods

(b) brood, beskuit, beskuitjies, rolletjies, tert, koek en pastei- of ander meelgebak vir verbruik op die besigheidsperseel bak of maak.

(6) 'n Houer van hierdie lisensie ten opsigte van 'n verblyfsonderneming wat as 'n losieshuis gedryf word of wat as 'n hotel ingevolge die Wet op Hotelle, 1965 (Wet 70 van 1965) geregistreer is, kan daarkragtens ook —

(a) spuit- of mineraalwater, verfrissende drank, stroop of ander drank van 'n dergelike aard, vir verbruik op die besigheidsperseel, tabak in enige vorm, vuurhoutjies en nuusblaaië verkoop of verskaf;

(b) 'n restaurant as 'n onafskeidbare deel van die verblyfsonderneming dryf; en

(c) op die besigheidsperseel een of meer openbare sale wat geen vaste sitplekke het nie, en een of meer biljartafels hou.

#### *Vrystelling van lisensiegeld.*

'n Nutsmaatskappy of ander liggaam soos in die Behuisingwet, 1966 (Wet 4 van 1966) omskryf.

#### *Vrystellings van lisensiëring.*

(A) Die bestuurder van 'n ouetehuis wat ingevolge die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967) geregistreer is.

(B) Iemand wat huisvesting met een of meer etes verskaf hoogstens 5 beddens beskikbaar het vir besetting.

(C) Iemand wat huisvesting in kamers sonder etes verskaf en hoogstens 3 kamers beskikbaar het wat verhuur word of vir verhuur bedoel is.

(D) Iemand wat huisvesting in slegs een woonstel sonder etes verskaf.

(E) Die Nasionale Behuisingskommissie en die Bantoebehuisingraad onderskeidelik in artikels 5 en 7 van die Behuisingwet, 1966 (Wet 4 van 1966) genoem.

#### *Item 47: Verhuurdiens.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur films, plate, bandopnames, kasette, boutoerusting en benodigdhede, klerasie, beddegoed, tafelgereedskap, breekware of kombuisgereedskap uit te verhuur.

#### *Vrystelling.*

Die houer van 'n lisensie waarkragtens hy enige van die goedere in paragraaf (2) genoem, kan verkoop of vir verkoop aanbied of uitstal ten opsigte van die uitverhuur van sodanige goedere.

#### *Item 48: Verkoopsman.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat slegs monsters van goedere aanhou en as prinsipaal besigheid dryf deur rond te reis of rond te gaan en op enige plek weg van 'n besigheidsperseel van iemand anders wat nie ingevolge die bepalinge van hierdie Ordonnansie gelisensieer is nie en nie 'n fabriek dryf nie, bestellings vir die verkoop of verskaffing van sodanige goedere deur hom te versoek, te wief of aan te neem.

(3) Hierdie lisensie is geldig in die hele Provinsie en magtig die houer daarvan of goedere waarvoor hy 'n be-

for which he has accepted an order on a day other than the day upon which he accepted the order concerned.

(4) For the purpose of this Item the word "factory" shall have the meaning assigned thereto in section 3 of the Factories, Machinery and Building Works Act, 1941 (Act 22 of 1941).

*Item 49: Vending machine keeper.*

(1) The fee for this licence shall be per vending machine R1 per year, subject to a minimum licence fee of R5 per year.

(2) This licence shall be required by a person who carries on business by selling or offering for sale goods by means of a vending machine.

(3) For the purpose of this Item "vending machine" means a machine or appliance designed to contain goods which may be obtained by inserting a coin, token coin or disc therein or into any appliances attached thereto or coupled therewith.

(4) This licence shall be valid for the whole area of a licensing board: Provided that a separate licence fee shall be required for every vending machine —

(a) in a municipality; and

(b) outside a municipality,

in the area of such licensing board.

*Exemptions.*

(A) The holder of a licence in terms of which certain goods may be sold, in respect of the sale of such goods by him by means of a vending machine which is situated entirely within his business premises or which has been installed in such a manner that it can be stocked from within such premises but operated from the outside thereof.

(B) An employer in respect of the sale of food or refreshments by him solely to his employees by means of a vending machine kept and stocked by him on his premises.

*Item 50: Place of entertainment.*

(1) The fee for this licence shall be as follows:

- |                                                                                          |                |
|------------------------------------------------------------------------------------------|----------------|
| (a) Billiard table ... .. per table                                                      | R15 per year.  |
| (b) Cinema ... .. per seat                                                               | 10c per year,  |
| subject to a minimum payment of                                                          | R30 per year.  |
| (c) Dance studio ... ..                                                                  | R30 per year.  |
| (d) Drive-in theatre per motor vehicle parking place ... ..                              | 20c per year,  |
| subject to a minimum payment of                                                          | R30 per year   |
| and a maximum payment of ... ..                                                          | R100 per year. |
| (e) Skittle-alley ... ..                                                                 | R30 per year.  |
| (f) Miniature golf-course, putt-putt course, or golf driving-range ... ..                | R30 per year.  |
| (g) Motor-racing track ... ..                                                            | R30 per year.  |
| (h) Night club ... ..                                                                    | R60 per year.  |
| (i) Public hall —                                                                        |                |
| (i) having no fixed seats —                                                              |                |
| with a floor area of less than 250 m <sup>2</sup> ... ..                                 | R20 per year;  |
| with a floor area of 250 m <sup>2</sup> or more, but less than 350 m <sup>2</sup> ... .. | R30 per year;  |

stelling aangeneem het af te lewer op 'n ander dag as die dag waarop hy die betrokke bestelling aangeneem het.

(4) Vir die toepassing van hierdie Item het "fabriek" die betekenis wat in artikel 3 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), daaraan geheg is.

*Item 49: Verkoopsoutomaathouer.*

(1) Die geld vir hierdie lisensie is per verkoopsoutomaat R1 per jaar, onderworpe aan 'n minimum lisensiegeld van R5 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf om deur middel van 'n verkoopsoutomaat goedere te verkoop of te koop aan te bied.

(3) Vir die toepassing van hierdie Item, beteken "verkoopsoutomaat" 'n masjien of toestel wat ontwerp is om goedere te bevat wat verkry kan word deur 'n muntstuk, tekenmuntstuk of skyf daarin of in 'n toestel wat daaraan geheg is of daarmee gepaard gaan, te plaas.

(4) Hierdie lisensie is geldig vir die hele gebied van 'n lisensieraad: Met dien verstande dat 'n afsonderlike lisensiegeld vereis word vir elke verkoopsoutomaat —

(a) binne 'n munisipaliteit; en

(b) buite 'n munisipaliteit, in die gebied van sodanige raad.

*Vrystellings.*

(A) Die houër van 'n lisensie waarkragtens sekere goedere verkoop kan word, ten opsigte van die verkoop deur hom van daardie goedere deur middel van 'n verkoopsoutomaat wat geheel-en-al binne sy besigheidsperseel is of so aangebring is dat dit vanaf die binnekant van sodanige perseel gevoer maar vanaf die buitekant in werking gestel word.

(B) 'n Werkgewer ten opsigte van die verkoop deur hom van voedsel of verversings uitsluitlik aan sy werknemers deur middel van 'n verkoopsoutomaat wat deur hom op sy perseel aangehou en gevoer word.

*Item 50: Vermaaklikheidsplek.*

(1) Die geld vir hierdie lisensie is soos volg:

- |                                                                                             |                |
|---------------------------------------------------------------------------------------------|----------------|
| (a) Biljarttafel ... .. per tafel                                                           | R 15 per jaar. |
| (b) Bioskoop ... .. per sitplek                                                             | 10c per jaar.  |
| onderworpe aan 'n minimum betaling van ... ..                                               | R 30 per jaar. |
| (c) Dansateljee ... ..                                                                      | R 30 per jaar. |
| (d) Inryteater ... ..                                                                       |                |
| ... .. per motorvoertuigstaanplek                                                           | 20c per jaar,  |
| onderworpe aan 'n minimum betaling van ... ..                                               | R 30 per jaar  |
| en 'n maksimum betaling van ... ..                                                          | R100 per jaar. |
| (e) Kegelbaan ... ..                                                                        | R 30 per jaar. |
| (f) Miniatuurgholfbaan, putt-putt-baan of gholfdryfbaan ... ..                              | R 30 per jaar. |
| (g) Motorrenbaan ... ..                                                                     | R 30 per jaar. |
| (h) Nagklub ... ..                                                                          | R 60 per jaar. |
| (i) Openbare saal —                                                                         |                |
| (i) wat geen vaste sitplekke het nie —                                                      |                |
| met 'n vloerruimte van minder as 250 m <sup>2</sup> ... ..                                  | R 20 per jaar; |
| met 'n vloerruimte van 250 m <sup>2</sup> of meer, maar minder as 350 m <sup>2</sup> ... .. | R 30 per jaar; |

or with a floor area of 350 m<sup>2</sup>  
or more ... .. R40 per year;  
or

- (ii) having fixed seats ... per seat 8c per year.  
(j) Roller-skating or ice-skating rink ... R50 per year.  
(k) Circus ... .. R5 per day.  
or R20 per week.  
(l) Pin-table ... .. per table R50 per year.  
(m) Amusement park ... .. R5 per day  
or R20 per week  
or R100 per year.

(2) This licence shall be required by a person who carries on business by keeping or conducting any one or more of the following:

- (a) A billiard table for use by the public;  
(b) a cinema;  
(c) a dance studio, namely a place where instruction in dancing (not being ballet dancing) is given for remuneration;  
(d) a drive-in theatre;  
(e) a skittle-alley;  
(f) a miniature golf-course, a putt-putt course or a golf driving range;  
(g) a motor-racing track, namely a course track used for races with, or any other form of competition between motor vehicles;  
(h) a night club;  
(i) a public hall, namely a hall used for public gatherings, not being a cinema or dance studio in respect of which a licence has been issued in terms of this Item;  
(j) a roller-skating or ice-skating rink;  
(k) a circus;  
(l) a pin-table or any other similar contrivance which is not a juke-box, which is designed or used for purposes of amusement and the operation whereof involves the insertion of a coin, disc or token coin therein or in an appliance attached thereto or coupled therewith; or  
(m) an amusement park, namely a place where amusement is provided for the public by means of any one or more of the following: merry-go-round, riding stunts, riding devices, devices or apparatus for games of skill.

*Item 51: Fishmonger and fish frier.*

(1) The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who carries on business by selling or offering for sale raw fish or of frying or otherwise cooking, pickling, currying or subjecting to any other process of preparation fish or fish and potatoes and of selling the same for consumption off the business premises.

(3) The holder of this licence may also in terms thereof sell dried, salted or smoked fish.

of met 'n vloerruimte van 350  
m<sup>2</sup> of meer ... .. R 40 per jaar;  
of

- (ii) wat vaste sitplekke het ... ..  
... .. per sitplek 8c per jaar.  
(j) Rol- of ysskaatsbaan ... .. R 50 per jaar.  
(k) Sirkus ... .. R 5 per dag.  
of R 20 per week.  
(l) Spykertafel ... .. per tafel R 50 per jaar.  
(m) Vermaaklikheidspark ... .. R 5 per dag.  
of R 20 per week  
of R100 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur een of meer van die volgende te hou of te dryf:

- (a) 'n Biljarttafel vir gebruik deur die publiek;  
(b) 'n bioskoop;  
(c) 'n dansateljee, dit wil sê 'n plek waar onderrig teen vergoeding in dans (wat nie balletdans is nie) gegee word;  
(d) 'n inryteater;  
(e) 'n kegelbaan;  
(f) 'n miniatuurgholfbaan, 'n putt-putt-baan of 'n gholf-dryfbaan;  
(g) 'n motorrenbaan, dit wil sê 'n baan wat gebruik word vir wedrenne met of enige ander vorm van mededinging tussen motorvoertuie;  
(h) 'n nagklub;  
(i) 'n openbare saal, dit wil sê 'n saal wat vir openbare byeenkomste gebruik word en wat nie 'n bioskoop of dansateljee is ten opsigte waarvan 'n lisensie ingevolge hierdie Item uitgereik is nie;  
(j) 'n rol- of ysskaatsbaan;  
(k) 'n sirkus;  
(l) 'n spykertafel of enige ander soortgelyke apparaat wat nie 'n blêrkas is nie, wat ontwerp is of gebruik word vir doeleindes van vermaak en die werking waarvan die plasing van 'n muntstuk, skyf of tekenmuntstuk daarin of in 'n toestel wat daaraan geheg is of daarmee gepaard gaan, meebring; of  
(m) 'n vermaaklikheidspark, dit wil sê 'n plek waar vermaak aan die publiek verskaf word deur middel van een of meer van die volgende: mallemeule, rytoertjies, rytoestel, toestel of apparaat vir vernufspel.

*Item 51: Vishandelaar en -bakker.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur rou vis te verkoop of te koop aan te bied of deur vis of vis en aartappels te bak of andersins gaar te maak, te pek, te kerrie of aan enige ander voorbereidingsproses te onderwerp en dit vir verbruik weg van die besigheidsperseel te verkoop.

(3) Die houer van hierdie lisensie kan daarkragtens ook gedroogte, gesoute of geroekte vis verkoop.

*Exemption.*

The holder of a food manufacturer's licence.

*Item 52: Food manufacturer.*

- (1) The fee for this licence shall be R30 per year.
- (2) This licence shall be required by a person who carries on business by manufacturing, preserving, processing or treating food.
- (3) For the purpose of this Item "food" means anything other than medicine, salt, water and ice intended for human consumption or normally used for such purpose and includes any article used in the composition or preparation thereof or which constitutes an ingredient thereof.
- (4) The holder of this licence may also in terms thereof sell by retail or exchange or offer or expose for sale on his business premises any foodstuff manufactured, preserved, processed or treated by him.

*Exemption.*

A factory, depot or institution referred to in section 3 of the Dairy Industry Act, 1961 (Act 30 of 1961), the premises of which have been registered in terms of the said Act.

*Item 53: Fruit, vegetable and plant dealer.*

- (1) The fee for this licence shall be R20 per year.
- (2) This licence shall be required by a person who carries on business by selling fresh fruit, fresh vegetables, flowers or plants on business premises.
- (3) A holder of this licence may also in terms thereof sell or supply any container for the goods referred to in paragraph (2).

*Exemption.*

A grower of fruit, vegetables, plants or flowers in respect of the sale of such produce grown or cultivated by him and a farmer in respect of the sale of produce grown, cultivated or produced by him or bought in the course of his ordinary farming operations, provided such sale does not take place in a shop away from the land where the grower grows or cultivates his produce or the farmer carries on his ordinary farming operations.

*Item 54: Laundry or dry-cleaner.*

- (1) The fee for this licence shall be R30 per year.
- (2) This licence shall be required by a person who carries on business by washing, dry-cleaning or subjecting to any other cleaning process, or dyeing or bleaching clothing, linen, carpets, floor rugs, blankets, curtains or any other household textiles or providing a machine or apparatus for this purpose for remuneration.

*Item 55: Laundry or dry-cleaning receiving depot.*

- (1) The fee for this licence shall be as follows:  
 For each business premises ... R15 per year.  
 For each self-propelled vehicle ... R10 per year.  
 For each vehicle not self-propelled ... R1 per year.
- (2) This licence shall be required by a person in respect of each business premises or vehicle which is used by him for the carrying on of the business for the receiving of articles for dispatch to a laundry or dry-cleaner.

*Vrystelling.*

Die houer van 'n voedselvervaardigerslisensie.

*Item 52: Voedselvervaardiger.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur voedsel te vervaardig, in te maak, te verwerk of te behandel.
- (3) Vir die toepassing van hierdie Item, beteken "voedsel" enigiets, uitgenome medisyne, sout, water en ys, wat bedoel is vir menslike gebruik of wat gewoonlik vir sodanige doel gebruik word, en omvat dit enige artikel wat in die samestelling of bereiding daarvan gebruik word of 'n bestanddeel daarvan uitmaak.
- (4) Die houer van hierdie lisensie kan daarkragtens ook op sy besigheidsperseel die voedsel wat deur hom vervaardig, ingemaak, verwerk of behandel is, in die kleinhandel verkoop of verruil, of te koop aanbied of uitstal.

*Vrystelling.*

'n Fabriek, depot of inrigting genoem in artikel 3 van die Wet op die Suiwelnywerheid, 1961 (Wet 30 van 1961) waarvan die perseel ingevolge genoemde Wet geregistreer is.

*Item 53: Vrugte-, groente- en plantehandelaar.*

- (1) Die geld vir hierdie lisensie is R20 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat in, op of vanaf 'n besigheidsperseel besigheid dryf deur vars vrugte, vars groente, blomme of plante te verkoop.
- (3) 'n Houer van hierdie lisensie kan, daarkragtens ook enige houer vir die goedere genoem in paragraaf (2), verkoop of verskaf.

*Vrystelling.*

'n Kweker van vrugte, groente, plante of blomme ten opsigte van die verkoop van sodanige produkte deur hom gekweek, verbou of geproduseer en 'n boer ten opsigte van die verkoop van produkte deur hom gekweek of verbou of gekoop in die loop van sy gewone boerderybedrywighede, mits sodanige verkoop nie plaasvind nie in 'n winkel weg van die grond waar die kweker sy produkte kweek of verbou of waar die boer sy gewone boerderybedrywighede beoefen.

*Item 54: Wassery of droogskoonmakery.*

- (1) Die geld vir hierdie lisensie is R30 per jaar.
- (2) Hierdie lisensie word vereis van iemand wat besigheid dryf deur kler, linne, tapyte, vloermatte, komberse, gordyne of enige ander huishoudelike weefstof te was, droog skoon te maak, of aan enige ander skoonmaakproses te onderwerp, te kleur of te bleik of 'n masjien of toestel vir hierdie doel teen vergoeding beskikbaar te stel.

*Item 55: Wassery of droogskoonmakery-ontvangsdepot.*

- (1) Die geld vir hierdie lisensie is soos volg:  
 Vir elke besigheidsperseel ... R15 per jaar.  
 Vir elke selfgedrewe voertuig ... R10 per jaar.  
 Vir elke nie-selfgedrewe voertuig ... R 1 per jaar.
- (2) Hierdie lisensie word vereis van iemand ten opsigte van elke besigheidsperseel of voertuig wat deur hom vir die dryf van die besigheid gebruik word vir die ontvangs van artikels vir versending na 'n wassery of droogskoonmakery.

*Exemption.*

The holder of a laundry or dry-cleaner's licence in respect of the use of his business premises or vehicle for the reception of articles intended for the laundry or dry-cleaning establishment concerned.

*Item 56: Workshop.*

The fee for this licence shall be R30 per year.

(2) This licence shall be required by a person who on business premises carries on any one or more of the following businesses, namely, the retreading of motor vehicle tyres, the sawing of wood, metal work, carpentry, panel-beating, spray-painting, plumbing, electroplating, galvanising, engineering and the repairing of locks.

(5) The holder of this licence who retreads motor vehicle tyres may also in terms thereof fit motor vehicle tyres and tubes to a motor vehicle.

*Exemption.*

Any such business which is carried on outside a municipality or which is carried on within a municipality in an area which is zoned in terms of a town-planning scheme for that class of business.

SCHEDULE II.

LAWS REPEALED (SECTION 67)

| No. and year of law  | Short title                                                             | Extent of repeal |
|----------------------|-------------------------------------------------------------------------|------------------|
| Ordinance 3 of 1932  | Licences (Control) Ordinance, 1931                                      | The whole.       |
| Ordinance 20 of 1943 | Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 | Section 44.      |
| Ordinance 21 of 1945 | Peri-Urban Areas Health Board Amendment Ordinance, 1945                 | Section 8.       |
| Ordinance 3 of 1955  | Licences (Control) Amendment Ordinance, 1955                            | The whole.       |
| Ordinance 15 of 1959 | Hawkers and Pedlars Ordinance, 1959                                     | The whole.       |
| Ordinance 16 of 1959 | Licences (Control) Amendment Ordinance, 1959                            | The whole.       |
| Ordinance 38 of 1960 | Hawkers and Pedlars Amendment, Ordinance, 1960                          | The whole.       |
| Ordinance 5 of 1961  | Licences (Control) Amendment Ordinance, 1961                            | The whole.       |
| Ordinance 4 of 1962  | Licences (Control) Amendment Ordinance, 1962                            | The whole.       |

DRAFT REGULATIONS CONCERNING THE LICENSING OF TRADES AND OCCUPATIONS.

DEVISION OF REGULATIONS.

Number of Regulation.

1. Definition.
2. Remuneration and travelling allowance of a member of a licensing board.
3. Cost of a special sitting of a licensing board requested by an applicant.
4. Application for a new licence.
5. Poster and newspaper notice of an application for a new licence.

*Vrystelling.*

Die houer van 'n wassery- of droogskoonmakerylisensie, ten opsigte van die gebruik van sy besigheidspersoneel of voertuig vir die ontvangs van artikels wat vir die betrokke wassery of droogskoonmakery bedoel is.

*Item 56: Werkswinkel.*

(1) Die geld vir hierdie lisensie is R30 per jaar.

(2) Hierdie lisensie word vereis van iemand wat op 'n besigheidspersoneel een of meer van die volgende besighede dryf naamlik, die versoling van motorvoertuigbande, die opsaag van hout, metaalwerk, skrynwerk, duikklopwerk, spuitverfwerk, loodgieterswerk, elektrobekleding, galvanisering, ingenieurswerk en die herstel van slotte.

(3) Die houer van hierdie lisensie wat motorvoertuigbande versoon kan daarkragtens motorvoertuigbande en binnebande aan 'n motorvoertuig monteer.

*Vrystelling.*

Enige sodanige besigheid wat buite 'n munisipaliteit gedryf word of wat binne 'n munisipaliteit gedryf word in 'n gebied wat ingevolge 'n dorpsbeplanningskema vir die dryf van daardie klas van besigheid gesoneer is.

BYLAE II.

WETTE HERROEP (ARTIKEL 67)

| No. en jaar van wet     | Kort titel                                                                                | Omvang van herroeping. |
|-------------------------|-------------------------------------------------------------------------------------------|------------------------|
| Ordonnansie 3 van 1932  | Lisensie (Kontrole) Ordonnansie, 1931                                                     | Geheel.                |
| Ordonnansie 20 van 1943 | Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 | Artikel 44.            |
| Ordonnansie 21 van 1945 | Wysigingsordonnansie op die Gesondheidsraad vir Buitestedelike Gebiede, 1945              | Artikel 8.             |
| Ordonnansie 3 van 1955  | Wysigingsordonnansie op Lisensies (Kontrole), 1955                                        | Geheel.                |
| Ordonnansie 15 van 1959 | Ordonnansie op Marskramers en Venters, 1959                                               | Geheel.                |
| Ordonnansie 16 van 1959 | Wysigingsordonnansie op Lisensies (Kontrole), 1959                                        | Geheel.                |
| Ordonnansie 38 van 1960 | Wysigingsordonnansie op Marskramers en Venters, 1960                                      | Geheel.                |
| Ordonnansie 5 van 1961  | Wysigingsordonnansie op Lisensies (Kontrole), 1961                                        | Geheel.                |
| Ordonnansie 4 van 1962  | Wysigingsordonnansie op Lisensies (Kontrole), 1962                                        | Geheel.                |

ONTWERPREGULASIES BETREFFENDE DIE LSENSIERING VAN HANDELSBESIGHEDE EN BE-ROEPE.

INDELING VAN REGULASIES.

Nommer van Regulasie.

1. Woordoms krywing.
2. Besoldiging en reistoeleae van 'n lid van 'n lisensieraad.
3. Koste van 'n spesiale sitting van 'n lisensieraad deur 'n aansoeker aangevra.
4. Aansoek om 'n nuwe lisensie.
5. Plakkaat- en nuusbladkennisgewing van 'n aansoek om 'n nuwe lisensie.

6. Inspection of documents in respect of an application for a new licence.
7. Objection to an application for a new licence.
8. Procedure at the proceedings of a licensing board in relation to an application for a new licence.
9. Procedure at the proceedings of a licensing board on review of a licence.
10. Written argument available for inspection by other parties.
11. Fee payable for reasons for decision of a licensing board or licensing appeal board.
12. Transfer of a licence.
13. Remuneration and travelling allowances of a member of a licensing appeal board.
14. Notice of appeal against decision of a licensing board.
15. Procedure after lodging of notice of appeal.
16. Procedure of a licensing appeal board at the hearing of an appeal.
17. General provisions in connection with hawking inside as well as outside a municipality.
18. Restrictions in relation to the carrying on of the business of a hawker outside a municipality.
19. Service of documents by publication in a newspaper.
20. Minutes of proceedings of and record of evidence given before a licensing board and a licensing appeal board.
21. Duplicate of certificate, licence, permit or authorisation.
22. Procedure in relation to the inspection of records and documents.
23. Witness fees.
24. Offences.

#### REGULATIONS CONCERNING THE LICENSING OF TRADES AND OCCUPATIONS.

##### Definition.

1. In these Regulations, unless inconsistent with the context, "the Ordinance" means the Licences Ordinance, 1974 (Ordinance ..... of 1974), and any other word of expression has the meaning assigned thereto in the Ordinance.

Remuneration and travelling allowance of a member of a licensing board.

2.(1) Every member of a licensing board who is not in the full-time employ of the State, shall be entitled to remuneration for every day on which he attends a sitting or adjourned sitting of a licensing board, as follows:

|                                                                                  | <i>Chairman<br/>per day</i> | <i>Other member<br/>per day</i> |
|----------------------------------------------------------------------------------|-----------------------------|---------------------------------|
| (a) When not absent overnight from usual place of residence or employment ... .. | R10,50                      | R 8,00                          |
| (b) when absent overnight from usual place of residence or employment ... ..     | R18,50                      | R16,00                          |

6. Insae in dokumente ten opsigte van 'n aansoek om 'n nuwe lisensie.
7. Beswaar teen 'n aansoek om 'n nuwe lisensie.
8. Prosedure by die verrigtinge van 'n lisensieraad by 'n aansoek om 'n nuwe lisensie.
9. Prosedure by die verrigtinge van 'n lisensieraad by die hersiening van 'n lisensie.
10. Skriftelike betoog ter insae van ander partye.
11. Geld betaalbaar vir verskaffing van redes vir besluit van 'n lisensieraad of lisensie-appèlraad.
12. Oordrag van 'n lisensie.
13. Besoldiging en reistoelae van 'n lid van 'n lisensie-appèlraad.
14. Kennisgewing van appèl teen besluit van 'n lisensieraad.
15. Prosedure na indiening van kennisgewing van appèl.
16. Prosedure van 'n lisensie-appèlraad by verhoor van 'n appèl.
17. Algemene bepalings met betrekking tot smous binne sowel as buite 'n munisipaliteit.
18. Beperkings met betrekking tot die dryf van die besigheid van 'n smous buite 'n munisipaliteit.
19. Betekening van dokumente by publikasie in 'n nuusblad.
20. Notule van verrigtinge van en die verslag van die getuienis voor 'n lisensieraad of 'n lisensie-appèlraad.
21. Duplikaat van sertifikaat, lisensie, permit of magtiging.
22. Prosedure met betrekking tot die insae in rekords en dokumente.
23. Getuiegeld.
24. Misdrywe.

#### REGULASIES BETREFFENDE DIE LISENSIERING VAN HANDELSBESIGHEDE EN BEROEPE.

##### Woordomskrywing.

1. In hierdie Regulasies, tensy uit die samehang anders blyk, beteken "die Ordonnansie" die Ordonnansie op Lisensies, 1974 (Ordonnansie ..... van 1974), en het enige ander woord of uitdrukking die betekenis wat in die Ordonnansie daaraan geheg word.

Besoldiging en reistoelae van 'n lid van 'n lisensieraad.

2.(1) Elke lid van 'n lisensieraad, wat nie in die voltydse diens van die Staat is nie, is geregtig op besoldiging ten opsigte van elke dag waarop hy 'n sitting of verdaagde sitting van 'n lisensieraad bywoon as volg:

|                                                                            | <i>Voorsitter<br/>per dag</i> | <i>Ander lid<br/>per dag</i> |
|----------------------------------------------------------------------------|-------------------------------|------------------------------|
| (a) Wanneer nie weg van gewone verblyf- of werkplek oornag word nie ... .. | R10,50                        | R8,00                        |
| (b) wanneer weg van gewone verblyf- of werkplek oornag word ... ..         | R18,50                        | R16,00                       |

(2) Every member of a licensing board, whether in the full-time employ of the State or not, shall, in respect of the distance which he travels on the business of a licensing board with a privately-owned motor vehicle, be entitled to a travelling allowance at such rate as is from time to time applicable to the Public Service of the Republic, as well as to any expenses incurred in respect of travel by taxi, or to a first-class railway ticket if railway transport is used.

(3) A claim in terms of the provisions of subregulations (1) and (2) shall be in respect of every month and shall, as soon as practicable after the end of the month claimed for, be submitted, certified as correct by the claimant, to the secretary of the licensing board concerned on the form as determined by the Administrator.

(4) The secretary of the board concerned shall, after having scrutinized and countersigned such claim, transmit it for payment to the Provincial Secretary, Private Bag X64, Pretoria.

Costs of a special sitting of a licensing board requested by an applicant.

3.(1) The costs of a special sitting of a licensing board requested by an applicant in terms of the provisions of section 5(3) of the Ordinance shall be R50 and shall be payable in advance.

(2) If more than one applicant requests such sitting, the abovementioned costs shall be shared equally by the applicants concerned.

Application for a new licence.

4.(1) An application for a new licence shall be submitted in duplicate in a form determined by the Administrator and shall give the following information:

(a) In relation to the applicant —

(i) his full name, identity number and address or, if a partnership, the full name, identity number and address of each partner;

(ii) if he or any such partner is a natural person, the group of which he or such partner is a member;

(iii) if a company, the group of which the persons, having a controlling interest in such company, are members and the full name and address of each director and the manager and secretary of the company; and

(iv) whether he is or will be the owner of the business.

(b) The full name, identity number, group and address of the person who will be in actual and effective control of the business and whether he can speak, read and write one of the official languages.

(c) The full name, identity number, group, address and qualifications of the person who will keep a record of the transactions of the business.

(d) The nature of the business and the class or type of goods in which the business will be carried on.

(e) If the application is for a licence of a hawker —

(i) the place where or a definition of the area in which the business will be carried on;

(ii) the class or type of goods in which the business will be carried on;

(2) Elke lid van 'n lisensieraad, of hy in die voltydse diens van die Staat is al dan nie, ten opsigte van die afstand wat hy op die besigheid van 'n lisensieraad met 'n privaat motorvoertuig reis, geregtig op 'n reistoelae teen sodanige tarief as wat van tyd tot tyd van toepassing is op die Staatsdiens van die Republiek, en daarbenewens enige koste aangegaan vir vervoer per huurmotor of op 'n eerste-klas spoorwegreiskaartjie, as van spoorwegvervoer gebruik gemaak word.

(3) 'n Eis ingevolge die bepalings van subregulasies (1) en (2) is ten opsigte van elke maand en word, so gou doenlik na die einde van die maand waarvoor geëis word, deur die eiser as korrek gesertifiseer, by die sekretaris van die betrokke lisensieraad op die vorm soos deur die Administrateur bepaal, ingedien.

(4) Die sekretaris van die betrokke lisensieraad stuur sodanige eis, nadat hy dit nagegaan en mede-onderteken het aan die Provinsiale Sekretaris, Privaatsak X64, Pretoria, vir betaling.

Koste van 'n spesiale sitting van 'n lisensieraad deur 'n aansoeker aangevra.

3.(1) Die koste van 'n spesiale sitting van 'n lisensieraad deur 'n aansoeker ingevolge die bepalings van artikel 5(3) van die Ordonnansie aangevra, is R50 en is vooruit betaalbaar.

(2) Indien meer as een aansoeker sodanige sitting aanvra is bogemelde koste in gelyke dele deur die betrokke aansoekers betaalbaar.

Aansoek om 'n nuwe lisensie.

4.(1) 'n Aansoek om 'n nuwe lisensie word in tweevoud in 'n vorm soos deur die Administrateur bepaal, ingedien en gee die volgende inligting aan:

(a) Met betrekking tot die applikant —

(i) sy volle naam, identiteitsnommer en adres of, indien 'n vennootskap, die volle naam, identiteitsnommer en adres van elke vennoot;

(ii) indien hy of enige sodanige vennoot 'n natuurlike persoon is, die groep waarvan hy of sodanige vennoot 'n lid is;

(iii) indien 'n maatskappy, die groep waarvan die persone wat die beheersende belang in sodanige maatskappy het, lede is en die volle naam en adres van elke direkteur en die bestuurder en sekretaris van die maatskappy; en

(iv) of hy die eienaar van die besigheid is of sal wees.

(b) Die volle naam, identiteitsnommer, groep en adres van die persoon wat in werklike en effektiewe beheer van die besigheid sal wees en of hy een van die amp-telike tale kan praat, lees en skryf.

(c) Die volle naam, identiteitsnommer, groep, adres en kwalifikasies van die persoon wat rekord van die transaksies van die besigheid sal hou.

(d) Die aard van die besigheid en die klas of soort goedere waarmee die besigheid gedryf sal word.

(e) Indien dit 'n aansoek om 'n lisensie van 'n smous is —

(i) die plek of 'n omskrywing van die gebied waar die besigheid gedryf sal word;

(ii) die klas of soort goedere waarmee die besigheid gedryf sal word;

- (iii) the method of conveying the goods in which the business is to be carried on and, if a vehicle is to be used, the nature thereof;
  - (iv) the number of persons to be engaged as agents or employees of the applicant to assist in the carrying on of the business and in respect of whom a licence is desired; and
  - (v) the place where the goods in which the business will be carried on will be kept or stored.
- (f) The name under which the business will be carried on.
  - (g) The situation and address of the business premises, the nature of the zoning (if any) thereof in terms of a town-panning scheme and of any restrictive condition (if any) registered against the title deed.
  - (h) Whether the applicant may lawfully occupy or use the business premises for the purpose of carrying on the business concerned.
  - (i) An address to which notices and other documents intended for the applicant may be sent.
  - (j) If there is an existing business on the business premises, the nature thereof and the name of the licensee.
  - (k) If the application relates to a building which has not yet been erected or, if erected, which requires additions or alterations, the period necessary for the completion of the erections, additions or alterations concerned.
  - (l) The other information called for in the application form.

(2) The application fee for a new licence, as contemplated in section 12(2)(a) of the Ordinance, is in respect of each item mentioned in Schedule I of the Ordinance, as follows:

| Item number. | Business or trade.                                    | Application fee. |
|--------------|-------------------------------------------------------|------------------|
| 1.           | Offensive trades                                      | R10              |
| 2.           | Auctioneer                                            | R10              |
| 3.           | General dealer                                        | R10              |
| 4.           | Chemist                                               | R10              |
| 5.           | Baker                                                 | R10              |
| 6.           | Barber or hairdresser                                 | R10              |
| 7.           | Funeral undertaker                                    | R10              |
| 8.           | Eating-house keeper                                   | R10              |
| 9.           | Estate agency                                         | R10              |
| 10.          | Cycle dealer                                          | R10              |
| 11.          | Dealer in bones and used goods                        | R10              |
| 12.          | Dealer in household, patent and proprietary medicines | R 5              |
| 13.          | Dealer in motor vehicles                              | R10              |
| 14.          | Dealer or speculator in livestock or produce          | R10              |
| 15.          | Dealer in aerated or mineral water                    | R 5              |
| 16.          | Dealer in fireworks                                   | R 5              |
| 17.          | Commercial traveller                                  | R10              |
| 18.          | Kennel or pet's boarding establishment                | R 5              |
| 19.          | Livery stable or riding-school keeper                 | R 5              |
| 20.          | Café keeper                                           | R10              |
| 21.          | Crèche or nursery school                              | R 5              |
| 22.          | Physical culture or health centre                     | R10              |
| 23.          | Market agent                                          | R10              |
| 24.          | Milk Depot                                            | R10              |
| 25.          | Dairy farm                                            | R 5              |
| 26.          | Dairy-shop                                            | R10              |

- (iii) die wyse van vervoer van die goedere waarmee die besigheid gedryf sal word en, indien 'n voertuig gebruik sal word, die aard daarvan;
  - (iv) die aantal persone wat as agente of werknemers van die aansoeker aangestel sal word om met die dryf van die besigheid behulpsaam te wees en ten opsigte van wie 'n lisensie verlang word; en
  - (v) die plek waar die goedere waarmee besigheid gedryf sal word, gehou of opgeberg sal word.
- (f) Die naam waaronder die besigheid gedryf sal word.
  - (g) Die ligging en adres van die besigheidspersel, die aard van die sonering daarvan (as daar is) ingevolge 'n dorpsbeplanningskema en van enige beperkende voorwaarde (as daar is) teen die titelakte geregistreer.
  - (h) Of die aansoeker die besigheidspersel wettiglik kan okkuper of gebruik vir die doel om die betrokke besigheid daar te dryf.
  - (i) 'n Adres waarheen kennisgewings en ander dokumente wat vir die aansoeker bedoel is, gestuur kan word.
  - (j) Indien daar 'n bestaande besigheid op die besigheidspersel is, die aard daarvan en die naam van die lisensiehouer.
  - (k) Indien die aansoek betrekking het op 'n gebou wat nog nie opgerig is nie of, indien opgerig, aanbouings of veranderings vereis, die tydperk wat nodig sal wees vir die voltooiing van die betrokke oprigting, aanbouings of veranderings.
  - (l) Die ander inligting wat in die aansoekvorm aangevra word.

(2) Die aansoekgeld om 'n nuwe lisensie, soos beoog in artikel 12(2)(a) van die Ordonnansie, is ten opsigte van elke item in Bylae I van die Ordonnansie genoem, soos volg:

| Item-nommer. | Besigheid of beroep                                     | Aansoekgeld. |
|--------------|---------------------------------------------------------|--------------|
| 1            | Aanstootlike bedrywe                                    | R10          |
| 2            | Afslaer                                                 | R10          |
| 3            | Algemene handelaar                                      | R10          |
| 4            | Apteker                                                 | R10          |
| 5            | Bakker                                                  | R10          |
| 6            | Barbier of haarkapper                                   | R10          |
| 7            | Begrafnisondernemer                                     | R10          |
| 8            | Eethuishouer                                            | R10          |
| 9            | Eiendomsagentskap                                       | R10          |
| 10           | Fietshandelaar                                          | R10          |
| 11           | Handelaar in bene en gebruikte goedere                  | R10          |
| 12           | Handelaar in huishoudelike, patent- en eiendomsmedisyne | R 5          |
| 13           | Handelaar in motorvoertuie                              | R10          |
| 14           | Handelaar of spekulant in lewende hawe of produkte      | R10          |
| 15           | Handelaar in spuit- of mineraalwater                    | R 5          |
| 16           | Handelaar in vuurwerk                                   | R 5          |
| 17           | Handelsreisiger                                         | R10          |
| 18           | Hondehokke of troeteldierloosiesinrigting               | R 5          |
| 19           | Huurstal- of ryskoolhouer                               | R 5          |
| 20           | Kafeehouer                                              | R10          |
| 21           | Kinderbewaarpark of kleuterskool                        | R 5          |
| 22           | Liggaamsontwikkeling- of gesondheidsentrum              | R10          |
| 23           | Markagent                                               | R10          |
| 24           | Melkdepot                                               | R10          |
| 25           | Melkplaas                                               | R 5          |
| 26           | Melkwinkel                                              | R10          |

|    |                                 |     |
|----|---------------------------------|-----|
| 27 | Miller                          | R10 |
| 28 | Motor garage                    | R10 |
| 29 | Motor vehicle attendant         | R 1 |
| 30 | Disinfector or fumigator        | R 5 |
| 31 | Recreation ground               | R10 |
| 32 | Warehouse                       | R10 |
| 33 | Pawnbroker                      | R10 |
| 34 | Parkade                         | R10 |
| 35 | Passenger transport undertaking | R 5 |
| 36 | Poultry farming                 | R10 |
| 37 | Mail-order undertaking          | R10 |
| 38 | Restaurant keeper               | R10 |
| 39 | Cobbler                         | R 2 |
| 40 | Debt collector                  | R10 |
| 41 | Butcher                         | R10 |
| 42 | Hawker                          |     |

(i) For the carrying on of business as contemplated in paragraphs (1)(a), (b) and (c) of this Item R 5

(ii) For the carrying on of business as contemplated in paragraphs (1)(d), (e) and (f) of this Item R 1

|    |                                               |     |
|----|-----------------------------------------------|-----|
| 43 | Special licence                               | R 1 |
| 44 | Caterer                                       | R10 |
| 45 | Street photographer                           | R 5 |
| 46 | Accommodation establishment                   | R10 |
| 47 | Hiring service                                | R10 |
| 48 | Salesman                                      | R10 |
| 49 | Vending machine keeper, per business premises | R 2 |

50 Place of entertainment  
(i) For a pin table or billiard table, per business premises R 2

(ii) For each other entertainment per business premises R10

|    |                                   |     |
|----|-----------------------------------|-----|
| 51 | Fishmonger and fish frier         | R10 |
| 52 | Food manufacturer                 | R10 |
| 53 | Fruit, vegetable and plant dealer | R10 |
| 54 | Laundry or dry-cleaner            | R10 |

55 Laundry or dry-cleaning receiving depot  
(i) For each business premises R 5

(ii) For each self-propelled vehicle R 1

(iii) For each vehicle not self-propelled 50c

56 Workshop R10

(3)(a) The plan referred to in section 12(2)(b) of the Ordinance, shall be submitted in duplicate, shall be drawn to scale of the building concerned or portion thereof as it will be adapted for the purpose of the business, and shall clearly indicate —

(i) the measurements of each room and the floor space in square metres of each such room;

(ii) the arrangement of the interior of the building with all doors, windows and internal and external communications; and

(iii) the streets and places to which such means of external communication lead.

(b) The provisions of paragraph (a) shall not apply in the case of an application for —

(i) a special licence or a licence to carry on the business of an estate agency, market agent, debt collector or vending machine keeper or of a dealer or speculator in livestock or produce if such dealer does not intend to carry on his business in or from fixed business premises;

(ii) a new licence for a business upon the change in ownership of the business, unless the chair-

|    |                              |     |
|----|------------------------------|-----|
| 27 | Meulenaar                    | R10 |
| 28 | Motorgarage                  | R10 |
| 29 | Motorvoertuigoppasser        | R 1 |
| 30 | Ontsmetter of beroker        | R 5 |
| 31 | Ontspanningsterrein          | R10 |
| 32 | Pakhuis                      | R10 |
| 33 | Pandjieshouer                | R10 |
| 34 | Parkade                      | R10 |
| 35 | Passasiersvervoeronderneming | R 5 |
| 36 | Pluimveeboerdery             | R10 |
| 37 | Posbestellingsonderneming    | R10 |
| 38 | Restauranthouer              | R10 |
| 39 | Skoenmaker                   | R 2 |
| 40 | Skuldinvorderaar             | R10 |
| 41 | Slagter                      | R10 |
| 42 | Smous                        |     |

(i) Vir die dryf van besigheid soos in paragrafe (1)(a), (b) en (c) van hierdie Item beoog R 5

(ii) Vir die dryf van besigheid soos in paragrafe (1)(d), (e) en (f) van hierdie Item beoog R 1

|    |                     |     |
|----|---------------------|-----|
| 43 | Spesiale lisensie   | R 1 |
| 44 | Spysenier           | R10 |
| 45 | Straatfotograaf     | R 5 |
| 46 | Verblyfsonderneming | R10 |
| 47 | Verhuurdiens        | R10 |
| 48 | Verkoopsman         | R10 |

49. Verkoopsoutomaathouer per besigheidspersoon R 2

50 Vermaaklikheidsplek (i) Vir 'n biljart-tafel en spykertaal per besigheidspersoon R 2

(ii) Vir elke ander vermaaklikheidsplek per besigheidspersoon R10

51 Vishandelaar en -bakker R10

52 Voedselvervaardiger R10

53 Vrugte-, groente- en plante-handelaar R10

54 Wassery of droogskoonmakery R10

55 Wassery- of droogskoonmakery-ontvangsdepot (i) Vir elke besigheidspersoon R 5

(ii) Vir elke selfgedrewe voertuig R 1

(iii) Vir elke nie-selfgedrewe voertuig 50c

56 Werkswinkel R10

(3)(a) Die plan in artikel 12(2)(b) van die Ordonnansie genoem, moet in tweevoud ingedien word, moet volgens skaal geteken wees van die betrokke gebou of gedeelte daarvan, soos dit vir die doel van die besigheid ingerig sal wees en moet —

(i) die afmetings van elke vertrek en die vloeroppervlakte in vierkante meter van elke sodanige vertrek;

(ii) die inrigting van die binnegebou met alle deure, vensters en binne- en buiteverbindinge; en

(iii) die strate en plekke waarheen sodanige buiteverbindinge lei, duidelik aandui.

(b) Die bepalinge van paragraaf (a) is nie van toepassing nie in die geval van 'n aansoek om —

(i) 'n spesiale lisensie of 'n lisensie om die besigheid van eiendomsagentskap, markagent, skuldinvorderaar of verkoopsoutomaathouer te dryf, of van

man of the licensing board concerned determines otherwise; or

- (iii) a licence in respect of a business which is or will be carried on in, on or from business premises, which is an office.

(4) For the purpose of subregulation (1) "company", "controlling interest" and "group" have the same meaning as in section 1 of the Group Areas Act, 1966 (Act 36 of 1966).

Poster and newspaper notice of an application for a new licence.

5.(1)(a) When an application for a new licence to carry on a business in, on or from business premises is submitted in terms of the provisions of section 12 of the Ordinance, the secretary of the licensing board concerned shall furnish the applicant with a poster notice, in the form determined by the Administrator, on which the date of issue has been endorsed by means of an official stamp, in order to enable him to give notice of his intention to apply for a new licence.

(b) Within 3 days after the submission of the application the applicant shall affix such poster notice, duly completed, on the inside or outside of the business premises concerned or on a board fixed to a pole firmly planted in the ground, on or as near as possible to the business premises.

(c) Such a poster notice shall be displayed in a conspicuous place where it may be easily seen and read from a public road, a public street or other public place and shall be maintained in a clearly legible condition for a continuous period of 14 days after the date of the application of the notice contemplated in subregulation (2)(a).

(d) The provisions of this subregulation shall not apply to an application for a special licence or for a licence for the business of an estate agency, market agent, dairy farm, debt collector, hawker, dealer or speculator in livestock and produce, if such dealer or speculator does not intend carrying on his business in, on or from business premises or to an application for a licence in respect of a business which is or will be carried on, in, on or from business premises which is an office.

(2)(a) Within 7 days of the submission of an application in terms of section 12 of the Ordinance, the applicant shall, subject to the provisions of paragraph (c), cause a notice, in a form determined by the Administrator, to be published in an Afrikaans and English newspaper circulating in the area of the licensing board concerned, in which he makes known that he has submitted such application.

(b) The notice shall appear in the official language in which such newspaper is published, and the publication thereof in each language shall as far as possible take up the same space: Provided that if a newspaper is in circulation in the area concerned which appears substantially in both official languages, publication in both official languages may take place in that newspaper.

'n handelaar of spekulant in lewende hawe of produkte indien sodanige handelaar nie van voorneme is om sy besigheid in, op of van 'n vaste besigheidsperseel te dryf nie;

(ii) 'n nuwe lisensie vir 'n besigheid by die verandering van die eiendomsreg van die besigheid, tensy die voorsitter van die betrokke lisensieraad anders bepaal; of

(iii) 'n lisensie ten opsigte van 'n besigheid wat in, op of vanaf 'n besigheidsperseel, wat 'n kantoor is, gedryf word of sal word.

(4) Vir die toepassing van subregulasie (1) beteken "beheersende belang", "groep" en "maatskappy" dieselfde as in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet 36 van 1966).

Plakkaat- en nuusbladkennisgewing van aansoek om 'n nuwe lisensie.

5.(1)(a) Wanneer 'n aansoek om 'n nuwe lisensie om 'n besigheid in, op of vanaf 'n besigheidsperseel te dryf, ingevolge die bepalings van artikel 12 van die Ordonnansie ingedien word, voorsien die sekretaris van die betrokke lisensieraad aan die aansoeker 'n plakkaatkennisgewing in die vorm soos deur die Administrateur bepaal, waarop die datum van uitreiking by wyse van 'n amptelike stempel aangebring is, ten einde kennis te kan gee van sy voorneme om aansoek te doen om 'n nuwe lisensie.

(b) Binne 3 dae na die indiening van die aansoek bring die aansoeker sodanige plakkaatkennisgewing, behoorlik voltooi, aan die binne- of buitekant van die betrokke besigheidsperseel aan of op 'n bord wat geheg is aan 'n paal wat stewig in die grond geplant is op, of so na as moontlik aan die besigheidsperseel.

(c) So 'n plakkaatkennisgewing moet in 'n opvallende plek vertoon word waar dit maklik van 'n openbare pad, openbare straat of ander publieke plek gesien en gelees kan word en moet vir 'n tydperk van 14 dae aaneenlopend na publikasie van die kennisgewing soos in subregulasie (2)(a) beoog, in 'n duidelik leesbare toestand in stand gehou word.

(d) Die bepalings van hierdie subregulasie is nie van toepassing nie op 'n aansoek om 'n spesiale lisensie of om 'n lisensie vir die besigheid van eiendomsagentskap, markagent, melkplaas, skuldinvorderaar, smous, 'n handelaar of spekulant in lewende hawe of produkte, indien sodanige handelaar of spekulant nie van voorneme is om sy besigheid in, op of vanaf 'n besigheidsperseel te dryf nie of op 'n aansoek om 'n lisensie vir 'n besigheid wat in, op of vanaf 'n besigheidsperseel wat 'n kantoor is, gedryf word of sal word.

(2)(a) Binne 7 dae na die indiening van 'n aansoek ingevolge die bepalings van artikel 12 van die Ordonnansie moet die aansoeker, behoudens die bepalings van paragraaf (c), 'n kennisgewing in 'n vorm soos deur die Administrateur bepaal, in 'n Afrikaanse en Engelse nuusblad wat in die gebied van die betrokke lisensieraad in omloop is, laat publiseer waarin hy bekend maak dat hy sodanige aansoek ingedien het.

(b) Die kennisgewing verskyn in die amptelike taal waarin sodanige nuusblad uitgegee word, en die publikasie daarvan in elke taal moet sover doenlik dieselfde ruimte in beslag neem: Met dien verstande dat waar in die betrokke gebied 'n nuusblad in omloop is wat wesenlik in albei amptelike tale uitgegee word, publikasie in albei amptelike tale in daardie nuusblad kan verskyn.

(c) The provisions of paragraph (a) shall not apply to an application for a special licence or a licence to carry on the business of a motor vehicle attendant, circus or itinerant amusement park.

(3) Within 10 days after the publication of a notice referred to in subregulation (2), the applicant shall transmit to the secretary of the licensing board concerned a specimen of the relative page of the newspaper in which the notice appeared or a copy of such notice attached to a certificate under the hand of the printer or publisher of the newspaper concerned regarding the date on which such notice was published. Inspection of documents in respect of an application for a new licence.

6.(1) An application for a new licence submitted to the secretary of the licensing board concerned shall be open for inspection at his office during office hours by any person for a period of 14 days after the date of publication of the notice contemplated in regulation 5(2)(a).

(2) Any document containing a recommendation or information referred to in section 14(b) of the Ordinance and any health certificate referred to in section 15(1) of the Ordinance, shall during office hours be open for inspection by the applicant or his representative at the office of the secretary of the licensing board concerned. Objection to an application for a new licence.

7.(1) An objection, as contemplated in section 16 of the Ordinance, against an application for a licence shall be submitted in writing and in duplicate to the secretary of the licensing board concerned within 14 days of the date of publication of the notice contemplated in regulation 5(2) and shall —

- (a) specify the application to which it relates;
- (b) set out the reasons for the objection; and
- (c) state an address to which notices and other documents intended for the objector may be sent:

Provided that a licensing board may, up to the time when the application is heard, accept in its discretion any objection on condition that the applicant, if he so desires, shall be entitled to an adjournment of the hearing to enable him to reply to such objection.

(2) The secretary of the licensing board concerned shall cause a copy of every objection lodged with him in terms of subregulation (1), as well as an objection (if any) contemplated in section 16(6) of the Ordinance, to be served on the applicant within 5 days of the expiry of the period referred to in subregulation (1). Procedure at the proceedings of a licensing board in relation to an application for a new licence.

8.(1) An application for a new licence shall be heard in the order in which it has been placed on an order paper by the secretary of the licensing board concerned. Provided that such licensing board may, in its discretion, vary such order.

(2)(a) When an applicant for a new licence appears before a licensing board such board shall, subject to the provisions of section 18 of the Ordinance, hear the applicant first, and thereafter any other party, in the order determined by that licensing board. Provided that the evidence of all parties shall be disposed of before any argument on behalf of any party is heard.

(c) Die bepalings van paragraaf (a) is nie van toepassing nie op 'n aansoek om 'n spesiale lisensie of 'n lisensie om die besigheid te dryf van 'n motorvoertuig-oppasser, sirkus of rondreisende vermaaklikheidspark.

(3) Binne 10 dae na die publikasie van 'n kennisgewing in subregulasie (2) genoem, stuur die aansoeker 'n eksemplaar van die betrokke bladsy van die nuusblad waarin die kennisgewing verskyn het of 'n afskrif van so 'n kennisgewing wat geheg is aan 'n sertifikaat onder die hand van die drukker of uitgewer van die betrokke nuusblad betreffende die datum waarop so 'n kennisgewing gepubliseer was, aan die sekretaris van die betrokke lisensieraad. Insae in dokumente ten opsigte van 'n aansoek om 'n nuwe lisensie.

6.(1) 'n Aansoek om 'n nuwe lisensie wat by die sekretaris van die betrokke lisensieraad ingedien is, lê by sy kantoor gedurende kantoorure ter insae van enigiemand vir 'n tydperk van 14 dae na die datum van publikasie van die kennisgewing soos in regulasie 5(2)(a) beoog.

(2) Enige dokument waarin 'n aanbeveling of inligting in artikel 14(b) van die Ordonnansie genoem, vervat is, en enige gesondheidsverslag in artikel 15(1) van die Ordonnansie genoem, is gedurende kantoorure by die kantoor van die sekretaris van die betrokke lisensieraad, ter insae van die aansoeker of sy verteenwoordiger beskikbaar.

Beswaar teen 'n aansoek om 'n nuwe lisensie.

7.(1) 'n Beswaar, soos in artikel 16 van die Ordonnansie beoog, teen 'n aansoek om 'n lisensie moet skriftelik en in tweevoud by die sekretaris van die betrokke lisensieraad ingedien word binne 14 dae na die datum van publikasie van die kennisgewing soos in regulasie 5(2) beoog, en moet —

- (a) die aansoek waarop dit betrekking het spesifiseer;
- (b) die redes vir die beswaar uiteensit; en
- (c) 'n adres meld waarheen kennisgewings en ander dokumente wat vir die beswaarmaker bedoel is, gestuur kan word:

Met dien verstande dat 'n lisensieraad tot op die tydstip waarop die aansoek verhoor word, na goeddunke 'n beswaar kan aanvaar mits die aansoeker, indien hy dit verlang, op 'n verdagting van die verhoor geregtig is, ten einde hom in staat te stel om op sodanige beswaar te antwoord.

(2) Die sekretaris van die betrokke lisensieraad beteken 'n afskrif van elke beswaar wat ooreenkomstig subregulasie (1) by hom ingedien is, asook van 'n beswaar (as daar is), soos in artikel 16(6) van die Ordonnansie beoog, binne 5 dae na die verstryking van die tydperk in subregulasie (1) bedoel, aan die aansoeker. Prosedure by die verrigtinge van 'n lisensieraad by 'n aansoek om 'n nuwe lisensie.

8.(1) 'n Aansoek om 'n nuwe lisensie word in die volgorde waarin dit op 'n ordelys deur die sekretaris van die betrokke lisensieraad geplaas is, verhoor. Met dien verstande dat sodanige lisensieraad na goeddunke sodanige volgorde kan wysig.

(2)(a) Wanneer 'n aansoeker om 'n nuwe lisensie voor 'n lisensieraad verskyn, hoor sodanige lisensieraad, behoudens die bepalings van artikel 18 van die Ordonnansie, die aansoeker eers aan en daarna enige ander party, in die volgorde wat daardie lisensieraad bepaal. Met dien verstande dat die getuienis van alle partye eers afgehandel word alvorens enige betoog namens enige party aangehoor word.

(b) An applicant may reply to the argument of any other party.

Procedure at the proceedings of a licensing board on review of a licence.

9. When the holder of a licence appears before a licensing board on the review of his licence, the provisions of regulation 8(2) shall apply *mutatis mutandis*.

Written argument available for inspection by other parties.

10. When on an application for a new licence or on the review of a licence a written argument has been submitted to a licensing board as contemplated in sections 18(1) and 34(1) of the Ordinance, such argument shall be available for inspection by every other party to the application or the review.

Fee payable for reasons for decision of a licensing board or licensing appeal board.

11. The fee payable in terms of section 19(7) or 45(3) of the Ordinance, for a copy of the document in which the reasons for the decision of a licensing board or licensing appeal board are set out, shall be R5.

Transfer of a licence.

12.(1) An application for the transfer of a licence in terms of the provisions of section 28 of the Ordinance shall, within 21 days of the death, sequestration or liquidation of the person who, or of the death or retirement of a partner or partners of the partnership which is the holder of the licence concerned, be submitted together with the licence concerned, to the issuing authority concerned in the form determined by the Administrator.

(2) Authority for the transfer of the licence concerned shall be issued by the issuing authority concerned in the form determined by the Administrator and the date and serial number of such authority shall be endorsed on the licence concerned.

(3) The fee payable for the transfer of a licence as contemplated in subregulation (1), shall be R2.

Remuneration and travelling allowances of a member of a licensing appeal board.

13.(1) Every member of a licensing appeal board, who is not in the full-time employ of the State, shall be entitled to —

(a) remuneration in respect of every day upon which he attends a sitting or an adjourned sitting of an appeal board, as follows:

|  | Chairman<br>per day | Other member<br>per day |
|--|---------------------|-------------------------|
|--|---------------------|-------------------------|

|                                                                                |        |            |
|--------------------------------------------------------------------------------|--------|------------|
| (i) when not absent overnight from usual place of residence or employment .... | R12,50 | R10,00; or |
|--------------------------------------------------------------------------------|--------|------------|

|                                                                             |        |             |
|-----------------------------------------------------------------------------|--------|-------------|
| (ii) when absent overnight from usual place or residence or employment .... | R20,50 | R18,00; and |
|-----------------------------------------------------------------------------|--------|-------------|

(b) a travelling allowance at such rates applicable from time to time to the Public Service of the Republic, or a first-class railway ticket if use is made of railway transport.

(2) A claim in terms of the provisions of subregulation (1) shall be in respect of every month and shall, as soon as practicable after the end of the month claimed for, be submitted, certified as correct by the claimant, to the secretary of the licensing appeal board concerned, on the form determined by the Administrator.

Notice of appeal against decision of a licensing board.

(b) 'n Aansoeker kan repliek lewer op die betoog van enige ander party.

Prosedure by die verrigtinge van 'n lisensieraad by die hersiening van 'n lisensie.

9. Wanneer 'n houër van 'n lisensie voor 'n lisensieraad verskyn by die hersiening van sy lisensie is die bepalings van regulasie 8(2) *mutatis mutandis* van toepassing. Skriftelike betoog ter insae van ander partye.

10. Wanneer by 'n aansoek om 'n nuwe lisensie of by die hersiening van 'n lisensie 'n skriftelike betoog, soos in artikels 18(1) en 34(1) van die Ordonnansie beoog, aan 'n lisensieraad voorgelê is, is sodanige betoog ter insae beskikbaar van elke ander party by die aansoek of hersiening.

Geld betaalbaar vir verskaffing van redes vir besluit van 'n lisensieraad of lisensie-appèlraad.

11. Die geld betaalbaar ingevolge artikel 19(7) of 45(3) van die Ordonnansie, vir 'n afskrif van die dokument waarin die redes vir die besluit van 'n lisensieraad of 'n lisensie-appèlraad uiteengesit word, is R5.

Oordrag van 'n lisensie.

12.(1) 'n Aansoek om die oordrag van 'n lisensie ingevolge die bepalings van artikel 28 van die Ordonnansie word binne 21 dae na die dood of sekwestrasie of likwidasie van die persoon of na die dood of uittrede van 'n vennoot of vennote van die vennootskap, wat die houër van die betrokke lisensie is, in die vorm deur die Administrateur bepaal, tesame met die betrokke lisensie by die betrokke uitreikingsowerheid ingedien.

(2) Magtiging vir die oordrag van die betrokke lisensie word deur die betrokke uitreikingsowerheid uitgereik in die vorm deur die Administrateur bepaal en die datum en serienommer van sodanige magtiging word op die betrokke lisensie geëndosseer.

(3) Die geld betaalbaar vir die oordrag van 'n lisensie soos in subregulasie (1) beoog, is R2.

Besoldiging en reistoelae van 'n lid van 'n lisensie-appèlraad.

13.(1) Elke lid van 'n lisensie-appèlraad wat nie in die voltijdse diens van die Staat is nie, is geregtig op —

(a) besoldiging ten opsigte van elke dag waarop hy 'n sitting of verdaagde sitting van 'n appèlraad bywoon, as volg:

|  | Voorsitter<br>per dag | Ander lid<br>per dag |
|--|-----------------------|----------------------|
|--|-----------------------|----------------------|

|                                                                             |        |            |
|-----------------------------------------------------------------------------|--------|------------|
| (i) wanneer nie weg van sy gewone verblyf- of werkplek oornag word nie .... | R12,50 | R10,00; of |
|-----------------------------------------------------------------------------|--------|------------|

|                                                                      |        |            |
|----------------------------------------------------------------------|--------|------------|
| (ii) wanneer weg van sy gewone verblyf- of werkplek oornag word .... | R20,50 | R18,00; en |
|----------------------------------------------------------------------|--------|------------|

(b) 'n reistoelae teen sodanige tarief as wat van tyd tot tyd van toepassing is op die Staatsdiens van die Republiek of 'n eersteklas spoorwegreiskaartjie indien daar van spoorwegvervoer gebruik gemaak word.

(2) 'n Eis ingevolge die bepalings van subregulasie (1) is ten opsigte van elke maand en word so gou doenlik na die einde van die maand waarvoor geëis word, deur die eiser as korrek gesertifiseer, by die sekretaris van die betrokke lisensie-appèlraad op die vorm soos deur die Administrateur bepaal, ingedien.

Kennisgewing van appèl teen besluit van 'n lisensieraad.

14.(1) A party who wishes to appeal against the decision of a licensing board in terms of section 43 of the Ordinance shall, within 21 days after such licensing board has given its decision, lodge with the secretary of such licensing board a notice of appeal, in quadruplicate, in which the grounds of appeal are set out and shall simultaneously serve a copy of such notice on the secretary of the licensing appeal board concerned and every party to the application or review.

(2) A party who appeals, as contemplated in subregulation (1), shall submit together with the copy of the notice of appeal an amount of R30 to the secretary of the licensing appeal board concerned: Provided that the said amount is not required of the State or a local authority.

(3) If a licensing appeal board upholds an appeal in whole or in part, the amount mentioned in subregulation (2), shall be refunded to the appellant.  
Procedure after lodging of notice of appeal.

15.(1) Unless the licensing board has already furnished reasons for its decision, it shall within 7 days of the lodging of the notice of appeal furnish such reasons in writing, and the secretary of such board shall furnish every party to the application or review who applies therefor with a copy of such reasons on payment of an amount of R5.

(2) The secretary of the licensing board concerned shall within 14 days of the lodging of the notice of appeal —

- (a) supply on payment of an amount of R10, a copy of the relevant portion of the record of the proceedings of that licensing board to every party on whom the notice of appeal must be served in terms of regulation 14 and who has requested the same;
- (b) send to the secretary of the licensing appeal board concerned the original relevant portion of the record of the proceedings of that licensing board and 3 copies thereof, together with 4 copies of the document in which that licensing board's reasons for the decision concerned is contained and 4 copies of the notice of appeal.

Procedure of a licensing appeal board at the hearing of an appeal.

16.(1) When an appellant appears before a licensing appeal board, the provisions of regulation 8 shall apply *mutatis mutandis*.

(2) When any party to an appeal has lodge a written argument with a licensing appeal board, provisions of regulation 10 shall apply *mutatis mutandis*.  
General provisions in connection with hawking inside as well as outside a municipality.

17.(1) The holder of a hawker's licence whose licence has expired as contemplated in section 9 of the Ordinance, who wishes to continue the business, shall apply for a new licence in terms of the provisions of Chapter IV of the Ordinance.

(2)(a) When the holder of a hawker's licence, who is a principal, has, in terms of the provisions of paragraph 5 of Item 42 of Schedule I to the Ordinance, taken out in his name a hawker's licence for an agent or employee, he shall apply to the issuing authority concerned, in the form determined by the Administrator, for the issue of a permit to hawk in the name of each agent or employee in respect of whom he has so taken out a hawker's licence in his name.

14.(1) 'n Party wat ingevolge artikel 43 van die Ordonnansie teen die besluit van 'n lisensieraad wil appelleer, dien binne 21 dae nadat sodanige raad by beslissing gegee het 'n kennisgewing van appèl, in viervoud, waarin die gronde van appèl uiteengesit word, by die sekretaris van die betrokke lisensieraad in, en beteken hy gelyktydig 'n afskrif van so 'n kennisgewing aan die sekretaris van die betrokke lisensie-appèlraad en aan elke ander party by die aansoek of hersiening.

(2) 'n Party wat appelleer, soos bedoel in subregulasie (1), stuur saam met die afskrif van die kennisgewing van appèl 'n bedrag van R30 aan die sekretaris van die betrokke lisensie-appèlraad: Met dien verstande dat genoemde bedrag nie van die Staat of 'n plaaslike bestuur vereis word nie.

(3) Indien 'n lisensie-appèlraad 'n appèl in sy geheel of gedeeltelik handhaaf, word die bedrag gemeld in subregulasie (2), aan die appellant terugbetaal.  
Prosedure na indiening van kennisgewing van appèl.

15.(1) Tensy 'n lisensieraad reeds redes vir sy besluit verstrek het, verstrek hy binne 7 dae na die indiening van die kennisgewing van appèl sodanige redes skriftelik, en die sekretaris van daardie raad voorsien elke party by die aansoek of hersiening wat daarom vra, teen betaling van 'n bedrag van R5 van 'n afskrif van die redes.

(2) Die sekretaris van die betrokke lisensieraad moet binne 14 dae na die indiening van die kennisgewing van appèl —

- (a) 'n afskrif van die tersaaklike gedcelte van die oorkonde van die verrigtinge van daardie lisensieraad, aan elke party, aan wie die kennisgewing van appèl ingevolge die bepalings van regulasie 14 beteken moet word en wat daarom vra, voorsien teen betaling van 'n bedrag van R10; en
- (b) die oorspronklike tersaaklike gedcelte van die oorkonde van die verrigtinge van daardie lisensieraad en 3 afskrifte daarvan, tesame met 4 afskrifte van die dokument waarin daardie lisensieraad se redes vir die betrokke beslissing vervat is en 4 afskrifte van die kennisgewing van appèl aan die sekretaris van die betrokke lisensie-appèlraad stuur.

Prosedure van 'n lisensie-appèlraad by verhoor van 'n appèl.

16.(1) Wanneer 'n appellant voor 'n lisensie-appèlraad verskyn, is die bepalings van regulasie 8 *mutatis mutandis* van toepassing.

(2) Wanneer enige party by 'n appèl 'n skriftelike be-toog aan 'n lisensie-appèlraad voorgelê het, is die bepalings van regulasie 10 *mutatis mutandis* van toepassing.  
Algemene bepalings met betrekking tot smous binne sowel as buite 'n munisipaliteit.

17.(1) Die houer van 'n smouslisensie wie se lisensie verval het, soos in artikel 9 van die Ordonnansie beoog, wat die besigheid wil voortsit, doen aansoek om 'n nuwe lisensie ingevolge die bepalings van Hoofstuk IV van die Ordonnansie.

(2)(a) Wanneer die houer van 'n smouslisensie, wat 'n prinsipaal is, ingevolge die bepalings van paragraaf 5 van Item 42 van Bylae 1 by die Ordonnansie op sy naam 'n smouslisensie vir 'n agent of werknemer uitge-neem het, doen hy by die betrokke uitreikingsowerheid, in die vorm soos deur die Administrateur bepaal, aan-soek vir die uitreiking van 'n permit om te smous op die naam van elke agent of werknemer ten opsigte waarvan hy aldus op sy naam 'n smouslisensie het.

(b) Together with the application as contemplated in paragraph (a), the holder of the hawker's licence shall provide the issuing authority with two photographs of the agent or employee concerned, together with such health report as the issuing authority concerned may demand.

(c) If the issuing authority is satisfied that the agent or employee concerned is suitable from a health point of view to hawk the goods concerned, it shall issue a permit in respect of such agent or employee as herein-after provided.

(d) The permit to hawk shall be in the form determined by the Administrator, and shall reflect the full name, the identity number and the address of the holder of the licence concerned and of the agent or employee concerned, the serial number, date and the period of validity of the hawker's licence concerned and a definition of the area for which the principal is licensed to carry on the business of a hawker and shall have attached thereto a photograph of such agent or employee, which photograph shall—

- (i) be a recently taken black and white photograph of the person concerned;
- (ii) be clear-cut and without shadows;
- (iii) be of a size commonly known as passport size, not less than 40 millimetres square;
- (iv) depict only the head and shoulders of the person concerned; and
- (v) show the person's full face without headgear taken from the front.

(e) The issuing authority concerned shall imprint on the permit contemplated in paragraph (d) an official stamp in such manner that the stamp is partly on the permit and partly on the photograph and it shall retain the other photograph for record purposes.

(f) A permit to hawk, as contemplated in paragraph (a), shall lapse when the licence concerned expires or the service of the agent or employee is terminated, whichever is the earlier and shall, in that event, be handed to the principal by the agent or employee concerned.

(g) When a permit to hawk has lapsed because of the termination of the service of the agent or employee as contemplated in paragraph (f), the principal concerned may upon submission of the licence concerned and the permit to hawk that has lapsed to the issuing authority concerned, take out a permit to hawk in respect of another agent or employee: Provided that if the permit to hawk has been lost or destroyed, the principal concerned may submit a sworn declaration to that effect to the issuing authority concerned and in such circumstances the issuing authority concerned may release the principal concerned from the requirement to submit the permit which has lapsed.

(h) The fee payable for a permit to hawk shall be 50c.

(3) The holder of a hawker's licence shall, in addition to an agent or employee as contemplated in subregulation (2)(a), be entitled to employ two persons to assist him in the carrying on of his business without taking out a hawker's licence for such persons, subject to the condition that the holder of the hawker's licence concerned shall at all times be personally present and in control of the vehicle, movable structure or site used for the purpose of his business.

(b) 'Saam met die aansoek soos bedoel in paragraaf (a), voorsien die houer van die smouslisensie die betrokke uitreikingsowerheid van twee foto's van die betrokke agent of werknemer, tesame met sodanige gesondheidsverslag as wat die betrokke uitreikingsowerheid mag vereis.

(c) Indien die uitreikingsowerheid tevrede is dat die betrokke agent of werknemer uit 'n gesondheidsoogpunt geskik is om met die betrokke goedere te smous, reik hy ten opsigte van sodanige agent of werknemer 'n permit, soos hierna bepaal uit.

(d) Die permit om te smous is in die vorm soos deur die Administrateur bepaal, en dui die volle naam, die persoonsnommer en die adres van die houer van die betrokke lisensie en van die betrokke agent of werknemer, die serienommer, datum en geldigheidsduur van die betrokke smouslisensie en 'n beskrywing van die gebied waar die prinsipaal gelisensieer is om as 'n smous besigheid te dryf aan en daaraan moet 'n foto van sodanige agent of werknemer geheg wees, welke foto—

- (i) 'n swart-wit foto van die betrokke persoon wat onlangs geneem is, moet wees;
- (ii) skerp omlyn en sonder skaduwees moet wees;
- (iii) van die grootte moet wees wat gewoonlik as paspoortgrootte bekend staan, minstens 40 millimeter in die vierkant;
- (iv) net die kop en skouers van die persoon uitbeeld; en
- (v) die persoon se volle gesig van voor sonder hoofbedekking toon.

(e) Die betrokke uitreikingsowerheid moet 'n amptelike stempel op die permit, in paragraaf (d) bedoel, afdruk op so 'n wyse dat die stempel deels op die permit en deels op die foto is en moet die ander foto vir rekord-doeleindes hou.

(f) 'n Permit om te smous, soos in paragraaf (a) beoog, vervel wanneer die betrokke lisensie vervel of diens van die betrokke agent of werknemer beëindig word, wat ook al die eerste is, en word in daardie geval, deur die betrokke agent of werknemer aan die prinsipaal oorhandig.

(g) Wanneer 'n permit om te smous, soos in paragraaf (f) beoog, vervel het omdat die diens van die agent of werknemer beëindig is, kan die betrokke prinsipaal 'n permit om te smous ten opsigte van 'n ander werknemer of agent uitneem by voorlegging aan die betrokke uitreikingsowerheid van die betrokke lisensie en van die permit om te smous wat vervel het: Met dien verstande dat, indien 'n permit om te smous verloor of vernietig is, die betrokke prinsipaal 'n beëdigde verklaring tot daardie effek by die betrokke uitreikingsowerheid kan indien en die betrokke uitreikingsowerheid die betrokke prinsipaal in sodanige omstandighede kan vrystel van die vereiste om die permit, wat vervel het, voor te lê.

(h) Die geld betaalbaar vir 'n permit om te smous is 50c.

(3) Die houer van 'n smouslisensie is geregtig om, benevens 'n agent of werknemer soos in subregulasie (2)(a) beoog, hoogstens twee persone in diens te hê om hom behulpsaam te wees met die dryf van sy besigheid sonder om vir sodanige persone 'n smouslisensie uit te neem, onderworpe aan die voorwaarde dat die betrokke houer van die smouslisensie ten alle tye persoonlik teenwoordig en in beheer is van die voertuig, beweegbare struktuur of staanplek wat vir die doeleindes van sy besigheid gebruik word.

(4)(a) Every hawker shall display in a conspicuous place on any vehicle which he uses in the carrying on of his trade or business and on any movable structure in, on or from which he carries on his business, the name and address of the owner of such vehicle and structure in clearly legible letters.

(b) For the purposes of paragraph (a) "owner" includes a person having possession of the vehicle or structure referred to in the said paragraph, by virtue of a hire-purchase or an instalment sale agreement as contemplated in section 1 of the Hire-purchase Act, 1942 (Act 36 of 1942), or by virtue of an agreement or lease providing for the hiring of such vehicle or structure for a period of not less than 12 months, but shall not include the seller or lessor under any such agreement.

Restrictions in relation to the carrying on of the business of a hawker outside a municipality.

18.(1) Subject to the provisions of section 131 of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966), a holder of a hawker's licence shall not, outside a municipality, carry on his business —

- (a) on any surveyed or demarcated outspan, as contemplated in the Roads Ordinance, 1957 (Ordinance 22 of 1957);
- (b) within 5 kilometres of a business carried on by virtue of a licence issued in terms of the Ordinance, whether situated within or outside a municipality, any class or type of goods sold or offered or exposed for sale by such business; or
- (c) on private property, without the permission of the owner or occupier thereof.

(2) The provisions of subregulation (1)(b) shall not apply to the holder of a hawker's licence in respect of the carrying on of business in flowers, vegetables, fruit, ice-cream, milk or newspapers, including any printed matter, not being a bound volume.

Service of documents by publication in a newspaper.

19. The service of a notice, summons or other document as contemplated in section 54(d) of the Ordinance, shall be by publication in an Afrikaans and English newspaper approved by the chairman of the licensing board or licensing appeal board concerned, in the official language in which such newspaper is published, and the publication in each language shall as far as possible take up the same space: Provided that such publication may appear in both such official languages in a newspaper approved by the chairman of the licensing board or licensing appeal board concerned which is published substantially in both such official languages. Minutes of proceedings of and record of the evidence given before a licensing board and a licensing appeal board.

20.(1) The minutes of the proceedings of a licensing board or licensing appeal board, as contemplated in sections 22, 34 and 47 of the Ordinance, shall be kept or caused to be kept by the secretary of such licensing board or licensing appeal board in respect of each sitting or adjourned sitting of such licensing board or licensing appeal board and shall contain —

- (a) the opening and closing time, date on which and the place where a sitting or an adjourned sitting was held;

(4)(a) Iedereen wat smous moet in 'n opvallende plek aan enige voertuig wat hy gebruik vir die dryf van sy besigheid en aan enige beweegbare struktuur in, op of waarvan hy sy besigheid dryf, in maklik en duidelik leesbare letters die naam en adres van die eienaar van sodanige voertuig en struktuur vertoon.

(b) Vir die toepassing van paragraaf (a) omvat "eienaar" ook iemand wat die voertuig of struktuur in genoemde paragraaf bedoel, kragtens 'n huurkoopkontrak of 'n kontrak van verkoop of afbetaling, soos in artikel 1 van die Wet op Huurkoop, 1942 (Wet 36 van 1942), beoog, in sy besit het, of kragtens 'n huurooreenkoms wat voorsiening maak vir die huur van sodanige voertuig of struktuur vir 'n tydperk van minstens 12 maande, maar omvat nie die verkoper of verhuurder kragtens enige sodanige ooreenkoms nie.

Beperkings met betrekking tot die dryf van die besigheid van 'n smous buite 'n munisipaliteit.

18.(1) Behoudens die bepalinge van artikel 131 van die Ordonnansie op Padverkeer, 1966 (Ordonnansie 21 van 1966), mag 'n houer van 'n smouslisensie nie buite 'n munisipaliteit —

- (a) op enige opgemete of afgemerkte uitspanplek, soos in die Padordonnansie, 1957 (Ordonnansie 22 van 1957), beoog;
- (b) binne 5 kilometer vanaf 'n besigheid hetsy geleë binne of buite 'n munisipaliteit, wat gedryf word kragtens 'n lisensie ingevolge die Ordonnansie uitgereik, met enige klas of soort goedere wat deur sodanige besigheid verkoop word of aangebied of uitgestal word om verkoop te word; of
- (c) op enige private eiendom, sonder die toestemming van die eienaar of bewoner daarvan, sy besigheid dryf nie.

(2) Die bepalinge van subregulasie (1)(b) is nie van toepassing nie op die houer van 'n smouslisensie ten opsigte van die dryf van besigheid met blomme, groente, vrugte, roomys, melk of koerante, met inbegrip van drukwerk wat nie 'n ingebinde boekdeel is nie.

Betekening van dokumente by publikasie in 'n nuusblad.

19. Die betekening van 'n kennisgewing, dagvaarding of ander dokument, soos beoog in artikel 54(d) van die Ordonnansie, geskied, by publikasie in 'n Afrikaanse en Engelse nuusblad, wat deur die voorsitter van die betrokke lisensieraad of lisensie-appèlraad goedgekeur is, in die amptelike taal waarin sodanige nuusblad gepubliseer word, en die publikasie in elke taal moet sover doenlik dieselfde ruimte in beslag neem: Met dien verstande dat sodanige publikasie kan verskyn in albei sodanige amptelike tale in 'n nuusblad wat deur die voorsitter van die betrokke lisensieraad of lisensie-appèlraad goedgekeur is en wat wesenlik in albei sodanige amptelike tale gepubliseer word. Notule van verrigtinge van en die verslag van die getuienis voor 'n lisensieraad of 'n lisensie-appèlraad.

20.(1) Die notule van die verrigtinge van 'n lisensieraad of lisensie-appèlraad, soos beoog in artikels 22, 34 en 47 van die Ordonnansie, word deur die sekretaris van sodanige lisensieraad of lisensie-appèlraad van elke sitting en verdaagde sitting van daardie lisensieraad of lisensie-appèlraad gehou of laat hou en bevat —

- (a) die aanvangs- en sluitingstyd, die datum waarop en die plek waar die sitting of verdaagde sitting gehou is;

- (b) the name of the chairman and of every member from time to time present and of every party or witness who attended such sitting or adjourned sitting of a licensing board or licensing appeal board;
- (c) the name of every member absent and the reason for the absence of such member;
- (d) a verbatim record of the evidence given before a licensing board or licensing appeal board at such sitting or adjourned sitting;
- (e) a list of matters considered by the licensing board or licensing appeal board; and
- (f) the decision of the licensing board or licensing appeal board.

(2) The minutes of proceedings of a sitting of a licensing board or licensing appeal board shall, at the next ordinary sitting of such licensing board or licensing appeal board, be submitted to such licensing board or licensing appeal board for consideration and approval and shall, on such approval, be signed by the chairman and secretary of such licensing board or licensing appeal board.

Duplicate of certificate, licence, permit or authorisation.

21. If a licensing board or an issuing authority, as the case may be, is satisfied that a certificate, licence, permit or authorisation issued to a person to carry on a business has been lost, destroyed or defaced it shall, upon application in the form determined by the Administrator and upon payment of the amount of 50c, issue a duplicate of such certificate, licence, permit or authorisation to the person to whom the original was issued with the word "duplicate" endorsed thereon.

Procedure in relation to the inspection of records and documents.

22. Whenever in terms of the Ordinance or these regulations any person is entitled to and wishes to inspect and record or document of a licensing board or a licensing appeal board or to make a copy thereof or an extract therefrom, he shall —

- (a) pay an amount of R1,00 to the secretary of the licensing board or licensing appeal board concerned;
- (b) on the handing over to him of the record or document concerned, acknowledge receipt therefor under his hand in a book provided for this purpose by such secretary;
- (c) sign an undertaking not to mutilate or to deface any such record or document;
- (d) do so at a place set apart therefor by such secretary; and
- (e) when finished with such record or document return it to such secretary who shall make a note of the return thereof under his and in the book as aforesaid.

Witness fees.

23.(1) A witness summoned by a licensing board or licensing appeal board to give evidence before such board or appeal board shall receive witness fees in accordance with the rules and procedure relating to the payment of witness fees in civil proceedings before a magistrate's court.

- (b) die naam van die voorsitter en van elke ander lid van tyd tot tyd teenwoordig en van elke party of getuie wat by sodanige sitting of verdaagde sitting van 'n lisensieraad of lisensie-appèlraad teenwoordig was;
- (c) die naam van elke lid afwesig en die rede vir sodanige lid se afwesigheid;
- (d) 'n woordelike verslag van die getuienis wat by 'n lisensieraad of 'n lisensie-appèlraad afgelê word by sodanige sitting of verdaagde sitting;
- (e) 'n lys van sake, wat deur die lisensieraad of lisensie-appèlraad oorweeg is; en
- (f) die besluit van die lisensieraad of lisensie-appèlraad.

(2) Die notule van die verrigtinge van 'n sitting van 'n lisensieraad of 'n lisensie-appèlraad word by die eersvolgende gewone sitting van sodanige lisensieraad of lisensie-appèlraad aan sodanige lisensieraad of lisensie-appèlraad vir oorweging en goedkeuring voorgelê, en, indien goedgekeur, deur die voorsitter en sekretaris van sodanige lisensieraad of lisensie-appèlraad onderteken.

Duplikaat van sertifikaat, lisensie, permit of magtiging.

21. As 'n lisensieraad of 'n uitreikingsowerheid, na gelang van die geval, oortuig is dat 'n sertifikaat, lisensie, permit of magtiging wat aan iemand uitgereik is om 'n besigheid te dryf, verloor, vernietig of ontsier is, reik hy op aansoek, in die vorm soos deur die Administrateur bepaal, en teen betaling van die bedrag van 50c, 'n duplikaat van sodanige sertifikaat, lisensie, permit of magtiging uit aan die persoon aan wie die oorspronklike uitgereik is, met die woord "duplikaat" daarop geëndosseer. Prosedure met betrekking tot die insae in rekords en dokumente.

22. Wanneer iemand wat ingevolge die Ordonnansie of hierdie Regulasies geregtig en begerig is om insae in enige rekord of dokument van 'n lisensieraad of 'n lisensie-appèlraad te hê of om 'n afskrif daarvan of 'n uittreksel daaruit te maak, moet hy —

- (a) 'n bedrag van R1,00 aan die sekretaris van die betrokke lisensieraad of lisensie-appèlraad betaal;
- (b) by die oorhandiging van die betrokke rekord of dokument ontvangs daarvan onder sy hand erken in 'n boek wat vir die doel deur sodanige sekretaris beskikbaar gestel word;
- (c) 'n onderneming teken om sodanige rekord of dokument nie te beskadig of te ontsier nie;
- (d) dit doen by 'n plek wat vir die doel deur sodanige sekretaris beskikbaar gestel word; en
- (e) wanneer hy met sodanige rekord of dokument klaar is, dit aan sodanige sekretaris terugbesorg wat 'n aantekening daarvan onder sy hand maak in die boek soos voormeld.

Getuiegeld.

23.(1) 'n Getuie wat deur 'n lisensieraad of 'n lisensie-appèlraad gedagvaar word om getuienis af te lê voor sodanige raad of appèlraad, ontvang getuiegeld in ooreenstemming met die reëls en prosedure wat op die betaling van getuiegeld vir 'n siviele geding voor 'n landdroshof van toepassing is.

(2) A claim for witness fees shall be submitted to the secretary of the licensing board concerned on the form determined by the Administrator.

(3) The secretary of the licensing board shall transmit such claim after he had checked and countersigned it, to the Provincial Secretary, Private Bag X64, Pretoria, for payment.

Offences.

24. Any person who contravenes or fails to comply with the provisions of regulations 17(4), 18 or 22, shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

(2) 'n Eis om getuiegeld word by die sekretaris van die betrokke lisensieraad of lisensie-appelraad, op die vorm, soos deur die Administrateur bepaal, ingedien.

(3) Die sekretaris van die betrokke lisensieraad stuur sodanige eis, nadat hy dit nagegaan en mede-onderteken het, aan die Provinsiale Sekretaris, Privaatsak X64, Pretoria, vir betaling.

Misdrywe.

24. Enigiemand wat 'n bepaling van regulasies 17(4), 18 of 22 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens 6 maande of met sowel sodanige boete as sodanige gevangenisstraf.

Printed for the Transvaal Provincial Administration, | Gedruk vir die Transvaalse Provinsiale Administrasie,  
Pta., by Hoofstadpers Beperk, P.O. Box 422, Pretoria. | Pta., deur Hoofstadpers Beperk, Posbus 422, Pretoria.