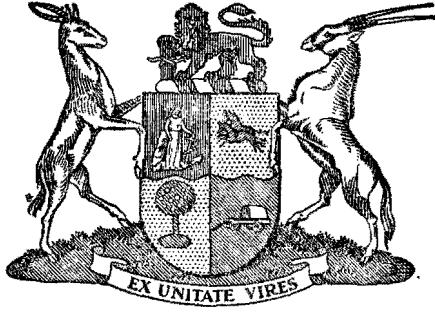


EXTRAORDINARY

BUITENGEWONE



THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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CAPE TOWN, 9th JUNE, 1965.
KAAPSTAD, 9 JUNIE 1965.

[No. 1136.

DEPARTMENT OF THE PRIME MINISTER.

No. 819.]

[9th June, 1965.

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

PAGE

No. 70 of 1965: Hotels Act, 1965. 2
No. 71 of 1965: Water Amendment Act, 1965. 26

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 819.]

[9 Junie 1965.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:-

BLADSY

No. 70 van 1965: Wet op Hotelle, 1965. 3
No. 71 van 1965: Water-wysigingswet, 1965. 27

No. 70, 1965.]

ACT

To provide for the development and improvement of accommodation establishments and to that end to establish an Hotel Board and to prescribe its powers, duties and functions; to amend the Liquor Act, 1928, and the South African Tourist Corporation Act, 1947; and to provide for other incidental matters.

(*English text signed by the State President.*)
(Assented to 26th May, 1965.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “accommodation establishment” means any premises wherein or whereon the business of supplying lodging and meals for reward is or is intended to be conducted; (vii)
 - (ii) “board” means the Hotel Board established under section *two*; (x)
 - (iii) “certificate of registration” means a certificate of registration issued under section *nineteen*; (xi)
 - (iv) “hotel” means an accommodation establishment which is registered as an hotel under this Act; (iv)
 - (v) “hotelier” in relation to an hotel, means the natural person charged with the management thereof; (v)
 - (vi) “inspector” means a person designated as an inspector under section *twenty-five*; (viii)
 - (vii) “liquor” means liquor as defined in the Liquor Act; (i)
 - (viii) “Liquor Act” means the Liquor Act, 1928 (Act No. 30 of 1928); (ii)
 - (ix) “lodging” means bedroom accommodation and the services ordinarily associated therewith; (vi)
 - (x) “Minister” means the Minister of Tourism; (ix)
 - (xi) “prescribed” means prescribed by or under this Act; (xiv)
 - (xii) “register”, when used as a noun, means the register referred to in section *thirteen*, and when used as a verb, means enter in such register, and “registered” has a corresponding meaning; (xi)
 - (xiii) “regulation” means a regulation made and in force under this Act; (xiii)
 - (xiv) “this Act” includes any regulation. (iii)

Establishment
of Hotel
Board.

2. As from a date to be fixed by the State President by proclamation in the *Gazette* there shall be established a body to be known as the Hotel Board, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the carrying out of its object, the exercise of its powers and the performance of its functions.

Object of board.

3. The object for which the board is established is to foster the development and improvement of accommodation establishments with a view to achieving and maintaining the highest possible standards in the quality of the accommodation, meals and services provided by such establishments.

Functions and
powers of the
board.

4. It shall be the function and duty of the board to endeavour to achieve the object for which it is established with all the means at its disposal, and for the purpose of achieving that object the board shall, subject to the provisions of this Act, have power, in addition to any other powers vested in it by this Act—

No. 70, 1965.]

WET

Om voorsiening te maak vir die ontwikkeling en verbetering van huisvestingsinrigtings en te dien einde 'n Hotelraad te stig en om sy bevoegdhede, pligte en werksaamhede te bepaal; om die Drankwet, 1928, en die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, te wysig; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Mei 1965.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing.

- (i) „drank” drank soos in die Drankwet omskryf; (vii)
- (ii) „Drankwet” die Drankwet, 1928 (Wet No. 30 van 1928); (viii)
- (iii) „hierdie Wet” ook 'n regulasie; (xiv)
- (iv) „hotel” 'n huisvestingsinrigting wat kragtens hierdie Wet as 'n hotel geregistreer is; (iv)
- (v) „hotelier” met betrekking tot 'n hotel, die natuurlike persoon wat met die bestuur daarvan belas is; (v)
- (vi) „huisvesting” slaapkamer-akkommodasie en die dienste wat gewoonlik daarmee geassosieer word; (ix)
- (vii) „huisvestingsinrigting” enige perseel waarin of waarop die besigheid om huisvesting en etes teen vergoeding te verskaf, gedryf word of na voorname gedryf gaan word; (i)
- (viii) „inspekteur” iemand wat kragtens artikel *vyf-en-twintig* as 'n inspekteur aangewys is; (vi)
- (ix) „Minister” die Minister van Toerisme; (x)
- (x) „raad” die kragtens artikel *twee* gestigte Hotelraad; (ii)
- (xi) „register” die in artikel *dertien* bedoelde register; en „registreer” om in sodanige register in te skryf, en het „geregistreer” 'n ooreenstemmende betekenis; (xii)
- (xii) „registrasiesertifikaat” 'n kragtens artikel *negentien* uitgereikte registrasiesertifikaat; (iii)
- (xiii) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xiii)
- (xiv) „voorgeskrewe” of „voorgeskryf” by of kragtens hierdie Wet voorgeskryf. (xi)

2. Op 'n datum deur die Staatspresident by proklamasie in Stigting van die *Staatskoerant* bepaal, word daar 'n liggaaam gestig met die Hotelraad. naam van die Hotelraad, wat met regspersoonlikheid beklee is en wat in sy naam as regspersoon as eiser en verweerde in regte kan optree, en wat alle handelinge kan verrig wat nodig is vir of in verband staan met die uitvoering van sy oogmerk, die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.

3. Die oogmerk waarmee die raad gestig word, is om die Oogmerk van ontwikkeling en verbetering van huisvestingsinrigtings te bevorder ten einde die hoogste moontlike standarde in die gehalte van die huisvesting, etes en dienste wat deur sodanige inrigtings verskaf word, te bereik en te handhaaf.

4. Die werksaamheid en plig van die raad is om met al die Werksaamhede en bevoegdhede van die raad.
middele waaroor hy beskik die oogmerk waarmee hy gestig is, te probeer verwesenlik, en ten einde dié oogmerk te verwesenlik het die raad, behoudens die bepalings van hierdie Wet, die bevoegdheid, benewens enige ander bevoegdhede wat deur hierdie Wet aan hom verleen is,—

- (a) to give advice and guidance and render assistance to any person in connection with the establishment, expansion or conduct of an hotel or of an accommodation establishment for the registration of which as an hotel, application has been or is intended to be made;
- (b) to lend or advance money in respect of the renovation, reconstruction or extension of existing hotels or, with the approval of the Minister, for the establishment of new hotels;
- (c) to adopt such measures as it may consider necessary to encourage the development along sound lines of hotels of a standard commensurate with the requirements of the people of the Republic and foreign tourists;
- (d) to adopt such measures as it may consider necessary or desirable to achieve and maintain a satisfactory standard in the quality of the accommodation and service provided by hotels;
- (e) to encourage the adoption of measures for providing adequate training and instruction for persons employed or intending to take up employment in the hotel industry or, with the approval of the Minister, itself to adopt any such measures, including the undertaking of financial obligations and the incurring of expenditure;
- (f) to call for such information and obtain such statistics (including financial statements) in regard to hotels as may be deemed necessary, and to compile statistical data relating to all or any hotels;
- (g) to publish periodically a list of hotels together with such particulars of such hotels as may be determined by the board;
- (h) to publish any other information directly or indirectly relating to hotels, and to sell advertising space in any publication of the board;
- (i) to hire, acquire, let or sell any movable property, and, with the approval of the Minister—
 - (i) to hire or acquire any immovable property, other than hotel property; and
 - (ii) to hypothecate, let or sell any immovable property;
- (j) with the approval of the Minister—
 - (i) in order to protect the financial interests of the board, to hire or acquire any immovable hotel property in respect of which any money has been lent or advanced in terms of paragraph (b);
 - (ii) to hire or acquire any immovable hotel property which the board requires for the purpose of exercising its powers under paragraph (e);
 - (iii) to acquire any existing hotel business which is conducted on any hotel property hired or acquired in terms of sub-paragraph (i) or (ii), or to establish a new hotel business on any hotel property hired or acquired in terms of sub-paragraph (ii); and
 - (iv) to conduct or dispose of any hotel business acquired or established in terms of sub-paragraph (iii).
- (k) to insure with any person against any loss, damage, risk or liability which the board may incur;
- (l) generally, with the approval of the Minister, to do such things as will, in the opinion of the board, contribute towards the attainment of its object.

**Constitution
of board.**

5. (1) The board shall consist of seven members to be appointed by the State President, of whom three shall be persons actively engaged in the hotel industry or possessing such special knowledge or experience of the hotel industry generally or of any branch or aspect thereof as in the opinion of the State President makes them suitable persons for appointment as members of the board.
- (2) (a) One of the said three members shall be a person selected by the State President from a list of names submitted by such organizations as the Minister may from time to time recognize as being representative of the hotel industry.
- (b) Whenever such a member is to be appointed the Minister shall by notice in writing invite the organizations referred to in paragraph (a) to nominate a specified number of persons whose names are to be included in the list.

- (a) om aan enigiemand advies, leiding en hulp te verskaf in verband met die daarstelling, uitbreiding of bestuur van 'n hotel of van 'n huisvestingsinrigting ten opsigte waarvan daar om registrasie as 'n hotel aansoek gedoen is of na voorname gedoen gaan word;
- (b) om geld teleen of voor te skiet ten opsigte van die opknapping, herbouing of uitbreiding van bestaande hotelle of, met die goedkeuring van die Minister, vir die oprigting van nuwe hotelle;
- (c) om die maatreëls te tref wat hy nodig ag om die ontwikkeling op 'n gesonde grondslag aan te moedig van hotelle van 'n standaard wat voldoen aan die vereistes van die bevolking van die Republiek en buitelandse toeriste;
- (d) om die maatreëls te tref wat hy nodig of wenslik ag om 'n bevredigende standaard in die gehalte van huisvesting en diens wat deur hotelle verskaf word, te bereik en te handhaaf;
- (e) om die tref van maatreëls vir die verskaffing van gesikte opleiding en onderrig aan persone wat in die hotelbedryf werksaam is of voornemens is om daarin in diens te tree, aan te moedig of om, met die goedkeuring van die Minister, self sodanige maatreëls, met inbegrip van die aanvaarding van finansiële verpligtings en die aangaan van uitgawes, te tref;
- (f) om die inligting in te win en die statistiek (met inbegrip van finansiële state) te versamel met betrekking tot hotelle wat nodig geag word, en om statistiese gegewens betreffende alle of enige hotelle saam te stel;
- (g) om periodiek 'n lys van hotelle tesame met die besonderhede omtrent sodanige hotelle wat die raad bepaal, te publiseer;
- (h) om enige ander inligting wat direk of indirek op hotelle betrekking het, te publiseer en om advertensieruimte in enige publikasie van die raad te verkoop;
- (i) om roerende goed te huur, te verkry, te verhuur of te verkoop en om, met die goedkeuring van die Minister—
 - (i) onroerende goed, behalwe hoteleiendom, te huur of te verkry; en
 - (ii) onroerende goed te verhipotekeer, te verhuur of te verkoop;
- (j) om, met die goedkeuring van die Minister—
 - (i) ten einde die geldelike belang van die raad te beskerm, onroerende hoteleiendom ten opsigte waarvan geld ingevolge paragraaf (b) geleen of voorgeskiet is, te huur of te verkry;
 - (ii) onroerende hoteleiendom wat die raad vir die doel van die uitoefening van sy bevoegdhede kragtens paragraaf (e) nodig het, te huur of te verkry;
 - (iii) 'n bestaande hotelbesigheid wat gedryf word op hoteleiendom wat ingevolge sub-paragraaf (i) of (ii) gehuur of verkry is, te verkry, of 'n nuwe hotelbesigheid op hoteleiendom wat ingevolge sub-paragraaf (ii) gehuur of verkry is, tot stand te bring; en
 - (iv) 'n hotelbesigheid wat ingevolge sub-paragraaf (iii) verkry of tot stand gebring is, te dryf of van die hand te sit;
- (k) om versekerings teen enige verlies, skade, risiko of aanspreeklikheid wat die raad mag ly of oploop met enige persoon aan te gaan;
- (l) om, in die algemeen, met die goedkeuring van die Minister, die dinge te doen wat volgens die raad se oordeel sal bydra tot die verwesenliking van sy oogmerk.

5. (1) Die raad bestaan uit sewe lede wat deur die Staats-president aangestel word, van wie drie persone moet wees wat aktief by die hotelbedryf betrokke is of sodanige spesiale kennis of ondervinding van die hotelbedryf in die algemeen of van enige vertakking of aspek daarvan besit dat dit van hulle, na die mening van die Staatspresident, gesikte persone maak vir aanstelling as lede van die raad. Samestelling van raad.

- (2) (a) Een van bedoelde drie lede moet iemand wees wat deur die Staatspresident gekies word uit 'n lys van name wat voorgelê word deur die organisasies wat die Minister van tyd tot tyd as verteenwoordigend van die hotelbedryf erken.
- (b) Wanneer so 'n lid aangestel moet word, moet die Minister die in paragraaf (a) bedoelde organisasies skriftelik versoek om 'n gespesifiseerde getal persone, wie se name in die lys opgeneem moet word, te benoem.

(c) If the nominations required under paragraph (b) are not lodged with the Minister within the period stated in the notice inviting such nominations, the Minister may compile a list of names of persons whom he considers suitable for appointment, and such list shall for all purposes be deemed to be a list of names submitted by such organizations.

(3) Two of the said three members shall be appointed on the recommendation of the Minister made after consultation with the organizations referred to in paragraph (a) of subsection (2) and such other organizations and such persons as the Minister may deem fit.

Period of office and remuneration of members of the board.

6. (1) A member of the board shall be appointed for such period, not exceeding three years, as the State President may determine at the time of appointment.

(2) Any person whose period of office as a member of the board has expired, shall be eligible for reappointment.

(3) A person who has reached the age of sixty-five years shall not be appointed or reappointed as a member of the board for a longer period than one year at a time.

(4) A member of the board (other than a person who is in the full-time employment of the State) shall hold office upon such conditions (including payment of remuneration and allowances) as the Minister may, in consultation with the Minister of Finance, determine.

(5) Any remuneration or allowances which may become payable under sub-section (4) shall be paid out of the funds of the board.

Chairman and acting chairman.

7. (1) One of the members of the board shall be designated by the State President as chairman of the board: Provided that no person who has a direct interest in an accommodation establishment or the liquor trade shall be so designated.

(2) If the chairman of the board ceases to hold office as a member of the board or as chairman of the board the State President shall, subject to the provisions of sub-section (1), designate a new chairman.

(3) Whenever the chairman of the board is absent or unable to perform his functions as chairman, the Minister may designate another member of the board to act as chairman during such absence or inability.

(4) Such member shall, when acting as chairman, have all the powers and perform all the duties of the chairman.

Disqualifications, termination of membership and filling of vacancies.

8. (1) No person shall be appointed or hold office as a member of the board—

- (a) if he is an unrepentant insolvent; or
- (b) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine.

(2) The State President may remove from office any member of the board (other than a person who is in the full-time employment of the State)—

- (a) who has failed to comply with a condition of his appointment;
- (b) who, in the opinion of the State President, has been guilty of improper conduct or has habitually neglected his duties as a member of the board; or
- (c) who has, without the written permission of the chairman of the board, been absent from three consecutive meetings of the board of which he had notice.

(3) The period of office of a member of the board who is in the full-time employment of the State may be terminated at any time if in the opinion of the State President there are good reasons for doing so.

(4) If any member of the board ceases to hold office, the State President shall, with due regard to the provisions of section five, appoint a person to fill the vacancy on the board.

(c) Indien die kragtens paragraaf (b) vereiste benoemings nie by die Minister ingelewer word binne die tydperk vermeld in die kennisgewing waarby sodanige benoemings versoek word nie, kan die Minister 'n lys saamstel van name van persone wat hy geskik ag vir aanstelling en sodanige lys word vir alle doeleindes geag 'n lys van name te wees wat deur sodanige organisasies voorgelê is.

(3) Twee van bedoelde drie lede word aangestel op aanbeveling van die Minister gedoen na oorlegpleging met die in paragraaf (a) van sub-artikel (2) bedoelde organisasies en die ander organisasies en die persone wat die Minister goedvind.

6. (1) 'n Lid van die raad word aangestel vir die tydperk, maar hoogstens drie jaar, wat die Staatspresident ten tyde van die aanstelling bepaal.

Ampstermyn en besoldiging van lede van die raad.

(2) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.

(3) Iemand wat die ouderdom van vyf-en-sestig jaar bereik het, word nie op 'n keer vir 'n langer tydperk as een jaar as 'n lid van die raad aangestel of heraangestel nie.

(4) 'n Lid van die raad (behalwe iemand wat voltyds in diens van die Staat is) beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat die Minister, in oorleg met die Minister van Finansies, bepaal.

(5) Enige besoldiging of toelaes wat kragtens sub-artikel (4) betaalbaar word, word uit die fondse van die raad betaal.

7. (1) Een van die lede van die raad word deur die Staatspresident as voorsitter van die raad aangewys: Met dien verstande dat niemand wat 'n regstreekse belang in 'n huisvestingsinrigting of die drankhandel het aldus aangewys mag word nie.

Voorsitter en waarnemende voorsitter.

(2) Indien die voorsitter van die raad ophou om sy amp as 'n lid van die raad of as voorsitter van die raad te beklee, wys die Staatspresident, behoudens die bepalings van sub-artikel (1), 'n nuwe voorsitter aan.

(3) Wanneer die voorsitter van die raad afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, kan die Minister 'n ander lid van die raad aanwys om gedurende bedoelde afwesigheid of onvermoë as voorsitter waar te neem.

(4) Terwyl hy as voorsitter waarnem, het sodanige lid al die bevoegdhede en verrig hy al die pligte van die voorsitter.

8. (1) Niemand word as 'n lid van die raad aangestel of dien as sodanig nie—

Onbevoegdhede, beëindiging van lidmaatskap en vul van vakature.

(a) as hy 'n ongerehabiliteerde insolvente persoon is; of

(b) as hy aan 'n misdryf skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete.

(2) Die Staatspresident kan enige lid van die raad (behalwe iemand wat voltyds in diens van die Staat is) van sy amp onthef—

(a) wat versuim het om aan 'n voorwaarde van sy aanstelling te voldoen;

(b) wat, na die mening van die Staatspresident, hom skuldig gemaak het aan onbehoorlike gedrag of wat gereeld sy pligte as lid van die raad verwaarloos het; of

(c) wat, sonder die skriftelike toestemming van die voorsitter van die raad, van drie agtereenvolgende vergaderings van die raad waarvan hy kennis gedra het, afwesig was.

(3) Die ampstermyn van 'n lid van die raad wat voltyds in diens van die Staat is, kan te eniger tyd beëindig word as daar na die mening van die Staatspresident goeie redes daarvoor bestaan.

(4) Indien 'n lid van die raad ophou om sy amp te beklee, stel die Staatspresident, met behoorlike inagneming van die bepalings van artikel vyf, iemand aan om die vakature in die raad te vul.

Meetings of the board.

9. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as may be determined by the board: Provided that if at the close of any meeting the board has not determined the time and place for its next meeting, such time and place shall be fixed by the chairman of the board.

(2) The chairman of the board shall, when directed by the Minister to do so, call a special meeting of the board to be held at a time and place determined by the Minister.

Quorum, majority decision and chairman's casting vote.

10. (1) A majority of all the members of the board shall form a quorum for any meeting of the board.

(2) At all meetings of the board the chairman or the acting chairman of the board shall preside: Provided that if neither the chairman nor the acting chairman is present at any meeting, some other member of the board chosen by the members present shall preside.

(3) The decision of a majority of the members of the board present at any meeting thereof shall constitute a decision of the board, and in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(4) No decision taken by or act done under the authority of the board shall be invalid by reason only of an interim vacancy on the board or of the fact that a person who is disqualified from being a member of the board, or with respect to whose appointment the provisions of this Act had not been observed, sat or acted as a member at the time when the decision was taken or the act was performed or authorized, if the decision was taken or the act was performed or authorized by the requisite majority of the members of the board present at the time who were entitled to sit and act as members.

Committees of board.

11. (1) The board may appoint advisory committees to assist it in the performance of its functions and the carrying out of its duties.

(2) The board may appoint such persons, including persons other than members of the board, as it may deem fit to be members of any such committee.

(3) There shall be payable to a member of a committee of the board (other than a member of the board or a person who is in the full-time employment of the State) such travelling and subsistence allowances, while he is engaged in the carrying out of his duties as a member of such committee, as the Minister may, in consultation with the Minister of Finance, determine.

(4) Any allowance which may become payable under sub-section (3) shall be paid out of the funds of the board.

Employees of the board.

12. (1) The board may, subject to the provisions of sub-sections (2) and (3), from time to time appoint such employees as it may deem necessary to assist it in the performance of its functions and the carrying out of its duties.

(2) The Minister may—

(a) after consultation with the board and in consultation with the Minister of Finance, determine the number and grading of the employees necessary for the performance and carrying out by the board of its functions and duties; or

(b) with the concurrence of the Minister of Finance and subject to such limitations and conditions as the Minister may deem fit, authorize the board to determine the number and grading of any such employees or of any class of such employees.

(3) Employees of the board shall be subject to such conditions of service (including conditions relating to remuneration and allowances) as the Minister may, after consultation with the board and in consultation with the Minister of Finance, determine.

Establishment and keeping of register.

13. The board shall establish and keep in the prescribed form a register for the registration of accommodation establishments and hoteliers under this Act.

Registration of accommodation establishments.

14. (1) Any person who—

(a) conducts an accommodation establishment in respect of which an hotel liquor licence and a certificate of classification is held under the Liquor Act;

(b) is erecting or intends to erect or is making or intends to make additions or alterations to an accommodation

9. (1) Die eerste vergadering van die raad word gehou op 'n Vergaderings tyd en plek wat die Minister bepaal, en alle daaropvolgende van die raad.
vergaderings word, behoudens die bepalings van sub-artikel (2), gehou op die tye en plekke wat die raad bepaal: Met dien verstande dat indien die raad aan die einde van 'n vergadering nie die tyd en plek vir sy volgende vergadering bepaal het nie, die voorsitter van die raad sodanige tyd en plek moet bepaal.

(2) Die voorsitter van die raad moet, wanneer hy deur die Minister gelas word om dit te doen, 'n buitengewone vergadering van die raad belê wat gehou moet word op 'n tyd en plek wat die Minister bepaal.

10. (1) Die meerderheid van al die lede van die raad maak 'n Kworum, meerderheids- kworum vir 'n raadsvergadering uit. besluit en voorsitter se beslissende stem.

(2) By alle vergaderings van die raad moet die voorsitter of die waarnemende voorsitter van die raad voorsit: Met dien verstande dat as nóg die voorsitter nóg die waarnemende voorsitter by 'n vergadering aanwesig is, 'n ander lid van die raad wat gekies word deur die lede wat aanwesig is, moet voorsit.

(3) Die beslissing van 'n meerderheid van die lede van die raad wat op 'n raadsvergadering aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

(4) Geen besluit geneem deur die raad of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of omdat 'n persoon wat onbevoeg is om 'n lid van die raad te wees, of met betrekking tot wie se aanstelling die bepalings van hierdie Wet nie nagekom is nie, as 'n raadslid sitting geneem of opgetree het toe die besluit geneem of die handeling verrig of gemagtig is nie, indien die besluit geneem of die handeling verrig of gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem en op te tree.

11. (1) Die raad kan adviserende komitees aanstel om hom Komitees van by die verrigting van sy werksaamhede en die uitvoering van sy die raad. pligte by te staan.

(2) Die raad kan die persone, insluitende persone wat nie lede van die raad is nie, aanstel wat hy goedvind om lede van enige sodanige komitee te wees.

(3) Daar word aan 'n lid van 'n komitee van die raad (behalwe 'n lid van die raad of iemand wat voltyds in diens van die Staat is) die reis- en verblyftoelaes betaal terwyl hy besig is met die uitvoering van sy pligte as lid van sodanige komitee, wat die Minister, in oorleg met die Minister van Finansies, bepaal.

(4) Enige toelae wat kragtens sub-artikel (3) betaalbaar word, word uit die fondse van die raad betaal.

12. (1) Die raad kan, behoudens die bepalings van sub-artikels (2) en (3), van tyd tot tyd die werknekmers aanstel wat hy nodig ag om hom by die verrigting van sy werksaamhede en die uitvoering van sy pligte by te staan. Werknekmers van die raad.

(2) Die Minister kan—

(a) na oorlegpleging met die raad en in oorleg met die Minister van Finansies, die getal en range bepaal van die werknekmers wat nodig is vir die verrigting en uitvoering deur die raad van sy werksaamhede en pligte; of

(b) met die instemming van die Minister van Finansies en onderworpe aan die beperkings en voorwaardes wat die Minister goedvind, die raad magtig om die getal en range van enige sodanige werknekmers of van enige klas sodanige werknekmers te bepaal.

(3) Werknekmers van die raad is onderworpe aan die diensvoorraardes (met inbegrip van voorwaardes betreffende besoldiging en toelaes) wat die Minister, na oorlegpleging met die raad en in oorleg met die Minister van Finansies, bepaal.

13. Die raad moet 'n register in die voorgeskrewe vorm aanlê Aanlê en hou en hou vir die registrasie kragtens hierdie Wet van huisvestings-inrigtings en hoteliers. van register.

14. (1) Enige persoon wat—

(a) 'n huisvestingsinrigting dryf ten opsigte waarvan 'n Registrasie hotel-dranksiensie en 'n klassifikasiesertifikaat ingevolge die van huisvestingsinrigtings.

(b) 'n huisvestingsinrigting waarvoor 'n voorwaardelike magtiging vir 'n hotel-dranksiensie ingevolge die Drankwet gehou word, oprig of van voorname is om so

establishment for which a conditional authority for an hotel liquor licence is held under the Liquor Act;

- (c) conducts an accommodation establishment in respect of which an on-consumption licence, other than an hotel liquor licence or a club liquor licence, is held under the Liquor Act;
- (d) is erecting or intends to erect or is making or intends to make additions or alterations to an accommodation establishment for which a conditional authority for an on-consumption licence, other than an hotel liquor licence or a club liquor licence, is held under the Liquor Act;
- (e) conducts an accommodation establishment where liquor is not sold and where it is not intended to sell liquor;
- (f) is erecting or intends to erect or is making or intends to make additions or alterations to an accommodation establishment where liquor is not sold and where it is not intended to sell liquor,

may apply to the board for the registration of such establishment as an hotel.

(2) Every application for the registration of an accommodation establishment under this Act shall be submitted to the board in such manner and form as may be prescribed, and shall be accompanied by such application fee as may be prescribed.

(3) The board shall, upon receipt of an application in terms of paragraph (a) of sub-section (1), register the accommodation establishment in question as an hotel.

(4) The board shall, upon receipt of an application in terms of paragraph (b), (c), (d), (e) or (f) of sub-section (1), register the accommodation establishment in question as an hotel if in its opinion—

(a) in the case of an application in terms of the said paragraph (c) or (e), the accommodation establishment complies with the requirements determined in terms of sub-section (2) of section *fifteen* for any grade of hotel in any group for which provision is made in terms of this Act and in which such establishment is capable of being included; or

(b) in the case of an application in terms of the said paragraph (b), (d) or (f), the accommodation establishment, when erected or when the additions or alterations have been completed, will comply with the requirements determined in terms of sub-section (2) of section *fifteen* for any grade of hotel in any group for which provision is so made and in which such establishment is capable of being included.

(5) If the board does not find it possible—

(a) in the case of an application referred to in paragraph (a) of sub-section (4), to form such an opinion as is referred to in that paragraph, it shall refuse the application; and

(b) in the case of an application referred to in paragraph (b) of sub-section (4), to form such an opinion as is referred to in that paragraph, it may refuse the application or postpone the matter for further consideration for such period or periods as it may deem fit.

Board shall determine groups and grades of hotels.

15. (1) The board shall by notice in the *Gazette* determine groups and grades of hotels for the purposes of this Act, and in doing so it may adopt any basis of differentiation it may deem fit.

(2) The board shall in like manner determine the requirements which are to be complied with before an hotel can qualify for any particular group or grade.

Board to determine the group and grade of each hotel.

16. The board shall as soon as possible after the registration of an accommodation establishment as an hotel in terms of section *fourteen* determine the group to which it belongs and grade it.

'n inrigting op te rig of uitbreidings of veranderings aan so 'n inrigting maak of van voorname is om sodanige uitbreidings of veranderings te maak;

- (c) 'n huisvestingsinrigting dryf ten opsigte waarvan 'n binneverbruik-lisensie, behalwe 'n hotel-dranklisensie of 'n klub-dranklisensie, ingevolge die Drankwet gehou word;
- (d) 'n huisvestingsinrigting waarvoor 'n voorwaardelike magtiging vir 'n binneverbruik-lisensie, behalwe 'n hotel-dranklisensie of 'n klub-dranklisensie, ingevolge die Drankwet gehou word, oprig of van voorname is om so 'n inrigting op te rig of uitbreidings of veranderings aan so 'n inrigting maak of van voorname is om sodanige uitbreidings of veranderings te maak;
- (e) 'n huisvestingsinrigting dryf waar drank nie verkoop word nie en waar dit nie die voorname is om drank te verkoop nie;
- (f) 'n huisvestingsinrigting waar drank nie verkoop word nie en waar dit nie die voorname is om drank te verkoop nie, oprig of van voorname is om so 'n inrigting op te rig of uitbreidings of veranderings aan so 'n inrigting maak of van voorname is om sodanige uitbreidings of veranderings te maak,

kan by die raad aansoek doen om die registrasie van sodanige inrigting as 'n hotel.

(2) Elke aansoek om die registrasie van 'n huisvestings-inrigting kragtens hierdie Wet moet aan die raad voorgelê word op die wyse en in die vorm wat voorgeskryf word en moet vergesel gaan van die registrasiegeld wat voorgeskryf word.

(3) Die raad moet, by ontvangs van 'n aansoek ingevolge paragraaf (a) van sub-artikel (1), die betrokke huisvestings-inrigting as 'n hotel regstreer.

(4) Die raad moet, by ontvangs van 'n aansoek ingevolge paragraaf (b), (c), (d), (e) of (f) van sub-artikel (1), die betrokke huisvestingsinrigting as 'n hotel regstreer indien, na sy mening—

- (a) in die geval van 'n aansoek ingevolge genoemde paragraaf (c) of (e), die huisvestingsinrigting voldoen aan die vereistes wat ingevolge sub-artikel (2) van artikel *vyftien* bepaal is vir enige graad van hotel in 'n groep waarvoor daar ingevolge hierdie Wet voorsiening gemaak word en waarin sodanige inrigting ingesluit sou kon word; of
- (b) in die geval van 'n aansoek ingevolge genoemde paragraaf (b), (d) of (f), die huisvestingsinrigting, wanneer dit opgerig is of wanneer die uitbreidings of veranderings gemaak is, sal voldoen aan die vereistes wat ingevolge sub-artikel (2) van artikel *vyftien* bepaal is vir enige graad van hotel in 'n groep waarvoor aldus voorsiening gemaak word en waarin sodanige inrigting ingesluit sou kon word.

(5) Indien die raad dit nie moontlik vind—

- (a) in die geval van 'n in paragraaf (a) van sub-artikel (4) bedoelde aansoek, om tot so 'n mening te geraak soos dié waarna in daardie paragraaf verwys word nie, moet hy die aansoek weier; en
- (b) in die geval van 'n in paragraaf (b) van sub-artikel (4) bedoelde aansoek, om tot so 'n mening te geraak soos dié waarna in daardie paragraaf verwys word nie, kan hy die aansoek weier of die aangeleentheid vir verdere oorweging uitstel vir die tydperk of tydperke wat hy goedvind.

15. (1) Die raad moet vir die doeleindes van hierdie Wet Raad moet by kennisgewing in die *Staatskoerant* groepe en grade van hotelle groepe en bepaal, en wanneer hy dit doen, kan hy enige grondslag van hotelle bepaal. grade van differensiasie wat hy goedvind, toepas.

(2) Die raad moet op dieselfde wyse die vereistes waaraan voldoen moet word voordat 'n hotel vir 'n bepaalde groep of graad in aanmerking kan kom, bepaal.

16. Die raad moet so spoedig moontlik na die registrasie van Raad moet groep 'n huisvestingsinrigting as 'n hotel ingevolge artikel *veertien* die en graad van groep waartoe dit behoort bepaal en dit gradeer.
elke hotel bepaal.

Inspections and investigations.

17. Before registering an accommodation establishment (other than an establishment to which sub-section (3) of section *fourteen* relates) as an hotel in terms of section *fourteen* or determining the group to which an hotel belongs or grading an hotel in terms of section *sixteen* the board shall cause such establishment or hotel to be inspected by one or more inspectors, and may make or cause to be made such further investigations in regard thereto as it may deem fit.

Registration of accommodation establishments which do not comply with the determined requirements.

18. (1) (a) Notwithstanding anything to the contrary in this Act contained, the board may, if in its opinion special circumstances exist which make it desirable to do so, with the approval of the Minister register as an hotel an accommodation establishment which does not comply with the requirements determined in terms of sub-section (2) of section *fifteen* for any group of hotels or for any grade of hotel.
(b) The provisions of this Act in regard to the determination of the group to which an hotel belongs or the grading of hotels shall not apply in respect of an hotel registered in terms of paragraph (a).
(2) The board may at any time cancel any registration effected in terms of this section.

Certificates of registration.

19. (1) (a) The board shall issue to the hotelier of an hotel a certificate of registration in the prescribed form in respect of such hotel.
(b) Any such certificate shall remain the property of the board.
(2) The hotelier shall cause such certificate to be displayed at all times in a prominent position at or near the main entrance of the hotel.
(3) If any hotel ceases to be an hotel, the person who occupied the post of hotelier immediately before such hotel ceased to be an hotel shall forthwith return the certificate of registration which was issued in respect of such hotel to the board for cancellation.
(4) Any person who fails to comply with the provisions of sub-section (2) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Cancellation of registration and change of grading.

20. The board may at any time after having given the hotelier concerned a reasonable opportunity of making such representations in writing as he may wish to make in regard to the matter—
(a) regrade any hotel, if in its opinion reasonable and sufficient grounds exist for doing so; or
(b) cancel the registration of any hotel if there has been a failure to comply with the requirements determined in terms of sub-section (2) of section *fifteen* for any grade of hotel whatsoever falling within the group to which such hotel belongs.

Applications for regrading of hotels.

21. (1) The hotelier of any hotel may, subject to such conditions as may be prescribed, apply to the board in the prescribed manner and form for the regrading of such hotel.
(2) The board shall consider the application and give such decision thereon and take such action as it considers appropriate.

Review of decisions of the board and appeal to Minister.

22. (1) If any person is aggrieved by any decision of the board with regard to—
(a) any application for the registration of an accommodation establishment as an hotel or of an hotelier;
(b) the cancellation of the registration of any hotel or hotelier; or
(c) the grading of any hotel,
the board shall, at the request of such person and on payment of such fee as may be prescribed, reconsider its previous decision.
(2) Any such person shall have the right to appear before the board and to be heard either personally or through a representative, to give evidence himself and to call other persons as witnesses.
(3) Any person who is aggrieved by any decision of the board upon such reconsideration with regard to—

17. Voordat hy 'n huisvestingsinrigting (behalwe 'n huisvestingsinrigting waarop sub-artikel (3) van artikel *veertien* betrekking het) ingevolge artikel *veertien* as 'n hotel regstreer of ingevolge artikel *sestien* die groep waartoe 'n hotel behoort, bepaal of 'n hotel gradeer, moet die raad sodanige inrigting of hotel deur een of meer inspekteurs laat inspekteer en kan hy die verdere ondersoek met betrekking daartoe instel of laat instel wat hy goedvind.

18. (1) (a) Ondanks andersluidende bepalings van hierdie Wet, kan die raad, indien daar na sy mening spesiale omstandighede bestaan wat dit wenslik maak om dit te doen, met die goedkeuring van die Minister, 'n huisvestingsinrigting wat nie aan die vereistes wat ingevolge sub-artikel (2) van artikel *vijftien* vir enige groep van hotelle of vir enige graad van hotel bepaal is, voldoen nie, as 'n hotel regstreer.

(b) Die bepalings van hierdie Wet met betrekking tot die bepaling van die groep waartoe 'n hotel behoort of die gradering van hotelle is nie ten opsigte van 'n hotel wat ingevolge paragraaf (a) geregistreer is van toepassing nie.

(2) Die raad kan te eniger tyd 'n registrasie wat ingevolge hierdie artikel tot stand gebring is, intrek.

19. (1) (a) Die raad reik aan die hotelier van 'n hotel 'n Registrasiesertifikaat in die voorgeskrewe vorm ten opsigte van sodanige hotel uit.

(b) Sodanige sertifikaat bly die eiendom van die raad.

(2) Die hotelier moet sodanige sertifikaat te alle tye op 'n opvallende plek by of naby die hoofgang van die hotel laat tentoonstel.

(3) Indien 'n hotel ophou om 'n hotel te wees, moet die persoon wat die pos van hotelier beklee het onmiddellik voordat sodanige hotel opgehou het om 'n hotel te wees, onverwyld die registrasiesertifikaat wat ten opsigte van sodanige hotel uitgereik is, aan die raad vir kansellering terugbesorg.

(4) Iemand wat versuum om aan die bepalings van sub-artikel (2) of (3) te voldoen, is aan 'n misdryf skuldig en by skuldig-bevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenis-straf.

20. Die raad kan te eniger tyd nadat hy die betrokke hotelier 'n redelike geleentheid gegee het om die skriftelike vertoë te rig wat die hotelier verlang om met betrekking tot die aangeleentheid te maak—

(a) 'n hotel hergradeer, indien daar na die raad se mening redelike en voldoende gronde bestaan om dit te doen; of

(b) die registrasie van 'n hotel intrek indien daar 'n versuum was om te voldoen aan die vereistes wat ingevolge sub-artikel (2) van artikel *vijftien* bepaal is vir enige graad van hotel hoegenaamd wat in die groep val waartoe sodanige hotel behoort.

21. (1) Die hotelier van 'n hotel kan, onderworpe aan die voorgeskrewe voorwaardes, by die raad aansoek doen, op die wyse en in die vorm wat voorgeskryf is, om die hergradering van sodanige hotel.

(2) Die raad moet die aansoek oorweeg en gee die beslissing ten opsigte daarvan en doen die stappe wat hy paslik ag.

22. (1) Indien enige persoon hom veronreg ag deur 'n besluit van die raad met betrekking tot—

(a) 'n aansoek om die registrasie van 'n huisvestingsinrigting as 'n hotel of van 'n hotelier; of

(b) die intrekking van die registrasie van 'n hotel of hotelier; of

(c) die gradering van 'n hotel, moet die raad, op versoek van sodanige persoon en by betaling van die voorgeskrewe gelde, sy vorige besluit heroorweeg.

(2) Enige sodanige persoon is geregtig om voor die raad te verskyn en om aangehoor te word, hetsy persoonlik of deur middel van 'n verteenwoordiger, om self getuenis af te lê en om ander persone as getuies te roep.

(3) Enige persoon wat hom veronreg ag deur 'n besluit van die raad by sodanige heroorweging met betrekking tot—

- (a) any application for the registration of an accommodation establishment as an hotel or of an hotelier; or
(b) the cancellation of the registration of any hotel or hotelier,

may appeal to the Minister against such decision and the Minister's decision shall be final.

(4) The decision of the Minister on an appeal shall for all purposes be deemed to be a decision of the board.

Registration of hotelier.

23. (1) Subject to the provisions of sub-section (5), no person shall conduct the business of an hotel unless the hotelier of the hotel in question is registered.

(2) Every application for the registration of an hotelier under this Act shall be submitted to the board, by the person who conducts or intends to conduct the hotel business in question, in such manner and form as may be prescribed.

(3) Unless the person for whose registration application is made is disqualified in terms of the regulations from being registered as an hotelier, the board shall upon receipt of such application forthwith register such person as the hotelier of the hotel in question: Provided that the disqualifications prescribed will only apply in a case of an application for registration as hotelier of an hotel in which the board has a financial interest.

(4) The board may at any time cancel the registration of any hotelier who is in terms of the regulations disqualified from being an hotelier.

(5) If for any reason any person registered as the hotelier of an hotel ceases to be the hotelier of that hotel, any subsequent hotelier of that hotel shall during a period of three months thereafter be deemed to be registered in terms of this section.

(6) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Enquiries by the board.

24. (1) The board may, in accordance with the provisions of this section, conduct an enquiry into any matter falling within the scope of its functions, including any matter affecting the registration of any accommodation establishment as an hotel or the grading of any hotel, and for that purpose the board may, by registered letter, signed by its chairman or acting chairman, as the case may be, summon any person to give evidence at the enquiry or to produce any book, document or thing which may, in the opinion of the board, be relevant to the subject matter of the enquiry.

(2) The board may call and examine any person present at the enquiry, whether or not he has been summoned to attend under sub-section (1), and may inspect and retain for a reasonable period any book, document or thing the production of which was required under sub-section (1): Provided that, in connection with the examination of any such person or the production of any such book, document or thing, the law relating to privilege as applicable to a person subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(3) (a) Whenever the board deems it necessary to do so, it may direct any person to give his evidence at any such enquiry on oath or affirmation.

(b) The member of the board presiding at such enquiry may administer the oath to, or accept an affirmation from, the person concerned.

(4) Any person who has been summoned to give evidence at any such enquiry shall be entitled to receive as witness fees from the funds of the board an amount equal to the amount which he would have received as witness fees if he had been summoned to attend at a criminal trial in a superior court held at the place specified in the summons sent to him.

(5) Any person who—

(a) having been summoned to give evidence at an enquiry under sub-section (1), without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend at the time and place specified in the summons, or fails to remain in attendance until the conclusion of the enquiry or until excused by the member of the board presiding at the enquiry from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or

- (a) 'n aansoek om die registrasie van 'n huisvestings-inrigting as 'n hotel of van 'n hotelier; of
(b) die intrekking van die registrasie van 'n hotel of hotelier, kan by die Minister teen sodanige beslissing appèl aanteken en die Minister se beslissing is afdoende.
(4) Die Minister se beslissing op appèl word vir alle doeleindes geag 'n beslissing van die raad te wees.

23. (1) Behoudens die bepalings van sub-artikel (5), mag nie-Registrasie mand die besigheid van 'n hotel dryf nie tensy die hotelier van hotelier van die betrokke hotel geregistreer is.

(2) Elke aansoek om die registrasie van 'n hotelier ingevolge hierdie Wet moet aan die raad voorgelê word, op die wyse en in die vorm wat voorgeskryf word, deur die persoon wat die betrokke hotelbesigheid dryf of van voorname is om dit te dryf.

(3) Tensy die persoon om wie se registrasie aansoek gedoen word, ingevolge die regulasies gediskwalifiseer is om as hotelier geregistreer te word, moet die raad by ontvangs van sodanige aansoek sodanige persoon onverwyld as die hotelier van die betrokke hotel registreer: Met dien verstande dat die voorgeskrewe diskwalifikasies slegs sal geld met betrekking tot 'n aansoek om registrasie as hotelier van 'n hotel waarin die raad 'n geldelike belang het.

(4) Die raad kan te eniger tyd die registrasie van 'n hotelier wat ingevolge die regulasies gediskwalifiseer is om 'n hotelier te wees, intrek.

(5) Indien iemand wat as die hotelier van 'n hotel geregistreer is om enige rede ophou om die hotelier van daardie hotel te wees, word enige volgende hotelier van daardie hotel gedurende 'n tydperk van drie maande daarna geag ingevolge hierdie artikel geregistreer te wees.

(6) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

24. (1) Die raad kan, ooreenkomsdig die bepalings van hierdie artikel, 'n ondersoek instel betreffende enige aangeleenthed wat binne die bestek van sy werksaamhede val, met inbegrip van enige aangeleenthed wat die registrasie van 'n huisvestings-inrigting as 'n hotel of die gradering van 'n hotel raak, en vir dié doel kan die raad by aangetekende brief deur sy voorsitter of waarnemende voorsitter, na gelang van die geval, onderteken, enigiemand dagvaar om by die ondersoek getuenis af te lê of 'n boek, stuk of saak oor te lê wat na die raad se mening op die onderwerp van die ondersoek betrekking het.

(2) Die raad kan 'n by die ondersoek aanwesige persoon oproep en ondervra, hetsy hy kragtens sub-artikel (1) gedagvaar is om aanwesig te wees al dan nie, en kan enige boek, stuk of saak waarvan die oorlegging kragtens sub-artikel (1) gelas is, inspekteer en vir 'n redelike tydperk hou: Met dien verstande dat in verband met die ondervraging van so iemand, of die oorlegging van so 'n boek, stuk of saak, die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n gereghof getuenis af te lê of 'n boek, stuk of saak oor te lê, van toepassing is.

(3) (a) Wanneer die raad dit nodig ag om dit te doen, kan hy enigiemand gelas om by sodanige ondersoek sy getuenis onder eed of na die maak van 'n bevestiging af te lê.

(b) Die lid van die raad wat by sodanige ondersoek voorsit kan aan die betrokke persoon 'n eed oplê of van hom 'n bevestiging aanneem.

(4) Iemand wat gedagvaar is om by so 'n ondersoek getuenis af te lê, is geregtig om uit die fondse van die raad as getuieloop 'n bedrag te ontvang wat gelyk is aan die bedrag wat hy as getuieloop sou ontvang het as hy gedagvaar was om 'n strafgeding in 'n hoër hof gehou op die plek vermeld in die dagvaarding wat aan hom gestuur is, by te woon.

(5) Iemand wat—

(a) nadat hy gedagvaar is om by 'n ondersoek kragtens sub-artikel (1) getuenis af te lê, sonder voldoende rede (waarvan die bewyslas op hom rus) versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn, of versuim om aanwesig te bly totdat die ondersoek voltooi is of totdat die lid van die raad wat by die ondersoek voorsit hom verlof gegee het om weg te bly, of versuim om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer, en tot oorlegging waarvan hy gedagvaar is, oor te lê; of

(b) having been called under sub-section (2), without sufficient cause (the onus of proof whereof shall rest upon him) refuses to be sworn or to make affirmation as a witness after he has been directed by the board to do so, or refuses to testify, or refuses or fails to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(6) Any person who, after having been sworn or having made affirmation, gives false evidence before the board at an enquiry on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(7) If requested to do so by any witness the board shall hear his evidence *in camera*.

Designation of inspectors.

25. (1) The board may designate such of its suitably qualified employees as inspectors as it may deem necessary for the proper enforcement of this Act.

(2) Every inspector shall be furnished with a certificate signed by an employee of the board designated thereto by the board and stating that he has been designated as an inspector under this Act.

(3) An inspector shall, on demand by any person affected by the exercise or the performance by him of any power or function under this Act, exhibit the certificate referred to in sub-section (2).

Powers of inspectors.

26. (1) Any inspector may, for the purposes of this Act—

(a) without previous notice, at all reasonable times enter any premises of an accommodation establishment which is registered as an hotel under this Act or in respect of which an application for registration has been made under section *fourteen*, and, after having informed the person who is for the time being in charge or control of such establishment of the purpose of his visit, make such examination and enquiry as he may deem necessary;

(b) while he is upon or in the premises or at any other reasonable time, question any person who conducts or intends to conduct such accommodation establishment, or any employee of such person, in the presence of or apart from others, and require from any such person or employee the production there and then, or at a time and place fixed by the inspector, of any book, notice, record, list or other document which is or has been upon or in the premises or in the possession or custody or under the control of such person or employee if in his opinion examination of that book, notice, record, list or document is necessary for the purpose of any investigation which he is carrying out;

(c) at any reasonable time require from any person who has the possession or custody or control of any book, notice, record, list or other document relating to such premises or to the business conducted thereon, the production there and then, or at a time and place fixed by the inspector, of that book, notice, record, list or document if in his opinion examination of that book, notice, record, list or document is necessary for the purpose of any investigation which he is carrying out;

(d) examine and make extracts from and copies of any such book, notice, record, list or document, and require an explanation of any entries in any such book, notice, record, list or document, and seize any such book, notice, record, list or document as in his opinion may afford evidence of a contravention or evasion of any provision of this Act.

(2) Any person conducting or intending to conduct an accommodation establishment entered by an inspector under sub-section (1), and any employee of such person, shall at all times

- (b) nadat hy kragtens sub-artikel (2) opgeroep is, sonder voldoende rede (waarvan die bewyslas op hom rus) weier om as getuie die eed af te lê of 'n bevestiging te maak nadat hy deur die raad gelas is om dit te doen, of weier om getuienis af te lê, of weier of versuim om na sy beste wete en oortuiging enige wettig aan hom gestelde vraag ten volle en op bevredigende wyse te beantwoord,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(6) Iemand wat, nadat hy die eed afgelê of 'n bevestiging gemaak het, omtrent enige onderwerp valse getuienis voor die raad by 'n ondersoek aflê met die wete dat daardie getuienis vals is, of terwyl hy nie weet of glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf.

(7) Indien hy deur 'n getuie versoek word om dit te doen, moet die raad die getuie se getuienis *in camera* aanhoor.

25. (1) Die raad kan sodanige van sy werknemers met Aanwysing van geskikte kwalifikasies as inspekteurs aanwys as wat hy vir die inspekteurs behoorlike uitvoering van hierdie Wet nodig ag.

(2) Elke inspekteur moet van 'n sertificaat voorsien word wat deur 'n daartoe deur die raad aangewysde werknemer onderteken is en waarin verklaar word dat hy kragtens hierdie Wet as 'n inspekteur aangewys is.

(3) 'n Inspekteur moet op versoek van enigiemand wat geraak word deur die uitoefening of die verrigting deur hom van enige bevoegdheid of werksaamheid kragtens hierdie Wet, die in sub-artikel (2) bedoelde sertificaat vertoon.

26. (1) 'n Inspekteur kan, vir die doeleindes van hierdie Bevoegdhede van inspekteurs.

- (a) sonder voorafgaande kennisgewing, te eniger redelike tyd enige perseel van 'n huisvestingsinrigting wat kragtens hierdie Wet as 'n hotel geregistreer is of ten opsigte waarvan 'n aansoek om registrasie kragtens artikel *veertien* gedoen is, betree en, nadat hy die persoon wat asdan toesig of beheer oor sodanige inrigting het van die doel van sy besoek verwittig het, die ondersoek instel en die navrae doen wat hy nodig ag;
- (b) terwyl hy op of in die perseel is of op enige ander redelike tydstip, enige persoon wat bedoelde huisvestingsinrigting dryf of van voorname is om dit te dryf of enige werknemer van sodanige persoon in die teenwoordigheid of afgesonder van andere ondervra, en van enige sodanige persoon of werknemer vereis om daar en dan, of op 'n tyd en plek wat die inspekteur bepaal, enige boek, kennisgewing, aantekening, lys of ander stuk oor te lê wat op of in die perseel of in besit of bewaring of onder beheer van sodanige persoon of werknemer is of was, indien die ondersoeking van daardie boek, kennisgewing, aantekening, lys of stuk na sy mening nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;
- (c) te eniger redelike tyd van enige persoon wat enige boek, kennisgewing, aantekening, lys of ander stuk betreffende sodanige perseel of die besigheid wat daarop gedryf word, in sy besit of bewaring of onder sy beheer het, die oorlegging van daardie boek, kennisgewing, aantekening, lys of stuk daar en dan of op 'n tyd en plek deur die inspekteur bepaal, eis, indien die ondersoeking van daardie boek, kennisgewing, aantekening, lys of stuk na sy mening nodig is vir die doel van 'n ondersoek wat hy besig is om uit te voer;
- (d) enige sodanige boek, kennisgewing, aantekening, lys of stuk ondersoek en uittreksels daaruit en afskrifte daarvan maak, en 'n uitleg vorder van enige inskrywings in sodanige boek, kennisgewing, aantekening, lys of stuk, en beslag lê op sodanige boek, kennisgewing, aantekening, lys of stuk wat na sy mening bewys kan lewer van 'n oortreding of onduiking van 'n bepaling van hierdie Wet.

(2) Enige persoon wat 'n huisvestingsinrigting wat kragtens sub-artikel (1) deur 'n inspekteur betree is, dryf of wat van voorname is om dit te dryf en enige werknemer van sodanige persoon

furnish such reasonable facilities as are required by the inspector for the purpose of exercising his powers under the said sub-section.

(3) Any person who—

- (a) hinders or obstructs an inspector in the exercise of his powers or the performance of his duties; or
- (b) without valid excuse refuses or fails to answer to the best of his ability any questions which an inspector in the exercise of his powers or the performance of his duties has put to him; or
- (c) refuses or fails to comply to the best of his ability with any requirement made by an inspector in the exercise of his powers or the performance of his duties; or
- (d) wilfully furnishes to an inspector any information which is false or misleading,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Secrecy to be observed.

27. (1) No member of the board or of any committee thereof, or employee of the board, or person allowed to be present at any meeting of the board or of any committee thereof or at any interrogation of anybody by an inspector, shall disclose to any person, except for the purpose of the performance of his duties or functions under this Act or when required to do so by any court or under any law, any information in relation to the financial or business affairs of any person, establishment or business, acquired in the performance of his duties or functions under this Act or while attending any such meeting or interrogation, as the case may be: Provided that the provisions of this sub-section shall not apply in respect of any information acquired at any enquiry conducted in terms of section *twenty-four* and while such enquiry was conducted in public.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Finances of the board.

28. (1) (a) The hotelier of any hotel shall, if required by the regulations to do so—

- (i) add to the price of such services rendered thereat from time to time as may be prescribed, a surcharge at such a rate as may be prescribed; or
- (ii) from time to time pay to the board amounts by way of levies calculated on such a basis and at such a rate as may be prescribed.

(b) Any rate prescribed in terms of paragraph (a) may be different in respect of hotels in different groups or of different grades.

(c) Any such surcharge shall be collected by the hotelier and any amount collected by way of such surcharge shall be paid to the board.

(2) The times at which and the manner in which any amount payable under sub-section (1) shall be paid, and the particulars to be furnished when making payment of any such amount, shall be prescribed.

(3) If any hotelier fails to pay to the board any amount payable in terms of this section, the board may recover such amount from the hotelier or from the person who conducts the hotel business in question by action in any competent court.

(4) The board may receive and use, for the purposes of any activity in which it may lawfully engage, any money or property which has been advanced, granted or donated to it or has otherwise accrued to it.

(5) The board shall open an account or accounts with a bank or banks approved by the Minister and shall deposit therein all moneys received by it from any source, and any expenditure incurred by the board shall be met from such account or accounts.

(6) Any moneys not required for immediate use or as a reasonable operating balance shall be invested by the board with the Public Debt Commissioners or in such other manner as the Minister may, in consultation with the Minister of Finance, determine.

moet te alle tye die redelike faciliteite verskaf wat deur die inspekteur vereis word om sy bevoegdhede kragtens bedoelde sub-artikel uit te oefen.

(3) Enigiemand wat—

- (a) 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte hinder of belemmer; of
- (b) sonder geldige verskoning weier of versuim om 'n vraag wat 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte aan hom gestel het, na die beste van sy vermoë te beantwoord; of
- (c) weier of versuim om na die beste van sy vermoë aan 'n vereiste deur 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte gestel, te voldoen; of
- (d) opsetlik aan 'n inspekteur inligting verstrek wat vals of misleidend is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

27. (1) Geen lid van die raad of 'n komitee daarvan, of werk-nemer van die raad, of persoon wat toegelaat is om teenwoordig te wees by 'n vergadering van die raad of 'n komitee daarvan of by 'n ondervraging van enige persoon deur 'n inspekteur, mag aan enigiemand inligting aangaande die finansiële of besigheidsake van enige persoon, inrigting of besigheid, wat hy by die uitvoering van sy pligte of werksaamhede ingevolge hierdie Wet of terwyl hy by sodanige vergadering of ondervraging teenwoordig was, na gelang van die geval, verkry het, bekend maak nie, behalwe met die doel om sy pligte of werksaamhede ingevolge hierdie Wet uit te voer of wanneer dit deur 'n hof of in gevole 'n wetsbepaling van hom vereis word: Met dien verstande dat die bepalings van hierdie sub-artikel nie van toepassing is ten opsigte van inligting wat verkry is by 'n ondersoek wat ingevolge artikel vier-en-twintig ingestel is en terwyl sodanige ondersoek in die openbaar gehou is nie.

(2) Enigiemand wat die bepalings van sub-artikel (1) oortree is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

28. (1) (a) Die hotelier van 'n hotel moet, indien die regulasies vereis dat hy dit doen— Finansies van die raad.

- (i) by die prys van sodanige dienste wat van tyd tot tyd daar gelewer word as wat voorgeskryf word, 'n toeslag teen die skaal wat voorgeskryf word, voeg; of
- (ii) van tyd tot tyd aan die raad bedrae betaal by wyse van heffings bereken op die grondslag en teen die skaal wat voorgeskryf word.

- (b) Enige skaal wat ingevolge paragraaf (a) voorgeskryf word kan verskillend wees ten opsigte van hotelle in verskillende groepe of van verskillende grade.
- (c) Enige sodanige toeslag moet deur die hotelier ingevorder word en enige bedrag wat by wyse van sodanige toeslag ingevorder word, word aan die raad betaal.

(2) Die tye wanneer en die wyse waarop enige ingevolge sub-artikel (1) betaalbare bedrag betaal moet word, en die besonderhede wat verstrek moet word wanneer betaling van so 'n bedrag geskied, word voorgeskryf.

(3) Indien 'n hotelier versuim om enige ingevolge hierdie artikel betaalbare bedrag aan die raad te betaal, kan die raad sodanige bedrag van die hotelier of van die persoon wat die betrokke hotelbesigheid dryf by aksie in 'n bevoegde hof verhaal.

(4) Die raad kan enige geld of eiendom wat aan hom voorgeskiet, toegestaan of geskenk is of wat op 'n ander wyse aan hom toegeval het, ontvang en vir die doeleinnes van enige bedrywigheid wat hy wettiglik mag onderneem, gebruik.

(5) Die raad moet 'n rekening of rekenings by 'n deur die Minister goedgekeurde bank of banke open en moet alle geld wat deur hom uit enige bron ontvang word, daarin stort, en uitgawes deur die raad aangegaan word uit sodanige rekening of rekenings betaal.

(6) Gelde wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, moet deur die raad by die Openbare Skuldkommissarisse of op die ander wyse wat die Minister, in oorleg met die Minister van Finansies, bepaal, belê word.

(7) The board shall keep a proper record of its property and of all its financial transactions, and shall in each year prepare accounts of its income and expenditure and a balance sheet showing in all necessary detail the assets and liabilities of the board.

Borrowing powers of the board.

29. (1) The board may from time to time, with the approval of the Minister acting in consultation with the Minister of Finance, borrow moneys in such amounts and in such manner and on such terms and conditions as may be authorized, for the purpose of—

- (a) lending or advancing moneys in respect of hotels on such terms and conditions as may be determined by the board, with the approval of the Minister acting in consultation with the Minister of Finance;
- (b) repaying any moneys borrowed by it under this Act or advanced to it by the Government;
- (c) paying interest in respect of any moneys borrowed by it; or
- (d) acquiring any movable or immovable property.

(2) The Minister of Finance may on behalf of the Government, on such terms and conditions as he may deem fit, guarantee the repayment of any moneys borrowed by the board together with any interest thereon and any charges incurred in connection therewith.

(3) Notwithstanding anything contained in the Stamp Duties Act, 1962 (Act No. 59 of 1962), no stamp duty shall be payable in respect of the issue of any marketable security by the board or the registration of the transfer thereof.

Auditing of accounts.

30. The books and statements of account of the board shall be audited by the Controller and Auditor-General.

Reports to the Minister.

31. (1) The board shall, within six months after the end of each financial year, furnish to the Minister a report upon the activities of the board during that financial year, together with a balance sheet and a complete statement of income and expenditure for that year, and shall in the report so furnished give particulars as to—

- (a) the extent and value of all classes of property owned by the board;
- (b) the expenses of management and administration and all other expenses of the board;
- (c) the erection and construction, repair, improvement or alteration of any building or equipment and the cost thereof;
- (d) the price or rent of any land or any other immovable property acquired or hired; and
- (e) any other matter with which the Minister may require the board to deal.

(2) Every report furnished to the Minister under sub-section (1) shall be laid upon the Table by him in the Senate and in the House of Assembly as soon as possible after receipt thereof.

Bilking.

32. Any person who leaves an hotel without paying his account for lodging and meals supplied, shall, unless he has arranged with the person conducting the hotel business or the hotelier or any person who at the time of leaving was in charge or in control of such hotel for the later payment of such account, be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Publication of false information and prohibition on the use of the designation "hotel", "motel", etc.

33. (1) Any person who publishes or causes or allows to be published in any manner whatsoever, any false or misleading information regarding the nature of any hotel, its grade or its situation, or the amenities offered or provided at such hotel shall, unless he proves to the satisfaction of the court that he published such information or caused or allowed it to be published in good faith and without having any reason to believe that it was false or misleading, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(7) Die raad moet behoorlik boekhou van sy eiendom en van al sy finansiële transaksies, en moet elke jaar rekenings van sy inkomste en uitgawe en 'n balansstaat, wat met die nodige besonderhede die bate en laste van die raad aangee, opstel.

29. (1) Die raad kan van tyd tot tyd, met die goedkeuring van die Minister handelende in oorleg met die Minister van Finansies, die bedrae geld leen wat gemagtig word en wel op die wyse en voorwaardes wat gemagtig word, met die doel— Leningsbevoegdheid van die raad.

- (a) om geld te leen of voor te skiet ten opsigte van hotelle op die voorwaardes wat die raad, met die goedkeuring van die Minister handelende in oorleg met die Minister van Finansies, bepaal;
- (b) om geld wat ingevolge hierdie Wet deur hom geleen is of wat deur die Regering aan hom voorgeskiet is, terug te betaal;
- (c) om rente te betaal ten opsigte van gelddeur hom geleent; of
- (d) om roerende of onroerende goed te verkry.

(2) Die Minister van Finansies kan namens die Regering, op die voorwaardes wat hy goedvind, die terugbetaling van enige geld wat deur die raad geleent word tesame met enige rente daarop en enige koste wat in verband daarmee aangegaan is, waarborg.

(3) Ondanks die bepalings van die Seëlwet, 1962 (Wet No. 59 van 1962), is geen seëlregte ten opsigte van die uitreiking van enige handelseffekte deur die raad of die registrasie van oordrag daarvan, betaalbaar nie.

30. Die boeke en rekeningstate van die raad word deur die Kontroleur en Ouditeur-generaal geouditeer. Ouditering van rekenings.

31. (1) Die raad moet, binne ses maande na die einde van elke boekjaar, aan die Minister 'n verslag aangaande die bedrywighede van die raad gedurende daardie boekjaar, tesame met 'n balansstaat en 'n volledige opgaaf van inkomste en uitgawe vir daardie jaar, voorlê, en moet in die aldus voorgelegde verslag besonderhede verstrek aangaande— Verslae aan die Minister.

- (a) die omvang en waarde van alle soorte eiendom wat die raad besit;
- (b) die bestuurs- en administrasiekoste en alle ander uitgawes van die raad;
- (c) die oprigting en bou, herstel, verbetering of verandering van enige gebou of toerusting en die koste daarvan;
- (d) die koopprys of huurgeld van grond of enige ander onroerende goed wat verkry of gehuur is; en
- (e) enige ander aangeleenthed wat die Minister verlang dat die raad moet behandel.

(2) Elke verslag wat ingevolge sub-artikel (1) aan die Minister voorgelê word, word so spoedig moontlik na ontvangs daarvan, deur hom in die Senaat en in die Volksraad ter Tafel gelê.

32. Enigiemand wat 'n hotel verlaat sonder om sy rekening te vereffen vir huisvesting en etes voorsien, is, tensy hy met die persoon wat die hotelbesigheid dryf of die hotelier of die persoon wat toesig of beheer oor sodanige hotel gehad het toe hy vertrek het, reëlings getref het vir die latere betaling van sodanige rekening, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf. Ontduiking van betaling.

33. (1) Enigiemand wat op enige wyse hoegenaamd inligting wat vals of misleidend is, aangaande die aard van 'n hotel, sy graad of sy ligging, of die geriewe wat by sodanige hotel aangebied of voorsien word, publiseer of laat publiseer of toelaat dat dit gepubliseer word, is, tensy hy tot die oortuiging van die hof bewys dat hy te goeder trou bedoelde inligting gepubliseer of laat publiseer het of die publikasie daarvan toegelaat het en geen rede gehad het om te glo dat dit vals of misleidend was nie, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf. Publikasie van valse inligting en verbod op gebruik van benaming „hotel”, „motel”, ens.

- (2) (a) As from a prescribed date, which shall not be before the thirty-first day of December, 1968, no person shall use or cause or allow to be used in respect of or in relation to any accommodation establishment conducted or managed by him and not registered as an hotel under this Act, the designation or term "hotel", "motel", "botel" or any other designation or term which the Minister may, on the recommendation of the board, specify by notice in the *Gazette*, in regard to its name or style or general description in any context or in any medium whatsoever.
- (b) Any person who contravenes the provisions of paragraph (a) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Regulations.

34. (1) The Minister may make regulations—

- (a) with regard to the conduct of and procedure at meetings of the board and of any committee appointed under section eleven (including the quorum in the case of committees) and the manner in which meetings of any such committee shall be called;
- (b) prescribing disqualifications for registration as an hotelier;
- (c) prescribing insignia for the various groups and grades of hotels and the circumstances under which and the manner in which they may be used or displayed, and prohibiting the use or display thereof otherwise than in accordance with the regulations;
- (d) with regard to the duty of hoteliers to provide lodging and meals and the power of hoteliers to refuse admission to or to eject persons;
- (e) prescribing the manner in which particulars in regard to the nature, grade, name or style of an hotel shall be published or displayed;
- (f) prescribing the manner in which and the time within which an appeal under section twenty-two shall be noted and prosecuted;
- (g) with regard to any matter which by this Act is required or permitted to be prescribed;
- (h) prescribing generally, all matters which he considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in respect of hotels belonging to different groups and hotels of different grades.

(3) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of two hundred rand or imprisonment for a period of six months.

Amendment of
section 71bis
of Act 30
of 1928, as
inserted by
section 53 of
Act 88 of 1963
and amended by
section 8 of
Act 85 of 1964.

35. Section *seventy-one bis* of the Liquor Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:
- “(1) The Minister may, upon application made by the proprietor or lessee of any premises providing residential accommodation for guests (hereinafter referred to as an accommodation establishment) in respect of which an on-consumption licence (other than a club liquor licence) has been issued under this Act, and upon a recommendation made by the National Liquor Board after such enquiry and investigation as the Minister may deem necessary including consultation with any board or body which may be established by any Minister in connection with hotel affairs, classify such establishment in such manner as he may deem fit, according to the nature of the accommodation and service provided therein and its situation.”; and
- (b) by the substitution for sub-sections (3), (4) and (5) of the following sub-sections:
- “(3) The Minister shall from time to time make known in the *Gazette* the classes into which accommodation establishments may be classified and may in similar manner prescribe the minimum requirements

- (2) (a) Vanaf 'n voorgeskrewe datum, wat nie vroeër is nie as die een-en-dertigste dag van Desember 1968, mag niemand ten opsigte van of in verband met enige huisvestingsinrigting wat deur hom gedryf of bestuur word en wat nie ingevolge hierdie Wet as 'n hotel geregistreer is nie, die benaming of uitdrukking „hotel”, „motel”, „botel” of enige ander benaming of uitdrukking wat die Minister, op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* aandui, gebruik of laat gebruik of toelaat dat dit gebruik word met betrekking tot sy naam of betiteling of algemene beskrywing in enige sinsverband of in enige medium hoegenaamd nie.
- (b) Enigiemand wat die bepalings van paragraaf (a) oortree is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

34. (1) Die Minister kan regulasies uitvaardig— Regulasies.

- (a) met betrekking tot die hou van en die prosedure by vergaderings van die raad en van enige kragtens artikel *elf* aangestelde komitee (met inbegrip van die kworum in die geval van komitees) en die wyse waarop vergaderings van enige sodanige komitee belê moet word;
- (b) wat diskwalifikasies vir registrasie as 'n hotelier voorskryf;
- (c) wat onderskeidingsstekens vir die verskillende groepe en grade hotelle en die omstandighede waarin en die wyse waarop hulle gebruik of vertoon mag word, voorskryf en wat die gebruik of vertoning daarvan anders as ooreenkomsdig die regulasies, verbied;
- (d) met betrekking tot die plig van hoteliers om huisvesting en etes te voorsien en die bevoegdheid van hoteliers om toegang aan persone te weier en om persone uit te sit;
- (e) wat die wyse waarop besonderhede met betrekking tot die aard, graad, naam of betiteling van 'n hotel gepubliseer of vertoon moet word, voorskryf;
- (f) wat die wyse waarop en die tydperk waarin 'n appèl ingevolge artikel *twee-en-twintig* aangeteken en voortgesit moet word, voorskryf;
- (g) met betrekking tot enige aangeleenthed wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (h) wat, in die algemeen, alle aangeleenthede voorskryf wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik, en die algemeenheid van hierdie bepaling word nie beperk deur die bepalings van die voorafgaande paragrawe nie.
- (2) Verskillende regulasies kan uitgevaardig word ten opsigte van hotelle wat tot verskillende groepe behoort en hotelle van verskillende grade.
- (3) Regulasies wat kragtens hierdie artikel uitgevaardig word, kan vir oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande, te bowe gaan nie.

35. Artikel *een-en-sewentig bis* van die Drankwet word hierby gewysig— Wysiging van artikel 71bis van Wet 30 van 1928, soos ingevoeg deur artikel 53 van Wet 88 van 1963 en gewysig deur artikel 8 van Wet 85 van 1964.

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die Minister mag op aanvraag van die eienaar of huurder van 'n gebou wat woonakkommodesie vir gaste voorsien (hieronder 'n akkommodesie-inrigting genoem) in verband waarmee 'n binneverbruik-lisensie (behalwe 'n klub-dranklisensie) kragtens hierdie Wet uitgereik is, en op 'n aanbeveling gedoen deur die Nasionale Drankraad na sodanige navraag en ondersoek as wat die Minister nodig ag, met inbegrip van oorlegpleging met 'n raad of liggaaam wat deur 'n Minister in verband met hotelaangeleenthede ingestel word, daardie inrigting op die wyse wat hy goedvind, klassifiseer volgens die aard van die akkommodesie en diens wat daarin voorsien word en sy ligging.”; en

- (b) deur sub-artikels (3), (4) en (5) deur die volgende sub-artikels te vervang:

„(3) Die Minister maak van tyd tot tyd die klasse waarin akkommodesie-inrigtings geklassifiseer kan word, in die *Staatskoerant* bekend en mag op soortgelyke wyse die minimum vereistes voorskryf waaraan

with which different categories of such establishments shall comply before an application may be made under sub-section (1).

(4) The Minister or any person acting under his authority shall issue to the proprietor or lessee of an accommodation establishment which has been classified in terms of sub-section (1), a certificate of classification in the prescribed form.

(5) The Minister may at any time, upon a recommendation made by the National Liquor Board after such enquiry and investigation as the Minister may deem necessary, withdraw any certificate issued under sub-section (4): Provided that such certificate shall not be withdrawn, except at the instance of the proprietor or lessee of the establishment concerned, unless such proprietor or lessee has been given a reasonable opportunity to submit representations to the Minister in regard to the proposed withdrawal.”.

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

Amendment of section 173 of Act 30 of 1928, as amended by section 44 of Act 61 of 1956, section 19 of Act 72 of 1961, section 13 of Act 89 of 1962 and section 111 of Act 88 of 1963.

Amendment of section 9 of Act 54 of 1947, as amended by section 2 of Act 40 of 1960, section 9 of Act 93 of 1963 and section 1 of Act 39 of 1964.

Short title and commencement.

36. Section *one hundred and sixty-six* of the Liquor Act is hereby amended by the insertion in paragraph (u) after the word “premises” of the words “(other than licensed premises registered as an hotel in terms of the Hotels Act 1965)”.

37. Section *one hundred and seventy-three* of the Liquor Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) applications and publication of applications for the classification of accommodation establishments in terms of section *seventy-one bis*, the submission of documents, information, objections, reports and representations in regard thereto and, after consultation with the Minister of Finance, the fee payable in respect of an application under the said section;”.

38. Section *nine* of the South African Tourist Corporation Act, 1947, is hereby amended by the substitution for paragraph (l) of sub-section (1) of the following paragraph:

“(l) in accordance with the provisions of the regulations, register, grade and classify accommodation establishments (other than accommodation establishments which are registered as hotels under the Hotels Act, 1965) or any class of such establishments in the Republic; issue certificates of registration in respect of such establishments, and publish lists of such establishments appropriately graded or classified;”.

39. This Act shall be called the Hotels Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

verskillende kategorieë van sodanige inrigtings moet voldoen alvorens aanvraag ingevolge sub-artikel (1) gedoen kan word.

(4) Die Minister of iemand wat op sy gesag handel, reik aan die eienaar of huurder van 'n akkommadasie-inrigting wat ingevolge sub-artikel (1) geklassifiseer is, 'n klassifikasiesertifikaat in die voorgeskrewe vorm uit.

(5) Die Minister mag te eniger tyd op 'n aanbeveling gedoen deur die Nasionale Drankraad na sodanige navraag en ondersoek wat die Minister nodig ag, 'n sertifikaat wat kragtens sub-artikel (4) uitgereik is, intrek: Met dien verstande dat sodanige sertifikaat nie ingetrek mag word nie behalwe op versoek van die eienaar of huurder van die betrokke inrigting, tensy aan die eienaar of huurder 'n redelike geleentheid gegee is om vertoe tot die Minister te rig in verband met die voorgenome intrekking.”.

36. Artikel *honderd ses-en-sestig* van die Drankwet word hierby gewysig deur in paragraaf (u), na die woord „gebou” die woorde „(behalwe 'n gelisensieerde gebou wat ingevolge die Wet op Hotelle, 1965, as 'n hotel geregistreer is)” in te voeg. Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956, artikel 10 van Wet 58 van 1957, artikel 17 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 10 van Wet 89 van 1962, artikel 106 van Wet 88 van 1963 en artikel 18 van Wet 85 van 1964.

37. Artikel *honderd drie-en-sewentig* van die Drankwet word hierby gewysig deur paragraaf (b)*quat* deur die volgende paragraaf te vervang:

„(b)*quat* aanvrae en bekendmaking van aanvrae om die klassifikasie van akkommadasie-inrigtings ingevolge artikel *een-en-sewentig bis*, die voorlegging van dokumente, inligting, besware, rapporte en vertoe met betrekking daartoe en, na oorlegpleging met die Minister van Finansies, die fooi betaalbaar ten opsigte van 'n aanvraag kragtens genoemde artikel;”.

38. Artikel *nege* van die Wet op die Suid-Afrikaanse Toeristekoporasie, 1947, word hierby gewysig deur paragraaf (l) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(l) ooreenkomsdig die bepalings van die regulasies, losies-inrigtings (behalwe huisvestingsinrigtings wat ingevolge die Wet op Hotelle, 1965, as hotelle geregistreer is) of enige kategorie van sodanige inrigtings in die Republiek registreer, rangskik en indeel, registrasiesertifikate ten opsigte van sulke inrigtings uitrek, en lyste van sulke inrigtings, paslik gerangskik of ingedeel, publiseer;”.

39. Hierdie Wet heet die Wet op Hotelle, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerking-treding.

No. 71, 1965.]

ACT

To amend the Water Act, 1956.

(Afrikaans text signed by the State President.)
(Assented to 2nd June, 1965.)

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

Amendment
of section 60 of
Act 54 of 1956,
as amended by
section 1 of
Act 75 of 1957
and section 10 of
Act 56 of 1961.

1. Section *sixty* of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the addition to paragraph (a) of sub-section (2) of the following sub-paragraph, the existing paragraph becoming sub-paragraph (i):
“(ii) If the Minister so gives or causes to be given notice in respect of any land or any right in respect of land or any existing right, he shall at the same time cause to be published, in three consecutive ordinary issues of the *Gazette*, and once a week during three consecutive weeks in a newspaper circulating in the district in which such land is situated or in which such right is exercisable, a notice setting forth clearly and fully the land or right to which the notice in terms of sub-paragraph (i) relates, and stating his intention so to expropriate such land or right, as the case may be.”;
 - (b) by the substitution for paragraph (c) of sub-section (3) of the following paragraph:
“(c) Any enhancement in the value of land referred to in paragraph (a) or (b) which may be caused by the construction, operation or extension of a Government water work, or by any work or act which the Minister may carry out or perform in connection with any of the matters referred to in paragraph (b) of sub-section (1) or sub-section (2) of section *fifty-nine*, shall not be taken into account in determining the amount of compensation referred to in the said paragraphs.”;
 - (c) by the substitution for paragraph (a) of sub-section (4) of the following paragraph:
“(a) If an owner of land or a person who holds a right in respect of land or an existing right refuses to accept the compensation offered by the Minister, either party shall, subject to the provisions of paragraph (b), have the right to have the amount thereof determined by a water court, and in that event the provisions of sub-section (3) shall *mutatis mutandis* apply.”;
 - (d) by the substitution for paragraph (a) of sub-section (4)*bis* of the following paragraph:
“(a) Interest at a rate determined from time to time by the Minister in consultation with the Minister of Finance shall, as from the date on which any relevant act may be performed by the department in terms of sub-paragraph (i) of paragraph (a) of sub-section (6), and subject to the provisions of paragraph (b) of this sub-section be paid on any outstanding amount payable by way of compensation in terms of this section.”; and

No. 71, 1965.]

WET

Tot wysiging van die Waterwet, 1956.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Junie 1965.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel sestig van die Waterwet, 1956 (hieronder die Hoof-wet genoem), word hierby gewysig—

- (a) deur die volgende sub-paragraaf by paragraaf (a) van sub-artikel (2) te voeg, terwyl die bestaande paragraaf sub-paragraaf (i) word:
„(ii) Indien die Minister aldus kennis ten opsigte van grond of 'n reg ten opsigte van grond of 'n bestaande reg gee of laat gee, moet hy terself-dertyd in drie agtereenvolgende gewone uitgawes van die *Staatskoerant* en een maal per week gedurende drie agtereenvolgende weke in 'n nuusblad in omloop in die distrik waarin sodanige grond geleë is of waarin sodanige reg uitoefenbaar is, 'n kennisgewing laat publiseer waarin die grond of reg waarop die kennisgewing ingevolge sub-paragraaf (i) betrekking het, duidelik en volledig uiteengesit word en sy voorname bekend gemaak word om die grond of reg, na gelang van die geval, aldus te onteien.”
- (b) deur paragraaf (c) van sub-artikel (3) deur die volgende paragraaf te vervang:
„(c) Enige verhoging in die waarde van in paragraaf (a) of (b) bedoelde grond wat ontstaan deur die bou, werking of uitbreiding van 'n Staats-waterwerk, of deur enige werk of handeling wat die Minister in verband met die een of ander van die in paragraaf (b) van sub-artikel (1) of sub-artikel (2) van artikel *nege-en-vyftig* bedoelde aangeleenthede uitvoer of verrig, word nie by die vasstelling van die in daardie paragrawe bedoelde bedrag van vergoeding in aanmerking geneem nie.”;
- (c) deur paragraaf (a) van sub-artikel (4) deur die volgende paragraaf te vervang:
„(a) Indien 'n eienaar van grond of 'n persoon wat 'n reg ten opsigte van grond of 'n bestaande reg besit, weier om die deur die Minister aangebode vergoeding te aanvaar, het enige party onderworpe aan die bepalings van paragraaf (b), die reg om die bedrag daarvan deur 'n waterhof te laat vasstel, en in so 'n geval is die bepalings van sub-artikel (3) *mutatis mutandis* van toepassing.”;
- (d) deur paragraaf (a) van sub-artikel (4)*bis* deur die volgende paragraaf te vervang:
„(a) Rente teen 'n koers wat van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal word, word, vanaf die datum waarop die departement enige betrokke handeling ingevolge sub-paragraaf (i) van paragraaf (a) van sub-artikel (6) kan verrig, en behoudens die bepalings van paragraaf (b) van hierdie sub-artikel, betaal op enige uitstaande bedrag wat ingevolge hierdie artikel by wyse van vergoeding betaalbaar is.”; en

Wysiging van artikel 60 van Wet 54 van 1956, soos gewysig deur artikel 1 van Wet 75 van 1957 en artikel 10 van Wet 56 van 1961.

(e) by the substitution for paragraph (a) of sub-section (6) of the following paragraph:

"(a) (i) Upon the expiration of a period of three months from the date on which the notice referred to in sub-paragraph (i) of paragraph (a) of sub-section (2) was given, or at any time prior to such expiration if agreed to by all interested parties, the department may forthwith enter upon and take possession of or use the land, water work, substance or material or exercise the right, to which such notice refers, as it may deem fit, irrespective of whether or not the amount to be paid in compensation has been agreed upon or settled as hereinbefore provided.

(ii) If any such notice has been given in respect of the expropriation of any land, all rights in respect of such land not registered against the title deed thereof or in any office referred to in sub-paragraph (i) of paragraph (a) of sub-section (2), shall terminate on the date on which any relevant act may be performed by the department in terms of sub-paragraph (i) of this paragraph, and the State shall not be obliged to pay any compensation for such rights.”.

2. Section *sixty-eight* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) The Minister may in respect of any Government water work or any area which has under section *twenty-eight* or *fifty-nine* been declared to be a subterranean water control area, a Government water control area or a catchment control area, or any catchment area or areas, appoint an advisory committee consisting of such number of members as the Minister may in each case from time to time determine, to advise him on matters connected with the preservation, conservation, utilization, control, supply or distribution of water resources and water, or any other matter which he may from time to time refer to such committee.”.

3. Section *eighty-four* of the principal Act is hereby amended by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

"(c) In respect of a nomination of any candidate or any election of members other than the first nomination or election, the chairman of the irrigation board in respect of which such nomination or election is held or a member of the said board nominated by him shall act as returning officer, unless the Minister or the Secretary has designated an officer of the Department to act as such: Provided that the chairman or a member shall not so act if he is a candidate for nomination or election.”.

4. Section *eighty-six* of the principal Act is hereby amended by the addition of the following paragraph to sub-section (1):

"(d) The election of a chairman or a vice-chairman in terms of paragraph (a) or (c) shall take place in the manner prescribed by regulation.”.

5. Section *eighty-eight* of the principal Act is hereby amended by the substitution in sub-section (8) for the words preceding paragraph (a) of the following words:

"The provisions of sub-sections (8), (9) and (10) of section *sixty-three* shall *mutatis mutandis* apply, in so far as they can be applied, in relation to—”.

6. Section *one hundred and sixty-two* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (2) for the words “thirty thousand pounds” of the words “sixty thousand rand”; and

(b) by the substitution in paragraph (c) of the said sub-section for the words “three hundred pounds”, wherever they occur, of the words “one thousand rand”.

7. The principal Act is hereby amended—

(a) by the insertion after section *one hundred and sixty-four* of the following superscriptions:

Amendment of
section 68 of
Act 54 of 1956.

Amendment of
section 84 of
Act 54 of 1956.

Amendment of
section 86 of
Act 54 of 1956.

Amendment of
section 88 of
Act 54 of 1956,
as amended by
section 14 of
Act 56 of 1961.

Amendment of
section 162 of
Act 54 of 1956,
as amended by
section 18 of
Act 56 of 1961.

Insertion of
CHAPTER
IXbis
and sections
164bis and 164ter
in Act 54 of 1956.

- (e) deur paragraaf (a) van sub-artikel (6) deur die volgende paragraaf te vervang:
- „(a) (i) By verstryking van 'n tydperk van drie maande vanaf die datum waarop die kennisgewing bedoel in sub-paragraaf (i) van paragraaf (a) van sub-artikel (2) gegee is, of te eniger tyd voor sodanige verstryking indien alle belanghebbende partye daartoe instem, kan die departement na goeddunke onverwyld die grond, waterwerk, stof of materiaal waarop die kennisgewing betrekking het, betree en in besit neem of gebruik, of die reg uitoefen, ongeag of oor die bedrag by wyse van vergoeding betaal te word, ooreengeskoom is, en of dit vasgestel is soos hierbo bepaal, of nie.
- (ii) Indien so 'n kennisgewing gegee is ten opsigte van die onteiening van grond, word alle regte ten opsigte van daardie grond wat nie teen die titelbewys daarvan of in 'n kantoor bedoel in sub-paragraaf (i) van paragraaf (a) van sub-artikel (2) geregistreer is nie, beëindig op die datum waarop die departement enige betrokke handeling ingevolge sub-paragraaf (i) van hierdie paragraaf kan verrig, en die Staat is nie verplig om enige vergoeding vir sodanige regte te betaal nie.”.

2. Artikel *agt-en-seytig* van die Hoofwet word hierby gewysig Wysiging van
deur sub-artikel (1) deur die volgende sub-artikel te vervang: artikel 68 van
Wet 54 van 1956.

„(1) Die Minister kan ten opsigte van enige Staatswaterwerk of enige gebied wat ingevolge artikel *agt-en-twintig* of *nege-en-vyftig* tot 'n ondergrondse waterbeheergebied, 'n Staatswaterbeheergebied of 'n opvangbeheergebied verklaar is, of enige opvanggebied of -gebiede, 'n adviserende komitee aanstel wat bestaan uit soveel lede as wat die Minister in elke geval van tyd tot tyd mag vasstel, om hom van advies te dien oor sake in verband met die bewaring, opgaring, gebruik, beheer, voorsiening of distribusie van watervoorrade en water, of enige ander saak wat hy van tyd tot tyd na bedoelde komitee verwys.”.

3. Artikel *vier-en-tagtig* van die Hoofwet word hierby gewysig Wysiging van
deur paragraaf (c) van sub-artikel (1) deur die volgende artikel 84 van
paragraaf te vervang: Wet 54 van 1956.

„(c) Ten opsigte van 'n nominasie van 'n kandidaat of 'n verkiesing van lede, uitgesonderd die eerste nominasie of verkiesing, tree die voorsitter van die besproeiingsraad ten opsigte waarvan die nominasie of verkiesing geskied, of 'n deur hom genomineerde lid van daardie raad, as kiesbeampte op, tensy die Minister of die Sekretaris 'n beampte van die departement aangewys het om as sodanig op te tree: Met dien verstande dat die voorsitter of 'n lid nie aldus optree indien hy 'n kandidaat vir nominasie of verkiesing is nie.”.

4. Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig Wysiging van
deur die volgende paragraaf by sub-artikel (1) te voeg: artikel 86 van
Wet 54 van 1956.

„(d) Die verkiesing van 'n voorsitter of 'n vicevoorsitter ingevolge paragraaf (a) of (c) geskied op die wyse by regulasie voorgeskryf.”.

5. Artikel *agt-en-tagtig* van die Hoofwet word hierby gewysig Wysiging van
deur sub-artikel (8) die woorde wat paragraaf (a) voorafgaan, artikel 88 van
deur die volgende woorde te vervang: Wet 54 van 1956,
soos gewysig

„Die bepalings van sub-artikels (8), (9) en (10) van artikel drie-en-seytig is mutatis mutandis van toepassing, vir sover hulle toegepas kan word, met betrekking tot—”.

6. Artikel *honderd twee-en-seytig* van die Hoofwet word hierby gewysig Wysiging van
hierby gewysig— artikel 162 van
Wet 54 van 1956,

(a) deur in paragraaf (a) van sub-artikel (2) die woorde „dertigduisend pond” deur die woorde „seytigduisend rand” te vervang; en

(b) deur in paragraaf (c) van genoemde sub-artikel die woorde „driehonderd pond”, oral waar hulle voorkom, deur die woorde „duisend rand” te vervang.

7. Die Hoofwet word hierby gewysig— Invoeging van
(a) deur na artikel *honderd vier-en-seytig* die volgende HOOFTUK
opskrifte in te voeg: IXbis
en artikels 164bis
en 164ter in
Wet 54 van 1956.

"CHAPTER IXbis.

WATER SPORT CONTROL AREAS."; and

- (b) by the insertion after the said superscriptions of the following sections:

"Establishment of water sport control areas.

164bis. (1) The State President may by proclamation in the *Gazette* declare any area defined in the proclamation in question to be a water sport control area if, in his opinion, such area or any portion thereof is or is from time to time or is likely to become submerged, whether naturally or artificially, by water of any kind whatever, and such water is or would be navigable or suitable for the practice of any water sport.

(2) Notwithstanding the provisions of this Act or any other law, and notwithstanding any existing right or other right in respect of water or land in any such water sport control area, the rights to and the control of the use of such water or land for the purposes of navigation or any sport which is practised in or upon water, or any activities arising therefrom or incidental thereto, shall vest in the Minister.

(3) The provisions of paragraph (a) of sub-section (1) of section sixty-nine shall *mutatis mutandis* apply in respect of the powers conferred upon the Minister by sub-section (2).

(4) For the purposes of sub-section (1) 'area' includes any portion of the sea-shore as defined in section one of the Sea-shore Act, 1935 (Act No. 21 of 1935).

Making of regulations in respect of water sport control areas by Minister.

164ter. (1) The Minister may in respect of any area which in terms of section one hundred and sixty-four bis has been declared a water sport control area, make regulations as to—

- (a) the control over, and the use of such area for, navigation or any sport which is practised upon or in water;
- (b) the control over and the use of craft and appliances of whatever nature, upon or in water in such area;
- (c) the control in such area of any activity arising from or incidental to the use of such area for navigation or any sport contemplated in paragraph (a);
- (d) the use of the land in such area between the surface of the water therein and the boundary thereof, for any activity contemplated in paragraph (c);
- (e) the fees payable in respect of the use of such area for any activity referred to in paragraph (a) or (c), or in respect of the use therein of craft or appliances as contemplated in paragraph (b); and
- (f) generally, any other matter in respect of which he considers it necessary or expedient to make regulations in order that the objects of section one hundred and sixty-four bis may be achieved.

(2) If the provisions of any regulation so made conflict with the provisions of any law, the provisions of such regulation shall apply.

(3) Regulations in terms of paragraph (e) of sub-section (1) shall only be made after consultation with the Minister of Finance.".

Amendment of long title of Act 54 of 1956.

8. The long title of the principal Act is hereby amended by the addition at the end thereof of the words "and to make provision for the control of certain activities on or in water in certain areas.".

Short title.

9. This Act shall be called the Water Amendment Act, 1965.

,,HOOFSTUK IXbis.

WATERSPORTBEHEERGEBIEDE.”; en

- (b) deur na genoemde opskrifte die volgende artikels in te voeg:

„Instelling van watersportbeheergebiede. **164bis.** (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n gebied in die betrokke proklamasie omskryf, tot 'n watersportbeheergebied verklaar indien, volgens sy oordeel, dié gebied of 'n gedeelte daarvan oorstroom is of van tyd tot tyd oorstroom word of waarskynlik oorstroom sal word, hetsy op natuurlike of kunsmatige wyse, deur enige water, van watter aard ook al, en dié water bevaarbaar of vir die beoefening van enige watersport geskik is of sal wees.

(2) Ondanks die bepalings van hierdie Wet of enige ander Wet, en ondanks enige bestaande reg of ander reg ten opsigte van water of grond in so 'n watersportbeheergebied, berus die regte op en die beheer oor die gebruik van sodanige water of grond vir die doeleindes van skeepvaart of enige sport wat op of in water beoefen word, of enige bedrywigheid wat daaruit voortvloeи of daarmee in verband staan, by die Minister.

(3) Die bepalings van paragraaf (a) van sub-artikel (1) van artikel *negentien-en-sesig* is *mutatis mutandis* van toepassing ten opsigte van die bevoegdheid wat by sub-artikel (2) aan die Minister verleen is.

(4) By die toepassing van sub-artikel (1) beteken „gebied” ook enige gedeelte van die strand soos omskryf in artikel *een* van die Strandwet, 1935 (Wet No. 21 van 1935).

Uitvaardiging van regulasies deur Minister ter ten opsigte van watersportbeheergebiede.

164ter. (1) Die Minister kan ten opsigte van 'n gebied wat ingevolge artikel *honderd vier-en-sesig bis* tot 'n watersportbeheergebied verklaar is, regulasies uitvaardig met betrekking tot—

- (a) die beheer oor, en die gebruik van sodanige gebied vir, skeepvaart of enige sport wat op of in water beoefen word;
- (b) die beheer oor en die gebruik van vaartuie en toestelle, van watter aard ook al, op of in water in sodanige gebied;
- (c) die beheer in sodanige gebied van enige bedrywigheid wat voortvloeи uit of in verband staan met die gebruik van sodanige gebied vir skeepvaart of enige sport in paragraaf (a) beoog;
- (d) die gebruik van die grond in sodanige gebied tussen die oppervlakte van die water daarin en die grens daarvan vir 'n bedrywigheid in paragraaf (c) beoog;
- (e) die geldie wat betaalbaar is ten opsigte van die gebruik van sodanige gebied vir 'n bedrywigheid in paragraaf (a) of (c) bedoel, of ten opsigte van die gebruik daarin van vaartuie of toestelle soos in paragraaf (b) beoog; en
- (f) in die algemeen, enige ander aangeleenthed ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig sodat die oogmerke van artikel *honderd vier-en-sesig bis* verwesenlik kan word.

(2) Indien die bepalings van 'n regulasie aldus uitgevaardig, in stryd is met die bepalings van enige wet, geld die bepalings van dié regulasie.

(3) Regulasies ingevolge paragraaf (e) van sub-artikel (1) word slegs na oorlegpleging met die Minister van Finansies uitgevaardig.”.

8. Die lang titel van die Hoofwet word hierby gewysig deur aan die end daarvan by te voeg „en om voorsiening te maak vir die beheer van sekere bedrywighede op of in water in sekere gebiede.”.

Wysiging van lang titel van Wet 54 van 1956.

9. Hierdie Wet heet die Water-wysigingswet, 1965.

Kort titel.